

THE CONCEPT OF HUMAN RIGHTS IN ISLAM

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Abstract

"The matter of Human Rights has been basic and burning issue of human society. The society can never exist properly if there is no peaceful environment and for peaceful environment, the protection of basic human rights is the first and foremost condition, because violation in this regard creates frustration as a result of which disturbance appears and the deprived people ultimately express severe reaction, but after they live oppression which is a shameful matter for the society, whenever human right violation emerged, society lost its balance. So many organizations have been working to defend the Human rights but the issue is that the said organizations succeeded to achieve the purpose or not. The real answer is nil keeping the ground reality in view. The most important point to be considered is that Islam is the best champion of Human rights not only in words but also in practice, so in order to understand the spirit of the concept of Human Rights, Islam is the original source to be studied but there is no way otherwise, if peace is required. The model state and society is the only created by the last Holy Prophet (Peace be upon him). The following article throws light on the topic."

This article briefly dwells upon human rights as conceived in the Quran, which man enjoys as an integral part of their definition and identification as a human being, without which man ceases to be a man and becomes a beast.

Human Rights mean rights (including freedom) to which each and every human being is entitled.

Human rights have been defined differently by different writers according to their ideological, philosophical and sociological view points. The word “Human” is suffixed to the word “rights” which means Rights (including freedom) which each and every human being is supposed to enjoy. According to some thinkers, human rights are fundamental to the extent that they form part and parcel of “natural law”, whereas some thinkers regard most of them as part of “treaty law”.¹

Human Rights, as defined by Concise Law Dictionary are “rights which are believed to belong justifiably to every person; in other words, they are rights to which every human being is entitled.”²

Furthermore, Right means that option whereby a person is entitled to certain privilege against another person by virtue of being a human being. Since in a state of civilized life, men need one another; it is, therefore, in consideration of such human needs that God has granted human beings choice of interaction with one another to some extent. They are, hence, entitled to certain rights against one another.

In Islam, Human Rights are categorized into two categories, which are identified by the Muslim Jurists as rights of God or Divine Rights and rights of God’s servants or Human Rights. The first category means those rights which are based on the consideration of collective good rather than personal / individual good. Moreover, their violation bring upon the violators immense harm and adverse consequences, whereas their observance results into infinite benefits, both of spiritual and material nature, and as such they are ascribed to the Divine source which takes care of all creatures, irrespective of colour, creed, cult, race or affiliation; these rights may be named social or collective rights. On the other hand, human rights are concerned with individuals. In point of observance, the difference between Divine Rights and Human Rights is that the observance of the former is solely and wholly duty of the governments, whereas the observance of Human Right has been left to the choice of a person or persons. These rights may face the risk of their violation such as in the case of theft or slander, which is a crime committed against the entire society. It is, therefore, not permissible for a person whose belonging is stolen to forgive the crime of the culprit. The second example is that of house renting, in which the house owner is permitted to exempt his renter of paying the rent.

The Muslim Jurists while dividing rights into Divine and in Human refer to them as rights-in-personam and Rights-in-rem

respectively, and then they have mentioned the following categories of personal rights according to various tasks and objectives:

- Freedom of Thinking
- Freedom of Expression
- Freedom of Work
- Right of Life
- Right of Honour
- Right of Property
- Right of Inheritance
- Family Rights
- Rights of Parents
- Rights of Babies
- Rights of Servants
- Rights of Non-Muslims

Islam is the torch bearer of Human Rights. The last sermon which the Prophet of Islam on the eve of Hijjat-ul-Wada (Farewel Pilgrimage) delivered is the first comprehensive, revolutionary manifesto of Human Rights.

Human history is full of instances of both good and evil with the evil being predominant. Ever since the emergence of man as self conscious being, there have been conflicts, disputes, battles and bloody wars amongst groups and nations, not to speak of intrigues and conspiracies against one another, all having led to tragedies and miseries. This dismal picture has called for something to be done to put an end to the rule of “Law of Jungle” in human life. With this we see, both in the East and the West, thinkers and sages talking and writing about justice and human rights. In the East, thinkers and social reformers like Confucius, Lotze, Farabi, Ghazali, Ibn-e-Rushd, Ibn-e-Maskaweh, Ibn-e-Khaldun, Ibn-e-Arabi, Rumi and Allama Iqbal, etc. have approached problems of human life from their respective view points.

