CHAPTER-II

STATUS OF WOMEN UNDER THE MAJOR CIVILIZATIONS AND RELIGIONS OF THE WORLD
Chapter II

Position of Women under Different Civilizations and Major Religions of the World

2.1. Introduction

A study of overall position of women in Islam indicates that despite the capacity of Islamic Law to adopt itself and develop according to circumstances, there is no doubt that women in certain sections of society, in both the capitalist and the communist west, today enjoy a comparatively extreme degree of liberty. Nevertheless, Islam demands that a woman should remain a responsible and reasonable being. If one wants to compare and contrast women’s position according to Islam with that accorded to her under other religions or societies, one should take into consideration the whole spectrum of historical and current facts, and not merely solitary practices.¹ For centuries past, women all over the world have not only been denied the basic rights—social, economic and political—but as ‘a weaker sex’, they have been abused, exploited and then discarded to lead immoral, destitute and vagrant life till their death. Although they constitute about half of the total population and have contributed and sacrificed not less than men in social development at any time, but they have been deprived of their due place in society and have been subjected to inhuman and humiliating treatment from birth to death, for no sin of theirs, by different socio-religious set-up.²

The authors of the Encyclopaedia of Seerah write that the history of human civilization bears evidence that woman was regarded as an embodiment of depravity, shame and sin in the world and the birth of a daughter so embarrassed a father that he could not raise his head for shame. The in-law relations were looked upon as base, mean and disgraceful. For this reason, the inhumane custom of disposing of daughters by killing them had become common among many nations. Apart from the illiterate and ignorant people, learned scholars and religious leaders also disputed, for generations, the question whether Allah had granted women a soul. In Hinduism, the woman stood debarred, from being educated in the Vedas. Buddhism did not recognise salvation for one having sex relations with woman. Christianity and Judaism looked upon woman as the source of all the evil committed by man in the world. In Greece,

¹ Gunawan Adnan, Women and the Glorious Qur’an: An Analytical Study of Women-Related Verses of Sura An-Nisa 23 (Universitätsverlag Göttingen, Germany, 2004).
housewives were entitled to receive no education, nor training in culture, nor social rights. Only the prostitute was entitled to all these things! The condition in Rome, Iran, China, Egypt and other centres of human civilization was not very different. This chapter makes an in-depth study of woman’s subordinate and degraded position in the society under some major religions and civilizations of their time. Evidences of woman’s subordination have been shared from the religious texts and views of the religious scholars of these religions only.

2.2. Position of Women in Greece and Rome

An in-depth study of ancient history of Greeks and Romans reveals that their culture, civilization and knowledge of science and arts considerably flourished so much so that on their basis many cultures came into being. But in spite of all these, the place of woman was very desperate and despicable in their societies. They would regard her only a socio-economic burden on human society. Her only purpose was to serve man in the house like a maid servant. In spite of all their lofty ideas and rationalism, Greeks had very ridiculous view about women. They would say that there is a cure for burning by fire and snake-bite but there is no cure for a woman’s mischief. She had to live under the subjugation of her parents in her childhood, of her husband in youth and of her children in her widowhood. On the other hand, the rights of her male relations were always superior. Though law provided her with the right to divorce but practically, it was of no avail because the act of going to the court of law was considered as a matter of shame and disgrace in Greek society. No doubt, Plato pleaded for equal rights for man and woman but this was no more than a theoretical preaching and was nowhere in practice. The purpose of marriage was just political. i.e., to produce strong and healthy children for the defence of the country. It was laid down in the law of Sparta:

“The hundreds, who were not fully young or weak, should offer their young wives to healthier and stronger young men to enable them to produce sturdy soldiers for the army.”

Thus, in ancient days, Greek women were taken as wives for the sake of procreation of children and they were the passive victims. A widow without children could remarry in accordance with the wishes of her late husband. A widow with children had to remain in the house of her late husband and under the authority of her children or other guardians. Among Greeks, marriage was a union of great stability, main purpose of which was a healthy

---

4 N. M. Shaikh, Women in Islamic Society 2 (Kitab Bhavan, New Delhi, 1991).
generation and pleasure. But in the later times, women were divorced very easily and frequently and subsequently, divorcing a wife became an everyday event of husband as he had an unfettered right to repudiate marriage, without stating any reasons while the wife could only demand divorce by appealing to the archon and stating the reasons of her demand.\footnote{James Hastings, \textit{The Encyclopaedia of Religion and Ethics}, Vol. 8, 449 (T.&T. Clark, New York, 1915).}

Aristotle, a well-known Greek philosopher of his time, in his writings argues that women are not full human beings. As a result, women were by nature deficient, not to be trusted and to be looked down upon. In fact, his writings describe that free women, in many aspects of the Greek society- except for the very few women of the elite classes, had positions no better than animals and slaves. This Aristotelian view of women was later carried on into the early Christian tradition of the Catholic Church. Saint Thomas of Aquinas, in his writings, proposed that women were the trap of Satan. The issue of Adam and Eve added a dimension to the earlier Greek ideas of Aristotle; women were the cause of the downfall of man and therefore were Satan’s trap and should be looked at with caution and weariness because they caused the first downfall of humanity and thus, all evil proceeds from women.\footnote{K.K. Sharma, \textit{Comparative Status of Muslim Women} 238-239 (Mangal Deep Publications, Jaipur, 2007).} The views of Aristotle may be better explained in the following words:

“The man controls woman as father, husband and the master because women are naturally inferior. They are meant for procreation. Man provides the form, woman, the matter.”\footnote{Susan Moller Okin, \textit{Women in Western Political Thought} 79 (P.U. Publishers, New Jersey, 1979).} He, further, goes to say that, “of these two, one is the ruler and other is the subject. Though, man is the ruler of the household, his rule over his wife and children is different from that over the slave; the former being free and in their own interests, the latter, despotic.”\footnote{R.G. Mulgan, \textit{Aristotle’s Political Theory} 44-47 (Oxford Claredon Press, U.K., 1977).}

This type of thought was persistent within the writings of the Church fathers throughout the middle Ages. In their writings, one finds this theme proposed in one aspect or another. However, after the protestant Reformation, Europe decided to free itself from the shackles and chains of the Catholic Church. Ideas which have been entitled as the Age of Enlightenment or thought of as such still carried the basic theme that was not much of a switch i.e., women were not full human beings. French writers during the revolution, like Rousseau, Voltaire and others, looked at women as a burden that needed to be taken care of. This view of Rousseau, regarding women, is also seen in his book ‘Emile’ (which he wrote concerning the education of women) in which he proposed a different form of education for
women that should be based upon the fact that women were unable to understand what men were able to understand.9

Greeks considered woman as an inferior creation. If a child was born to a woman in an unnatural position, they killed her. In Sparta, the unfortunate woman who could not give birth to a soldier was put to death. When a woman delivered a child, she was in the national interest, temporarily lent to serve another person to beget child from his seed (race). Greeks did not respect their women even in their most civilized times, except at the time of circumambulation.10

In Greece, the husband’s attitude towards his wife was very cruel. She enjoyed no share in social activities. He had every right to claim even her life. The same was the position under Roman law also. Ray explains this in the following words:

“The patriarchal principle of the past is rapidly giving way to democracy. The ancient Greek and Roman father who could kill his wife for serious offence of selling his children into slavery was early shorn of such extreme authority. Yet the husband returned many despotic powers until very recent times. This is typified by a relatively late English law which stated the husband shall treat and govern the aforesaid wife well and decently and shall not inflict nor cause to be inflicted any injury upon the aforesaid wife, except in so far as he may lawfully and reasonably do so in accordance with the right of a husband to correct and chastise his wife.”11

Roman law also kept the status of women very low for a long time. The head of the family, either the father or the husband, had full authority over his wife and children. He could turn out his wife at any time he wanted. There was no system of dowry. The father had the right to give his daughter in marriage to anybody at his sweet will. He could also break the marriage tie. Later on, this right was transferred to the husband who could even kill his wife if he so desired. The system of divorce was unknown for about 250 years.12

In Roman society, the purpose of woman was like that of slaves. Man used to marry only for his own benefit. A woman was never considered fit for any post, not was even able to give evidence in any matter. She had no legal rights whatsoever; only some facilities were granted to her because of her physical weakness. Of course, woman was given some rights by the Romans in later period, yet she was not treated equal to man.

---

9 Supra Note 6 at 238-239.
12 Supra Note 4 at 3.
In Roman law, a married woman was completely dependent. She and her property passed into the hands of her husband. If unmarried, she was under the control of her father. The wife was considered to be the purchased property of her husband like a slave only for his benefit. A woman could not be a witness, surety or tutor. She could not adopt a child nor could be adopted. She was not given any power, not even of making a will or contract. The husband possessed the power of summarily outing his wife to death but the wife had neither right to sue nor a divorce. But a man had unrestricted power of divorce his wife and he could divorce her without any formality. A husband could send a notice of divorce to his wife without giving reasons or any complaint of misconduct.

Under Roman law, a judge was empowered to annul a marriage even if two parties had included a provision against it in their marriage contract, since the possibility of divorce was regarded as a part of the marriage contract. During the earlier period of Roman civilization, the religious marriage made no provision for divorce, but at the same time, the husband was given absolute power over his wife. For example, under certain circumstances, it was lawful for him to kill her. As the time passed, the religious law was brought in conformity with the civil law, which permitted divorce. Thus, the above facts prove that woman was not a free creature in the early Greek and Roman societies who had even no existence of her own.

### 2.3. Position of Women under the Major Religions of the World

#### 2.3.1. Position of Women under Hinduism:

In Hinduism, woman had been subjected to brutal insult and indignation for a long period and she had never been recognised as an independent human personality. The attitude permeating the Vedas is one of utmost hostility and hatred against women. Women have been consistently demonised and compared to animals in the Vedas:

> “The friendship of women does not last long. Their nature is like that of the hyena.”

