

Rescuing the First ones to be Harmed and the Last ones to be Heard: Big Three Divine Religions and the Rights of the Children

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Abstract

The religions are the very first to recognize human dignity, protection of honor, property and life, as almost all human rights revolve around above three protections because the peace, prosperity and non-violence are the core values of every religion. Along with all others' protections and rights, children have been very lucky at least to the extent of recognition of their entities, vulnerability and that's why special protections under the umbrellas of religions. Almost all religions have special arrangements for safeguard, protection and well upbringing of children. The big three divine religions i.e. Judaism, Christianity and Islam all have special provisions all in revealed books Old Testament, New Testament and the Holy Quran. However Islam has prominence in respect that it has even better system of children rights than United Nations Convention on the Rights of child 1989, because UN Convention only recognizes children rights after birth, but Islam not only recognizes children rights before birth but even before inception. Islam has brought revolution to bring out children from the maltreatment and violence they have been facing since centuries. The most of the rights provided by the religions regarding life, property and respect of the children are mandatory but some auxiliary protections and rights are persuasive for the smooth running of the society and betterment of humanity.

Keywords: *Child, Children Rights, violence, pater familias, Judaism, Christianity, Islam, protective, welfarist paternalistic, UN Convention on the Rights of Child, Old Testament, New Testament, Holy Quran.*

Introduction

Almost religions have provided the basis of human rights, morality, respect, mutual cooperation and co-existence. Almost all the religions have especially protected the vulnerable segments of the society such as the old peoples, women and children. Talking about the philosophical basis of children rights, the religion and philosophy have many things in common to find the answers of some fundamental, universal, and age-old questions about the nature of human beings, humanity, individuals and their mutual relations as members of communitarian society¹. The founders of world's major religion, the prominent philosophers all over the world throughout the history, have seriously advocated the value of human life, the fundamental principles and universality, codes for peace and war, responsibilities and moral codes towards the parents, brothers, sisters, and children etc. truly speaking, it was the religion who created *rule-based society* the prior form of *rights-based society*. However, the religious doctrines and philosophers of natural law have been focusing on the universal moral duties and responsibilities rather than what is described 'legal rights' today².

There could have been references to the other religions, for example Hinduism, Buddhism, Sikhism, Bahai'ism, Zoroastrianism, and Chinese traditional religion etc. that too would have protected the children from violence and devised the mechanisms for the upbringing of the children. However, here limitation is made only to the big three divine religions, i.e. Judaism, Christianity and Islam.

1. The protections and Rights of Child in Judaism and Christianity

The image of evil child has its roots in early Christian and prehistoric times, when children were perceived as an evidence of intimacy of their parents. The Christian belief is to bring up the child as early as possible into the Christian family of God³. As stated earlier, that the Greek and Roman used to maltreat the child, however Christianity brought both to Greek and Roman societies that the infanticide was murder, protecting the right to life of the child. For an instance, in 374 the Christian emperors Vanlentinian, Gratian and Valens issued a decree that, if any man

¹Paul Gordon Lauren, *The evolution of international human rights: Visions seen*, University of Pennsylvania Press, 2011, p. 11

²*Id.*, p. 15.

³Hugh Cunningham, *Children and Childhood in Western Society Since 1500*, Pearson Education, 2005, p. 25

or woman kills an infant, it will constitute a crime, punishable with death penalty⁴. The same decree obliged parents to support their children and the very widely existing practice of abandonment of children was made crime also. Many secular organizations for example, Red Cross initiated the voluntary humanitarian services for the protection and betterment of mankind, the basis rooted in the Christianity⁵.

Christianity vigorously opposed the practices and the powers of *pater familias* being practiced in Greek and Roman eras⁶. There are at least five scripture references in The Old Testament regarding the need, seriousness and importance to protect children and to take their utmost care. For example, protection of descendents⁷, I'll comfort you, as mother comforts her child⁸; he (God) shall turn the heart of the fathers to the children and the heart of the children to their fathers⁹; Chose (good) life, that you and your children may live¹⁰; and lastly, it was obligated that one should command his children to observe and obey all and very words of this law¹¹.

Moreover there are about thirteen scriptures obliging parents to shape the behaviors of their children and their exhortations. For an instance, ...but teach them your son and your sons' sons¹², you shall teach the commandments diligently to your children¹³, and you shall teach God's words to your children¹⁴, ... come, listen to me, I shall teach you the fear of the Lord¹⁵, obliging parents to pass on their faith to the following generations¹⁶, a wise son makes a glad father, but a foolish son is the heaviness of his mother¹⁷, Even a child is known by the his acts, whether this work be pure and whether it be wrong¹⁸, train and raise your children in such a way that they should go and when they are old, they will not depart from it¹⁹, foolishness (irrationality) is built-in in the heart of the child, but the stick of rectification shall drive it far

⁴ *Ibid.*

⁵ Maggie Black, *The children and the Nations: The story of UNICEF*, Peregrine Smith Books, 1987, p. 19.

⁶ John T. Carroll, Children in the Bible, *Interpretation*, 2001, vol. 55(2), pp. 121-134.

⁷ *Isaiah* 54:13

⁸ *Isaiah* 66:13

⁹ *Malachi* 4:6

¹⁰ *Deuteronomy* 30:19

¹¹ *Deuteronomy* 32:46

¹² *Deuteronomy* 4:9

¹³ *Deuteronomy* 6:7

¹⁴ *Deuteronomy* 11:19

¹⁵ *Psalms* 34:11

¹⁶ *Psalms* 78:4-6

¹⁷ *Proverbs* 10:1

¹⁸ *Proverbs* 20:11

¹⁹ *Proverbs* 22:6

from him²⁰, withhold not correction from the child, for if you beat him with the rod, he shall not die²¹, listen to your father, who begat you and do not scorn your mother, when she is old²², a child left himself (without proper training) brings shame to his mother²³, remember now your Creator in the days of your youth²⁴ and lastly, inform your children of it and let your children inform their children, and their children to the coming generation²⁵.

However there are references which complemented the childlike qualities to the divine qualities. For example, out of the mouth of babies and suckling, you (have been) ordained strength because of your enemies...²⁶, you are the children of your Lord²⁷, and a little child will lead them²⁸.

