

Right to Liberty and Freedom of Expression in Islam

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Of all the rights and liberties, liberty of thought and expression is the most basic and valuable right for any dynamic and progressive society. To retain the creativity of a society, the right of free thinking and speech must be granted to its individuals without any reservation and discrimination.

Generally speaking, freedom of Expression and thought means that:

“Every individual has the right to express and communicate any idea that he entertains and that there should not be any curb on him in the exercise of such right by the state or any of its agencies”.(1)

Freedom in Islam is one of the most sacred rights, which gives dignity and richness to the achievements of man on this earth. Islam considers liberty to be the foundation of all human values and human dignity. It is liberty that distinguishes man from the rest of creation. The Quran affirms with great emphasis the freedom of choice granted to man. The very essence of virtue is the free choice of a right.(2)

According to Islam, the real base of an individual freedom is his full faith in Towhid, (believe in one Allah). This concept of Towhid is the real source for the freedom of man in his individual and social capacity. It provides him a strong base. “He lives and dies for Allah; he loves no one and fears no one, but for the sake of Allah. His hopes and expectations are linked with the will of Allah. His body could be made captive but his soul is completely and eternally free from all captivity. Being benevolent to fellow beings, he demands no reward from them”.(3)

The Quran has elaborated this concept in many of its ayat, like:

﴿وَمَا أَسْأَلُكُمْ عَلَيْهِ مِنْ أَجْرٍ إِنْ أَجْرِيَ إِلَّا عَلَى رَبِّ الْعَالَمِينَ﴾

“O my people! I ask to you No reward for this (Message). My reward is from The Cherisher of the World”.(4)

﴿قُلْ إِنْ صَلَاتِي وَنُسُكِي وَمَحْيَايَ وَمَمَاتِي لِلَّهِ رَبِّ الْعَالَمِينَ﴾

“Say: Truly, my prayer and my service of sacrifice. My life and my death, are (all) for Allah, The Cherisher of the World”.(5)

Influenced by the above mentioned teachings of Quran and like others a believer in Islam leads his whole life free from all fears and shackles. In no case he is ready to become the mental slave of other

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civilization and societies. He thinks freely and believes in what he considers true and right.

Commenting on the issue of Freedom of Expression in Islam Parveen Shaukat Ali states as:

“Islam does not permit any individual or a ruler to snatch the liberty and personal freedom of anyone as this gift has been bestowed on him by Almighty Allah. The political freedom, freedom of thought, religious freedom and civil freedom are all guaranteed by Islam”.(6)

Khalid M. Ishaque, an eminent Pakistani jurist expresses his views on the issue speaks as:

“In exercise of their powers neither the legislature nor the executive can demand in questioning obedience”.(7)

The Islamic concept of freedom is much superior to the concept prevalent in the West. “In Islam freedom like other rights, is subservient to the essential interests and values that are important to sustain a stable socio-political order, which is not be hurtful to others and not to infringe their rights or affront their dignity”.(8)

Unlike the western concept of freedom, Islam maintains balance between the interest of the individuals and the society and thus prevents any encroachment upon society by the individuals or on the individuals by the society.(9)

In the views of Syed Abul Ala Maududi “Islam aims at striking such a balance between them as would promote the liberty of a person and at the same time ensure that such freedom is not detrimental to the interests of the community as a whole”.(10)

M. Cherif Bassiouni observes it as:

“The individual is regarded in Islam as the most important unit of the Cosmos. His dignity and honor is taken care of at the level best. Thus under no circumstances he can be humiliated or disgraced. He has the full protection of law. He can be punished without a trial in an open court of law and after his guilt is proven”.(11)

Amin Ahsan Islahi, a famous Pakistani scholar narrates a hadith of the Messenger of Allah Muhammad (SAW) by stating that:

“Once the Messenger of Allah Muhammad (SAW) was delivering a lecture in his mosque that a man raised during the lecture and said O Messenger of Allah (SAW) for what crime have my neighbors been arrested? The Messenger of Allah (SAW) heard this question and continued his speech. The man rose again and repeated the same question. The Messenger of Allah (SAW) again did not answer and continued his speech. The man rose once again and repeated the question

for the third time. The Messenger of Allah now commanded that the man's neighbor be released".