---

14 Ibid.
16 *Rig Veda*, 10.95-10.
Sita Aggarwal expresses her anger against the suppression of women in Hinduism in the following words:

“Everyone has heard the Brahmīn male propaganda that the customs of satī, dowry, female infanticide and all other social suppression of women in India is the result of social degeneration, corruption, or still worse, foreign Christian or Muslim influence. This is all one big lie designed to fool women. The reasons are far more deep-rooted, and are fully the result of Brahmīn male conspiracies. The result of my research is far-reaching. Instead of wasting time attacking trivialities, Hindu religion itself must be attacked by Indian feminism. If Indian women are to become free, it is this faith that must tackle, and nothing else. No other religion, not even Islam or Christianity, burns its women, or slaughters one-tenth of all women each generation except Hinduism. Indeed, Brahmīnism is nothing but the legitimised genocide of women. In this book, I have performed calculations showing how Brahminist men, and not Communists or Nazis, have been responsible for the greatest genocide (namely that of women) in the history of the world. The worst holocaust in human history was not that of the Jews or Africans, but was that inflicted on women by Brahmīns. A significant part of this holocaust occurred in India during thousands of years of Brahmanic tyranny. Even in the modern era, Brahmīn-enforced laws lead to the deaths of more people each decade than Hitler killed during the entire Second World War. To stop this on-going holocaust, Indian women must unite with all those who oppose Hinduism, for an enemy’s enemy is a friend. Indian feminism must unite with Islamism, Communism, Sudra Nationalism and Christianity in order to fight a form of savagery known as Hinduism. By necessity this strategy shall have to vary according to region. In South and Central India, Sudra Nationalism promises to uplift Dravidian, Dalit and Adivasi women on a healthy platform of anti-Brahmanism. This pan-Negroist philosophy is thus a natural ally of Indian feminism. In North India, the allied Islamist ideologies of pan-Islamism and Mughalstanism have proven a potent force for women’s liberation witnessing the Mughal emperors’ restrictions on satī and female infanticide. Indian feminism should hence ally itself with these movements. Communism has helped women in West Bengal and Kerala, and is another natural ally for Indian feminism. Hence, by means of judicious real politics, the status of Indian women can be bettered.”

Marriage is seen as a sacramental act and the Hindu marriage rites emphasize the equality of man and woman but at the same time, they include a prayer for a male offspring. An ideal Hindu marriage calls for companionship which involves compromise and adjustment, especially to a greater degree in an extended family. More often than not, women are expected to measure up to the standards set by men. Women have been led to believe that marriage and motherhood alone can confer on them dignity and recognition. Hindu

17 Sita Agarwal, Genocide of Women in Hinduism 3-4 (Sudrastan Books, Jabalpur, 1999).
18 ‘Having taken seven steps with me, become my friends; …May we walk together and take our resolves together…You act in accordance with me so that we may attain a son…’
19 Supra Note 10 at 24-26.
marriages of early times were of eight kinds: 1. Braham; 2. Dev; 3. Arish; 4. Parjapat; 5. Asur; 6. Gandharb; 7. Rakshash; and 8. Paishaj. Their details are given below:

1. When the bride and bridegroom are pious and chaste and of excellent moral character and have been tied in wedlock on their mutual consent, the marriage is called Braham.

2. To give over the girl in gold ornaments to the bridegroom in a ceremonious way, is called Dev.

3. When the parents receive some money before giving the hand of their daughter, it is called Arish.

4. Where the couple marry to promote the cause of faith is called Prajapat.

5. Arrangements of marriage after giving something to the bride and bridegroom is called Asur.

6. Irregular and haphazard meeting and contact of a man and a woman by their mutual consent is called Gandharb.

7. Seizure of a girl by force or allotment is called Rakshash.

8. Forced sexual intercourse with a sleeping, drunk intoxicated or mad girl is called Paishaj.

The asura form of marriage among the ancient Hindus was nothing but a kind of sale of a daughter by her father. Keeping of a common wife in a family or among a few brothers was also in vogue in the ancient times. This was known as nayug.\(^{20}\) An extract from Manu Smriti in this regard is given below:

> “An elder (brother) who approaches the wife of the younger, and a younger (brother who approaches) the wife of the elder, except in times of misfortune, both become outcasts, even though (they were duly) authorised. On failure of issue (by her husband) a woman who has been authorised, may obtain, (in the) proper (manner prescribed), the desired offspring by (cohabitation with) a brother-in-law or (with some other) Sapinda (of the husband). He (who is) appointed to (cohabit with) the widow shall

\(^{20}\) ‘Nayug’ is a custom among the Brahmins according to which, if the woman is childless, she can, with the permission of her grandfather, have sexual connection with her relatives or her husband’s brothers to get offspring according to her desire.
(approach her) at night anointed with clarified butter and silent, (and) beget one son, by no means a second.” - 9:58-60.\(^{21}\)

“Having, according to the rule, espoused her (who must be) clad in white garments and be intent on purity, he shall approach her once in each proper season until issue (be had).” - 9:70.\(^{22}\)

Likewise, if the husband is very cruel, the woman should leave him and get children by having sexual connection with the husband of another married woman, who will be his inheritors. Also, when the husband is rendered impotent, he should give permission to his wife in the following words:

“O fortunate woman who desires children! Now seek another husband besides me as I am lacking in sufficient strength to produce children.”\(^{23}\)

Then that woman would have sexual union (nayug) with another man; but serve her large-hearted husband. In the same way, when the woman is rendered unfit to bear children due to illness, she should permit her husband to have sexual union with some widow to produce children.\(^{24}\)

A Hindu father in patriarchal family enjoyed absolute power just as the Roman father in ancient Rome. The scriptures undoubtedly contributed much to make the father the head of the family- a despotic ruler.\(^{25}\) Manu said in this regard:

“What a girl, by a young woman, or even by an aged one, nothing must be done independently, even in her own house. In childhood a female must be subject to her father, in youth to her husband, when her lord is dead to her sons; a woman must never be independent. She must not seek to separate herself from her father, husband, or sons; by leaving them she would make both (her own and her husband’s) families contemptible. She must always be cheerful, clever in (the management of her) household affairs, careful in cleaning her utensils, and economical in expenditure.” - 5:147-150.\(^{26}\)

Following are some of the ‘celebrated’ derogatory comments about women in the Manu Samriti:

- “It is the nature of women to seduce men in this world; for that reason the wise are never unguarded in the company of females.” - 2:213.\(^{27}\)

21 G. Buhler (Trns.), *Manu Samriti: The Laws of Manu* 58 (Motilal Banarasidass, Delhi, 1975).
22 Ibid.
23 Supra Note 10 at 24-26.
24 Ibid.
26 Supra Note 21 at 34.
27 Id. at 11.
• “For women are able to lead astray in (this) world not only a fool, but even a learned man, and (to make) him a slave of desire and anger.” - 2:214.

• “One should not sit in a lonely place with one’s mother, sister, or daughter; for the senses are powerful, and master even a learned man.” - 2:215.

• “Let him not marry a maiden (with) reddish (hair), nor one who has a redundant member, nor one who is sickly, nor one either with no hair (on the body) or too much, nor one who is garrulous or has red (eyes).” - 3:8.

• “Nor one named after a constellation, a tree, or a river, nor one bearing the name of a low caste, or of a mountain, nor one named after a bird, a snake, or a slave, nor one whose name inspires terror.” - 3:9.

• “Let him wed a female free from bodily defects, who has an agreeable name, the (graceful) gait of a Hamsa or of an elephant, a moderate (quantity of) hair on the body and on the head, small teeth, and soft limbs.” - 3:10.

• “But a prudent man should not marry (a maiden) who has no brother, nor one whose father is not known, through fear lest (in the former case she be made) an appointed daughter (and in the latter) lest (he should commit) sin.” - 3:11.

• “It is declared that a Sudra woman alone (can be) the wife of a Sudra, she and one of his own caste (the wives) of a Vaisy a, those two and one of his own caste (the wives) of a Kshatriya, those three and one of his own caste (the wives) of a Brahmana.” - 3:13.

• “A Sudra woman is not mentioned even in any (ancient) story as the (first) wife of a Brahmana or of a Kshatriya, though they lived in the (greatest) distress.” - 3:14.

• “Twice-born men, who, in their folly, wed wives of the low (Sudra) caste, soon degrade their families and their children to the state of Sudras.” - 3:15.

• “A Brahmana who takes a Sudra wife to his bed, will (after death) sink into hell; if he begets a child by her, he will lose the rank of a Brahmana.” - 3:17.

• “The manes and the gods will not eat the (offerings) of that man who performs the rites in honour of the gods, of the manes, and of guests chiefly with a (Sudra wife’s) assistance, and such (a man) will not go to heaven.” - 3:18.
• “Let him (Brahmana), though mad with desire, not approach his wife when her courses appear; nor let him sleep with her in the same bed. For the wisdom, the energy, the strength, the sight, and the vitality of a man who approaches a woman covered with menstrual excretions, utterly perish. If he avoids her, while she is in that condition, his wisdom, energy, strength, sight, and vitality will increase.” - 4:40-42.  

• “Let him not eat in the company of his wife, nor look at her, while she eats, sneezes, yawns, or sits at her ease.” - 4:43.

• “A Brahmana who desires energy must not look at (a woman) who applies collyrium to her eyes, has anointed or uncovered herself or brings forth (a child).” - 4:44.  

• “By a girl, by a young woman, or even by an aged one, nothing must be done independently, even in her own house. In childhood a female must be subject to her father, in youth to her husband, when her lord is dead to her sons; a woman must never be independent. She must not seek to separate herself from her father, husband, or sons; by leaving them she would make both (her own and her husband’s) families contemptible. She must always be cheerful, clever in (the management of her) household affairs, careful in cleaning her utensils, and economical in expenditure.” - 5:147-150.  