Along with Old Testament, the New Testament has at least nine references about the care and protection of the children. For an instance the verses such as, know how to give gifts your children²⁹, decrying those who cause harm to child³⁰, he who welcome a child in my name, is same as he welcome me³¹, for the children ought not to lay up for the parents, but the parents for the children³², and, fathers no to provoke their children to wrath but they should be brought up in nurture and admonition of Lord³³, and fathers to not provoke their children to anger but they should be discouraged³⁴, the Deacons to have only one wife, so they rule and look after well their children and houses³⁵, if she brings up children, be considered well reported good work³⁶ etc. directly provided for the care and protection of the children.

Along with the nine scriptures on the care and protection of children, there are five scripture on shaping the behavior and good character of the children. For example it includes honoring parents³⁷, rebelling against parents³⁸, observing parents³⁹, obeying father⁴⁰ and obeying parents⁴¹.

²⁰ *Proverbs* 22:15

²¹ *Proverbs* 23:13

²² *Proverbs* 23:22

²³ *Proverbs* 29:15

²⁴ *Ecclesiastes* 12:1

²⁵ *Joel* 1:3

²⁶ *Psalms* 8:2

²⁷ *Deuteronomy* 14:1

²⁸ *Isaiah* 11:6

²⁹ *Matthew* 7:11

³⁰ *Matthew* 18:6

³¹ *Mark* 9:37

³² *2 Corinthians* 12:14

³³ *Ephesians* 6:4

³⁴ *Colossians* 3:21

³⁵ *1 Timothy* 3:12

³⁶ *1 Timothy* 5:10

³⁷ *Mark* 7:10

Furthermore there are three references on childlike qualities making their resemblance to the godly qualities. For an instance it includes, discussing God's truth as revealed to children yet hidden from learned men⁴², description of the praise coming from the lips of the children⁴³, you have concealed these things from the prudent and wise, and has disclosed those to babies; in spite of that, father; for so this looked well in your sight⁴⁴. There are fifteen scriptures providing that the adults too are like children, for example, stating that peace makers are sons of God⁴⁵, stating that you must change to become a child⁴⁶, stating that the men and women are the children of God⁴⁷, analogizing trust as sons⁴⁸, describing sons of God⁴⁹, stating God's sons and daughters⁵⁰, referring to the sons of God⁵¹, providing rights as sons⁵², stating that God disciples and his people as sons⁵³ and establishing that we should be called as sons of God⁵⁴.

Christianity contrary to the existing values, provided that the children are utmost important and highly valued. For example there are twenty seven references which specifically provided that the children are of extreme significance. Among others these include, sons and daughters are prophets⁵⁵, sons as arrows to warrior (enemy)⁵⁶, sons around our tables as olive shoots⁵⁷, grandchildren as crown⁵⁸, children as blessed⁵⁹, children rise to bless their mothers⁶⁰, encouraging children to go to Jesus⁶¹, Jesus said, suffer little children and forbid them not, to

³⁸ *Mark* 13:12

³⁹ *Ephesians* 6:1-3

⁴⁰ *Timothy* 3:4

⁴¹ *Colossians* 3:20

⁴² *Matthew* 11:25

⁴³ *Matthew* 21:16

⁴⁴ *Luke* 10:21

⁴⁵ *Matthew* 5:9

⁴⁶ *Matthew* 18:2-3

⁴⁷ *John* 1:12 and *Romans* 8: 14, 16

⁴⁸ *John* 12:36

⁴⁹ *Romans* 9:26

⁵⁰ *2 Corinthians* 6:18

⁵¹ *Galatians* 3:26

⁵² *Galatians* 4:5-6

⁵³ *Hebrews* 12:7

⁵⁴ *1 John* 3:1

⁵⁵ *Joel* 2:28

⁵⁶ *Psalms* 127:4-5

⁵⁷ *Psalms* 128:3

⁵⁸ *Proverbs* 17:6

⁵⁹ *Proverbs* 20:7

⁶⁰ *Proverbs* 31:28

⁶¹ *Mark* 10:14

come unto me: for of such is the kingdom of Heaven⁶² and kingdom of God⁶³, Jesus taking children in his arms⁶⁴, enshrining the promises to the children⁶⁵ and providing that the God gives children⁶⁶.

The Christianity changed the concept regarding the status of children and changed it from as “burden” to “gift”. The New Testament provided that the children are not consumers and burden but are the gifts of God. For example it provided that, God graciously gives children⁶⁷, ... God gives sons⁶⁸ and descendents⁶⁹, children bless a barren woman as a mother⁷⁰, sons as blessings⁷¹ and children given by the God (as gifts)⁷². Along with making them as gifts of God, their importance was stressed in such a way that God has made special promises to them. For example New Testament provides that, children will live long and if the children honor their parents, it would go good for them⁷³, God receives children forsaken by parents⁷⁴, sons as blessed when keeping God’s way⁷⁵, God leads the young⁷⁶, children are promised the kingdom of God⁷⁷, children are the promise of future hope⁷⁸ and lastly, the children have been given assurance of a long life for honoring their parents⁷⁹.

However what is clear from the above verses, it shows that Christianity has provided protective perspective of the child and even the physical punishment has been allowed to make child learn and make him a good, pious and beneficial member in the society. The Bible obliged parents to take care and protect children, but at the same time, it has been held that the children have low social status and virtually powerless⁸⁰. For example Carroll provides that:

⁶² *Matthew* 19:14

⁶³ *Luke* 18:16

⁶⁴ *Mark* 10:16

⁶⁵ *Acts* 2:39

⁶⁶ *Hebrew* 2:13

⁶⁷ *Genesis* 33:5

⁶⁸ *Genesis* 48:9

⁶⁹ *Joshua* 24:3

⁷⁰ *Psalms* 113:9

⁷¹ *Psalms* 127:3

⁷² *Isaiah* 8:18

⁷³ *Deuteronomy* 5:16

⁷⁴ *Psalms* 27:10

⁷⁵ *Proverbs* 8:32

⁷⁶ *Isaiah* 40:11

⁷⁷ *Mark* 10:14

⁷⁸ *Acts* 2:39

⁷⁹ *Ephesians* 6:2

⁸⁰ Lynne Marie Kohm, Tracing the Foundations of the Best Interests of the Child Standard in American Jurisprudence, , *Journal of Law and Family Studies*, 2008, vol. 10, pp. 1-40..

“The biblical tradition prizes children as a blessing given by a gracious God, yet their social position is marginal, and they are vulnerable even to abuse in the name of good household management. It is therefore all the more astonishing that the Gospels present Jesus as —the friend of children in a way that departs radically from this larger cultural and biblical pattern⁸¹.”