Then Amin Ahsan Islahi explains the reason "why the Messenger of Allah (SAW) had kept quiet when the question was repeated twice earlier was that the police officer (who had made the arrest) was present in the mosque, and if there were proper reasons for the arrest of the neighbor he would have got up to explain his position. The police officer was aware of the Islamic law that there was no scope of secret trial in Islam, and since he did not give any reason for the arrest in the open court, it was proper for the Messenger (SAW) to give orders of release".(12)

In another tradition of the Messenger of Allah (SAW) it is stated that:

كتب حاطب بن أبي بلتعة إلى كفار قريش كتابا ينصح لهم فيه , فأطلع الله نبيه صلى الله عليه وسلم على ذلك فأرسل عليا والزبير فقال لهما النبي صلى الله عليه وسلم: "إذهبا فإنكما ستدركان امرأة بمكان كذا وكذا فأتياي بكتاب معها", فانطلقا حتى أدركاها فأخرجاه فذهبا به إلى النبي صلى الله عليه وسلم.

"Hatib Ibn Abi Balta'ah sent a letter through a woman to the authorities in Mecca informing them about the preparations; when the Prophet (SAW) was making preparations for the conquest of Mecca, The Prophet (SAW) came to know this through divine revelation. He ordered Ali and Zubayr to chase the woman and recover the letter from her. So they went, recovered the letter from her and brought it to the Prophet (SAW)".(13)

Though it was a clear case of treachery, the Messenger (SAW), however, summoned Hatib to the open court of his mosque and in the presence of hundreds of people and asked him to explain his position regarding the case. There was no secret trial.

In the light of above mentioned ahadith of the Messenger of Allah (SAW) it can be easily concluded that an Islamic government has no right to arrest a person without stating charges against him in an open court. Even when kept in preventive detention for some suspicion, the grounds of suspicion are to be declared in an open court; and it is the court which will decide whether the suspicion was based on sound grounds or not.

Abul A'la Maududi states in his book on 'Human Rights in Islam' that:

"Hazrat Umar (RA) during his Caliphate did not hesitate to try his governors in open court, even though the areas under their governorship were conquered just before the trial and during the days of the Caliphate of Ali (RA), Kharijites used to abuse the Caliph openly and threaten him with murder. But, whenever they were arrested for these offences, Ali would set them free and tell his officers: As long as they do not actually perpetrate offences against the state, mere use of abusive language or

threat of use of force is not such offence for which they can be imprisoned”.(14)

Further, as part of right to personal freedom, Islam instituted regulations and means of elimination of slavery and unlawful bondage. The Messenger (SAW) freed hundreds of slaves. He (SAW) advised his followers as:

إخوانكم جعلهم الله تحت أيديكم ، فأطعموهم مما تأكلون ، وألبسوهم مما تلبسون ، ولا تكلفوهم ما يغلبهم ، فإن كلفتموهم فأعينوهم

“These are your brothers over whom Allah has granted you authority; then he who has a brother under his authority should feed him on what he eats himself, should clothe him as he clothes himself, and should not set him a task beyond his capacity; and if he is assigned something heavy and difficult, should help him in carrying it out”.(15)

Under the influence of such and like teachings of Islam slaves were freed and allowed the same privilege as the citizens of the city even to the extent that they were married into the family of their former masters (e.g., Zayd marrying a cousin of the Holy Messenger (SAW). The Messenger (SAW) fourteen hundred years ago initiated the abolition of slavery and all forms of bondage”.(16)

Commenting on freedom of expression in Islam Basharat Ahmad proclaims:

“It was the Holy Quran which for the first time preached the gospel of human freedom with such zeal and emphasis that the whole world woke up, as it were, from deep sleep”.(17)

In Islam rulers are under special obligation to take necessary steps for promoting and safeguarding the freedom of the people against the oppressions of other individuals, groups and even the state authorities. In Islam the Islamic state is under obligation not only to guarantee human rights and fundamental freedoms to its citizens -both Muslims and non-Muslims but also to provide remedies in case of infringement of these rights and freedoms, by some other individuals or by the state agencies themselves.(18)

Important Dimensions of Freedom of Expression

Freedom of thought and expression includes freedom of speech, freedom of opinion and free choice of faith, freedom of association, freedom of Movement, freedom to differ and criticize the policies of the government and, in the modern world, freedom of press. The following dimensions are considered as the part and parcel of the right to Freedom of Speech and Expression;