• “Him to whom her father may give her, or her brother with the father’s permission, she shall obey as long as he lives, and when he is dead, she must not insult (his memory). For the sake of procuring good fortune to (brides), the recitation of benedictory texts (svastyayana), and the sacrifice to the Lord of creatures (Pragapati) are used at weddings; (but) the betrothal (by the father or guardian) is the cause of (the husband’s) dominion (over his wife).” - 5:152.

• “Though destitute of virtue, or seeking pleasure (elsewhere), or devoid of good qualities, (yet) a husband must be constantly worshipped as a god by a faithful wife.” - 5:154.

• “At her pleasure let her emaciate her body by (living on) pure flowers, roots, and fruit; but she must never even mention the name of another man after her husband has died. Until death let her be patient (of hardships), self-controlled, and chaste, and strive (to full) that most excellent duty which (is prescribed) for wives who have one husband only.” - 5:157-158.

• “A virtuous wife, who after the death of her husband constantly remains chaste, reaches heaven, though she has no son, just like those chaste men. But a woman who from a desire to have offspring violates her duty towards her (deceased) husband, brings on herself disgrace in this world, and loses her place with her husband (in heaven).” - 5:160-161.

---

39 Id. at 12-13.  
40 Id. at 22.  
41 Ibid.  
42 Ibid.  
43 Id. at 34.  
44 Ibid.  
45 Ibid.  
46 Id. at 58.
“Offspring begotten by another man is here not (considered lawful), nor (does offspring begotten) on another man’s wife (belong to the begetter), nor is a second husband anywhere prescribed for virtuous women.” - 5:162. 47

“She who cohabits with a man of higher caste, forsaking her own husband who belongs to a lower one, will become contemptible in this world, and is called a remarried woman (para-purva).” - 5:163. 48

“A (man of) low (caste), who makes love to a maiden (of) the highest (caste) shall suffer corporal punishment; he who addresses a maiden (on) equal (caste) shall pay the nuptial fee, if her father desires it.” - 8:366. 49

“Day and night woman must be kept in dependence by the males (of) their (families), and, if they attach themselves to sensual enjoyments, they must be kept under one’s control. Her father protects (her) in childhood, her husband protects (her) in youth, and her sons protect (her) in old age; a woman is never fit for independence.” - 9:2-3. 50

“Considering that the highest duty of all castes, even weak husbands (must) strive to guard their wives.” - 9:6. 51

“For women no (sacrament) rite (is performed) with sacred texts, thus the law is settled; women (who are) destitute of strength and destitute of (the knowledge of) Vedic texts, (are as impure as) falsehood (itself), that is a fixed rule.” - 9:18. 52

“An elder (brother) who approaches the wife of the younger, and a younger (brother who approaches) the wife of the elder, except in times of misfortune, both become outcasts, even though (they were duly) authorised. On failure of issue (by her husband) a woman who has been authorised, may obtain, (in the) proper (manner prescribed), the desired offspring by (cohabitation with) a brother-in-law or (with some other) Sapinda (of the husband). He (who is) appointed to (cohabit with) the widow shall (approach her) at night anointed with clarified butter and silent, (and) beget one son, by no means a second.” - 9:58-60. 53

“Having, according to the rule, espoused her (who must be) clad in white garments and be intent on purity, he shall approach her once in each proper season until issue (be had).” - 9:70. 54

“For one year let a husband bear with a wife who hates him; but after (the lapse of) a year let him deprive her of her property and cease to cohabit with her. She who shows disrespect to (a husband) who is addicted to (some evil) passion, is a drunkard, or diseased, shall be deserted for three months (and be) deprived of her ornaments and furniture. But she who shows aversion towards a mad or outcast (husband), a eunuch, one destitute of manly strength, or one afflicted with such diseases as punish crimes, shall neither be cast off nor be deprived of her property.” - 9:77-79. 55

47 Ibid.
48 Ibid.
49 Ibid.
50 Id. at 55.
51 Id. at 56.
52 Ibid.
53 Id. at 58.
54 Id. at 57.
55 Id. at 58.
Vaishnavism is the religion that grew out of the Vedic religion and became the dominant Brahmanic faith after obliterating Buddhism and Jainism. The Vaishnava literature (Puranas, Smritis, etc.) pour venom and hatred against women.\textsuperscript{56} Women are generally termed as ‘thieves’, ‘dacoits’, ‘pirates’, ‘thirsty tigresses’ and ‘hypocrite cats’ in the medieval Nath literature. Chaitanya was one of the major saints during the medieval period. He spread Vaishnavism in Eastern India, but aroused the approbation of the Orthodox Aryan-Vaishnavas because he allowed conversion from lower castes. Even this liberal man had highly negative opinions of women. Nand describes his views regarding the women in the following words:

> “Chaitanya thought it to be a sin to talk, think or even dream of women and that even the sight of a wooden statue of a woman can distract the mind and be responsible for immorality. He advised people to avoid being alone even with their own mother, sister or daughter.”\textsuperscript{57}

Also, the horrible custom of female infanticide was widely practiced by the barbaric Vedic Aryan tribes who invaded India. It were these Vedic nomads, who introduced this depravity into India. The Vedas prescribe an intense hatred for women, and female children were considered highly undesirable in the nomadic Aryan patriarchal view. Indeed, so deep-rooted was the desire for male children that the Vedas prescribe numerous prayers for male offspring:

> “Let a female child be born somewhere else; here, let a male child be born.”\textsuperscript{58}

These verses were recited whenever an Aryan couple wished to have a child, and display considerable discrimination against women even in the Vedic age and explicitly sanction the practice of female infanticide. The following verse, from the sacred Vedas of the noble faith of Hinduism, allows the practice, and takes it for granted as a normal practice in Vedic religion:

> “Hence they (Aryans) reject a female child when born, and take up a male.”\textsuperscript{59}

\begin{flushleft}
\begin{itemize}
\item \textsuperscript{56} Supra Note 17 at 56.
\item \textsuperscript{57} L.C. Nand, Women in Delhi Sultanate 124-127 (Vohra Publishers and Distributors, Allahabad, 1989).
\item \textsuperscript{58} Atharva Veda, VI.2.3
\item \textsuperscript{59} Yajur Veda (Taittirya Samhita), 5.10.3.
\end{itemize}
\end{flushleft}
Sonali Verma writes about the true extent of damage inflicted by Brahmins on women:

“A recent United Nations report said up to 50 million girls and women were missing from India’s population, the result of systematic sex discrimination extending to the abortion of female foetuses.”

Further, the child marriage of daughters as young 5-6 years old was common during the Brahmanic Dark Ages due to the custom of dowry. One of the reasons for such early marriage of girls was to prevent any scandals. As Narada is reported to have stated that some of the defects to be avoided in brides are if they already had a relationship with another man or have their minds set on another, they should not be selected. This shows that non-virgin girls could not be married, a custom similar to Church-ruled medieval Europe. The custom of child-marriage and child-molesting has divine sanction in Hinduism. Manu, the main law-giver prescribes in Manu Smriti that the best partner for a man in one-third of his age. Thus, a man 18 year old should marry a girl 6 years old! As the Chapter 9, verse 94 of the Manu Smriti lays down:

“A man, aged thirty years, shall marry a maiden of twelve who pleases him, or a man of twenty-four a girl eight years of age; if (the performance of) his duties would (otherwise) be impeded, (he must marry) sooner.”

Another ill-practice against women in Hinduism is the custom of devdasi. In India at early times and even now in certain parts, girls are dedicated to God rather than giving them in actual marriage, so that they may have the use of their services in the same way as married has the use of their wives. These are called ‘devdasis’. Devadasi literally means, ‘a servant of god.’ This term is applied to women who live in temples as the wives of the male divinity there. Traditionally, women are married in a solemn ceremony to the divinity. Women are seen to be the essential power and energy (shakti) of the divinity incarnate; men would offer great gifts to the temple in order to have relationships and even sexual intercourse with devadasis. The devadasis are rigorously trained in the arts and are very well educated. Several of the Indian dances that are well known today were preserved and developed by devadasis in the temples of India. Most notable are Bharata Natyam and Odissi.

---

62 Supra Note 21 at 59.
When Britishers arrived in India, they regarded these sacred women as nothing but prostitutes and banned the institution of devadasi in the late 19th century. The practice continued secretly, however, for some time afterwards and is still continuing in some parts of the country.63

Encyclopaedia Britannica provides for yet another cruelty of Hinduism against women and describes that how a Hindu husband can, at any time, accuse his wife of infidelity. In case, the wife protests her innocence, the council of village elders then orders an ordeal by fire. The accused wife would be required to pass through a blazing flame. Not just death, but any signs of burns would be taken as a proof of guilt and the wife would then have to undergo the penalty for infidelity.64 She must be devoured publicly by dogs according to the law given in Manu Smriti:

“If a wife, proud of the greatness of her relatives or (her own) excellence, violates the duty which she owes to her lord, the king shall cause her to be devoured by dogs in a place frequented by many.”- 8:371.65

In either case, the woman dies even for the mere suspicion of impropriety. What terrific justice for Hindu women! The ideal role model for this custom was Sita, Ram’s wife. She was required by her spouse, the ideal husband of the Hindus, to pass through the fire ordeal after her return from Sri Lanka just because her husband suspected her of infidelity. Of course, the Brahmanic Ramayana claims that Sita was swallowed up by the earth rather than being burned up. After all, anything that could fool the non-Brahmins could be said, and any distortion designed to dupe the mlecchas (an ancient Indian term for foreigners) is legal in the faith of Hinduism.66

Sita Aggarwal argues that Hinduism prescribes for the wife, who touches, meets, or even talks to a man who is not her husband, to be fed to animals. No other nation, even in its darkest period, prescribed such savage punishments for women. She further claims that in this respect, the Brahmanic Dark Ages (1500 BC - 1000 AD) were the darkest in the entire history of mankind. In her view, by comparison, Islam, which has been targeted by bigoted Brahmins who daily spew venom upon this civilization, is much more lenient than savage

65 Supra Note 21 at 55.
66 Supra Note 17 at 20-21.
Hinduism. Thus, death is not prescribed even for erring Muslim women. To prove her statement, she further cites the following verse of the Holy Qur’an:

“The adulterer and adulteress, flog each of them with a hundred stripes...”