However Christianity influenced to a great extent the treatment with children. But despite of this change in treatment, the idea of childhood did not exist in medieval society, because there was no proper conscious awareness and the particular nature of the child, which distinguished him from the adult world⁸². Moreover, along with the child care and protection, Christianity saw the child as essentially corrupt⁸³ and having sinful nature⁸⁴. Similarly the child was seen as lacking in maturity, where wisdom could be achieved in the process of growing to maturity⁸⁵. Puritanism tradition of Christianity perceived children as essentially prone to a disorder which required correction and discipline. Children were thought to be born with original sin, sinfulness of man in their inheritance, which required education, training and constraints of society to tame their sinful behavior⁸⁶. However to conclude, the Old Testament provided the image of childhood as an individual in need of guidance and wisdom, but the New Testament provided its images as an entity to be cared, loved and protected⁸⁷.

2. CHILDREN RIGHTS IN ISLAM

The childhood in Islam is viewed as a hope and an aspiration and is seen as a something to look forward, but when achieved the reaped fruit is the happiness of the soul, delight of the heart and elation of the chest⁸⁸. Islam has provided a ‘protective’ and ‘welfarist paternalistic’ system of children’s rights developed 14 hundred years ago. Although there exist the questions of compatibility of modern concepts of human rights and Islam, which sometimes are the basis of

⁸¹ John T. Carroll, Children in the Bible, *Interpretation*, 2001, vol. 55(2), pp. 121-134.

⁸² Lynne Marie Kohm, *op. cit.*, p. 7.

⁸³ Claire Breen. *The Standard of the Best Interests of the Child: A Western Tradition in International and Comparative Law*, Martinus Nijhoff Publishers, 2002, p. 35.

⁸⁴ Margaret Lamberts Bendroth, and Virginia Lieson Brereton (eds.), *Women and twentieth-century Protestantism*, University of Illinois Press, 2002, p. 75.

⁸⁵ Claire Breen, *The Standard of the Best Interests of the Child: A Western Tradition in International and Comparative Law*, Martinus Nijhoff Publishers, 2002, p. 36.

⁸⁶ *Ibid.*

⁸⁷ As it is clear from the above verses form both of the Old and New Testaments

⁸⁸ UNICEF, *Children in Islam, Their Care, Development and Protection (Summary)*, International Islamic Centre for Population Studies and Research, Al-Azhar University, Egypt, 2005, p. 2.

tension between West and Islam, but if analyzed deeply, we can see a unique framework of the concepts of liberty, freedoms, rights and duties but not unlimited and uncontrolled⁸⁹. However coming to the point, Islam has protected the child before its conception till the adulthood morally, physically and spiritually. Holy Qur'an and Sunnah (the practices of Holy Prophet PBUH) being the basic source of Islamic law, both have extensively provided rights and protections for the children in times, when there was no concept of even rights. Holy Qur'an uses many Arabic terms to signify child, for example *ibn*, *banoon*, *ghulām*, *walad*, *dhurriyya*, *walīd*, *mawlūd*, *ṣabī*, *tiḥl*, *saghir*, sometimes meaning thereby children but sometimes in the sense of off-spring.

Interestingly, many provisions of the UN Convention on the Rights of the Child already exist in Islamic law. For example, It has provided from right to life, right of non-discrimination, the protection of the best interest of the child, right to food and nurture, breast-feeding, property rights, inheritance rights for girls⁹⁰, rights and duties of the parents to bring up their children, to make their best for physical, mental and spiritual development of the children, right to participate and right and importance of education etc. Islam has not made only parents responsible for the rights and protection of children, the state (Khaleefa) as well.

So the main themes of children's rights in Islam can be summed up in the terms of;

- i. Child's right to have good character parents
- ii. Child's right to parentage and his right to know his parents
- iii. Child's right to life, survival and development
- iv. Child's right to health care and proper nutrition
- v. Child's right of protection
- vi. Child's right of non-discrimination
- vii. Child's right to a family, kindred, name, property and inheritance.
- viii. Child's right to education, moral and spiritual development along with acquisition of talents.
- ix. Child's right to live in security and peace, and enjoy human dignity and protection under the responsibility, firstly of the parents and secondly of the state.

⁸⁹ See for example a brief discussion of human rights in Islam in, Shahram Akbarzadeh, and Benjamin MacQueen (eds.) *Islam and Human Rights in practice: perspectives across the ummah*, Routledge Publishers, 2008.

⁹⁰ See for example, Al-Qur'an, 4:11-12. It says, "Allah instructs you concerning (inheritance of) your children ..."

- x. The caring role of society and the state to support all these rights and support families incapable of providing appropriate conditions for their children⁹¹.

2.1.Children Rights Before Birth

Contrary to the contemporary debate of when does childhood begins, whether at inception, later or at birth, Islam recognized children's rights even before the inception. The very first child's right is to choose for him/her a good character mother, who can bring him up well. Holy Prophet said that a woman is married for four reasons, i.e. her wealth, her beauty, her lineage, and her character; marry to woman who has good character⁹², so that your children may have good characters as well.

It is the fundamental rights of the child to have affectionate, noble and righteous character parents⁹³. As discussed earlier that the infanticide was severely prohibited by Qur'an and even Qur'an considers the abortion as infanticide. For example the verse 6: 140, that goes as, *Lost are those, who have killed their children, from folly, without knowledge, and forbid food which Allah hath provided for them, forging against Allah. They have indeed gone astray and heeded no guidance*, clearly prohibit abortion. More over the verse 17:31 which provides, *Kill not your children for the fear poverty, we shall provide sustenance for them as well as for you. Verily the killing of them is a great sin*, is also prohibition of abortion and protects the children before their births. The verse 65:6 puts obligations on fathers to do everything possible to preserve the life of unborn child. Even if there has been divorce among the spouses, and if later it comes to know that the woman was pregnant, the man is responsible for maintenance of her ex-wife till the delivery of the child and then till the weaning period. For example it goes as, *and if they are pregnant, then spend on them till they deliver (child)*.

The best interest principle for the unborn child can be found in the famous case of *Ghamidiyyah*, where Holy Prophet PBUH postponed the sentence of pregnant woman irrespective of her repetitive confessions, not only till delivery of the child but till the suckling period i.e. two

⁹¹ UNICEF, *Children in Islam, Their Care, Development and Protection*, op. cit. p.2.