In the West, thinkers like Soctrates, Plato, Aristotle, Kant, Hegel, Neitche, Roussou, Heidegger, Sartre, Martin Buber, Hobbs, Lock, Hume, Bertrand Russel and John Dewey etc. have tried in their own ways to offer solution to these problems. The result has been a rich harvest of theorizing and practice with its focus on human rights.

What is human right?

This question has been answered by different thinkers in different ways. A critical survey of their theories leads one to some

commonalities regarding the definitions or identification of human rights such as human life, property and honour as the three values which have been considered fundamental in the realm of human life.

Prior to the emergence of Islam, the entire world was divided into systems of personal rule of despotic or autocratic nature. The logical and natural result of this division has been the rule of one elite class or minority headed by a king / monarch over majority with slave ownership and their sale and purchase and exploitation as well as misuse and abuse of women. In this scenario, the clouds of uncertainty always hovered over the horizons. The actual condition of the world before the appearance of Islam on the scene can be briefly judged from J.H. Denison's portrayal of the state of the civilized world at the time of the appearance of Islam on the theatre of history; he says:

“It seemed then that the great civilization that it had taken four thousand years to construct was on the verge of the disintegration, and that mankind was likely to return to that condition of barbarism where every tribe and sect was against the next, and law and order were unknown. The older tribal sanctions had lost their power. Hence the old imperial methods would no longer operate. The new sections created by Christianity were working division and destruction instead of unity and order. It was a time fraught with tragedy. Civilization, like a gigantic tree whose foliage had overarched the world and whose branches had borne the golden fruits of art and science and literature, stood tottering, its trunk no longer alive with the flowing sap of devotion and reverence, but rotted to the core, riven by the storms of war, and held together only by the cords of ancient customs and laws, that might snap at any moment. Was there any new type, for the old sanctions and ceremonials were dead, and to build up others of the same kind would be the work of centuries.”³

What a keen and sensitive reader may gather from this passage is that pre-Islamic world, despite its monumental glory and beauty of culture and civilization, with its traces and remains extant now here and there, was a world torn apart in between states of enmity, hostility, insecurity, uncertainty and occasional wars always

ready to disrupt any time at any place. In this dismal and miserable situation, the prospect of human rights was a thing undreamt of. The condition of common man, woman and slaves was deplorable.

Islam appeared in this chaotic state of affairs. The function of religion and religious life in Islam is primarily to raise a community for the welfare of mankind. This function has been clearly stated in the Quranic verse:

كُنْتُمْ خَيْرَ أُمَّةٍ أُخْرِجَتْ لِلنَّاسِ تَأْمُرُونَ بِالْمَعْرُوفِ وَتَنْهَوْنَ عَنِ الْمُنْكَرِ⁴

“You are the best community raised for the welfare of the mankind. You direct people to do what is good and to prevent them from doing wrong.”

(al-Quran 3:110)

This verse categorically pinpoints welfare of all human beings in general and bidding good and preventing evil in particular as fundamental duty of that community. In other words, human welfare and good to the exclusion of evil and wrong is the basis on which the edifice of human rights is raised.

There is another Quranic verse in which Allah is reported to have said to angels that he is going to place in the earth a vicegerent, to which angels are said to have reacted by saying:

أَتَجْعَلُ فِيهَا مَن يُفْسِدُ فِيهَا وَيَسْفِكُ الدِّمَاءَ وَنَحْنُ نُسَبِّحُ بِحَمْدِكَ
وَنُقَدِّسُ لَكَ⁵

“Do you place therein the one who makes mischief and bloodshed therein, whereas we glorify you and sanctified Your Name.”