There may be found many such examples where wife was put to death merely upon talking to a stranger. One such example is that of the king Yogananda who ordered his queen to be put to death merely for talking to a Brahmin. This shows that the laws of Manu prescribing death for a woman who even talked to a man who was not her husband were fully enforced. In the Kautilyan period, if a woman was found guilty of a carnal crime, her generative organs were cut off and she was ultimately sentenced to death.

Not only this but also that divorce was not permitted, and women were forced to stay with their husbands, no matter how cruel or ruthless they were. Even if the wife ran away from the harsh husband, she could never get remarried. Remarriage was explicitly ruled out for widows and women:

“At her pleasure let her emaciate her body by (living on) pure flowers, roots, and fruit; but she must never even mention the name of another man after her husband has died. Offspring begotten by another man is here not (considered lawful), nor (does offspring begotten) on another man’s wife (belong to the begetter), nor is a second husband anywhere prescribed for virtuous women.”- 5:157&162.

In order to strengthen this legislation, even the very offspring that a remarried woman may conceive were declared to be illegitimate. Aditya Purana also says that widow remarriage should not be performed in the Dark Age. If by a mistake or under some pressure, a person married a widow, he had to perform penance and abandon her as the marriage was invalid.

But according to Narada, it was permissible when the husband was unheard of, is dead, or becomes a sannyasi. But this and other instances (e.g., Parasara Smrti and Agni Purana hold the same view) were not the rule as the scriptures quoted above have far more authority. Manu Smriti is the absolute authority for the ‘astika’ (orthodox) schools of Brahmanism; the

---

67 Supra Note 17 at 27.
68 Holy Qur’an, XXIV.2.
69 P.C. Jain, Labour in Ancient India 164 (Sterling Publishers (P) Ltd., New Delhi, 1971).
70 Supra Note 21 at 34.
71 Aditya Purana, XXI:14.
72 Narada Smriti, XII:97.
others were merely followed by renegade *Shakta* and *Tantra* sects which were severely persecuted. Manu strictly forbids widow re-marriage in the following words:

“In the sacred texts which refer to marriage, the appointment (of widows) is nowhere mentioned, nor is the re-marriage of widows presented in the rules concerning marriage.” - 9:65.\(^73\)

*Garuda Purana* favourably mentions the immolation of a widow on the funeral pyre, and states that women of all castes, even the *Candalla* woman, must perform *sati*. The only exceptions allowed by this benevolent author are for pregnant women or those who have young children. If women do not perform *sati*, then they will be reborn into the lowly body of a woman again and again till they perform *sati*.\(^74\) *Daksa Smriti* lays down in this regard:

“A sati who dies on the funeral pyre of her husband enjoys an eternal bliss in heaven.”\(^75\)

According to Vasishta’s *Padma Purana*, a woman must, on the death of her husband, allow herself to be burnt alive on the same funeral pyre.\(^76\) Yajnavalkya, the most important law-giver after Manu, states that *sati* is the only way for a chaste widow.\(^77\)

The *Yogini Tantra* enjoins upon Brahmana widows to burn themselves on the funeral pyre of their husbands. *Vaisya* and *Sudra* widows were also allowed to do it. It was prohibited to unchaste women and those having many children.\(^78\) The *Vyasa Smriti* gives one of the two alternatives for a *Brahmana* widow, i.e., either to become a *sati* or to take up ascetism after her tonsure.\(^79\) Further, the *Vishnu Smriti* gives only two choices for the widow:

“If a woman’s husband dies, let her lead a life of chastity, or else mount his pyre.”\(^80\)

*Brahma Purana* also states in this regard:

“It is the highest duty of the woman to immolate herself after her husband.”\(^81\)

---

\(^73\) *Supra* Note 21 at 58.

\(^74\) *Garuda Purana*, II:4:91-100.

\(^75\) *Daksa Smriti*, IV:18-19.

\(^76\) H.K. Beauchamp (Trnsl.), *Hindu Customs, Manners and Ceremonies* 345 (3rd edition, Oxford, 1906).

\(^77\) *Apastamba*, I:87.

\(^78\) *Yogini Tantra*, II:303-308.

\(^79\) *Vyasa Smriti*, II:53.

\(^80\) *Vishnu Smriti*, XXV:14.

\(^81\) *Brahma Purana*, LXXX:75.
Long life is promised to sati in Brahma Purana in the following words:

“She (the sati) lives with her husband in heaven for as many years as there are pores in the human body, i.e., for 35 million years.”\(^{82}\)

Vishnu Dharmasutra contains the following statement regarding the sati pratha:

“On her husband’s death, the widow should observe celibacy or should ascend the funeral pyre after him.”\(^{83}\)

Some of the instances of sati from the ancient history of Hinduism are:

- Several of Krishna’s wives performed sati upon his death, including Rukmini, Rohini, Devaki, Bhadra and Madura.\(^{84}\)

The Vishnu Purana also refers to the mass burning of Krishnas wives:

“The eight queens of Krishna, who have been named, with Rukmini at their head, embraced the body of Hari, and entered the funeral fire. Revati also embracing the corpse of Rama entered the blazing pile, which was cool to her, happy in contact with her lord. Hearing these events, Ugrasena and Anakadundubhi, with Devaki and Rohini, committed themselves to the flames.”\(^{85}\)

- Madri, second wife of Pandu, considered an incarnation of the goddess Dhriti, performed sati.\(^{86}\)
- Rohini, a wife of Vasudev, Krishna’s father, who gave birth to Balram (Devki’s child), later became a sati.\(^{87}\)
- One hundred queens of the Chedi king Gangayadeva burnt themselves after the death of their husband king at Prayaga.\(^{88}\)

The Arab traveller and writer, Al-Beruni also mentions the practice of sati among the ‘Hindus’ which is as follows:

“She (the widow) has only to choose between two things- either to remain a widow as long as she lives or to burn herself... As regards the wives of kings, they are in the habit of burning them whether they wish it or not.”\(^{89}\)

---

\(^{82}\) Brahma Purana, LXXX:76-77.
\(^{83}\) Vishnu Dharmasutra, XXV:14.
\(^{84}\) Allied-Chambers Transliterated Hindi-English Dictionary 977 (Allied Chambers, New Delhi).
\(^{85}\) Vishnu Purana, V:38.
\(^{86}\) Supra Note 84 at 985.
\(^{87}\) Id. at 1018.

48
Later travellers also referred to this horrible practice in the following words:

“As many as 3000 of the wives and concubines of the kings of Vijayanagar were pledged to be burnt with their lord on his death and often ministers and palace servants accompanied the king in death.”

This shows that the Hindu kings forcibly burnt their women against their wishes. During the era of Anglo-Brahmin colonialism, when the Brahmins betrayed the nation to the Anglo-Saxon invaders and collaborated with them, the Pandits were free to re-enforce the harsh Vedic sati laws which had been uprooted by the Islamic liberators. Hence, the Brahmins thwarted the best efforts of the Non-Brahmin, Ram Mohan Roy to stop it. The fact that sati actually revived during Brahmin-British rule is also confirmed by the Abbe DuBois as:

“Sati is more in vogue on the banks of the Ganges, while in Bengal Presidency only 706 suttees occurred in 1817 and in the Madras Presidency out of 30 million inhabitants not 30 allow themselves to be burnt each year.”

He further mentions with horror the brute custom of sati in the following words:

“The wife must, on the death of her husband, allow herself to be burnt alive on the same funeral pyre of her husband.”

Sati was not only practiced by the wife of the deceased. Even slave girls, mothers and sister-in-laws were forcefully burnt alive when a man died. So cheap is the life of a Hindu woman! B.N. Sharma mentions the following examples of the same which are as under:

- Dhanapala in his Tilakamanjari at p.156 refers to slave girls going towards the funeral pyre to burn themselves when they learned the death of their master.
- In the 4th act of Venisamhara, we find the mother of the dead hero coming to the battle field to enter his funeral pyre along with her daughter-in-law.
- Gajja, the mother of Anada, burnt herself with her deceased son.
- Vallabha died with her brother-in-law Malla.

On the above facts, Sita Agarwal writes that the brute custom of sati was merely designed to destroy womanhood as a whole, and non-Brahmin women in particular. She claims further

---

93 Id. at 345.
94 Supra Note 88 at 66.
that sati still continues to this day as in 1990, more than 50 widows were burnt alive as satis.  

It can be said thus, that the custom of sati, devdasi and the plight of widow, in India is a clear proof of the fact that there is no independent existence for women in Hindu society. She is deprived of her right even to live after the death of her husband. Thus, one can see that in ancient times and even before independence of India, women were treated like chattels. They were denied right to equality in every sphere of life. The history of Hindu law reforms starts with the Hindu Law committee (Rau Committee) set up in 1941. It was followed by second committee in 1944. The committee finally submitted its report to the Federal Parliament in 1947. The recommendations of the committee were debated in the provincial Parliament. There was a strong opposition against the introduction of monogamy, divorce, abolition of coparcenary and inheritance to daughters from the orthodox Hindu community. The Congress legislator from West-Bengal argued that only women of the lavender lipstick and vanity bag were interested in the Bill. There were also fears among the orthodox Hindu men that if women were given property rights, families would break up. In 1948, there was an All India Anti- Hindu Code Convention held and it was argued that the introduction of women’s share would result into disintegration of Hindu family system which had been working as a co-operative system for ages for preservation of family ties and property. It was also pointed out that the inclusive of daughter in the line of inheritance is due to European influence.