⁹² Muhammad al-Bukhari, *Sahih ul-Bukhari*, No. 4802; Muslim ibn al-Hajjaj, *Sahih ul-Muslim*, No. 1466.

⁹³ Shabina Arfat, *Islamic perspective of the children's rights: An overview*, op. cit. p. 300.

years⁹⁴. Because the no one is responsible for the acts of the other⁹⁵, hence the child neither during pregnancy nor till the lactating period should suffer for the deeds of his mother or father.

Further, as the *fasting* is obligatory in Islam during the month of Ramadan for every major man and woman but Islam gives right to a pregnant woman not to fast during the Ramadan, if she fears it might harm the fetus. Further if she was in fast, but feels that if she continues her fast till evening, it could affect the fetus, she has right to break the fast any time during the day. Moreover the lactating mothers too have no duty to have fast during the compulsory fasting of Ramadan. Holy Prophet PBUH said, *pregnant women and breast-feeding women have been licensed to break the fast*⁹⁶. All these leaves are for the protection of child either before or after his birth.

2.2. Child's Right to Life

During the days when the infanticide was rampant, people used to bury alive their children (especially girls) and no one had guarantee of his/her life. The girls were considered as “objects of sale”⁹⁷. The practice of infanticide was prevailing all over the Arab world⁹⁸. In pre-Islamic Arab, the infanticides were carried out mainly by two reasons, i.e. poverty or fear of disgrace⁹⁹, although in some other regions it has been practices to control population¹⁰⁰. Islam has strictly forbidden the practices of infanticides.

There are multiple verses in Holy Quran on the prohibition of killing children even any human being. For example Holy Qur'an Says:

⁹⁴ Ibn Hajr Asqalani, *Fath-ul-Bari Bashrah Sahih-ul-Bukhari*, Vol.XII, 773-852, p.119 ; al-Imam Badr al-Din Abi Muhammad Muhamud bin Ahmad al-'Ayni (d. 855), *Umdat Ul Qari Arabi Sharh Sahih ul Bukhari*, Beirut, Lebanon, 1348 A. H. p.291 ; Muhammad Tahir-ul-Qadri, *Legal Character Of Islamic Punishments*, Minhaj-ul-Qur'an Publications, Lahore, Pakistan, 1999, pp. 22-23 ; Muhammad Saed Abdul-Rahman, *Islam: Questions and Answers , Jurisprudence and Islamic Rulings, Transactions*, Part 5, MSA Publication Limited, 2007, Page 275.

⁹⁵ Al-Qur'an, 35:18.

⁹⁶ Abu Dawud, *Sunan Abu Dawud, Kitab Al-Sawm* (Book of Fasting), Chapter “Choosing to break the fast.” 2/329, Hadith No. 2408.

⁹⁷ Niaz A. Shah, *Women, the Koran and international human rights law: the experience of Pakistan*, Martinus Nijhoff Publishers, Leiden, The Netherlands, 2006, p. 27.

⁹⁸ Omar Abdallah Ahmad Shehadeh, Reem Farhan Odeh Maaita, and Jordan Jordan. *Infanticide in pre Islam Era: Phenomenon Investigation*, The Hashemite University, Jordan, 2011, p. 2. See also, Elie Elhadj, *the Islamic shield: Arab resistance to democratic and religious reforms*, Universal Publishers, Florida, USA, 2006, p. 59.

⁹⁹ Gunawan Adnan, *Women and the Glorious Qur'an: An Analytical Study of Women Related Verses of Sūra An-Nisa'*, Universitätsverlag Göttingen, 2004, p. 30.

¹⁰⁰ Glen Hausfater *et al.*, (eds.), *Infanticide*, Aldine Publishing Company, New York, 1984, p. 440.

“Kill not your children for the fear poverty, we shall provide sustenance for them as well as for you. Verily the killing of them is a great sin¹⁰¹.”

Another verse of Qur’an says:

“Kill not your children on the plea of want: we provide sustenance for you and for them¹⁰².”

As in Pre-Islamic era, the people used to bury their girls children alive due to hatred, ignorance and family honor. Islam warned them that they will be asked about what sin she had committed which lead her to death. Holy Qur’an says;

“When the female (infant) who was buried alive, is asked for what crime she was killed¹⁰³.”

And also,

“Lost are those, who slay their children, from folly, without knowledge, and forbid food which Allah hath provided for them, forging against Allah. They have indeed gone astray and heeded no guidance¹⁰⁴.”

Holy Qur’an also provides that killing of an innocent person is equal to killing of whole humanity and saving the life of one person is equal to the saving of whole humankind. For example it provides that:

“Whoever kills a soul unless for a murder or spreading mischief in the land – it is as if he had killed entire mankind. And whoever saves one – it is as if he had saved mankind entirely¹⁰⁵.”

Even today in Indian Sub-Continent if seen broadly and in Pakistan particularly the births girls children are not very welcome and are considered as misfortune. But the before some centuries, the girl children were the major victim of infanticide and live-burying. Holy Qur’an forbid this practice and provided that;

“When news is brought to one of them, of (the birth of) a female (child), his face darkens, and he is filled with inward grief. With shame does he hide himself from his

¹⁰¹ Al-Qur’an, 17 : 31

¹⁰² Al-Qur’an, 6 : 151

¹⁰³ Al-Qur’an, 81: 8-9

¹⁰⁴ Al-Qur’an, 6 : 140

¹⁰⁵ Al-Qur’an, 5 : 32

people, because of the bad news he has had. Shall he retain it on contempt, or bury it in the dust? Ah! What an evil (choice) they decide on?¹⁰⁶

On other many occasions, Holy Qur'an condemned those peoples who become sad and prone to depression on the birth of the girl child¹⁰⁷.

2.3. Child's Right to Nurture, Food and Breast Feeding and Provisions for Orphans

Protection and preservation of the family is one of the basic norms of Islam. Perhaps this is the reason that a large number of mutual rights and duties have been imposed on husband and wife. Similarly the children along with their rights do also have some corresponding duties towards their parents. The extra-matrimonial relations are made strictly punishable to preserve the breed and generation. The divorce was made the most not-recommended among the permissible things in Islam to protect the children, so that they could be raised up by both parents and get love and affection simultaneously from both. Even in the case of pregnant woman, a divorce cannot be valid till the delivery of the child¹⁰⁸.