(al-Quran 2:30)

In these verses, mischief in the earth and bloodshed have been mentioned as major evil which the Quran plans to uproot by raising the institution of *adl* and *ehsan* through the agency of what the Quran calls *khilafa* (vicgerency), which means an ideal society where the rule of justice and restoration of good (*ihsan*) prevails being a phenomenon more sublime than what the angels have envisioned. But this institution of justice and good restoration is a trust called *amana* in the Quran “about which the Quran says that Allah presented the *trust* to the heavens and the earth and the mountains, which they refused to shoulder being afraid of its violation, whereas man shouldered that trust, but he proved wrong-doer and ignorant. What does this trust mean? It means a number of specific responsibilities in

terms of rights to be granted to humans qua humans and duties to be shouldered by them in order to qualify for these rights. The first and foremost right of a human being is to survive and live peacefully and honorably, being a fundamental human right as explicitly mentioned in the following verses:

مِنْ أَجْلِ ذَلِكَ كَتَبْنَا عَلَىٰ بَنِي إِسْرَائِيلَ أَنَّهُ مَن قَتَلَ نَفْسًا بِغَيْرِ نَفْسٍ
أَوْ فَسَادٍ فِي الْأَرْضِ فَكَأَنَّمَا قَتَلَ النَّاسَ جَمِيعًا وَمَنْ أَحْيَاهَا فَكَأَنَّمَا أَحْيَا
النَّاسَ جَمِيعًا⁶

“Thereafter we made this ordinance against Children of Israel that whosoever killed a soul in lieu of no soul killed, it shall be considered as if he has killed all mankind, and whosoever saved a soul, it shall be considered as if he has saved all mankind.”

(al-Quran 5:32)

In these verses, human right to life and honour has been introduced as one of the most fundamental human rights. At the same time, the value of human life and dignity of man have been stressed in clear-cut terms. Human excellence and dignity is the recurrent theme of the entire Quranic message, especially in the following verse:

لَقَدْ خَلَقْنَا الْإِنْسَانَ فِي أَحْسَنِ تَقْوِيمٍ⁷

“We have created man in the best stature.”

(al-Quran 95:4)

Freedom to think, freedom to express, freedom to work, right of life, right of honour, right of property, right of inheritance, family rights, rights of parents, rights of babies, rights of servants and rights of Non-Muslims are a few things which the Quran time and again stresses, especially in the following verses:

Freedom of Thinking:

قُلْ إِنَّمَا أَعْطِيكُمْ بِوَاحِدَةٍ أَنْ تَقُومُوا لِلَّهِ مَنَّيَ وَفُرَادَىٰ ثُمَّ تَتَفَكَّرُوا⁸

“I exhort you to one thing and it is that you stand up for God, singly or by twos and then think.”

(al-Quran 34:46)

Freedom of Expression:

وَلْيَقُولُوا تَقُولًا سَدِيدًا⁹

“Say openly in a clear cut way. “

(al-Quran 4:9)

Freedom of Work:

اعْمَلُوا مَا شِئْتُمْ إِنَّهُ بِمَا تَعْمَلُونَ بَصِيرٌ¹⁰

“Do whatever you will. He (Allah) is observer of whatever you do.”

(al-Quran 41:40)

إِنَّمَا تُجْرَوْنَ مَا كُنْتُمْ تَعْمَلُونَ¹¹

“You shall be rewarded for what you do.”

(al-Quran 52:16)

Right of Life:

وَلَكُمْ فِي الْقِصَاصِ حَيَاةٌ يَا أُولِي الْأَلْبَابِ لَعَلَّكُمْ تَتَّقُونَ¹²

“And for you in retaliation there is a new life O men of intelligence (understanding).”

(al-Quran 2:179)

Right of Honour:

وَلَقَدْ كَرَّمْنَا بَنِي آدَمَ¹³

“And We honoured Children of Adam.”

(al-Quran 17:70)

Right of Property:

إِنَّ الْأَرْضَ لِلَّهِ يُورِثُهَا مَنْ يَشَاءُ مِنْ عِبَادِهِ¹⁴

“The earth belongs to Allah, He grants it to those of His servants to whom so ever He wills.”

(al-Quran 7:128)

أَوَلَمْ يَرَوْا أَنَّا خَلَقْنَا لَهُمْ مِنْ مِمَّا عَمِلَتْ أَيْدِينَا أَنْعَامًا فَهُمْ لَهَا مَالِكُونَ¹⁵

“Did they not see that how among the things Our hands have made, We have created for them the cattle, so that they are their owners.”