But after independence, various legislations have been passed to elevate the position of Hindu women, for instance, under the Hindu marriage Act, 1955, she has been given the right to marry a man of her own choice. Under the Hindu Marriage (Amendment) Act, 1976, she has been given the right to seek divorce from her husband on various grounds. Under the Hindu Succession Act, 1956, a woman is given the right to inherit property from her relations equal to her male counterpart. Moreover, various fundamental rights have also been guaranteed to women like right to equality, right not to be discriminated, right against exploitation, etc. by the Constitution of India.

95 Supra Note 17 at 27.
96 Latifa kazi, Gender and Community: Muslim Women’s Rights in India 106 (Signature Books International, New Delhi, 2013).
97 Section 12, Hindu marriage Act, 1955.
98 Section 13, Hindu Marriage (Amendment) Act, 1976.
99 Section 8 and section 9, Hindu Succession Act, 1956.
100 Article 14, Constitution of India Act, 1949.
2.3.2. Position of Women under Christianity

The attitude of Christianity towards woman has been worst as they described woman ‘the organ of devil’, ‘a scorpion ever ready to sting’, ‘lance of demon’ and ‘a gate through which the devil enters in our souls’. The whole scripture of the Christian creed is based on the doctrine of original sin for which Christianity holds women responsible. She caused the fall of man and so she is responsible for the sufferings of humanity and the God had to send his only begotten son to be crucified to wash of the sins of humanity with his blood. The Bible lays down:

Genesis 3:2- “And the woman said unto the serpent, We may eat of the fruit of the trees of the garden.”

Genesis 3:12- “And the man said, the woman whom thou gavest to be with me, she gave me of the tree, and I did eat.”

Paul, the premier saint of Christendom, is considered to be a controversial figure on the issue of women, their roles and their status in the church, as a result of some of his writings which gave clues to what the status of women was in his days (that of subordination within patriarchal setup). He proclaims:

“Let the woman live in silence with all the subjection. But I suffer not a woman to teach, not to usurp the authority over the man, but to be in silence. For Adam was the first formed then Eve and Adam was not deceived but the woman, being deceived, was in transgress.” (St. Paul’s first letter to Tymothus).

In another letter, he said:

“Every man’s head was Christ, every woman’s head was man and Christ’s head was God. Man was the countenance and glory of God but woman was the glory of man; not because man was dependent upon woman, but because woman was dependent upon man. Man was not born for woman but woman was born for man. Hence, for angel’s sake, she must consider herself to be the symbol of slavery.”

101 Article 15 and 16, Constitution of India, 1950.
102 Article 23 and 24, Constitution of India, 1950.
103 Supra Note 2 at 205.
104 The Holy Bible Containing the Old and New Testaments 5 (The Church of Jesus Christ of Latter-day Saints, USA, 1979).
105 Ibid.
107 Id. at 8.
According to St. John Chrysostom:

“A woman is an inevitable evil, a born whisperer of evil, a domestic danger, a plundering allurement, a desirable calamity, a deadly fascinator, an embellished misfortune and a painted ill.”

Taraulian was the spiritual leader of the early Christians. He explains the Christian view of woman in the following words:

“She is a gate through which Satan enters. She allured man to the forbidden tree. She is a breaker of Divine Law. She spoiled man, the image of God.”

He further proclaims:

“Do you know (woman) that each of you is an eve, the sentence of God on this sex of your lives in this age, the guilt must necessarily live too. You are the devil’s gateway. You are first deserter of Divine Law. You persuaded him when the devil was not valiant enough to attack. You destroy so easily God’s image in man. On account of your desert, that is, death even the son of God had to die.”

Martin Luther (1483 to 1546) also says:

“If they (women) become tired or even die, that does not matter. Let them die in childbirth, that’s why they are there.”

The builders of the Christian faith and the early fathers, all viewed women in a very low esteem. All the abuses are hurled at her, the ‘lance of the demon’, ‘instrument of devil to use to capture the souls of the man’, ‘the gates of devil’, ‘the road of inequality’, ‘the sting of scorpion’, ‘an uncleaned thing’, ‘a daughter of falsehood’, ‘a sentinel of hell’, the enemy of peace’, etc.

In Christianity, celibacy and abstinence from woman was regarded as the height of spiritualism. The Christian Church even denounced the sacred institution of marriage, the great social institution of mankind. St. Gregary says:

“Blessed is the one who leads a celibate life, and spoils not the Divine image within him the filth of concupiscence.”

---

108 Id. at 10.
During the building of the second Temple, women were highly restricted not to appear in court as witnesses. The writings of the early church fathers contributed to the limited position of women. Therefore, since Christianity developed as a sect of Judaism in the 1st century and since man cannot be totally separated from his culture, the patriarchal idea has, therefore, become part of today’s Christianity. The writings of the early church fathers reveal much about the status of women in the Christian time, these fathers read selected Biblical passages to nail woman as inferior to man, prominent among their claims is the role of Eve in the downfall of mankind and her being created out of Adam.\(^\text{112}\)

The writers of middle Ages are full of the accounts of the nunneries that were like brothels, of the vast magnitude of infanticides within their walls and of that inveterate prevalence of incest among the clergy which rendered it necessary again and again to issue most stringent enactments that priests should not be permitted to live with their mothers and sisters.\(^\text{113}\)

Subsequent writers and scholars of the 13th century also were greatly influenced by the works of the early fathers and therefore, looked upon woman as an evil creature. One such scholar was Saint Augustine who was not in support of the ordination of women in the church because he sees them as less spiritual being, meaning thereby that women are to be excluded from priesthood. Therefore, they cannot exercise the functions of leadership involved in the work of a priest. Luther, the founder of Protestantism, submits on the status of women that the whole female body was created for the purpose of nurturing children, stressing that women were to be silent, obedient and to perform household task. The purpose of women’s education was the development of an accepted concept of marriage and training in domestic skills. The only notable change was that women were encouraged to study Bible in vernacular language so as to be a biblical influence on the husband and the children. Majority of protestant Churches upheld the traditional position of woman’s inferiority and restricted them from preaching and ruling roles within the Church to men until the 20th century.\(^\text{114}\)

The Council of Laodicea (352 CE) states that women were forbidden from the priesthood. They were also prohibited from presiding over churches. They decided that one ought not to


\(^{113}\) Supra Note 13 at 363.

\(^{114}\) Bilezikian Gilbert, *Beyond sex Roles: What the Bible says about Women’s place in Church and Family* 94 (Baker Academy, London, 2006).
establish in the Church the women called overseers (presbutidas)... women must not approach
the altar. Fourth Synod of Carthage (398 CE) furthers states:

“A woman, however learned and holy, may not presume to teach men in an
assembly...A woman may not baptize.”

Council of Chalcedon (451 CE) also states:

“No woman under 40 years of age is to be ordained a deacon, and then only
after close scrutiny.”

Apparently, the council wanted to start restricting the ordination of deaconesses, which must
have been a common practice at the time. And, of course, anyone ordained to the Holy Order
of Deacon would be eligible for later ordination to the priesthood as well. As regards the
individual nature, according to Thomas Aquinas, woman is defective and misbegotten, for the
active power of the male seed tends to the production of a perfect likeness in the masculine
sex; while the production of a woman comes from defect in the active power. The
following basis is provided by the Christians for which women were considered inferior to
men:

- Genesis 2:22-23- “And the rib, which the Lord God had taken from
man, made her a woman, and brought her unto the man. And Adam
said, This is now bone of my bones, and a flesh of my flesh: she shall be
called Woman, because she was taken out of Man.”

According to the above Genesis, Adam asserts his authority over Eve by naming her. In
ancient times, one was believed to have authority over a person or thing by naming it.

- Genesis 3:2- “And the woman said unto the serpent, We may eat of the
fruit of the trees of the garden.”
- Genesis 3:12- “And the man said, The woman whom thou gavest to be
with me, she gave me of the tree, and I did eat.”
- Genesis 3:16- “Unto the woman he said, I will greatly multiply thy
sorrow and thy conception; in sorrow thou shalt bring forth children;
and thy desire shall be to thy husband, and he shall rule over thee.”

The King James Version (KJV), New International Version (NIV), and Revised Standard
Version (RSV) use the term ‘rule’ to describe Adam’s role over Eve. The Living Bible uses

115 Canon #15 of the Council.
116 Thomas Aquinas, Summa Theologica, Q. 92, art. 1, Reply Obj. 1; available at:
117 Supra Note 104 at 4.
118 Id. at 5.
119 Ibid.
120 Supra Note 104 at 5-6.
the term ‘master’. The Modern Language Bible uses ‘dominate’. By implication, all of their descendants would have the same power imbalance between spouses.

- Genesis 16:2-3- “And Sarai said unto Abram, Behold now, the Lord hath restrained me from bearing: I pray thee, go in unto my maid; it may be that I may obtain children by her. And Abram hearkened to the voice of Sarai. And Sarai Abram’s wife took Hagar her maid the Egyptian, after Abram had dwelt ten years in the land of Canaan, and gave her to her husband Abram to be his wife.”^121

This shows that a man could have relationship with his maid. Here, Sarah gave permission to her husband Abraham to engage in sexual intercourse with her maid, Hagar. Presumably this was done without the consent of Hagar, who had such a low status in the society of the day that she was required to submit to multiple rapes at her owner’s command.

