Chapter 1

Status of Human Rights in Jahi liyah Period
The subject of this chapter is the international concern of various nations with the human rights. The chapter would not however, concentrate on the activities of international organizations and conferences that purport the promotion of human rights in various respects. The instruments, institutions and operations of international organizations of our day are rooted in the philosophical, constitutional and legal developments of many nations spread over the centuries. The work on the international plane in its turn had considerable influence on constitutional, legal and political developments within nation states but it had not influenced the written law of many of the states of Asia, Africa, and the Caribbean, which have recently acceded to independence.¹

To say that there is widespread acceptance of the principle of human rights on the domestic and international plane is not to say that there is complete agreement about the nature of such right or their substantive scope—, which is to say, their definition. Some of the most basic questions have yet to receive conclusive answers. Whether human rights are to be viewed as divine, moral, or legal entitlement, whether they are to be validated by intuition, custom, social contracts theory, principles of distributive justice, or as prerequisites for happiness; whether they are to be understood as irrevocable or partially revocable; whether they are to be broad or limited in number and content— these and kindred issues are matters of ongoing debate and likely will remain so as long as there exist contending approaches to public order and scarcities among sources².

**Origin and Basic Concept**

The expression “Human rights”, as a term of art, is of recent origin. Even in its French — inspired form “rights of man” (droite de l’homme), it goes back only to the last decades of the eighteenth century. The idea, however, of the law, or the lawgiver,
defining and protecting the legal rights of men—mainly the mutual rights of the members of the community—is very old indeed. It would, perhaps, protection of human rights in the code of the Babylonian King Hammurabi (about 2130 – 2088 B.C.), the most ancient code of law known at present. The sanctions, which it provides in trying to protect worthy human rights objectives (such as the administration of justice, marriage, and the family), are so disproportionately cruel that it is preferable to disregard this legislator in our context. However, as Rudolph Von Jhering pointed out a century ago, that the Law of Ancient Republican Rome guaranteed to the Roman citizens (not to the foreigner or to the slave). The right to take part in the government of the power of legislation, in the administration of criminal justice, in electing public officials, and even in having a share in the police power (Jhering 1852 – 1878).

An eminent American scholar has said (Yntema 1958) that the concept of the Roman Civil Law, which were formulated by the Rome juridical genesis in order to render justice in the mutual relations of individual men, are in essence a practical definition of the rights of man and a reasonable and authoritative criterion to which these who seek justice and protection of the inherent dignity of the human person can appeal. This hold true, in Yntema’s view, of the common law of the Anglo – Saxon countries. The common law and the civil law, so different in their institutions and techniques and, at sometime, so similar in these criteria of what is fair, offer an objective yardstick for judging conduct in terms of individual rights and freedoms. These systems have, of course, also tolerated institutions and practices, which are inconsistent with the modern conception of a public order protecting human dignity. Nevertheless, through many centuries communities have existed where at least part of what are now considered fundamental human rights were well protected by elaborate and refined bodies of law.
In England of the seventeenth century, battles were fought against the non-observance of the ancient rights of Englishmen. Out of these struggles, there came two great documents: the Petition of Rights (1628), and the Bill of Rights (1689). These did not purport to define the basic human rights of all mankind. They were intended to give relief for specific grievances by limiting the power of the parliament and of the courts. Their ideas and even their texts are, however, reflected in the work of the American and French revolutionaries of the eighteenth century; in the immortal passages of the American Declaration of the Independence, in the Virginia Bill of Rights (1776), in the French Declaration of the Rights of Man and of the Citizen, and in the American Bill of Rights.

In the course of the nineteenth and twentieth centuries; their example set by the United States and France of adopting Bill of Rights or otherwise embodying such rights within constitutions, was followed on the entire continents of Europe, and the movement spread to the Americans, Asia and Africa, but until very recently Britain and the British dominions and possession remained aloof from this movements3.

**Historical Development**

After keen observation of the developments of the great ancient civilizations; viz., Ancient Arabian, Mesopotamian, Egyptian, Greece, the Indus Valley, the Chinese Civilization, etc. It may be concluded that, ‘human kind, when it was created, did not know bread to eat nor garments to cover itself. The people walked on all four and ate grass with there mouths like sheep and drank the water of the ditches’. “It has been admitted that the ancient Egyptians, like other early races, could not have evolved a religious unless by the usual processes of religious growth. Thus, we discover, by means of numerous clues more or less strong, that they passed through the phase known as animism, or animalism”. “It is generally presumed that the earliest form of
punishment was private revenge. Retaliation for an inflicted injury was the personal affair of the victim or his surviving next to kin, and the community did not interfere, private revenge often escalated into blood feuds between the family, clans, or tribe of the victim and those of the offender. The resulting losses of life and property become so great that the communities to which feuding families belonged started, very slowly, to impose trials and official penalties on offenders and to restrict private vengeance. However, feuds between dominant families of different communities were pre-eminent in the primordial origins of war.

Religious bodies were early moderators of conflicts and punishers of offenders. They threatened criminals with divine revenge at a time when, owing to the fear of Gods and supernatural forces, magic and religion were effective socio-political tools. Acts adversely affecting the well-being of the community or its members were considered different to the deities, who might express their anger through players, earthquakes, or other desolation. Punishment of the wrongdoers or other thought to lessen the God's fury of there was a proper corresponding between the injury and the chastisement. This was the remote origin of *lex talions* ('an eye for an eye and tooth for a tooth') and the point at which the concepts of crime and sin began to overlap.

Finally, there was state revenge. It was believed that anti-personal or anti-social behaviour not only offended the Gods, but also affected the political stability and the welfare of the social group. The state acted independently of the temple in punishing the wrongdoers, and this state revenge is the origin of modern justice- the victim has to ask for redress from the proper authorities for the suffered wrong.6

Although the notions of crimes against humanity and genocide are treated comparatively recent, the concept of crimes as defined above is of much older origin. Virtually every recorded civilization placed some limitations on the conduct of its own
warfare, and violations of such rules could therefore be considered war crimes. In the Egyptian and Sumerian wars of the second millennium BC, there were rules defining the circumstances under which war might be initiated.

With these examples, some idea may be evolved about the concept of human rights. The essence of human rights may be traced in the roots of ancient times. These societies were evolved out of the Scriptures, which were of great prominence.

**Ancient Arabian Civilization**

In Bedouin society, the social unit was the group, not the individual. The latter had rights and duties only as member of his group. The group was held together externally by the need for self-defence against the hardships and dangers of desert life, internally by the blood – tie of descent and in the male line which was the basic social bond.

In pre-Islamic Arabia, the Bedouin woman, enjoys a measure of freedom deemed to her sedentary sister. She lived in a polygamous family and under a *baal* system of marriage in which the man was the master, nevertheless she was at liberty to choose a husband and leave him if illtreated. When a person died and left a widow or widows, the nearest male relation had to cover her or they with his mantle and they became his wives. Even a son, in this way, took his step – mother as his wife. All this was possible because there was no authority to enforce any law in Arabia except tribal custom and because women were regarded as mere chattel.

The relations amongst men and women in pre – Islamic Arabs were such as were not and could not be controlled by any laws. The women were as lawless as the men were and that may have provided some excuse to fathers who killed their own daughters. Women put on their vest ornaments and clothes and went out singly, in
twos, and in parties, to the outskirts of the desert to satisfy their desires. There they met young men. Neither, the men nor the women were ashamed to indulge in the most lustful deeds and the most indecent talk by means of which the males enjoyed themselves and the females satisfied their desires. Fornication was not considered a crime or a sin.

In the Arabian Desert, women participated fully in the whole structures of society. There were no occupations to which she was limited and none from which she was excluded. She shared the hardships of desert life with her mate and like him developed the qualities of survival in its rugged environment. If she was deprived of the life of ease enjoyed by women infertile lands and among prosperous communities, she was spared the penalties of such a life. Here there was no room for the idle; consequently, society did not look upon woman as an ornament or an object of luxury and pleasure. With the hardships that she bore, she carried the reward and satisfactions of freedom and dignity and worth.