(al-Quran 36:71)

Right of Inheritance:

يُوصِيكُمُ اللَّهُ فِي أَوْلَادِكُمْ لِلذَّكَرِ مِثْلُ حَظِّ الْأُنثِيَيْنِ¹⁶

“Allah exhorts you regarding your children: a male has a share equal to the share of two females. (subject to terms and conditions)

(al-Quran 4:11)

Family Rights:

الرِّجَالُ قَوَّامُونَ عَلَى النِّسَاءِ¹⁷

“Men are caretaker of women.”

(al-Quran 4:34)

لِّلرِّجَالِ نَمِيبٌ مِّمَّا كَتَبُوا وَاللِّسَاءِ نَمِيبٌ مِّمَّا كَتَبْنَ¹⁸

“Men have a share in what they earn, and women have a share what they have earn.”

(al-Quran4:32)

Rights of Parents:

وَقَضَىٰ رَبُّكَ أَلَّا تَعْبُدُوا إِلَّا إِيَّاهُ وَبِالْوَالِدَيْنِ إِحْسَانًا إِنَّا بِيَلْعَنَ عِنْدَكَ
الْكَبِيرَ أَحَدُهُمَا أَوْ كِلَاهُمَا فَلَا تَقُلْ لَهُمَا أَكْفٌ وَلَا تَنْهَرُهُمَا وَقُلْ لَهُمَا قَوْلًا
كَرِيمًا¹⁹

“Your Lord has enjoined you to worship none but Him, and to show kindness to your parents. If either or both of them attain old age with you, show them no sign of impatience, nor rebuke them; but speak to them kind words.”

(al-Quran 17:23)

Rights of Babies:

وَالْوَالِدَاتُ يُرْضِعْنَ أَوْلَادَهُنَّ حَوْلَيْنِ كَامِلَيْنِ لِمَنْ أَرَادَ أَنْ يُتِمَّ الرَّضَاعَةَ
وَعَلَى الْمَوْلُودِ لَهُ رِزْقُهُنَّ وَكِسْوَتُهُنَّ بِالْمَعْرُوفِ لَا تُكَلَّفُ نَفْسٌ إِلَّا
وُسْعَهَا لَا تَضَارَّ وَالِدَةٌ بِوَلَدِهَا وَلَا مَوْلُودٌ لَهُ بِوَالِدِهِ وَعَلَى الْوَارِثِ مِثْلُ
ذَلِكَ فَإِنْ أَرَادَا فِصَالًا عَنْ تَرَاضٍ مِنْهُمَا وَتَشَاوُرٍ فَلَا جُنَاحَ عَلَيْهِمَا وَإِنْ
أَرَدْتُمْ أَنْ تَسْرِعُوا بِأَوْلَادِكُمْ فَلَا جُنَاحَ عَلَيْكُمْ إِذَا سَلَّمْتُمْ مَا آتَيْتُمْ
بِالْمَعْرُوفِ وَاتَّقُوا اللَّهَ وَاعْلَمُوا أَنَّ اللَّهَ بِمَا تَعْمَلُونَ بَصِيرٌ²⁰

“Mothers shall give suck to their children for two whole years for him who wishes the sucking to be completed. They must be maintained and clothed in a reasonable manner by the father of the child. None should be charged with more than one can bear. A mother should not be allowed to suffer on account of her child, nor should a father on account of his child. The same duties devolve upon the father’s heir. But if, after consultation, they choose by mutual consent to wean the child, they shall incur no guilt. Nor shall it be any offence for you if you prefer to have a nurse for your children, provided that you pay her what you promise, according to usage. Have fear of Allah and know that He is cognizant of all your actions.”

(al-Quran 2:233)

Rights of Servants:

وَاللَّهُ فَضَّلَ بَعْضَكُمْ عَلَى بَعْضٍ فِي الرِّزْقِ فَمَا الَّذِينَ فُضِّلُوا بِرَأْدِي
رِزْقِهِمْ عَلَى مَا مَلَكَتْ أَيْمَانُهُمْ فَهُمْ فِيهِ سَوَاءٌ أَفَبِعَدْوِ اللَّهِ يُجْحَدُونَ²¹

“God has made some of you more affluent against some in matter of resources so those whom He has made affluent are not going to return their provision to their servants whereas they are equal therein; do they deny God’s bounties and blessings?”