- Genesis 19:8- “Behold now, I have two daughters which have not known man; let me, I pray you, bring them out unto you, and do ye to them as is good in your eyes: only unto these men do nothing; for therefore came they under the shadow of my roof.”^122

Here, Lot offers his two virgin daughters to be raped instead by the men of the city who intend to gang-rape the two visitors (angels) in his house. Allowing one’s daughters to be sexually assaulted by multiple rapists appears to be treated as a minor transgression, because of the low status of the young women.

- Exodus 21:4- “If his master have given him a wife, and she have born him sons or daughters; the wife and her children shall be her master’s, and he shall go out by himself.”^123

- Exodus 21:7-11- “And if a man sell his daughter to be a maidservant, she shall not go out as the menservants do. If she please not her master, who hath betrothed her to himself, then shall he let her be redeemed: to sell her unto a strange nation he shall have no power, seeing he hath dealt deceitfully with her. And if he have betrothed her unto his son, he shall deal with her after the manner of daughters. If he take him another wife; her food, her raiment, and her a duty of marriage, shall he not diminish. And if he do not these three unto her, then shall she go out free without money.”^124

It shows that a slave-owner was permitted to give a woman to his male slave as a wife. There is no indication that women were consulted during this type of transaction. After serving six years, he would leave, but his wife and children would remain slaves of the slave-owner.

^121 Id. at 21-22.
^122 Id. at 26.
^123 Id. at 111.
^124 Ibid.
Again, there is no indication that the woman was consulted on this arrangement. A father could sell his daughter as a slave. Even though a male slave is automatically given his freedom after six years, a female slave remained a slave forever.

- Exodus 21:22- “If men strive, and hurt a woman with child, so that her fruit depart from her, and yet no mischief follow: he shall be surely punished, according as the woman’s husband will lay upon him; and he shall pay as the judges determine.”

The above Exodus describes a situation in which two men are fighting and one hits a pregnant woman. It provides that if the woman has a miscarriage because of the blow, the man is punished as the husband decides and must pay a fine for their act - not to the woman, but to her husband, presumably because he has been deprived of a child. The woman had no involvement.

- Exodus 22:16-17- “And if a man entice a maid that is not betrothed, and lie with her, he shall surely endow her to be his wife. If her father utterly refuses to give her unto him, he shall pay money according to the dowry of virgins.”

The above-mentioned Exodus deals with the case of a man who seduces a virgin. This is viewed as a property offense against the woman’s father. The woman is expected to marry the seducer. If her father refuses to transfer ownership of his daughter to the seducer, the latter is required to pay money to her father. The money will be in compensation for the damage to the father’s property - his daughter.

- Leviticus 12:1- “Speak unto the children of Israel, saying, if a woman have conceived seed, and born a man child: then she shall be unclean seven days… But if she bears a maid child, then she shall be unclean two weeks, as in her separation…”

The above Leviticus shows that a woman who has given birth to a boy is ritually unclean for 7 days. If the baby is a girl, the mother is unclean for 14 days. It appears that the act of having a baby is a highly polluting act. To give birth to a girl is twice as polluting as is giving birth to a boy.

- Number 5:12- “Speak unto the children of Israel, and say unto them, If any man’s wife go aside, and commit a trespass against him.”

---

125 Ibid.
126 Supra Note 104 at 113.
127 Id. at 161.
128 Id. at 200.
Numbers 5:15-31- “Then shall the man bring his wife unto the priest, and he shall bring her offering for her, the tenth part of an ephah of barley meal; he shall pour no oil upon it, nor put frankincense thereon; for it is an offering of jealousy, an offering of memorial, bringing iniquity to remembrance. And the priest shall bring her near, and set her before the Lord: And the priest shall take a holy water in an earthen vessel; and of the dust that is in the floor of the tabernacle the priest shall take, and put it into the water: And the priest shall set the woman before the Lord, and uncover the woman’s head, and put the offering of memorial in her hands, which is the jealousy offering: and the priest shall have in his hand the bitter water that causeth the curse: And the priest shall charge her by an oath, and say unto the woman, If no man have lain with thee, and if thou hast not gone aside to uncleanness with another instead of thy husband, be thou free from this bitter water that causeth the curse: But if thou hast gone aside to another instead of thy husband, and if thou be defiled, and some man have lain with thee beside thine husband: Then the priest shall charge the woman with an oath of cursing, and the priest shall say unto the woman, The Lord make thee a curse and an oath among thy people, when the Lord doth make thy thigh to a rot, and thy belly to swell; And this water that causeth the curse shall go into thy bowels, to make thy belly to swell, and thy thigh to rot: And the woman shall say, Amen, amen. And the priest shall write these curses in a book, and he shall blot them out with the bitter water: And he shall cause the woman to drink the bitter water that causeth the curse: and the water that causeth the curse shall enter into her, and become bitter. Then the priest shall take the jealousy offering out of the woman’s hand, and shall wave the offering before the Lord, and offer it upon the altar: And the priest shall take an handful of the offering, even the memorial thereof, and burn it upon the altar, and afterward shall cause the woman to drink the water. And when he hath made her to drink the water, then it shall come to pass, that, if she be defiled, and have done trespass against her husband, that the water that causeth the curse shall enter into her, and become bitter, and her belly shall swell, and her thigh shall rot: and the woman shall be a curse among her people. And if the woman be not defiled, but be clean; then she shall be free, and shall conceive seed. This is the law of jealousies, when a wife goeth aside to another instead of her husband, and is defiled. Or when the spirit of jealousy cometh upon him, and he be jealous over his wife, and shall set the woman before the Lord, and the priest shall execute upon her all this law. Then shall the man be guiltless from iniquity, and this woman shall bear her iniquity.”

These Numbers as mentioned above describe a lengthy magical ritual that women were forced to perform if their husbands suspected them of having an affair. A priest prepared a potion composed of holy water mixed with sweepings from the floor of the tabernacle. He proclaimed a curse over the potion and required the woman to drink it. If she were guilty, she would suffer greatly: her abdomen would swell and her thighs waste away. There is no similar magical test for husbands suspected of having an affair with another woman.

129 Id. at 200-201.
• Number 27:8-11- “And thou shalt speak unto the children of Israel, saying, If a man die, and have no son, then ye shall cause his inheritance to pass unto his daughter. And if he have no daughter, then ye shall give his inheritance unto his brethren. And if he have no brethren, then ye shall give his inheritance unto his father’s brethren. And if his father have no brethren, then ye shall give his inheritance unto his kinsman that is next to him of his family, and he shall possess it: and it shall be unto the children of Israel a statute of judgment, as the Lord commanded Moses.”

In the above Numbers, Moses describes the rules of inheritance that God has stated. If a man dies, his son inherits the estate; his daughter gets nothing. Only if there is no son, will his daughter inherit. If there are no children, then the estate is given to the man’s brothers; his sister(s) get nothing. If he had no brother, the estate goes to his nearest male relative.

• Deuteronomy 21:10-13- “When thou goest forth to war against thine enemies, and the Lord thy God hath delivered them into thine hands, and thou hast taken them captive, And seest among the captives a beautiful woman, and hast a desire unto her, that thou wouldest have her to thy wife; Then thou shalt bring her home to thine house; and she shall shave her head, and pare her nails; And she shall put the raiment of her captivity from off her, and shall remain in thine house, and bewail her father and her mother a full month: and after that thou shalt go in unto her, and be her husband, and she shall be thy wife.”

This Deuteronomy describes how a soldier can force a woman captive to marry him without regard for her wishes.

• Deuteronomy 22:28-29- “If a man find a damsel that is a virgin, which is not betrothed, and lay hold on her, and lie with her, and they be found; Then the man that lay with her shall give unto the damsel’s father fifty shekels of silver, and she shall be his a wife; because he hath humbled her, he may not put her away all his days.”

The above Deuteronomy requires that a virgin woman who has been raped must marry her attacker, no matter what her feelings are towards the rapist.

• Deuteronomy 24:1- “When a man hath taken a wife, and married her, and it come to pass that she find no favour in his eyes, because he hath found some uncleanness in her: then let him write her a bill of divorcement, and give it in her hand, and send her out of his house.”

It describes the procedure for obtaining a divorce which can only be initiated by the husband and not by the wife.

130 Id. at 237.
131 Id. at 286.
132 Id. at 288.
133 Id. at 290.
Deuteronomy 25:5-10- “If brethren dwell together, and one of them die, and have no child, the wife of the dead shall not marry without unto a stranger: her husband’s brother shall go in unto her, and take her to him to wife, and perform the duty of an husband’s brother unto her. And it shall be, that the firstborn which she beareth shall succeed in the name of his brother which is dead, that his name be not put out of Israel. And if the man like not to take his brother’s wife, then let his brother’s wife go up to the gate unto the elders, and say, My husband’s brother refuseth to raise up unto his brother a name in Israel, he will not perform the duty of my husband’s brother. Then the elders of his city shall call him, and speak unto him: and if he a stand to it, and say, I like not to take her; Then shall his brother’s wife come unto him in the presence of the elders, and loose his a shoe from off his foot, and spit in his face, and shall answer and say, So shall it be done unto that man that will not build up his brother’s house. And his name shall be called in Israel, The house of him that hath his shoe loosed.”

The above Deuteronomy states that if a woman is widowed, she would be required to marry her former brother-in-law. This was called a ‘levirate’ marriage. Their first-born son will later be considered to be the son of the deceased husband. The man could refuse to marry her but women were not given a choice in this matter.

From the above expositions, it is abundantly clear that in Christianity, the regulation of two sexes was heavily leaned in favour of males and the opposite sex was undefendly discriminated. Celibacy was most desired way of living and the position of Christian woman in every sphere of life was disgraceful. Further, it is explicitly apparent that the attitude of early western Christianity towards woman was that she was not only inferior to man but also a sinful and an evil object. In the latter half of the twentieth century, various rights have been conferred upon the Christian women through legislations to improve their position and status in the society. For instance, under the Matrimonial Causes Act, 1950, and later on, by the Matrimonial Causes Act, 1973, various rights have been given to Christian women to ameliorate their position. In India, the Christian Marriage and Divorce Act, 1890 and the Indian Succession Act, 1925 have elevated their position at par with male in matters of marriage, divorce and property rights.