Sometime it had been observed that in many cases the wise women whose advice and counsel men sought and acted upon, were treated as dignified. There were priestesses also who, in the discharge of their religious functions, enjoyed the reputation of superior knowledge and foresight.

The women occasionally took part as fighters, but they were always on the battlefields to give moral support and ministers to the wounded women gave refuge to the enemy who sought their protection; and such was the chivalry of the desert that the whole tribe extended its protection to the enemy who sought asylum and in a women’s tent.

It had been common custom of the ancient Arabia (before the advent of Islam) that queens ruled them. The Queen of Saba has achieved legendary fame for her
splendour, and for her love of wisdom, which impelled her to make the long journey to Sulayman the wise king and the Prophet. Even more celebrated is Zenobia, Queen of Palmyra, the caravan city of the Syria desert. Zenobia made a profound impression on her contemporaries, and later generations surrounded her name with a halo of romance and wonder. For Zenobia was richly endowed with the qualities that evoke administration and delight. She was of striking beauty with large, black eyes, and teeth as white as pearls. Her intellectual endowments were equally remarkable. She spoke several languages, studied history and philosophy, and wrote a short history of the East and Egypt. With the knowledge of a scholar, she combined the qualities of a great general. She rode at the head of her armies in battle and walked for miles with her foot soldiers. This dazzling queen built a kingdom in the eastern part of Roman Empire, which extended from Egypt to Asia Minor, and for a time challenged and defied the power of Rome herself\(^7\).

It had been observed that in this period, there had been the custom of female infanticide. ‘Amongst Bani Tamim and the Quraish, daughters were regarded as a nuisance and some fathers prided themselves on their feast of murdering their daughters. When a daughter grew up to the age of five or six, the father dug a deep pit in the desert, took his daughter to the pit, pushed her in it and in spite of her cries buried her alive. A man called Qais bin Asim buried ten daughters, of his in this way. Not all the Arabs were equally addicted to this cruelty but very few tribes were free from this atrocious custom. Some killed their children for fear of poverty\(^8\).

There were no laws regulating marriage and divorce. A man married as many wives as he liked and divorced as he wished. A man had to say to his wife, ‘Thou art to me as the back of my mother’ and she was divorced but cold not marry another. So great was the force of this unjust custom that in the early days of the Prophet’s mission
even he had not know how to deal with it till God abolished it. The matter is explained in verse: Chapter 58 of the Qurʾān\textsuperscript{19}.

The Arabs in Pre-Islamic days, were semi barbarous as they were cut off live flesh from the back of camels and the tails of fat sheep which they roasted and enjoyed eating. They were given to mutilating their captives (both men and women). Women were sometimes tied to the tails of horses which were then made to gallop so that the poor victims were crushed to death. This was the pastimes of the nobles. Sometimes a man was locked up in a cabin till he died of hunger and thirst\textsuperscript{20}.

The inhabitants of Arabia had always comprised of two types, the militant nomad and the peaceful settler. A mutual antagonism has divided them. In a land where famine and ignorance combined to prevent a rational way of life, the settled man regarded the nomad as a natural enemy; the nomad regarded the settled man as a legitimate prey. Arabia Deserta was an un-subjugated and savage, if thinly populated world, whose denizens, in the intervals of their pastoral pursuit, issued forth on plundering raids into the lands of the settled dwellers towards the coasts. Shedding innocent bloods had no terror for them. They had their own code of tribal honour and tribal sanctions. Nor was it entirely without mercy. The right to asylum, for instance, was sacrosanct, the custom whereby a refugee from another’s worth once given protection by a desert tribe could feel as safe as they; they would never surrender him whatever his offence, however influential the pursuer or tempting the inducement\textsuperscript{21}.

Marriage with the Arabs of antiquity was probably at first a very casual link bordering on promiscuity. It is likely to have differed little from the practice attributed to most primitive cultures, whereby the women remained in her own tribe and the children she bore came to be members of her totem\textsuperscript{22}. As time went on, men came to take wives unto themselves on the more enduring basis familiar to as, and children
were born into their father’s tribe. Endogamous marriages between cousins were doubtless the rule, and marriage by capture common. Men were of course polygamous, where they could afford it, there being no limit set to the number of wives one man could have. He had dominion over these wives and could divorce them at will, and if a man died, his brother inherited his widows as though they were chattels. Contraception must have been as repugnant then as now, yet the Arab traditions insist the female infanticide was commonly practised a sidelight on Arabia’s habitual hunger.

Mesopotamian Civilization

In Mesopotamian civilization, being among the oldest civilizations had some concept of human rights, it can be analysed from the Codes of Hammurabi. Dating from about 1750 BC and inscribed in stone, the Code of Hammurabi was also divided into the traditional three sections. It is apparent that the prologue and epilogue were copied from earlier texts, but there is no evidence that its legal provisions were borrowed from other codes. The 282 extant classes are in the general style of older codes, there are some modifications: the code has more purely secular provisions, sanctions are largely based upon a new retributive principle, the arrangement of subjects is more systematic, and the language is perfectly clear. The codes covered offences committed during a trail, regulation of patrimonial rights, family laws and inheritance, bodily injuries, rights and obligations of special classes of society, and offence relating to prices and salaries and to slaves. In at least twenty-seven clauses capital punishment was prescribed for a variety of offences. Other clauses referred to retributive sanctions and severe corporal punishment was introduced. Homicides were a capital crime with no possibility of settlement by pecuniary compensation, and even an unintentional killer was held responsible in order to satisfy the victim’s family. The basic legal principle was a life for a life. Differences among social classes were well
established, and the nature and severity of the punishment imposed were related to the victim’s and the perpetrator’s respective social positions. The law of retribution, which made its first appearance in the code of Hammurabi and became a fundamental principle in all subsequent codes of law, replaced the pecuniary penalties of earlier systems. It in turn was gradually superseded by other forms of punishment.

“Babylonian society as represented in the Code of Hammurabi was consisting of three classes. The member of the highest of these who were called awilum, were the ‘patricians’, enjoying full liberty and the rights and privilege of citizenship. The second class is composed of citizens called mushkinum, who may be termed as ‘plebeians’: though free men, they were subject to certain legal restrictions, notably in connection with the transfer of immovable property. The third class is that of the wardum, that is, the ‘slaves’. The three classes differ from one another in legal status, for example, offence against plebeians is punished much less severely than offence against patricians; or rather, they are punished according to a different principle:

“If a patrician has destroyed the eye of another, they shall destroy his eye.
If he has broken the bone of another, they shall break his bone.
If he has destroyed the eye of a plebeian or broken the bone of a plebeian, he shall pay one mina of silver”.

From the examples cited above, we may infer the concept of human rights, as the foundation stone of the human rights as such. The Codes of Hammurabi, the Sumerian ruler Ur – Nammu (C.2050) code of law, which is oldest known code of law and law of Eshnunna (C.1760 B.C.), may be placed as the finest examples of tenets of human rights in early period. The right to women may also be traced in the ancient period as is quoted below:
"The marriage was preceded by a gift made by the bridegroom to the parents of the bride. This gift served as a guarantee against the breach of the contract by either party". (Article 159-160)

The above-sited examples specify that the right of assuming security money or surety money by a wife is an essential part of the human rights. It is not difficult, therefore, to perceive that women would hold an important place in Babylonian and Assyrian religious life, and in the Phoenician cult. When the goddess plays an important part in religion, especially when the renovation and provocative powers of nature are worshipped, women will naturally find a place. While the Hebrew has their prophetesses, the religion of Babylonia and Assayria has its priestesses as well as prophetesses.

In the Code of Hammurabi, which is the most ancient of known codes of law, women fares well for so early a period? One of these quaint laws reads: "If a woman hates her husband and says, 'Thou shalt not have me,' they shall inquire into her antecedents for her defects. If she has been a careful mistress and without reproach and her husband has been going about and greatly belittling her, that woman has no blame. She shall receive her presents, and shall go to her father's house." "If she has not been a careful mistress, has gadded about, has neglected her house and belittled her husband, they shall throw that woman into the water!" under this Code, a man might sell his wife to pay his debts. For three years, she might work in the house of the purchaser after which she was to be given her freedom. Where the law of Mosses says: "He that smiteth his father or his mother shall be surely put to death," Hammurabi's code enjoins, "Who smites his father, loses the offending limb!"