(al-Quran 16:71)

Rights of Non-Muslims:

وَلَوْلَا دَفَعُ اللَّهُ النَّاسَ بَعْضَهُمْ بِبَعْضٍ لَهَدَّتْ صَوَابِعُ وَيَبْعُ وَصَلَوَاتُ
وَمَسَاجِدُ يُذَكَّرُ فِيهَا اسْمُ اللَّهِ كَثِيرًا²²

“If it were not for God’s repelling some people by means of others, then certainly synagogues and cloisters and temples and mosques what have been destroyed, wherein Gods’s name is often mentioned (frequently remembered).”

(al-Quran 22:40)

All these verses clearly state human liberty in the domains of thinking, expression, and selection of any job as they clearly state man’s right to have reward / award according to the nature, quality and quantity of his work. Besides these fundamental rights, there are other auxiliary but necessary rights, which the Quran considers a Muslim worthy of enjoining them, including education enjoined by the Quran upon human beings to receive it. In this respect, the Prophet (PBUH) has made a revolutionary declaration by saying:

طلب العلم فريضة على كل مسلم و مسلمة

“To seek knowledge is a duty imposed on each and every Muslim, man and woman.”

According to the Quran, men and women have equal rights and obligations in Muslim society. This verse is very clear on this point.

وَلَمَن يَثُلِ الَّذِي عَلَيْهِنَ بِالْمَغْرُوفِ وَلِلرِّجَالِ عَلَيْهِنَ دَرَجَةٌ وَاللَّهُ عَزِيزٌ
حَكِيمٌ²³

“Women have rights with justice equal to their duties (similar to those exercised against them), although men have a status above women. Allah is Mighty and Wise.”

(al-Quran 2:228)

According to the Holy Quran, man by nature is good and subservient to the ways of God. It is only environment that pollutes this intrinsic and inherent goodness and law abiding nature of man. Logically and naturally, it is, therefore wrong and unjust to judge humans on their environmentally dictated beliefs and works – a point clearly brought into limelight by the Holy Prophet in his following sayings:

كل مولود يولد على فطرة الاسلام فابواه يهودانه او ينصرانه او

يمجسانه

“Every soul and new born baby is born according to the nature of Islam; it is their parents who make them Jews or Christians or Magians.”

It is in accordance with this Quranic view of man’s inherent and intrinsic goodness that the Quran in its story of Adam has put forward the concept of the fully self actualized rational man endowed with knowledge of all things , i.e., *insan-e-kamil* (perfect man) as vicegerent of God on the earth as the symbol of ideal and sublime humanity, and Children of Adam as ones on whom God has bestowed honour and dignity by virtue of the fact that God has created Man and then evolved him into another creation of very special nature as clearly stated in the following Quranic verse:

وَإِذْ قَالَ رَبُّكَ لِلْمَلَائِكَةِ إِنِّي خَالِقٌ بَشَرًا مِّنْ صَلْصَالٍ مِّنْ حَمَإٍ مَّسْنُونٍ
فَإِذَا سَوَّيْتُهُ وَنَفَخْتُ فِيهِ مِن رُّوحِي فَقَعُوا لَهُ سَاجِدِينَ²⁴

“Remember when Your Lord (Allah) said to the angels: I am going to create a mortal out of clay from black moulded loam. So when I have perfected him and breathed into him of My spirit, then fall (kneel down) and prostrate before him.”

(*al-Quran 15:28-29*)

It is in consideration of this inherited honour and dignity that man enjoys certain rights vis-a-vis certain duties, at the top of which are rights to honourable life, dignity, property, education, and freedom to think and express freely and work and then to have reward / award according to the nature, quality and quantity of his work, equality between men and women before law and rights of parents, children, new born babies, servants and non-Muslims in an Islamic state.

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- ²¹ (al-Quran 16:71)
- ²² (al-Quran 22:40)
- ²³ (al-Quran 2:228)
- ²⁴ (al-Quran 15:28-29)