---

134 Id. at 291.
135 Supra Note 2 at 204.
2.3.3. Position of Women under Judaism

Judaism professes to be grounded on the principles pertaining to truthfulness and honour; incidents of abuse serve to eliminate the depiction of Jewry as a morally upstanding community who prides itself in its adherence to morality and decency. Due to the patriarchal undertones of Judaism, the perspectives of Jewish women have not been adequately addressed in literature. Both Holy Scripture and Jewish traditions reinforce the notion of Jewish woman being an appendage to man in society, a person whose main purpose in life is to reproduce and to ensure the comfort of the man.\(^{136}\) The view of Judaism about women is that she is frail and vicious. She is an image of deceit. According to Hebrew Scriptures, the woman is under an eternal divine curse ‘of the woman came the beginning sin and through her we will die’, is a belief which holds poor women responsible for all the wickedness of man. In order to support this dictum, Jews relate the story of Hazrat Adam and Eve. According to them, Eve was responsible for the expulsion of Hazrat Adam from the heaven to earth and thus, he was deprived of all bounties of Allah and was made to suffer for long time for eating the forbidden fruit against the will of Allah and at the abatement of his wife, Eve.\(^{137}\)

Orthodox Jewish law imposes an inferior status upon women outside the home. In the home, according to Jewish law, women have authority over all aspects of children’s upbringing and education, and the husband must abide by the wife’s decisions. At the same time, from its very beginning, Judaism has been outspokenly patriarchal. The orthodox do not expect women to study Torah or Jewish law and they have been kept ignorant of the processes of Jewish law and during synagogue services, women must sit separate from men, behind a ‘mehitzah’, or wall and screen, which divides the two genders.\(^{138}\)

The Torah and Talmud (oral law) provide stringent guidelines pertaining to aspects of daily living including marriage, divorce, family relationships, sexual behaviour, and charity, observance of Sabbath and holidays, and dietary laws (kashruth), among others. It is,

---


\(^{137}\) Supra Note 4 at 7.

therefore, possible to assume that for observant Jews specifically, Judaism profoundly influences all aspects of life and seemingly plays a pivotal role in all areas of functioning.\textsuperscript{139}

From the Second Temple period, women were not allowed to testify in court trials. They could not go out in public, or talk to strangers. When outside of their homes, they were to be doubly veiled. They had become second-class Jews, excluded from the worship and teaching of God, with status scarcely above that of slaves. Their position in society was defined in the Hebrew Scriptures and in the interpretation of those scriptures. Women’s status and freedoms were severely limited by Jewish law and custom in ancient Israel, as they were in essentially all other cultures at the time. Generally speaking, most were restricted to the roles of little or no authority. They were largely confined to their father’s or husband’s home as they were considered to be inferior to men, and under the authority of men i.e., either their father before marriage, or their husband afterwards. Jewish tradition at the time was to not allow women to be taught. Instructing female sex in the Torah was not considered obligatory and was even seen in part as improper. Rabbi Eliezer wrote in the 1st century CE:

“Rather should the words of Torah be burned than entrusted to a woman...Whoever teaches his daughter the Torah is like one who teaches her obscenity.”\textsuperscript{140}

If one goes through the Rabbinic\textsuperscript{141} literature, he will find that it was filled with contempt for women. The Rabbis\textsuperscript{142} were of the view that women were not to be saluted, or spoken to in the street, and they were not to be instructed in law or receive an inheritance. A woman had to walk six paces behind her husband and if any woman happened to uncover her hair in a public place, she was considered as a harlot.

Thus, Judaism was openly discriminatory towards women as they were regarded as incapable of bearing witness, they remained excluded from essential religious tasks of men (as well) they were unworthy of participating in most of the religious feasts, neither could they study Torah nor participate in the sanctuary service. Woman was obliged to a permanent

\textsuperscript{140} Rabbi Eliezer, \textit{Mishnah}, Sotah 3:4.
\textsuperscript{141} ‘Rabbinic’ means ‘of or relating to rabbis or their writings; of or preparing for the rabbinate; comprising or belonging to any of several sets of Hebrew characters simpler than the square Hebrew letters’.
\textsuperscript{142} In Judaism, a ‘Rabbi’ is a teacher of Torah. This title derives from the Hebrew word ‘rabi’ meaning ‘My Master’ (irregular plural rabanim) which is the way a student would address a master of Torah. The word ‘master’ literally means ‘great one’.

61
purification-ritual, especially in dates regarding with the sexual (menstruation and birth). For Jews, the birth of a female was a misfortune. Rabbi Simeon said:

“All are happy when a male birth but all are unhappy when female birth.”

And according to Rabbi Jicaq:

“When a male births, he brings peace to the world, he brings the bread in his hands, but when a female births, nothing is coming with her.”

According to Rabbi Jehuda (Second Century A.D.), Jews should recite the following prayer every day:

“Praised be God, that he did not create me as a goy (gentile)! Praised, that he did not create me as a woman! Praised, that he did not create me as an ignorant person!”

Further, Rabbi Yehudi Gaon writes:

“A wife’s duty is to honour her husband, raise her children, and feed her husband (even from her own hand). She has to wash, cook, and grind in accord with what the rabbis have decreed. And when her husband enters the house, she must rise and cannot sit down until he sits, and she should never raise her voice against her husband. Even if he hits her, she has to remain silent because that is how chaste women behave.”

Kalmuss and Strauss explain that violence is the ultimate resource utilised by husbands to keep their wives in place. Judith Hauptman posits that rabbis upheld patriarchy as the preordained mode of social organisation, as dictated by Torah. In so doing, women’s second class subordinate status was perpetuated; equality for women was not actively sought after, nor has it been adequately achieved. In Judaism, women are often placed on a level with slaves and children in respect of fulfilment of certain commandments. This, more than anything else, attests to the inferior position occupied by women as compared to men, concerning the law.

---

144 Ibid.
146 N. Graetz, Silence is Deadly: Judaism Confronts Wife-beating 96 (Jason Aronson Inc., USA, 1998).
“Each time that I beat my wife, she has to thank me because she is closer to the Salvation.”

The book of Ecclesiasticus\textsuperscript{150} 42:9-14 says:

“A daughter is a hidden source of sleeplessness for her father, and anxiety about her deprives him of sleep: in her youth, that she doesn’t pass her prime, and when she’s married, that she not be hated. While she’s a virgin, that she not be seduced and become pregnant while still living at home; when she’s married, that she not go straying; or having married, that she not be infertile. Keep a strict watch over an unruly daughter so that she doesn’t make you an object of ridicule to your enemies, a topic of talk in the city and the assembly of the people, and she shame you before the crowd. Don’t consider the beauty of any person, and don’t spend time among women. Moths come out of clothes, and a woman’s wickedness comes from a woman. A man’s wickedness is better than a woman who does good and a disgraced woman who brings shame.”

Under the orthodox Jewish law, daughters may even be sold by a father. The following Mishnah lays in this regard:

- “A man may sell his daughter, but a woman may not sell her daughter. A man may give his daughter in betrothal but a woman may not give her daughter in betrothal.”

Saint Thomas Aquinas, \textit{Summa Theological I. Q.} 92 affirms:

“Woman is an occasional and incomplete being, a misbegotten male. It is unchangeable that woman is destined to live under man’s influence and has no authority from her Lord.”

Judaism places enormous emphasis on the marriage covenant. Despite individual preferences or personal sentiments to remain single; Jewish unions are the expected norm. One has an identity as a whole person only when one is married. In fact, such unions are regarded as a vital step towards the fulfilment of many of the Jewish laws, and the attainment of true spiritual enlightenment. While alone, a person cannot achieve his ultimate purpose; it is only the proper helpmate who can bring him to achieve this goal. In the historic Jewish view, the family and not the synagogue, is deemed the most intrinsic institution that encompasses all aspects of Jewish life and society. A multitude of acts and experiences that are so typical to

\textsuperscript{149} \textit{Supra} Note 143 at 127.
\textsuperscript{150} ‘Ecclesiasticus’ is one of the books of the Apocrypha, written around 180 BC and also called the Wisdom of Jesus, the son of Sirach.
\textsuperscript{152} \textit{Babylonian Talmud}, Tractate \textit{Sotah} 23a Soncino, 1961 Edition at 115.
\textsuperscript{153} \textit{Supra} Note 143 at 127.
Jewish Orthodoxy require a family setting. Therefore, being a good Jew requires, in part, the fulfilment of a socially constructed phenomenon which emphasises marriage in order to facilitate in the realisation of spiritual growth and development.

Judaism purports that the ultimate purpose for which each and every human being was created has been decreed in Heaven, but it is on earth that it must be fulfilled, with the help of a proper helpmate. If God created man, woman, and their marriage relationship; then God is a conscious albeit silent partner in the marriage. Regarding the selection of a spouse for marriage of a woman, it is provided:

- **Mishnah Kiddushin 1:1** - “A woman is acquired in three ways, and she acquires herself in two ways. She is acquired through money, through a document, or through sexual intercourse. Through money: Beit Shammai say, “With a dinar (a specific unit of money) or with the equivalent value of a dinar.” And Beit Hillel say, “With a perutah or with the equivalent value of a perutah.” How much is a perutah? One eighth of an Italian issar (a specific unit of money equal to one twenty-fourth of a dinar). And she acquires herself through a bill of divorce or through the death of the husband. A yevamah (a widow whose brother-in-law performed levirate marriage with her) is acquired through sexual intercourse, and acquires herself through chalitzah (the ceremony performed by the widow of a childless man as an alternative way to release herself from the obligation to wait for levirate marriage) or through the death of the yavam (one upon whom has fallen the obligation to perform levirate marriage).”