Apart from this, the women of Babylonia and Assyria enjoyed a measure of freedom that was exceptional for the Orient, and yet the Egyptian women were more independent still. Indeed, the respect that was paid to womankind by the Egyptians is
one of the fairest elements in the civilization of the valley of the Nile. Motherhood also was highly respected. A woman while enceinte, condemned to death for murder or any other crime, could not be executed till after the birth of the child; for it was considered that height of injustice to make the innocent participate in the punishment of the guilty, and to visit the crime of one person upon two. Or if the judge who put to death an innocent person were held as guilty as if they had acquitted a murderer.

Before the law, women's rights were respected. In the division of the parental estate, the daughters shared equally with the sons, and were more responsible than the sons were for the care of the parents. In worship, the queen is sometime depicted as standing near her husband in the temple – behind him, to be sure, as the king was the head of the religion and indeed “son of the sun”, but with him, like Isis behind Osiris, lifting her hand in sympathetic protection and shaking the sistrum, or beating the tambourine to dispel all evil sprits, or holding the libation vase or bouquet.

In Babylonia, the woman did not suffer greatly before the law from the fact that she was the weaker vessel. Indeed, the scales were held quite evenly as between sexes. A woman might hold her own property, appear in public, and attend to her own business. Frequently, Assyrian women are depicted upon monuments riding on the highways upon mules. Woman might even hold office and plead in a court of justice—so far, Babylonia anticipates the progress of modern western ideas.

The issue of Slavery may also be discussed here. In Ancient societies like Mesopotamian society, the Slavery was very much prevalent. The condition of Slaves were very miserable, as may be deduced from the following passage,

“The institution of Slavery dates back to the earliest times. Even on the state of Manishtusu (c. 2800 B.C.), we find a slave girl who is worth thirteen Shekels, while nine other slaves, male and female, are reckoned for one-third of a mana each. (A mina or mana weighed approx. 500gm; it
contains 60 Shekels and was 1/60 of a talent). According to the Code (XVI—XVII), it is clear that the slaves was personally the property of his owner; he might not run away (which he did occasionally), it was illegal to harbour him if a fugitive, and a reward was fixed for his recapture. A slave was subject to the ‘levy’ for forced labour (XVI); he might be sold or pledged for debt (CXVIII) and in theory, his property belongs to his owner. (cf. CLXXVI) but on the other hand, it was his master’s duty to pay the doctors fees if he were sick (CCXIX, CCXXII)\(^36\).

The Canaanites\(^37\) people were very savage. This point may be deduced from the following passage that reads:

“In Canaanite sacrifice, along with the usual offerings of animals human victims are also attested. They were offered, for example, on the occasion of great calamities, as man’s supreme gift to the gods. It is not certain however, though it has often been asserted, that the Canaanites sacrificed children in connection with the erection of buildings”\(^38\)

“Canaanite religion contains elements of remarkable crudity, such as human sacrifice and sacred prostitution. These testify to some degree of barbarity, to the absence of a developed civilization such as is found among the great peoples of the environment”\(^39\)

Here it is important to mention one more significant event in ancient history, the conquest of Babylonia by the Persian king, Cyrus the Great (559-530 BCE), the ruler of the Achaemenid empire. ‘His conquests mark one of the most rapid periods of imperial expansion ever known He inherited the small Persian kingdom, defeated the neighbouring kingdoms of Susa and the Medes within a decade and then moved westwards. The Anatolian kingdom of Lydia was defeated and its king, Croesus, taken prisoner. Finally, in 539 BCE the king of Babylonia, Nabonidus, was defeated at the battle of Opis and his empire collapsed”\(^40\). As quoted by the historians that this very campaign of Cyrus, conquered Babylon on October 4\(^{th}\) 539 B.C. was bloodless and even not a single person was taken as captive. Five days later (i.e., 9\(^{th}\) October 539 B.C.) when Cyrus the Great visited the city, he was greeted by the people, who spread
a pathway of green twigs before him as a sign of honour. It is unimportant to go in
detail that, what caused him to conquer Babylon.

On this event, Cyrus the Great issued a declaration. This declaration may be
viewed as one among the earliest examples of human rights of ancient times. Cyrus's
declaration is as follows:

“I am Cyrus, the king of the world, great king, legitimate king ... son of
Cambyses ... whose rule Bel and Nebo loved and whom they wanted as
king to please their hearts.

“When I entered Babylon as a friend and established the seat of government
in the place of the ruler under jubilation and rejoicing, Marduk, the grear
lord (induced) the magnanimous inhabitants of Babylon (Din Tir) (to love
me) and I daily endeavoured to praise him. My numerous troops walked
around in Babylon in peace, I did not allow anybody to terrorize (any of the
people) of the country of Sumer and Akkad. I strove for peace in Babylon
(Ka Dingir ra) and in all his other sacred cities. As to the inhabitants of
Babylon (who) against the will of the gods (had/were ... I abolished) the
corvee (yoke) which was against their (social standing). I brought relief to
their dilapidated housing, putting an end o their main complaints. Marduk,
the great lord, was well pleased with my deeds and sent friendly blessing to
myself, Cyrus, the king, who reveres him, to Cambyses, my son, as well as
to all my troops, and we all (praised) his great (name) joyously, standing
before him in peace ... I returned to (these) sacred cities on the other side
of the Tigris, the sanctuaries of which have been ruins for a long time, the
images which (used) to live therein and established for them permanent
sanctuaries. I (also) gathered all their (former) inhabitants and returned (to
them) their habitations. Furthermore, I resettled upon the command of
Marduk, the great lord, all the gods of Sumer and Akkad who Nabonidus
has brought to Babylon (su sa na) to the anger of the lord of the gods
unharmed in their chapels, the places which make them happy.

May all the gods whom I have resettled in their sacred cities ask Bel and
Nebo daily for a long life... (six lines destroyed) and always with good
words remember my good deeds ... that Babylonians incessantly cherished
me because I resettled them in comfortable habitations ... I endeavoured to
strengthen the fortification of Imgur—Enlil and the great fortification of the
City of Babylon ... the side brick wall by the city’s trench which the former king (had built and had not finished). This was finished around (the city), hat none of the former kings, despite the labour of their yoked people, had not accomplished. I rebuilt and completed with tar and brick ... and installed large gates ... entrances were built by cedar wood covered with brass and copper pivot ...I strengthened all the gates ... I saw inscribed the name of my predecessor, King Ashurbanipal”.

**Greek Civilization**

Like Mesopotamian Civilization, the moral of the social class, and the position of women in the society is wretched one, in the ancient Greece, for example

“In classical times, strong homosexual attachments were another way in which values were inculcated, passes on the older man (the erastes) to the younger eromenos, or beloved. The gymnasium was the venue where such relationships typically developed.” “To date however, at which Greek homosexuality became a central cultural institution is problematic”. The more plausible view is that homosexuality was in some way connected with the rise of the polis and was part of what has been called ‘the 8th century renaissance’.

The women in ancient Greece occupied a degraded position in the family and society. They looked upon as human machines for procreation. In Athens, the wives were a mere chattel, marketable and transferable to others and a subject of testamentary disposition.

In the classical Greece, little is known about their primitive laws. The exiguous remains of the early-seventh century B.C., Draconian Code in Athens and the Gortyn Code of Crete, dating from the transition between the primitive and later codes. Greek laws were never systematised. There were originally only two kinds of crime: an offence committed by a stranger against a member of the clan, which was not. The distinction between the two eventually disappeared, but for a long time homicide remained a matter for private revenge. The Greek philosophers never considered law a
serious subject for study, but they did deal with the definition and classification of
crime, as well as with its causes and dynamics\textsuperscript{44}.