The nurture has been declared as a right of child. Even Holy Qur'an specifies the time period of breast feeding, duties of father towards the lactating wife and the conditions for foster mothers etc. For example, verse No. 2: 233 provides that:

“The mothers shall give suck to their offspring for two whole years, for him who desires to complete the term. But he shall bear the costs of their food and clothing (of mother of the child) on the equitable terms. No soul shall have a burden laid on it greater than it can bear. No mother shall be treated unfairly on account of her child, nor shall father on account of his child, an heir shall be chargeable in the same way. If they both decide on weaning, by mutual consent, and after due consultation, there is no blame on them. If you decide on a foster mother for your offspring, there is not blame on you, provided you pay (to the foster mother) what you have offered, on equitable terms. But fear Allah and know that Allah sees well what you do.”

¹⁰⁶ Al-Qur'an, 16: 58-59.

¹⁰⁷ Al-Qur'an, 16:56-62; 42:49-50 and 43:15-19).

¹⁰⁸ Niaz A. Shah, *Women, the Koran and international human rights law: the experience of Pakistan*, op. cit., p. 152.

The orphan children either their one or both of parents have died, have been given special status and protection, preserving their human dignity and honor. Their property inheritance rights are guaranteed. Holy Qur'an says:

“And they request from you, (O Muhammad), a (legal) ruling concerning women. Say, " Allah gives you a ruling about them and [about] what has been recited to you in the Book concerning the orphan girls to whom you do not give what is decreed for them - and (yet) you desire to marry them - and concerning the oppressed among children and that you maintain for orphans (their rights) in justice." And whatever you do of good - indeed, Allah is ever knowing of it¹⁰⁹.”

Holy Qur'an provides the provisions for the guardianship of child of person and property. For an instance, it goes as, “

“And do not give up to the fools (and prodigals) their property which Allah has made as a means of support, but feed and clothe them therewith, and speak to them words of kindness¹¹⁰. And test the orphans (with regard to their intelligence) until they reach the age of marriage; if then you find sound judgment in them, release their property to them, and do not devour it extravagantly in anticipation of their growing up....”¹¹¹

The peoples have been asked to protect the orphans not only physically but their properties as well. And cheating in property, taking undue share from the property of the orphans is strictly prohibited. For example Holy Qur'an provides, “*Indeed, those who devour the property of orphans unjustly are only consuming into their bellies fire. And they will be burned in a Blaze¹¹².*” Similarly on another place, Qur'an says, “*And give to the orphans their properties and do not substitute the defective (of your own) for the good (of theirs). And do not consume their properties into your own. Indeed, that is ever a great sin¹¹³.*” The illegal interference into the orphans' affairs is held to be a great mischief. Holy Qur'an says, “*And do not approach the orphan's property except in a way that is best until he reaches maturity¹¹⁴.*”

¹⁰⁹ Al-Qur'an, 4 : 127

¹¹⁰ Al-Qur'an, 4 : 5

¹¹¹ Al-Qur'an, 4 : 6

¹¹² Al-Qur'an, 4 : 10

¹¹³ Al-Qur'an, 4 : 2

¹¹⁴ Al-Qur'an, 6 : 152

Even at the time of division of property, the orphans along with other needy people are to be considered with priority. Holy Qur'an provides, "*And when (other) relatives and orphans and the needy are present at the (time of) division, then provide for them [something] out of the estate and speak to them words of appropriate kindness*¹¹⁵." The people misbehaving with orphans have been really disliked and are held the worse of others by the Holy Qur'an¹¹⁶.

Holy Qur'an advises special love and care of such children and never be the victim of hate and misbehavior. It provides, "*So as for the orphan, do not oppress (him)*¹¹⁷." The cooperation with them in real life is too much recommended. Holy Qur'an says, "*And they ask you (O Prophet PBUH) about orphans. Say, Improvement for them is best. And if you mix your affairs with theirs - they are your brothers. And Allah knows the corrupter from the amender. And if Allah had willed, He could have put you in difficulty. Indeed, Allah is Exalted in Might and Wise*¹¹⁸."

Holy Prophet (PBUH) He himself was orphaned at the very early age as His father Hazrat Abdullah (A.S) was died even before the birth of the Holy Prophet and His mother Hazrat Amina (A.S) passed away when Holy Prophet was of 6 years. So He PBUH had special concerns for the orphans. He PBUH said, *the best among the Muslims' houses is, where an orphans lives, and he is treated kindly. (Conversely) the worst house is that where an orphan dwells but he is maltreated*¹¹⁹. Holy Prophet PBUH said, "*I swear of Allah, who made me Prophet, on the Day of Judgment, Almighty Allah will not send him to Hell, who cared for an orphan and talked with him kind heartedly*¹²⁰."

Islam not only protected children after birth but since their inception. Along with the conceived children, the pregnant woman do also has rights regarding the child in her womb. Qur'an says that:

"Lodge them (women) (in a section) of where you dwell out of your means and do not harm them in order to oppress them. And if they are pregnant, then spend on them until they give birth. And if they breastfeed for you, then give them their payment and confer among yourselves in the acceptable way; but if you are in discord, then there may breastfeed for the father another woman. Let a man of wealth

¹¹⁵ Al-Qur'an, 4 : 8

¹¹⁶ See for example, Al-Qur'an, 107: 1-3 and 89: 17-20.

¹¹⁷ Al-Qur'an, 93: 9

¹¹⁸ Al-Qur'an, 2 : 220

¹¹⁹ Ibn Mājah, *Sunnan Ibn-e-Maja, Kitaab ul-Adab, Baab Haqq ul-Yateem*, 2-1213, No. 3679.

¹²⁰ Tibrani, *Al-Mojam ul-Aosat*, 8-346, No. 8828.

spend from his wealth, and he whose provision is restricted - let him spend from what Allah has given him. Allah does not charge a soul except (according to) what He has given it. Allah will bring about, after hardship, ease¹²¹.”

2.3. Child's Right of Non-Discrimination

Islam also characterized and reformed gender equality. The girls (women), slaves and the people belonging to low caste, lower social stratum and nomadic tribes were not treated alike to the men, free and people with high social status. Islam removed all these differences and devised an egalitarian society. Even the girls (women) were accorded more protections than the boys (men)¹²². The last Sermon of Holy Prophet (PBUH) is an excellent piece on the principles of non-discrimination on any basis¹²³. David Pearl says that, one of the Muhammad's (PBUH) major aim was to alleviate the deprived role of the woman and thus much of the legal material to be found in Qur'anic verses concerns the very real attempt to enhance the legal position of the woman¹²⁴. For example Holy Qur'an provided that, O Mankind! We created you from a single (pair) of a male and a female, and made you into nations and tribes, that ye may know each other (not that ye may despise each other)¹²⁵.

