

NECESSITY FOR REVIEWING THE RIGHT OF WOMEN FOR THE PURPOSE OF PROVIDING SOCIAL PEACE

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ABSTRACT

Social peace is peaceful symbiosis of social groups without discrimination and violence and poverty in the society which is the result of building peace and it is something other than establishing or maintaining peace and is raised as peace building and is not related to war at all but it forms in the domain of society and is built in a long process. Here, the role of women in social peace is very important which is studied in their capability framework and this capability is the result of two preconditions, that is, informing and creating capacity. Present article attempts to state the necessity of paying attention to this important issue and to achieve its objective which is in forming women about their rights toward achieving the main goal of the holy religion which is presenting religious issues, that is, creating peace.

KEYWORDS: Women Rights, Capability, Informing, Building Capacity and Social Peace

The efficiency of women in creating social peace and maintaining it is taken for granted. The writer of present article believes that requires identifying the rights of women exactly in holy religion of Islam and performing it accurately in a way that achieving this precondition we gain capability and it is effective in building social peace and accurately presenting logical definitions is required.

Since this important issue has not been paid attention to in the field of legal studies and in the studies conducted, there is no record of the issue has been found, it seems that it is an evident and interdisciplinary issue and at the same time, it is very important because the main objective of the holy religion of making- law is to establish peace and agreement.

A real and objective Definition of the peace

Peaceful living without any tension and violence based on observing and accepting other people's rights is the most real and objective definition of the peace. In Quranic concept, a peaceable human must not only observe the rights of others but also he must constantly know responsibilities toward others and such a human will be peaceable or Peace-seeker in an internal and external interaction. With this statement, Quran shows the stable and real route of peace whose result is achieving social peace.

A simple Definition of Social peace

Social peace means peaceful symbiosis of social groups which is formed in social domain and is built in a

long process and in general, it could be interpreted as establishing stable security in society.

The necessity of raising women right with the aim achieving social peace

A – The necessity for raise the right of women

These days paying attention to human rights is one of the most basic and challenging issues in the countries around the world. Thus, societies and governments make an attempt to show that they are in close relation with the rules or measures of human right.

In this perspective less strategies could be found that intend to show their view and behavior nonfair and nonhumanistic, since the extension of literature is based on equal human right and the criterion and the measure of assessing growth and development in each country.

Meanwhile in this study, it could be claimed that women in different countries are dealt with, with different degrees of inequalities and gender deprivations and the issue of women is still one of the social issues which is raised in the world.

Although the issue of women is still an epidemic issue, in the societies where democracy and human rights are of priority and have been established, the political rights of people in the framework of "law dominance" is respected by the governments and as a result, women have more access to civil rights and women have not benefited from welfare actions for the purpose of facilitating the life of women and making required laws and rules for reducing gender discriminations and they

have not had access to all their human, Family, social and political rights but the fact is that a lot of serious attempts are made and some positive results are sometimes obtained.

Nowadays woman investigating is an academic discipline in the world.(1) While the issue of women in Moslem countries is faced with specific views and challenges, on one hand, most at these countries are affected by the problems of under development or the problems of transferring societies and, on the other hand, they are encountered with the theoretical and practical issues originated from "Tradition" and "Modernity" which, in turn, have outcomes such as identity crisis and meaning. (2)

The Muslims people in these Societies like those of other countries in the world derive benefit from the scientific and technological manifestations, but, mean while, they are confused while facing the intellectual found actions and introducing the modern world and become worried about transformation and losing their national and religious identity. Accordingly, issues related to women due to its historical background and dominance of man- dominating culture are considered with higher accuracy and details and in some cases a solid and nonreflective structure are seen from them as if the smallest transformation in the situation of women lead to the destruction of social and political structures including family. As a result while women in some countries work at the highest administrative and political posts such as presidency, in some other countries there are numerous disputes on the issue of women voting right or even their driving. In such situations, the achievements resulting from improving the women situations are considered serious dangers for maintaining balance and safety (health) in the society. Since the reduction in the manly power means the destruction of family structure and it is considered a threat to the culture and cultural and social structures of the society.(3)

Some scholars seek to reply the existing challenges based on verbal and belief foundations. Their most important weapon while facing these questions is pointing to disgraces available in the west world and exaggeration in supporting the women. They consider the foundations of modern movements as omanism, secularism and materialist of modern age and criticize this disgraces and foundations. (4)

The ignored issues which remain on the rights of women are the problem or conflict between tradition and justice. In the conflict between tradition and justice, the tradition should not be put aside with hurry and acceleration but justice should be achieved using conditions and notes temporarily and to think of the fixed and constant solutions in a deeper space. (5)

Given the grooving participation of women in education arena especially at higher level, attempts for redefining individual and social identity of them in view of religion seems to be a new requirement.