For Plato\textsuperscript{45} (429 – 347 BC), the basis of law was the prevailing morality, and
every action against that morality constituted a crime. In his Republic and Laws, he
delineated four types of offences: (1) against religion (theft within a temple, impiety, or
disrespect); (2) against the state (treason); (3) against persons (poisoning, use of drugs,
witchcraft, sorcery, infliction of injury); and (4) against private property (killing a thief
cought stealing at night was not punishable). The Greeks were convinced that ‘fate’
was the main cause of crime, with different consequences determined by the gods, and
even Plato accepted the prevailing fatalism, although he considered crime the product
of a faulty education\textsuperscript{46}.

Aristotle\textsuperscript{47} (384 – 322 BC), based his ideas on observation of facts, not on
moral concepts. Man was for him a synthesis of a body and a soul, endowed with
intelligence, emotion and desire. In his Nicomachean Ethics, Aristotle defined crime as
the act not of a sick individual, but of one who acted of his own volition, stimulated by
his own desires. Thus, children, idiots, the mentally ill, and individuals in a state of
early were absolved from criminal responsibility.

According to Aristotle, the social reaction to crime could be preventive or
repressive. His concept of a preventive reaction included three elements: (1) Eugenic
(he distinguished between children who should be abandoned and left to die because of
some deformity). (2) Demographic (the number of births should be limited, and
unnecessary pregnancies should be terminated) and (3) Deterrent (intelligent
punishment was originally limited to private revenge, but it includes such measures as
nodal abandonment (turning the offender over to the victim’s family) and atimy
(perpetual banishment).
As early as the time of the Draconian Code, Greek law drew a distinction between premeditated and involuntary homicide. Plato described four kind of crime: voluntary, involuntary, accidental, and mixed, the last taking place when passion exceeded reason and led to violence. The severity of the imposed punishment was a function of the degree of culpability and was retributive in nature. Plato also introduced the idea of ‘social utility’: a criminal is a sick individual who must be cured he must be disposed of.

Stoicism a school of thought that flourished in Greek and Roman antiquity. It was one of the loftiest and most sublime philosophies in the record of Western civilization. In urging participation in the affairs of man, Stoics have always believed that the goal of all inquiry is to provide man with a mode of conduct characterized by tranquillity of mind and certainty of moral worth. It took its name from the place where its founder, Zeno of Cittium (Cyprus), customarily lectured – Stoa Poikile (painted colonnade).

Zeno, who flourished in the early 3rd century B.C., showed in his own doctrines the influence of earlier Greek attitudes. He was apparently well versed in platonic thought, for he had studied at Plato’s Academy both with Xenocrates of Chalcedon and with Polemon of Athens, successive heads of the Academy. Zeno thought comprised, essentially, a dogmatized Socratic philosophy, with added ingredients derived from Heraclites. The basis of human happiness, he said, is to live “in agreement” (with oneself), a statement that was later replaced by the formula “to live in agreement with nature”. The only real good man is the possession of virtue; everything else (wealth or poverty, health or illness, life or death) is completely indifferent.
Both Plato and Aristotle had thought in terms of the city-state. But Aristotle’s pupil Alexander the Great swamped the cities of old Greece and brought them into a vast empire that included Egypt, Persia, and the Levant. Though the civilization of antiquity remained concentrated in city-states, they became part of an imperial power that broke up into kingdoms under Alexander’s successors. This imperial power was reasserted on an even greater scale by Rome, whose empire reached from central Scotland to the Euphrates and from Spain to eastern Anatolia. Civilization itself became identified with empire, and the development of eastern and Western Europe was conditioned by it.

Since the city-state was no longer self-sufficient, universal philosophies developed that gave men something to live by in a wider world. Of these philosophies, Stoicism and Epicureanism were the most influential. The former inspired a rather grim self-sufficiency and sense of duty, as exemplified by the writings of the Roman emperor Marcus Aurelius the later, a prudent withdrawal from the world of Affairs.

The setting of political philosophy thus became much wider, relating individuals to universal empire, thought of, as in China, as Coterminous with the civilization itself. Its inspiration remained Hellenic; but derivative Roman philosophers re-interpreted it, and Roman legislators enclosed the old concepts of political justice in a carapace of legal definitions, capable of surviving their civilisation’s decline.

Cicero, as he lived in a time of political confusion during which old institutions of the republic were breaking down before military dictators. His De republica and Laws are both dialogues and reflects the classical sense of purpose: ‘to make human life better by our thought and effort’. Cicero defined the res publica (commonwealth as an association held together by laws); he further asserted, as Plato had maintained with his doctrines of Forms manifest in the just city, the cosmic order.
Cicero express the pre-Christian stoic attempt to moralize public power, appoint in the exacting sense of public responsibility shown by Hadrian and Marcus Aurelius in the 2nd century AD.

In the days of the Ptolemies and in the Roman period, it became very common for men to marry their own sisters, especially in the royal families. During the later Archaic period, Solon was the first politician who speaks to the 20th century in a personal voice (Tyrtaeus reflects an ethos and an age). Like the other archaic poets mentioned, Solon write for Symposia, and his more frivolous poetry should not be lost sight of in preoccupation with what he wrote in self-justification. He was man who enjoyed life and wanted to preserve rather than destroy. He had formulated laws for the good governance of the society.

Here it will be important to mention the case of slavery in ancient Greece. The institution of slavery in Greece is very ancient; it is impossible to trace its origin, and we find it even in the earliest times as a necessity of nature, a point of view that even the following ages and the most enlightened philosophers adopted. In later times voices were heard from time to time protesting against the necessity of the institution, showing some slight conception of the idea of human rights, but these were only isolated opinions. From the very earliest times, the right of the strongest had established the custom that captives taken in war, if not killed or ransomed, became the slaves of the conqueror, or were sold into slavery by them... Besides the wars, privacy, originally regarded as by no means dishonourable, supplied the slave markets; and though in later times endeavours were made to set a limit to it, yet the trade in human beings never ceased, since the need for slaves was considerable, in not only Greece, but also still more in Oriental countries. In historic period, the slaves in Greece were for the most part barbarians, chiefly from the districts north of the Balkan Peninsula and...
Asia Minor. The Greek markets held in the towns on the Black Sea and on the Asiatic coast of the Archipelago, not only by the barbarians themselves, but also even by Greeks, in particular in chains, which carried on a considerable slave trade. These slaves were then put for sale at home at Athens on the first of every month... A large portion of the slaves or of a free father and slave mother, who as a rule become slaves, unless the owner disposed otherwise. We have no means of knowing whether the number of these slaves' children born in the houses in Greece was large or small. At Rome, they formed a large proportion of the slave population, but the circumstances in Italy differed greatly from those in Greece, and the Romans landowners took as much thought for the increase of their slaves as of their cattle. Besides these two classes of slave population, those who were born slaves, there was also a third, though not important class. In early times, even free men might become slaves by legal methods; for instances foreign residents, if they neglected their legal obligations, and even Greeks, if they were insolvent, might be sold to slavery by their creditors, a severe measure which was forbidden by Solon's legislation at Athens, but still prevailed in other Greek states. Children when exposed, become the property of those who found and educated them, and in this manner, many of the hetaerae and flute girls had become the property of their owners. Finally, we know that in some countries the Hellenic population, originally resident they were subdued by foreign tribes, and become the slaves of their conquerors, and their position differed in but few respects from that of the barbarians slaves purchased in the markets. Such native serfs were the Helots at Sparta, the Penestae in Thessaly, the Clarotae in Crete, etc. We have most information about the position and treatment of the Helots; but here we must receive the statements of writers with great caution, since they undoubtedly exaggerated a good deal in their accounts of the cruelty with which the Spartans treated the Helots; still, it
is certain that in many respects their lot was a sad one .... The rights assigned by law to
the masters over slaves were very considerable. He might throw them in chains, put
them in the stocks, condemn them to the hardest labour – for instance, in the mills –
leave them without food, brand them, punish them with strips, and attain the utmost
limit of endurance; but, at any rate at Athens, he was forbidden to kill them .... Legal
marriages between slaves were not possible, since they possessed no personal rights;
the owner could at any moment separate a slave family again, and sell separate member
of it. On the other hand, if the slave were in a position to earn money, they could
acquire fortunes of their own; they then worked on their own account, and only paid a
certain proportion to their owners, keeping the rest for themselves, and when they had
saved the necessary amount, they could purchase their freedom, supposing the owner
was willing to agree, for he was not compelled.... The protection given to the slave
was very small, but here again, there were differences I different states.... It would be
impossible to make a guess at the subject are extent, but these are insufficient to give as
any general idea. There can be no doubt that the number was a very large one; it was a
sign of the greatest poverty to own no slaves at all, and Aeschines mentions, as a mark
of a very modest household, that there were only seven slaves to six persons. If we add
to these domestic slaves the many thousands working in the country, in the factories,
and the mines, and those who were the property of the states and the temples, there
seems no doubt that their number must have considerably exceeded that of the free
population"^59.