The parents are under obligation not to prefer one child over other, nor make feel other the inferiority complex. Islam has strictly forbidden neglect, different treatment and favouritism among the children. For example, once a companion Nu'maan Bin Basheer (R.A) narrates that his father Basher Bin Sa'd took him to Holy Prophet PBUH and said, “*I have given this son of mine a slave*”. The Holy Prophet PBUH said, “*Have you given all your sons the same?*” My father replied in negative. Then the Holy Prophet PBUH said “*take back your gift then (from this son too)*¹²⁶”. In another narration, He PBUH said, “*Fear Allah and be just among your children*”¹²⁷.

¹²¹ Al-Qur'an, 65 : 6-7

¹²² For example see in detail in, Yvonne Yazbeck Haddad, and John L. Esposito (eds.), *Islam, gender, & social change*, Oxford University Press, 1998.

¹²³ See details on the last Sermon of Holy Prophet PBUH in the section of, basic principles of UN Convention on the Rights of the Child

¹²⁴ David Pearl, *A Textbook on Muslim Law*, Croom Helm, London, 1979, p. 2-3.

¹²⁵ Al-Qur'an, 49 :13

¹²⁶ *Ibid.* Al-Bukhari, Kitaab-l-Hibbah, Baab-ul-Hibbat lil Walad, Hadith No. 2587 ; Sahih-ul- Muslim, Kitaab-ul-Hibbat, Baab Karaahiyyat Tafdeel Ba'dh il-Awlaad fil Hibbah, vol. 9, p. 1623; Ahmad ibn Shu'ayb ibn Ali ibn

Similarly in another incident, the same companion of the Prophet PBUH narrates that once my father gifted me some wealth. My mother objected on this gift and said that, she would agree if the Holy Prophet PBUH was made witness. My father went to the Prophet PBUH and told the story. Prophet PBUH said, “*Have you given same things to all other your children?*” My father replied in negative. Then Holy Prophet PBUH said, “*fear from God, and do justice among your children*¹²⁸.”

Although, the discrimination among children is strictly prohibited both by Qur’an and Holy Prophet PBUH, However as the girls children were discriminated most in any respect, Holy Prophet PBUH allowed some kind of positive discrimination in favour of daughters to honour them as they were the victims everywhere. For example, Holy Prophet PBUH said, “*Keep in mind the equality while gifting your children, but if there be any kind of preference, it should be for the daughters*¹²⁹.”

Similarly, Holy Qur’an provides that it is the duty of the children to be always kind to their parents, especially in their older age. For example it says that:

“Your Lord has decreed that you worship none but Him, and that you be kind to parents. When one or both of them attain old age in your life, say not to them a word of contempt, nor repel them, but address them in the terms of honor. And out of kindness, low to them the wing of humility, and say, “oh My Lord! Bestow on them Your mercy even as they cherished me in (my) childhood¹³⁰.”

So in Islam, the children have their fundamental rights as to be treated justly, fairly and equally. They should be treated equally in the terms of financial gifts, inheritance and paternal love and affection. None among the child should be the victim of special paternal hatred, neglect, anger, dismay and any other kind of discriminatory behaviour. These provisions even are stronger than

Sīnān Abū `Abd ar-Rahmān al-Nasā’ī, *Sunnan Nisa’ee ul Kubra*, 4-116, No. 6502 ; Mālik ibn Anas ibn Mālik ibn Abī `Āmir al-Asbahī, *Mu`watta Imam Malik*, 2-751, No. 1437 ; Sahih Ibn-e-Hayaan, 11-499, No. 5100.

¹²⁷ Al-Bukhari, *Kitaab-ul-Hibbah*, Baab-ul-Ishaad fil Hibbah, Hadith No. 2587; Sahih-ul- Muslim, *Kitaab-ul-Hibbat*, Baab Karaahiyyat Tafdeel Ba`dh il-Awlaad fil Hibbah, vol. 14, p. 1623.

¹²⁸ Ismail ibn Kathir, *Tafseer Ibn-e-Kaseer ul Quran il-Azeem*, 2-30; *Sahih Muslim, Kitaab ul-Hibbat, Baab Krahat Tafzeel*, 3-1242, 1243, No. 1623.

¹²⁹ Ibn Hajar al-Asqalani, *Fatah ul-Baari Asqalaani*, 5-214; Abu Bakr Ahmad ibn Husayn Ibn 'Ali Ibn Moussa al-Khosrojerdi al-Bayhaqi, *Sunnan ul-Kubra Bai`qee*, 6-177; Abu al-Qasim Sulaiman ibn Ahmad ibn Al-Tabarani, *Al-Mojm ul-Kabeer Tibraani*, 11-354, No. 11997.

¹³⁰ Al-Qur’an, 17: 23-24.

the one of the basic principles of the UN Convention on the Rights of the child enshrined in its article 2.

2.4. Education and Morality of the Children

Holy Prophet (PBUH) and also Holy Qur'an have stressed on parents and have made duty of each individual to get education to the maximum extent. The very first revelation on the Holy Prophet PBUH starts with the word "read"¹³¹. According to the Qur'anic instructions, the people with knowledge are exalted ones. For example, Holy Qur'an says that, *Are those who have knowledge equal to those who do not have knowledge?*¹³² *And Allah will rise the rank of those people who have knowledge*¹³³.

The importance of education was so magnified that Holy Prophet said, *seek knowledge even if you have to go to China for that because getting education is duty of every Muslim*.¹³⁴ He (PBUH) again said that, *"Seek Knowledge from the cradle to grave"*¹³⁵. There is another Hadith of Holy Prophet that, *"seeking knowledge is obligatory for every one male or female"*.

In a war, Holy Prophet (PBUH) ordered that, if a prisoner of war teaches 10 children reading and writing, he would be released¹³⁶. Hazrat Abdullah Ibn-e-Abbas (R.A), a companion of Prohphet (PBUH) narrates that Holy Prophet said that, *"honor your children and educate them well"*¹³⁷. Abdullah ibn-e-Umar narrates that the Prophet once addressed to parents stating that, *"educate your child because you are responsible for educating and edifying him, just as he is required to devote and obey you"*¹³⁸.