Studies show the more the education of women. The rate of rethinking about their traditional identity increases.(6)

In new societies, women have the opportunity to examine their chance in a widespread spectrum of different fields and since women must lose their previous and established identity more than those of men, they experience the revival period in more complete and contradictive way.(7)

This issue not only in our country, but also throughout the world has been experienced. In this regard, Castels writes: The aspects of women's transformation and social sciences in most societies, in less than three decades is wonderful. The transformation of gender society accepting process in regard with the presence of women in public arenas have been intensified aiming at acquiring higher social positions along with extending education. Specially at higher education level among women. But no appropriate change in relative to it in regard with the presence and participation of men in private arenas and gender work-division has not been observed. As women like most other people in the society not only are faced with problems could by reduction in social capital such as reducing public confidence level, weakness in social norms and increase in social deviation. But also they are in interaction with the problems of transfer period more than men, since their usual traditional roles are in more in contradiction with new awareness and claims and they are more in contradiction with the structure of men- dominance, but, on the other hand creating their gender needs and demands considers transformation in present situation as a requirement for them. (8)

The growth of personification and identity of women and interaction with women in advanced and

civilized world of today tendency to transforming attitudes and legal structures among women is raised as a serious challenge and lack coordinance among formal achievement in regard with expectations level, like not changing discriminative legal rules, violence against women especially home violence, ignoring the desires and demands of women, the gap between government and people are especially revealed more among women. While opportunities could be provided for them to present their view on women rights and their demands.(9)

Discussions which makes religious rules or verdicts reviewable and answers new problems. Moslem women these days are clearly aware of the effects of time and place on religious verdicts.

They know that when in a period, banning the women vote right is a religious verdict, but in another age, it is not only a right but also it is a duty.

While the content of the religion is fixed, the time conditions and requirements which have been connected to changes and transformations. These days women ask: Why should we accept that we cannot amend and balance the implications from religion like other women in the world?

Has the religion not been presented for establishing the social peace and justice among humans?

Whether women do not form half the human society? Thus, how the women are expected to be religious but have no objection to the deficiency in their humanistic rights.

B –Providing social peace

Peaceful living of social groups together shows the existence of social peace in the society.

These groups while enjoying their rights, Remove barriers on the way of social peace such as poverty and discrimination and violence. Among these groups the role of women in building social peace is very important which is studied in their capability framework and this capability means playing role in decision- making process in affairs which are related to their fate and the result of two preconditions of informing (awareness-giving) meaning complete awareness of their freedom and rights in the framework of holy Islam religion and building capacity meaning having required sensitivity toward the freedom and rights of others.

This means that women while demanding their rights and practical act for achieving them play an active role in building reciprocal perception and constant discussion among social groups and since women themselves have been one of the vulnerable classes in the society during history and have always suffered from violence and discrimination, they can be active in removing such barriers in the society and build social peace and as a large social group help other groups in peaceful symbiosis in the society.

Without doubt, women are worried about human peace and stability and think that attempt for amending and promoting their legal situation not only is not harmful to the Family and society but it is exactly toward the social peace: for this purpose, in Islamic society they help the protection of intellectual and religious beliefs in today's dashing world through invitation to studying religious texts and holy Islamic orders (verdicts). Now we should see that what strategy the legal science adopts for the purpose of doing its mission which is answering the most basic needs of human in the field of social order and peace in encountering these undeniable role of women in transformations which forms the basin of all societies?

Dominant legal systems cannot help revealing their strategies against the transformations formed in regard with the women issues whether at present transformed conditions the women seek to maintain them or not? And if they do what measures they have taken?

As a result, the deficient reels (circles) existing in societies which expose women in incapability. Should be identified which, in turn, needs amendments infrastructure affairs. Since the main purpose and intention of the religion is creating peace and agreement which is not observed and this issue itself is a barrier to social peace.

It is evident that due to ignoring many problems, that are a lot of legal gaps in a way that no attention has been paid to the preventive ways of violence against women.

Identifying deficient reels(circles)in the societies regarding women rights requires exact identification of women's rights in the holy religion of Islam and its right administration in a way that by achieving this precondition the women can obtain capability and could be influential in building social peace and toward this end,making changes in some rights(laws) and regulations

on the side of religion scholars is very necessary and they should enter in to this discussion sooner and more seriously and remove today's existing challenges which in this case, we can hope to build friendship and closeness between religion, revival and establishing security especially in Islamic societies, otherwise, fundamentalism radicalism will be strengthened by fighting against religion.

Identifying some of the deficient reels(circles)

It is evident that due to ignoring a lot of issues, there are a lot of legal gaps in a way that no attention has been paid to preventive methods of violence against women. Hence, the result of present study is identifying deficient circles which some examples are provided as follows:

Providing the future needs is the main concern of employed women, housewives, rural and urban women while islam has never wanted the women to be worried about their future, but unfortunately, we have always accepted and administered the limitations of islam and ignored the special attentions of religion toward women or covered them partially.

Marriage-portion payment has no guarantee for administering since nobody pays it before or after marriage and this is against the Islamic law in regard with providing the future needs of women.(10)

A moslem woman given the right of having marriage-portion, alimony(subsistence).Inheritance and blood-money, etc., which have been considered in islam, she must be given the rights not to be bothered or affected by different violence either physically or sexually.

Ignoring sustaining to family and wife is a case of violence to women and the punishment for it is in vein and lacks efficiency.

Imprisonment punishment for the man is not a solution. But, it leads to more violence toward the wife and children and finally results in divorce and homelessness of the family members. And the man after releasing from prison is not willing to take care of his family members. Unfortunately in present bas economic conditions not only alimony does not work or is not administered but urban women themselves in most cases manage the family.

Accordingly, the legal definitions in this regard must be fecundated and its cases be determined, also civil

administrative guarantee and punishment proportionate to the act should be considered in a way that it could be preventive and does not result in separating families and intensifying violence against women.

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