Rome was the source of the world’s most powerful legal influences. The
Twelve Tables are considered to be the basis of all Roman law, public and private, and
it is thought that they were promulgated about 450 BC. The Tables were secular laws,
clearly different from religions or moral ruler, and included some forty clauses.
The Eighth Table was similar to a body of criminal law and detailed crimes and their punishments. Intentional homicides, setting fire to a dwelling or harvested crop, treason, and parricide were all capital crimes. One who inflicted an injury was subject to a pecuniary sanction or retributive penalty if he did not pay the agreed compensation. Punishments for theft were also prescribed, varying between compensation equal to double the value of the stolen goods and the death penalty for the thief caught in the act. If the thief was a free man, he could be given to his victim as a slave. Death sentences were also imposed on judges or arbitrators caught taking bribes and no witness giving false testimony. However, the sentences could only be carried out with the consent of the whole assembly of citizens, and citizens of Rome were rarely put to death. After the 2nd century AD, exile and banishment became common punishments. The institution of slavery decisively influenced the evolution of the penal system in Rome because the special and very severe sanctions devised for slaves were later extended to the entire population, with the exception of a limited number of privileged and wealthy citizens. When the population of Rome reached one million, during the 2nd century AD; permanent tribunals were established, composed of thirty or more jurors presided over by a proctor. At first, the jurors had to be of the senatorial class, but gentleman, wealthy citizens, and soldiers later became eligible. These tribunals were empowered to deal with cases of treason, homicides, parricide, adultery, corruption, and kidnapping, and there was no appeal from their decisions.

The Greeks and Romans introduced further notions of humane and civilized treatment of non-combatants in war. Plato wrote in his *Republic* that war among the Hellenes should have as its end 'friendly correction', and not destruction of the enemy. The Romans developed the concept of the 'Just War' that alone warranted resort to force. Truces, safe-conduct passes, and armistices were prohibited. This is not to say
that the Greeks or Romans did not engage in barbarous acts in time of war. But the development of ruler of restrain, although frequently violated, established the principle that limits had to be placed forward over the coming centuries

The Roman Civilization society is more or less similar to the Greek Civilization as we will observed in the passage, "Accordingly, society was ordinarily described by contemporaries simply in terms of two classes, the upper and the lower, rich and poor, powerful and dependent, well known and nameless. The upper classes consisted of little more than 600 Roman senators, 25,000 *equites*, and 100,000 city senators; hence, a total amounting to 2 percent of the population. The stratum, from the mid-2\textsuperscript{nd} century defined in law as 'the more honourable,' *honestiores* was minutely subdivided into degrees of dignity, the degrees being well advertised and jealously asserted; the entire stratum, however, was entitled to receive especially tender treatment in the courts. The remaining population was lumped together as 'the more lowly,' *humiliores*, subject to torture when giving witness in court; to beatings, not fines; and to execution (in increasingly savage forms of death) rather than exile for the most serious crimes. Yet because of the existing patterns of power, which directed the *humiliores* to turn for help to the upper stratum, the lower classes did not form a revolutionary mass but constitute a stable element

Slavery, under the Roman Empire, 'was carried to an excess never known elsewhere, before or since. Christianity found it permeating and corrupting every domain of human life, and in six centuries of conflict succeeded in reducing it to nothing.... Christianity, in the early ages, never denounced slavery as a crime; never encouraged or permitted the slaves to the yoke; yet she permeated the minds of both masters and slaves with ideas utterly inconsistent with the spirit of slavery. Within the Church, masters and slaves stood on an absolute equality.
Egyptian Civilization

In ancient Egyptian society, we find that the women enjoyed the high and respectable status, "The queen, whether royal mother or royal wife, though not mentioned in the earliest monument, no doubt occupied the same exalted position as was assigned to her in later days. In the reign of third king of the IIInd dynasty, 'it was determined that women should enjoy royal privileges, i.e., that they should not be disqualified from ascending the throne and enjoying all the dignity and state which appertained thereto'. This is not to be wondered at, for the social position of women in Egypt was always much higher than in other Eastern countries; an Egyptian generally traced his pedigree from a maternal ancestor, as is the case with many primitive peoples, and the mother, or 'lady of the house', enjoyed in Egypt a position of authority and importance rarely met with among other nations". But this status is shameful in the views of human rights, this we can observe through the following passage.

"The high status which 'respectable' women enjoyed in ancient Egypt arose in part from the matriarchal descended in the female line from mother to daughter. When a man married an heiress, he enjoyed her property only as long his wife lived. On her death, it passed to her daughter and her daughter's husband. This practice was never more strictly observed than in the Royal Family, which explains why so many of the Pharaohs married their sisters, or even their infant daughters. Often these marriages were purely formal affairs".

Ramses II married his two sisters, Nefert – ari – meri – Maat and Ast – nefert, by whom he had several children, both sons and daughters, and he married at least three of his own daughters, namely, Bantu – Antu, and Amen – merit and Nebt – taui.

We find here that, in ancient Egypt the woman was queen of her own house, the real mistress of domestic life. When the husband was at home, he was looked upon
rather in the light of a "privileged guest", and the housewife was the respected hostess, holding everything beneath her undisputed sway. In short, she was the very soul and centre of the domestic activity, rising early and stirring the house - hold into life and movement.67.

Passage from the book “The Splendour that was Egypt” by Margaret Murray says:

“The marriage laws of Ancient Egypt were never formulated, and Knowledge of them can be obtained only by working out the marriages and genealogies. It then becomes evident that a Pharaoh safeguarded himself from abdication by marrying every heiress without any regard to consanguinity, so that if the chief heiress died, he was already married to the next in succession and thus retained the sovereignty... the throne went strictly in the female line. The great wife of the king was the heiress; by right of marriage with her, the king came to the throne. The king’s birth was not important. He might be of any rank, but if he married the queen he at once became king; the queen was queen by right of birth, the king by the right of marriage.”68

There is no evidence that marriage was ever regarded as indissoluble, or that any religious ceremony was connected with it. It was surely a civil contract, with a heavy fine imposed on the person breaking it.

**Indus Valley Civilization**

Brahmanic India, one of history’s most absolute theocracies, produced the laws, or Code of Manu, generally thought to date from between the thirteenth and ninth century B.C. It specified that part of the Judge’s faction was to probe the heart of the accused and the witness by studying their posture, mien, and changes in voice and eyes. Thus, this was the first code of law to take account of judicial psychology.

According to the code, litigants were entitled to present witnesses, who were selected from among the middle caste. Women could testify only in matters related to
women, and untouchables only in matters that concerned themselves; slaves were outside the system. Individuals normally not permitted to serve as witnesses, beginning with the king, were required to testify if they were eyewitnesses to a homicide, and in the absence of witnesses, the judge was obliged to discover the truth by means of oaths or ordeals.

Killing a Brahman or stealing his gold, drinking alcoholics beverages, and incest were capital crimes. Punishments for lesser offences included mutation, restriction of liberty, banishment, corporal punishment, and fines⁶⁹.