- “A father has authority over his daughter in respect of her betrothal (whatever it was effected) by money, deed or intercourse.”

Thus, a father had the right to betroth his minor daughter by allowing the groom to have intercourse with her, or by accepting money or other valuables in exchange for her. The girl had no say in this regard.

Further, the woman can be acquired for marriage through the marriage contract. For such a marriage, it is provided in the Jewish law that as part of the wedding ceremony, the husband gives the wife a *ketubah*. The word ‘Ketubah’ comes from the root Kaf-Tav-Bet, meaning ‘writing’. The *ketubah* is also called the marriage contract. The *ketubah* spells out the husband’s obligations towards wife during marriage, conditions of inheritance upon his death, and obligations regarding the support of children of the marriage. It also provides for

---

156 Supra Note 152, Tractate Kethuboth 46b Soncino at 265-266.
the wife’s support in the event of divorce. These are the standard conditions, however, additional conditions can be included by mutual agreement. Marriage agreements of this sort were common place in the ancient Semitic world. Because marriage under Jewish law is essentially a private contractual agreement between a man and a woman, it does not require the presence of a rabbi or any other religious official. A married woman retains ownership of any property she brought to the marriage, but the husband has the right to manage the property and to enjoy profits from the property. The Halakhah and Talmud were very clear: a woman could have only one husband but a man could have as many wives as he wished and as he had the ability to support.

- Deuteronomy 24:1 “When a man taketh a wife, and marrieth her, then it cometh to pass, if she find no favour in his eyes, because he hath found some unseemly thing in her, that he writeth her a bill of divorcement, and giveth it in her hand, and sendeth her out of his house, 24:2 and she departeth out of his house, and goeth and becometh another man’s wife, 24:3 and the latter husband hateth her, and writeth her a bill of divorcement, and giveth it in her hand, and sendeth her out of his house; or if the latter husband die, who took her to be his wife; 24:4 her former husband, who sent her away, may not take her again to be his wife, after that she is defiled; for that is abomination before the LORD; and thou shalt not cause the land to sin, which the LORD thy God giveth thee for an inheritance.”

The above-mentioned Deuteronomy tells us that a man may write a note of divorce to his wife if he finds some ‘indecency’ in her. Rabbis argued whether ‘indecency’ should be limited to adultery or whether it could include any matter that the husband disliked about his wife. Christ argued for the former, but the latter appears to have been the more common view. A divorced woman, who married someone else, could never remarry her first husband regardless of what happened to the second. In Jewish law, if a husband dies, and he and his wife have had no children, the oldest brother of the dead man may take the widow as a wife, even if the brother is already married. The law is based on Deuteronomy 25:5-10 which lays down:

- “If brethren dwell together, and one of them die, and have no child, the wife of the dead shall not be married abroad unto one not of his kin; her husband’s brother shall go in unto her, and take her to him to wife, and perform the duty of a husband’s brother unto her. And it shall be, that the first-born that she beareth shall succeed in the name of his brother that is dead, that his name be not blotted out of Israel. And if the man like not to take his brother’s wife, then his brother’s wife shall go up to

157 Jewish law and jurisprudence, based on the Talmud.
158 Moshe Kline, The Structured Torah at 162.
the gate unto the elders, and say: ‘My husband’s brother refuseth to raise up unto his brother a name in Israel; he will not perform the duty of a husband’s brother unto me.’ Then the elders of his city shall call him, and speak unto him; and if he stand, and say: ‘I like not to take her’; 25:9 then shall his brother’s wife draw nigh unto him in the presence of the elders, and loose his shoe from off his foot, and spit in his face; and she shall answer and say: ‘So shall it be done unto the man that doth not build up his brother’s house.’ And his name shall be called in Israel the house of him that had his shoe loosed.”

On this point, there is a difference between Old Testament law and Talmud law on levirate marriages. Under Talmud law, the widow who does not want to take the brother as her husband may be raped, thereby effecting marriage. Further, in Tractate Niddah, again there is approval for priests to marry and copulate with baby girls. This passage describes a situation in which a priest dies without children, leaving a three-year-old widow. In such case, the priest’s brother (the yeabam) can acquire the girl by having sexual intercourse with her. The Mishnah lays:

- “A girl of the age of three years and one day may be betrothed by intercourse... If she was married to a priest, she may yet eat terumah”.
- “Gemara- R. Joseph said: Come and hear! A maiden aged three years and a day may be acquired in marriage by coition, and if her deceased husband’s brother cohabits with her, she becomes his.”

The Orthodox Jewish faith forbids mixed marriages, since marriage is, according to Schneider, an ‘agreement between Jewish men, Jewish women, and God’, so it’s thought that the contract can’t possibly make sense if one partner isn’t Jewish. Evidences have been found from the Biblical and Talmudic times show that ancient Israelites (followers of Judaism) were polygamous and some of them were having even hundreds of wives. In fact, it was encouraged by the Talmudic law and the Mosaic law and most of their prophets had more than one wife. According to Wikipedia, Prophet Abraham had two wives (Sarah and Hajar); Prophet Solomon had seven hundreds wives and three hundred concubines; Prophet Jacob had four wives. In the same way, Prophet David had eight wives and Prophet Moses had four wives (Safire, Gibshia, bint Kini and bint Hubab). According to the Encyclopaedia

---

159 Supra Note 158 at 165.
160 ‘Terumah’ is the word for temple offerings eaten by priests. This statement indicates that the three years old bride is the widow of the priest in all respects and privileges.
161 Supra Note 152, Tractate Niddah 44b Soncino, 1961 Edition at 308.
Biblica, a common Jew could take as many as four wives and the king was allowed to take up to eighteen wives. The Sages discuss the justification for marrying multiple wives.

- “Neither shall he multiply to himself- only eighteen. T. Judah said: He may have more, provided they do not turn away his heart. R. Simeon said: He must not marry even one who shall turn away his heart. Why then is it written, neither shall he multiply wives to himself? - even though they be women like Abigail.”

The practice of polygamy was practised by the ancient Jew society on a large scale and continued till Rabbi Gershom bin Yehudah (960 C.E. to 1030 C.E.) issued an edict against it. The Jewish Sephardic communities continued to practise polygamy as late as 1950, until an Act of the Chief Rabbinate of Israel extended the ban on marrying more than one wife.

This Mishnah addresses a man with four wives:

- “If a man who married for four wives died, his first wife takes precedence over the second, the second takes precedence over the third and the third over the fourth.”
- “The daughters of Israel are not ownerless property.”

A daughter has no property rights while living with her father, her father owns anything the girl finds and anything she produces; but her father may not use the property given to her by her mother. After she has married, her husband owns anything she finds, and anything she produces; her husband may use the property given to her by her mother’s will; i.e., the married woman cannot accumulate wealth by any means except by inheritance, and cannot use any of her inherited wealth independent of her husband. But in return the husband is obliged to maintain her and to make arrangements of her burial on her death. The following tractate of Babylonian Talmud lays down in this regard:

- “He is entitled to anything she finds and to her handiworks; [He has the right] of annulling her vows and he receives her bill of divorce; but he has no usufruct during her lifetime. When she marries, the husband surpasses him [in his rights] in that he has usufruct during her lifetime, but he is also under the obligation of maintaining and ransoming her and to provide for her burial. R. Judah ruled: even the poorest man in

---

164 Syed Hamid Mohsin, Islam- Facts vs. Fictions; Treading the Veils of Misconceptions 178 (Salam Centre, Bangalore, 2014).
165 Supra Note 152, Tractate Sanhedrin 21a Soncino, 1961 Edition at 111.
167 Supra Note 152, Tractate Kethuboth 93b Soncino, 1961 Edition at 595-596.
This shows women’s degeneration in Jewish society, where they were considered not as a creature worthy of honour but as one who could be deservedly subjected to any amount of insults and reduced to the position of a mere chattel in the house. But now, through various legislations, many rights have been conferred upon them and their position has been improved.\textsuperscript{170}

\textbf{2.4. Conclusion}

From all the evidences from the religious texts of different religions like Hinduism, Judaism and Christianity, it comes to light that these religious laws were openly discriminatory towards their women. Women in these religions were not only discriminated as being inferior but also these treated them like a chattel having no soul of their own. They were deprived of their basic rights like the right to choose life partner for themselves, right to divorce in an unhappy and forceful marriage, right to own and manage their properties, right to inheritance, etc. They were considered inferior to such an extent that they were even not allowed to acquaint themselves with their religious education. Father had the right to give them in marriage to anyone according to his own wish and woman’s will did not matter at all. They could even be raped by men and this way captured in marriage against their wishes. They were regarded as the property of their fathers and husbands and thus, had no individual existence of their own. That is why if someone raped a woman then he had to compensate her father for being trespassing in his property. Not only this, but they could be raped by their near relations e.g., husband’s brother after the death of their husband. Female infanticide and child marriages were also very common in these religions. Divorce was a loose institution meant for the husbands only and a wife could not initiate divorce even if she was not happy in her marriage. Unrestricted polygamy was also practised on a large scale and even the religious leaders and scholars had unlimited number of wives. Women could be bought and sold under these religions and they had no right to speak against this injustice done to them. The early religious laws, thus, considered her as an evil creature not worthy of any respect but the later laws have tried to bring women at par with men by granting them certain rights and privileges. Thus, in modern times, the position of women in these religions is much better than under the religious texts of early times till late centuries.

\textsuperscript{169} Ibid, Tractate \textit{Kethuboth} 46b Soncino, 1961 Edition at 266.

\textsuperscript{170} \textit{Supra} Note 2 at 203-204.