Along with the physical and material needs of the children, Islam has emphasized on the spiritual and moral development of children. For example Holy Prophet (PBUH) said, *it is best for a man*

¹³¹ Al-Qur'an, 96: 1.

¹³² Al-Qur'an, 39: 9

¹³³ Al-Qur'an, 59:11

¹³⁴ Sunnan Ibn-e-Maja, *op. cit.*, No. 224. See also, Mansoor Al-A'ali, Computer ethics for the computer professional from an Islamic point of view, *Journal of Information, Communication and Ethics in Society*, 2008 vol. 6(1), pp. 28-45

¹³⁵ Nasim Akhtar, *Arabic and Islamic education system for women in India during 20th Century: an analytical study*, Jawaharlal Nehru University Press, India, 2014, p. 2.

¹³⁶ Imam Muhammad Shirazi, *The Prophet Muhammad - A Mercy to the World*. Create space Independent Pub, 2013, p. 74

¹³⁷ Abū 'Īsā Muḥammad ibn 'Īsā as-Sulamī aḍ-Ḍarīr al-Būghī at-Tirmidhī (824-892), Sunan Al-Timidhi, in Muhammad Nur Suwayd, *Raising Children in Islam: Moral and Social Upbringing*, Al-Falah Foundation, Cairo, Egypt, 2005, p. 7. *Sunnan Ibn-e-Maja, Kitaab-ul-Adab, Baab bar-il-wald*, 2-211, No. 3671.

¹³⁸ Muhammad Nur Suwayd, *op. cit.*, p. 7

to cultivate his child than to give on a measure of food¹³⁹. He (PBUH) again said that, *a parent does not grant his child a gift better than instilling moralities in him*¹⁴⁰. It was said that, “bequeathing moralities to children is better than bequeathing money to them. Moralities will help them gain money, high rank, love of others and goodness of the worldly life and the hereafter¹⁴¹. It is also said that, *Allah grants piety and parents grant morality*¹⁴². Holy Qur’an provides moral guidance and rules for relationships between the children and parents¹⁴³.

2.5.Care, Protection, Love and Affection

Children in Islam are considered as blessing and an *amanah* (trust) from God to us¹⁴⁴, and the responsibilities of the elders are the inviolable rights of the children. Holy Qur’an says, “*O You who believe, protect yourselves and your children from fire...¹⁴⁵*” Children have been held as the comfort of the eyes by the Holy Qur’an. For example it says that: “*Oh our Lord! Grant us wives and children, who will be the comfort of our eyes*¹⁴⁶.”

Holy Prophet (PBUH), He himself set examples that the children should be cared and protected at their utmost. He (PBUH) said that, “*he who does not revere elders and have no mercy for young children, does not belong to us*¹⁴⁷.” Once a Bedouin came to the Prophet PBUH and said, “*Do you kiss your sons?*” We do not. The Prophet PBUH said to him, “*I cannot put mercy in your heart after Allah has uprooted it from your heart*”¹⁴⁸. Once Prophet PBUH kissed His grandson Hassan Bin Ali (A.S) in presence of His companion Al-Aqra Ibn Habis At-Tamimi, thus Aqra said to the Holy Prophet PBUH, “*I have ten children and I have never kissed anyone of them*”. Holy Prophet PBUH looked at him and said, “*Whoever is not merciful to others, will not be treated mercifully*”¹⁴⁹.

¹³⁹ Muhammad Nur Suwayd, *op. cit.*, p. 6.

¹⁴⁰ *Ibid.*

¹⁴¹ Imam ash-Sharani, *Tanbih al-mughtarrin*, Zam Zam Publishers, 898 A.H. p. 41.

¹⁴² Al-Bukhari, in Muhammad Nur Suwayd, *op. cit.*, p. 12

¹⁴³ Judith E. Tucker, *Women, family, and gender in Islamic law*, Cambridge University Press, UK, 2008, p. 39.

¹⁴⁴ Shabina Arfat, Islamic perspective of the children’s rights: An overview, *Asian Journal of Social Sciences & Humanities*, 2013, vol. 2(1), pp. 299-307.

¹⁴⁵ Al-Qur’an, 66:6

¹⁴⁶ Al-Qur’an, 25 : 74

¹⁴⁷ Reported by, Abu Dawud, Imam Ahmad and At-Tabarani, in Abdullah Nasih Ulwan, *Child Education in Islam*, Dar Al-Salam Publishers, Cairo, Egypt, 2013, p. 28.

¹⁴⁸ *ibid*

¹⁴⁹ *Sahih Bukhari, Kitab-ul-Adab, Babul Rahmat il wald*, 5-2235, No. 5651 ; Ahmad bin Muhammad bin Hanbal Abū ‘Abd Allāh al-Shaybānī, *Musnad Ahmad Bin Hanbal*, 2-228, 241, 269 and 514.

Holy Prophet (PBUH) said about His only daughter¹⁵⁰ Hazrat Fatima Zahra (A.S) that, “*Fatima is mine piece*” and *Oh Allah, Fatima is beloved to me*”¹⁵¹. Holy Prophet even went very far about His grandson, Hazrat Imam Hussain ibn-e-Ali (A.S) that, *Hussain is from me, and I’m from Hussain*, meaning thereby that Hussain (A.S) is my son but it is the Hussain, who will save me and my religion from all kind of invasions.

The children are entitled for due respect from their parents and other members of the society. During the days, when the daughters were considered as curse, Holy Prophet PBUH changed these so called customs and He PBUH used to stand up whenever His PBUH only daughter Fatima Zahra (A.S) came to Him. Holy Prophet PBUH used to see off in the last to Fatima (A.S) when He left for journey and used to see Her (A.S) very first than anyone else on His PBUH return. Holy Prophet said that, “*whoever brings up two daughters well-mannerly till their puberty, they (daughters) will bring him to Heaven*. In another narration, *he will be with me like these two fingers* (He raised up His two fingers)¹⁵². In another hadith, He said, “*he who has three sisters and three daughters, and he behaves them kindly, Heaven is for him*”¹⁵³.”

The child labor is also prohibited in Islam. There are various verses in Holy Qur’an, which explicitly provide that the Almighty wishes for you the ease, not the hardships. For example, Holy Qur’an provides “*He has chosen you and has not laid upon you in religion any hardship*”¹⁵⁴. Again Holy Qur’an says that, “*Allah desires for you ease. He desires not hardship for you*”¹⁵⁵.” The same chapter provides that, “*Allah does not put burden beyond his capacity*”¹⁵⁶.”