Caste, in India, dominates everything from the cradle to the grave, and has greatly affected the life of women. The lines of demarcation are deep-drawn and inexorable. The social gulfs are impassable. As one has remarked, the only tie between the castes is the cow, which is revered by all. There are four castes. To quote Manu, 'The Brahmana, the Kshatriya, and the Vaisya castes are the twice born one, but the fourth, the Shudra, has one birth only; there is no fifth caste’⁷⁰. The passages from the Law book i.e. Manu Smriti; can better frame the outline of the society. In book five of Manu Smriti, we find the status of women, which is very well defined, in the ancient Indian society.

“Girls were not welcomed so eagerly as boys; hence the custom of the exposure of girl babies arose, this began in early prehistoric times”.

“When the Hindu patriarchal family began to develop, and the father became more important, the rule arose that a man must not eat with his wife. This regulation probably dates from the seventh or eighth century B.C.

By the fifth century B.C., it was the rule that a girl must be married before puberty. The natural consequence of this religious law was that parents, in their eagerness to secure a marriage for their daughter, betrothed them and had the marriage became the Hindu custom. Hence, through the death of
boy - husbands, virgin child widows of all ages, from a few months old, are common.

The custom of sati, widow burning, came gradual into use before 1000 B.C.

At the same time it became the rule that a widow does not mount the pyre must spent her life in perpetual mourning and ascetism”71.

But, it is considered that, During the early Vedic period, a patriarchal extended family structure gave rise to practice of nityaga (‘levirate’), which permitted a widow to marry her husband’s brother72.

In ancient India however, the society was divided into four-class viz. Brahman, Kshatriya, Vaisya and Shudra. The Brahman were the religious persons and were considered the supreme class and they had all the privileges to be enjoyed. The Kshatriya composed the second class of the society; they were only meant for ruling and governing, this class was the little but inferior than the Brahman. The third class Vaisyas, who were related only with the business and farming and were more subservient, and although their status was not as inferior as that of the Shudras, they appear to have been crucial to the economy. The traditional view of the Shudras, the fourth class, in that they were non - Aryan cultivators, who came under the domination of the Aryans, and in many cases were enslaved and therefore have to serve the upper three castes73.

This fourth class or caste of the ancient Indian Hindu society was considered degraded and was subject to compulsion and atrocities by the higher class. They cannot also, come in front of the priest (Brahman) class, or if by chance they were there or had heard or listen any portion of the sacred hymn (or Slokas), they (Brahman), get their eyes punctured and hot lead was poured in their ear. The Sudras also cannot live in the village along with the other members of the society (i.e. the upper three classes), as they were subjected to racial discrimination.
An important characteristic of caste in that an individual is born into a particular caste and cannot acquire the status of any other caste. The lower the status of women the stronger was the legal tie of marriage. The patriarchal system tended to keep the status of women at a low level, and the emergence of the joint family with special property rights for the male members reinforced male dominance. Yet another aspect of community living where caste discriminating applied was in education. The Law Books are very clear on the point that only the three upper castes are entitled to education. Frequently it was only the Brahmans and the aristocracy who received formal education.

Brahmanism, which is defined as “the religion which has been defined as the religion which exalts the cow and degrades the woman”, has been one of the most potent factors in shaping the life of woman in India. Among the Hindus, woman has no independent spiritual life. Her hope is in being married to a man.

As is discussed earlier, “The caste system of India is not based upon an exclusive descent as involving purity of blood. In the old materialist religion, which prevailed so largely in the ancient world, and was closely associated with sexual ideas, the maintenance of purity of blood was regarded as a sacred duty. The individual had no existence independent of the family. Male or female, the individual was but a link in the life of the family; and any intermixture would be followed by the separation of the impure branch from the parent stem. In a word, caste was the religion of the sexes, and as such exists in India to this day.... The Hindus are divided into an infinite number of castes, according to their hereditary trades and professions; but in the present day, they are nearly all comprehended in four great castes, namely the Brahmans, or priest; the Kshatriyas, or soldiers; the Vaisyas, or merchants; and the Sudras, or servile class. The Brahmans are the mouth of Brahma; the Kshatriyas are his arms; the Vaisyas are his
thighs; and the Sudras are his feet. The first three castes of priests, soldiers, and merchants, are distinguished from the fourth cases of Sudras by the thread, or paita, which is worn depending from the left shoulder and resting on the right side below the loins. The investiture usually takes place between the eighth and twelfth year, and is known as the second birth, and those who are invested are termed the ‘twice born’. It is difficult to say whether the thread indicates a separation between the conquerors and the conquered or whether it originated in a religious investiture from which Sudras were excluded”.

Chinese Civilization

Through historical records available, we cannot get the exact position of status of human rights in China, but it does not mean that they were not just people. However, we find some aspects of barbarism for, “Burials became markedly less egalitarian - one young male was buried with over a hundred jade objects and in other human victims accompanied the dead”79. There are much more articles to support this point, as being the earlier civilized societies and the cradle of Confucianism, Taoism, etc., having good teaching of their religious or spiritual head had forgotten there teachings and acted cruelly with the poor people just to shows pride.

Ancient Chinese law were secular, entirely indigenous, and political intent. Rather than upholding religious values or protecting private property, the law was designed to impose tighter controls upon a society that was losing its old cultural values before new ones had appeared. The first Chinese Empirical Code, although promulgated only in the third century B.C., was based on laws dating from at least three centuries earlier.
The Confucians, who considered that government by law, was secondary to government by moral precepts and example, at first opposed the new law, but eventually as a necessity. The legalists, ardent advocates of the law, were tough-minded men of affairs with no regard for 'human rights'. Although not power-hungry, unscrupulous politicians, they believed that only through total methods could peace and unity be brought to their war torn world. The imperial codes of China were based on four major principles: (1) Prescribing punishment to fit the crime. (2) Differentiating by social status that is, distinguishing among officials, commoners, and slaves. (3) Differentiating among eight privileged groups, the first including members of the imperial family and the last the, ass of commoners, and (4) differentiating within the family according to sex, seniority, and degree of kinship.

Confucianism attached great importance to filial piety, and close relatives were permitted to conceal the crimes of family members without legal penalty. Death sentences in imperial China had to be confined by the highest judicial body, even by the emperor himself, before being carried out. Confucian humanitarianism was expressed in special exemptions and lesser sentences for the aged, the young, and the physically or mentally infirm. In ancient China, it was forbidden in wartime to kill wounded enemies or to strike elderly armed opponents. The Chinese philosopher Sun Tzu wrote in *The Art of War* (400 BC): 'Treat the captives well and care for them. All the soldiers taken must be cared for with magnanimity and sincerity so that they may be used by us'.

Some basic features of human rights, in the context of the ancient civilization were discussed. However, it is very important to analyse the theme in the perspective of Scriptures of the older religions. The distinction between patricians and plebeians, typical of Mesopotamian society, corresponded to social conditions much more highly
developed than those of the Hebrews. Among whom practically no distinction existed between free citizens, who all enjoyed the same rights after attaining their majority, which was fixed in the book of Numbers (1, 3) at twenty years, and served also the lowest age for military services.

In addition to the free citizens, there were the slaves, whether foreign or Israelite. The majority were foreign, and for the most part prisoners of wars, though slaves might also be bought: especially the Phoenicians carried on the slave trade.

In the ancient Near East, as above, the slaves were regarded as a mere chattel of his master's. This conception is partly reflected in Hebrew law, which fixes, for example, the damages to be paid for the killing of another's slave, and does not punish the master who beats his slave so violently as to cause his death some days later. On the other hand, there are not lacking signs of a more humane conception, and in certain points the law protects the slave against his master. Thus the master who puts out an eye or tooth of his slave is obliged to set him free (Exodus 21, 26-27); the Sabbath is a day of rest for slaves as well as for free men; runaway slaves must be harboured and protected, and not restored to their masters (Deuteronomy 23, 15-16).

In addition to the slaves, there was another social class, which did not enjoy the rights as the free citizen, namely the foreigners. The Hebrew divided foreigners into two classes: those who were linked with the Hebrew tribes, and had some claim to their protection, and those who had no such claim. The former were of course a comparatively favoured class, but did not enjoy that equality of rights which was accorded in Mesopotamian law.

From the writing of the Old Testament, a fairly distinct conception can be formed of slavery among the Hebrews. In the book of Genesis, the picture of the slavery is of the patriarchal age. Although the Hebrew, are described as having shown
extreme ferocity in the conquest of Canaan, their legislation as to slavery was, on the whole, considerate and humane. Slaves were not numerous among them, at least after the exile\textsuperscript{83}.

It gives us clear idea of the status of slave in ancient Hebrew society, or among the people of Hebrew Scripture. It will also be worthy to discuss the set-up of the family of the ancient Hebrew society.

To an even greater degree, if possible, than was the case in the ancient nomadic society, the real nucleus of Hebrew social life was the family. As was usual, the father's authority was here supreme. Polygamy was legalised, and betrothal took place in the usual Semitic manner, of which we have already spoken. The bridegroom pays the marriage-price and so attains authority over the bride. Formal contracts are attested but do not seem to have necessary for the validity of the marriage\textsuperscript{84}. The marriage-price (or Mohar), is the basic right of the wife, and not a single person could discharge her from having it. The system of marriage-price is still prevailing in Jewish and as well as Muslim societies. It seems that the institution of divorce was also prevalent in the ancient Hebrew society. Unlike the Mesopotamian society in which divorce was the wife prerogative, here it was exclusively that of the husband. The husband can divorce his wife by simply pronouncing the formula: "This woman is not my wife, and I am not his husband"\textsuperscript{85}. However, the book of Deuteronomy, sets certain limits to the right of divorce, with the evident intention of safeguarding and strengthening the institution of marriage: a man who unjustly accused his bride of not being a virgin was not only obliged to pay a fine, but also precluded from ever divorcing her; similarly, the man who violated an un-betrothed virgin and obliged to marry her and could never divorce her. Adulterers were condemned to death stoning, along with the women, if she had consented\textsuperscript{86}.
In Hebrew law of Deuteronomy 21, 17, states about the right of inheritance, that, the property was divided among the sons, and that the first-born had a double share. Sons of concubines also must have had a right to inherit, as is shown indirectly by the episode in which Sarah induces Abraham to drive away his concubine Hager and her son Ishmael, in order the Isaac may not have to share his inheritance with the later (Genesis 21, 10). There is however no indication of the extent of such a right.

As far as the position of women in the case of inheritance is concern, in the ancient Hebrew law it was very precarious one. "A man’s wife inherited nothing from him, indeed there are even indications which seems to show that at one time she was herself regarded as part of the inherited property; with this state of affairs we may contrast the provision of the Code of Hammurabi, whereby the widow retained her dowry and the gift made to her by her late husbands. Daughters had no right of inheritance in the Old Testament, except in there were no sons to inherit."

Here is another view regarding the status of women in ancient Israel. Just as the unmarried woman was under the authority of her father, the married also was under the authority of her husband. The Decalogue list a wife among a man’s possessions, along with his servants and maids, his ox and his ass. The husband is called the ba’al of a house or field; a married women is therefore the ‘possession’ of her ba’al. Indeed, ‘to marry a wife’ is expressed by the verb ba’al, the root meaning of which is ‘to became master’.

If we consider the above situation prevalent in the ancient Israelite society, the position of women (or status) is wretched one. The wife was considered as property of her husband, as man owns other property and wife belongs to that category. This was due to the custom that, they practice ‘marriage by purchase’. This theory of marriage by purchase gets it support through the custom of the Mohar. The term Mohar occurs
only three times in Bible. While the Bible does not means, that wife is commodity like all other day-to-day use commodities. Instead it, give this as the basic right of wife, it is the surety money. The law doctors misinterpreted and made the ancient Israelite women a commodity.

The bible frequently and unequivocally endorses the death penalty as the proper mode of punishment for many crimes. The Mosaic Code mentions murder, kidnapping, witchcraft, idolatry, sodomy, adultery, incest, blasphemy, and several other offences as punishable by death. The method of execution was to be either by stoning or by burning; hanging was originally a posthumous insult to the offender. Crucifixion was later introduced by the Romans. Opponents of the death penalty sometimes point to the biblical story of the first murderer, Cain, whom God did not punish with death but with banishment and a curse (Genesis 4:8-15). Proponents of the death penalty reply by citing the Noachian commandment, 'Whosoever sheddeth man’s blood, by man shall his blood be shed' (Genesis 9:6). The biblical lex talionis ('eye for eye, tooth for tooth, life for life'), probably a borrowing from the code of Hammurabi, is also often cited as proof of divine authority for the death penalty. But most biblical scholars to day construe this as a limitation on merited punishment (no more than a life for a life), and they point out as well that post – biblical Talmudists favoured a penology built around monetary compensation rather bodily injury, thereby reflecting a shift from punishment as retaliation in kind to proportional punishment.

From the above discussions, it may be concluded that, the concept of some of human rights, is rightly traced in the ancient societies and civilizations. The concept that was later developed into a systematic discipline, by the West in the modern world was basically an upgraded and evolved form of laws and practices, prevailed in the ancient times. Muslims had a system of thought and practice incorporated in the two
basic sources of Islamic Shari'ah – Holy Qur'an and the Sunnah of the Prophet. This system of human right was well elaborated and executed by the Prophet of Islam in the Arabian society. The same was transmitted through the various translations of the Islamic literature to the modern world.
Notes & References:


11. This most heinous custom was abolished by the Qur'an! (4:22); And marry not those women whom your fathers have married, But what is past (is past); Surely (such marrying) is an indecency and a heinous affair; And an evil way.


13. Ibid. pp. 24-25


15. Ibid. p. 297

16. Ibid.

17. Ibid.


19. Ibid. p. 25

20. Ibid. p. 28


22. Ibid., p. 16

23. Ibid. pp. 16-17

25. King Hammurabi succeeded to the throne of Babylon (2130 to 2088 B.C.), young vigorous, and a genius full of fire, destined to be both a law giver and a fighter, a man who would have made an admirable Governor-general of modern Iraq. He was good soldier and pious ruler, great though his deeds may have been, as they are set out, they pale before his wonderful creation, the Code of Laws, one of the most important document with history of the human race. He codified or formulated the laws (around 282 Codes of law), which, even down to seventh century BC it was studied apparently under the name of 'The Judgement of Righteousness which Hammurabi, the great king set up; For Codes of Hammurabi, see Appendix I


28. Codes of Hammurabi; See Appendix I.

29. Kadish, *op. cit.*, Vol. 2, p. 547. The oldest known fragments of a Code of Law are associated with the Sumerian ruler Ur–Nammu (c. 2050 BC). King of the ancient city of Ur, sometimes called Zur-Nammu or Ur-Engur. He founded a new Sumerian dynasty, the third dynasty of Ur that lasted a century. Ur-Nammu was the promulgator of the oldest code of law yet known, older by about three centuries than the code of Hammurabi. It consists of a prologue and seven laws; the prologue describes Ur-Nammu as a divinely appointed king who established justice throughout the land. This code is of great importance to the study of biblical law, which it predates by about five centuries. The two most famous monuments of Ur-Nammu's reign are the great ziggurat (temple) at Ur and his stele, of which fragments remain. The code consisted of a prologue the text and an epilogue. The prologue explained how Ur-Nammu was selected by the Gods as their earthly representative to rule over Sumer and Ur, the body of the text was so badly damaged that only five of the Laws have be interpreted with any degree of certainty: one refers to a trait by some kind of water ordeal, and a second to the returning of a slave to his rightful owner, the other three establish pecuniary compensation for injuries. The epilogue prescribes blessings for those who honour the code and curses for those who desecrate it.

30. Ibid, The Sumerian Law of Eshmunna (c. 1760 BC), includes five groups of delicts: offences against persons and property, abduction of married or betrothed women, sexual
offences, and damage caused by animals. Delicts always called forth penalties, mostly of a pecuniary nature, but the most serious offences were punishable by death.