2.6. Miscellaneous Rights of Children

Holy Prophet PBUH forbade telling children the false tales, lying, and false promises even in jokes and jests. For example He PBUH said that, “*whoever says to a boy, ‘come here I will give you something without the intention of giving him, it would be recorded against him as lie*”¹⁵⁷.” Anas Bin Malik, said that, *I have spent 10 years with Holy Prophet PBUH (as a child) and He*

¹⁵⁰ But some (Sunni Islam) hold that Holy Prophet had 4 daughters.

¹⁵¹ Sahih-ul-Bukhari, Babul Manaqib, vol. 4, p. 183 and 209.

¹⁵² Sunnan Ibne Maja, Kitaab-ul-Adab, Baab bar-il-wald, 2-1210, No. 3670,

¹⁵³ Sunnan Tirmidhi, 4-318, 320, Nos. 1912 and 1916.

¹⁵⁴ Al-Qur’an, 22: 78.

¹⁵⁵ Al-Qur’an, 2: 185

¹⁵⁶ Al-Qur’an, 2: 286

¹⁵⁷ Reported by Imam Ahmad, in Muhammad Nur Suwayd, *op. cit.*, p. 32.

never said to me 'Pshaw!' and never blamed me by saying, "why did you do so or why did you not do so ?"¹⁵⁸

The children should also make learn the social behaviors and greetings so that they should be loved by the elders of the society. The parents were made obliged to teach their children that they should greet the elders, whenever they meet. For example Holy Prophet PBUH said, *the riding person should greet the walking one, and the waling one should greet the sitting one, and the small number of persons should greet the large number of persons, and the young should greet the old.*¹⁵⁹ Anas Bin Malik reports that, Holy Prophet PBUH said to me, *"O son! If you enter upon your family, you should greet them for it would be a blessing upon you and your household."*¹⁶⁰

The ill children have special rights not only corresponding to their parents but to the other member of the family, friends and society as well. The ill child has a right to be visited because it alleviates his pains and helps him in establishing social relations. Holy Prophet PBUH used to visit such children. For example a Jewish child used to visit Holy Prophet PBUH. One day He PBUH came to know that the Jewish child was ill, so He PBUH himself went to the child's home to visit him and sat near his head¹⁶¹.

The other children's rights in Islam are, to choose good mother for him, giving him good name¹⁶², right to lineage, right to *aqiqah*¹⁶³ and right to socialization¹⁶⁴. The children have right that they should be protected even from the evils of the society and bad friends. Once a companion of Prophet PBUH along with his new born son and said to the Prophet PBUH, what rights do this child have over me? Prophet PBUH said, *"give him a good name, teach him ethics and keep him at good place (bring him up in good manners)"*¹⁶⁵. He again said, *"Give your children good names, because you will be called by your names on the Day of Judgment"*¹⁶⁶.

¹⁵⁸ Muhammad Nur Suwayd, *op. cit.*, p. 37.

¹⁵⁹ Reported by Al-Bukhari and Muslim, in Muhammad Nur Suwayd, *op. cit.*, p. 52

¹⁶⁰ Reported by At-Timidhi, in Muhammad Nur Suwayd, *op. cit.*, p. 52

¹⁶¹ Muhammad Nur Suwayd, *op. cit.*, p. 54

¹⁶² The Corresponds to the provisions of UNCRC, 7 and 8.

¹⁶³ Slaughtering of goat on the 7th day of the child's birth.

¹⁶⁴ Shabina Arfat, *Islamic perspective of the children's rights: An overview*, *op. cit.*, p. 302-303.

¹⁶⁵ Muhammad Bin Ahmad Saleh, *Al-Tifl Fil Shari'at-il-Islamia*, p. 74. This corresponds to the provisions of UNCRC, 19, 23, 24, 28, 29, 32, 33 and 40.

¹⁶⁶ *Sunnan Aby Dawood, Kitab-ul-Adab, Baab fee taghai'ir-ul-isma'a*, 4-287, Hadith No. 4948

The Holy Qur'an gives particular attention to the child's right to life, sustenance, property and freedom of conscience¹⁶⁷.

Conclusion

To conclude, we can say that the religions are the first who tried to rescue the children from the violence and maltreatment inside the home from parents and outside the home from public at large. The patriarchal organization of the family unit in most of the societies of the world historically and traditionally, categorized them as human being but without independent social and legal status. The concepts in many societies of "male parent lord" and "male breadwinner" have impregnated the legal, socio-cultural and economic relations within the family in major system of the world. Islamic Law, Anglo-American Law, European Law and Roman law could be the clear examples of patriarchal values, which placed the women and children under the protective control of the male adult. The Concepts of *wilaya* in Islamic law¹⁶⁸, *coverture* in English Common law, *munt* (husband's guardianship) in Germanic Law¹⁶⁹, *marital power* in European Law and *patria potestas* in Roman law all supplemented the concept of children and women lack the independent legal and social authority. All three religions recognized them as separate entities from parents with separate rights and special protections. Islam being the modern and the religion of nature even has made them most precocious beings with almost all human rights and special protections due to their vulnerability and tender age.

So to overcome and reduce the today's miseries of children all over the world, the adherence to religions and following their golden principles regarding respect for humanity may be one the sources of deliverance for the world's children. As the religions were the first who recognized and protected the rights of the children and in modern era, where the atheism and "no religion" is growing up rapidly, the religions again may be helpful for the augmentation of respect for humanity, minimizing the sufferings of the children and to bring them up and live honored and blessed lives.

¹⁶⁷ Dejo Olowu, Children's rights, international human rights and the promise of Islamic legal theory, *Law, Democracy & Development*, 2008, vol. 12(2), pp. 62-85.

¹⁶⁸ Although the concept of *wilaya* does not take away the legal and social status of the children and woman, but it is unfortunately misinterpreted and mal-observed too even till today that, the institution of *wilaya* takes the legal and social status of the children as well. It is just like guardian, who is to protect the child or woman, where he/she can't protect him/herself. Islamic law provided the property and custodial rights to the women, which were not accorded in Roman, Civil and English Common Law.

¹⁶⁹ The institution of *Munt* (husband's guardianship) of early Germanic Law authorised the husband to beat, kill and sell the wife.