31. Moscati, op. cit., p. 81
33. Ibid. pp. 105-106
34. Ibid. p. 121
36. Shashi, op. cit., p. 106
37. Canaanite, an inhabitant of the land of Canaan; specifically, one of the inhabitants before the return of the Israelites from Egypt; *Webster's Dictionary of the English Language*, op. cit., p. 262.
42. Roman Civilization is discussed along with the Greece, as most of the time it had been observed that, both the civilizations had more or less common culture and their societies are mostly intermingled.
44. Kadish, op. cit., pp. 548-49.
45. *The New Encyclopaedia Britannica*, Vol. 9, p. 509; Plato the ancient Greek philosopher, the second of the great trio of ancient Greeks – Socrates, Plato, and Aristotle. He developed a wide-ranging system of philosophy that was strongly ethical, resting on a foundation of eternal Ideas, or Forms, that are universals or absolutes. Platonism influenced currents of philosophy up to the 20th century.

Born of a distinguished Athenian family, Plato had political ambitions until he became convinced that there was no place for men of conscience in active politics. After the execution of Socrates, men took temporary refuge at Megara. Plato spent the next five years travelling in Greece, Egypt, Italy and Sicily, where he found a kindred spirit in Dion, brother-in-law of Dionysius I, the tyrant of Syracuse. About 387, he founded the Academy in Athens as an institute for the systematic pursuit of philosophical and
scientific research. He presided over it for the rest of his life, making it the recognised authority also in mathematics and jurisprudence. On the death of Dionysius I in 367 Plato went to Syracuse at the request of Dion to be the tutor for Dionysius II, but the plan to educate a constitutional king failed, and Plato returned to the Academy.

Although Plato considered the foundation and organization of the Academy his chief work, his importance to later generation, has been as one of the greatest of philosophical writers. His dialogues are divided into two groups – the earlier and the later – on the basis of a real difference in thought, perhaps indicating the distinction between the more Socratic thought and the more distinctively Platonic thought.


47. The *New Encyclopaedia Britannica*, Vol. 1, p. 556; Aristotle another ancient Greek philosophers Scientist, and organiser of research, one of the two greatest intellectual figures produced by the Greeks (the other being Plato). He surveyed the whole field of human knowledge, as it was known in the Mediterranean world in his; and his writings long influenced Western and Muslim thoughts.

The son of the court physician to the king of Macedonia, Aristotle was probably, introduced to Greek medicine and biology at an early age. Following of his father, he was sent to the Athenian Academy of Plato (367) and there engaged in dialogue for 20 yrs. On Plato's death in 349, he left Athens and travelled for 12 years, establishing new academies at Assus and Mytilene. He lived at Pella, the capital of Macedonia, for about three years (beginning in 343), tutoring the future Alexander the Great, and retired to his paternal property at Stagira about 339. In 335, he returned to Athens and, at nearly the age of 50, opened the Lyceum, an institution to rival the Academy. For the next 12 years, he organised it as a centre for speculation and research in every department of inquiry; the chief contributions of the Lyceum lay in biology and history. On the death of Alexander in 323, an anti-Macedonian agitation broke out in Athens, and Aristotle withdrew to Chaleis, north of Athens, where he died the following year.

Aristotle’s extant works comprise mostly, it seems notes used in giving Lyceum courses and are of a concentrated, academic nature. The forms, titles, and order of the texts, were given to them by Andronicus of Rhodes, the last head of the Lyceum, almost three centuries after the philosophers death.


49. [http://www.kat.gr/kat/history/Rel/Stoicism.htm](http://www.kat.gr/kat/history/Rel/Stoicism.htm)

http://neptune.spaceports.com/~words/zeno.html; Zeno of Cittium (about the turn of the 3rd century B.C.), he went to Athens as a merchant but lost his fortune at sea. He was consoled by the cynic philosopher Crates, who taught him material possessions were of no importance whatsoever for a man's happiness. He therefore stayed at Athens, heard the lectures of various philosophers, and -- after he had elaborated his own philosophy -- began to teach in a public hall, the Stoa Poikili (hence the named Stoicism).

The New Encyclopaedia Britannica, Vol. 25, p. 597

The New Encyclopaedia Britannica, Vol. 25, p. 993

http://en.wikipedia.org/wiki/Cicero; also, The New Encyclopaedia Britannica, Vol. 3 p. 315; Marcus Tullius Cicero (b. 106 BC), was the Roman statesman, lawyer, scholar, and writer. He served as a quaestor in Western Sicily in 75 BC. He built an extremely successful career as an advocate, and first attained prominence for his successful prosecution in August 70 BC of Gaius Verres, the former governor of Sicily. Despite his great successes as an advocate, Cicero suffered from his lack of reputable ancestry; as no Tullius Cicero had been consul before him, he was neither noble nor patrician, and his family considered unimportant. He studied philosophy under the Epicurean Phaedrus (c. 140 - 70 BC), the stoic Diodotus (d. c. 60 BC), and the Academic Philo of Larissa (c. 160 - 80 BC), and thus he had a thorough grounding in three of the four main schools of philosophy. Cicero called himself a Academic, but this applied chiefly to his theory of knowledge, in which he preferred to be guided by probability rather than to allege certainly; in this way, he justified contradictions in his own works. In ethics, he was more inclined to dogmatism and was attracted by the stoics to Socrates. In religion, he was an agnostic most of his life, but he had religious experience of some profundity during an early visit to Eleusis and at the death of his daughter in 45. he usually writes as a theist, but the only religious exaltation in his writings is to be found in the 'Somnium Scipii' ('Scipio's Dream') at the end of De republica.

Cicero did not write seriously on philosophy before about 54, a period of uneasy political truce, when he seems to have begun De republica, following it with De legibus (begun in 52). These writing were an attempt to interpret Roman history in terms of Greek political theory. The Greek of his philosophical writing belong to the period between February 45 & 44. His output and range of subjects were astonishing the lost De consolatione, prompted by his daughter’s death. Hortensius, an exhortation to the study of philosophy, which proved instrumental in St. Augustine’s conversion; the difficult Academica (Academic Philosophy), which defends suspension of judgement; De officus (Moral obligation). Except in the last book of De officus, Cicero lays no claim to
originality in these works. Writing to Atticus, he says of them 'they are transcripts; I simply supply words, and I've plenty of those'. His aim was to provide Rome with a kind of philosophic encyclopaedia. He derived his material from stoics Academic, Epicurian, and Peripatitic sources. The form he used was the dialogue, but his models were Aristotle and the scholar Hecatcles Ponticus rather than Plato. Cicero's importance in the History of Philosophy is as a transmitter of Greek thought. In the cover of this role, he gave Rome and, therefore; Europe its philosophical vocabulary.

67. Shashi, *op. cit.*, p. 132
68. Murray, Margaret A., *The Splendour that was Egypt*, Sidgwick and Jackson Limited, London, 6th impression, 1957, pp. 100-102
73. Ibid, pp. 38-39
74. Thapar, Romila, *Ancient Indian Social History Some Interpretations*, Orient Longman, Delhi, 1979, p. 31
75. Ibid, p. 32
76. Ibid.
78. Larned, *op. cit.* Vol. II, p. 396
79. Ponting, *op. cit.*, p. 63
82. Moscati, *op. cit.*, pp. 157-160
83. Larned, *op. cit.*, pp. 2911-2912
84. Moscati, *op. cit.*, pp. 157-160
85. Ibid.
86. Ibid.
87. Ibid.
88. Ibid.
90. Ibid.
91. Mohar, was a sum of money which the fiancé was bound to pay to the bride’s father. Mahr, Hebrew Mohar, Syriac Mahra, ‘bridal gift’, originally ‘purchase money’, synonymous with Sadak which properly means ‘friendship’, then ‘present’, a gift given voluntarily and not as a result of contract, is in Muslim law the gift which the bridegroom has to give the bride when the contract of marriage is made and which becomes the property of the wife. Shorter Encyclopaedia of Islam, Mahr, pp. 314 – 315, (n d)
92. Vaux, *op. cit.*, p. 26