1) The right to criticize public figures.(19)

2) The right not only to say that we cherish, but also that we hate.(20)

3) The right to criticize the Government.(21)

(a) Freedom of Association:

Freedom of association is the natural corollary to freedom of expression. Islam has given to the people the right to freedom of association and formation of parties or organizations. People have the right to organize political meetings and gatherings. It is the obligation and duty of the entire Muslim community that it should invite and enjoin people to righteousness and virtue and forbid them from doing evil. If the entire Muslim community is not able to perform this duty, then let there be a community among you who will invite people to do good, command what is proper and forbid what is improper. Islam gave people the right to freedom of association and formation of parties or organizations. However, this right should be exercised for propagating virtue and righteousness and should never be used for spreading evil and mischief.

Addressing the Muslims, the Holy Quran declares:

﴿وَلْتَكُنْ مِنْكُمْ أُمَّةٌ يَدْعُونَ إِلَى الْخَيْرِ وَيَأْمُرُونَ بِالْمَعْرُوفِ وَيَنْهَوْنَ عَنِ الْمُنْكَرِ وَأُولَٰئِكَ هُمُ الْمُفْلِحُونَ﴾

“Let there arise out of you a band of people inviting to all that is good, enjoining what is right and forbidding what is wrong”.(22)

In another ayah the Quran speaks as:

﴿كُنْتُمْ خَيْرَ أُمَّةٍ أُخْرِجَتْ لِلنَّاسِ تَأْمُرُونَ بِالْمَعْرُوفِ وَنَهَوْنَ عَنِ الْمُنْكَرِ وَتُؤْمِنُونَ بِاللَّهِ وَلَوْ آمَنَ أَهْلُ الْكِتَابِ لَكَانَ خَيْرًا لَهُمْ مِنْهُمُ الْمُؤْمِنُونَ وَأَكْثَرُهُمُ الْفَاسِقُونَ﴾

“You are the best community which has been brought forth for mankind. You command what is proper and forbid what is improper and you believe in Allah”.(23)

In the views of Dr.Tahir Mahmood a famous Indian Muslim scholar:

“In Islam people are free to organize meetings and utilize all other ways of association. Islamic state cannot restrict this right unless such an organization indulges in violence. During the caliphate of Hazrat Ali (RA) there was a group of Muslims known as Kharijis. They used to abuse the Caliph openly and threatened him with murder. Whenever they were arrested for these offences, Hazrat Ali (RA) would set them free and tell his officers: As long as they do not actually perpetrate offences against the state, the mere use of abusive language or threats of the use of force are not such offences for which they can be imprisoned”.(24)

To conclude this point in the light of above discussion we may say that in Islam this right is not an absolute right but is subject to certain general limitations. It should be exercised for propagation of virtue and righteousness and should never be used for spreading evil and mischief. People are free to organize meetings and utilize all other ways of

association. Islamic state cannot restrict this right unless such an organization indulges in violence.(25)

(b) Right to Protest and Criticize:

Amongst the rights that Islam has conferred on human beings is the right to protest against government's tyranny. Islam has conferred the right on all human beings to protest and criticize the rulers and governments. Islam is totally opposed to any constraints on the voice of truth and justice. This is an established principle in Islam that an individual or group of individuals may disagree with the authorities on matters of policy on any point under discussion in which there is no clear verdict in the texts (nusus). It is also permitted by the Quran in these words:

﴿يَا أَيُّهَا الَّذِينَ آمَنُوا أَطِيعُوا اللَّهَ وَأَطِيعُوا الرَّسُولَ وَأُولِي الْأَمْرِ مِنْكُمْ فَإِنْ تَنَازَعْتُمْ فِي شَيْءٍ فَرُدُّوهُ إِلَى اللَّهِ وَالرَّسُولِ إِنْ كُنْتُمْ تُؤْمِنُونَ بِاللَّهِ وَالْيَوْمِ الْآخِرِ ذَلِكَ خَيْرٌ وَأَحْسَنُ تَأْوِيلًا﴾

“O you who believe! Obey Allah, and obey the Messenger (SAW), and those charged with authority among you. If you differ in anything among yourselves, refer it to Allah and His Messenger (SAW), if you (truly) believe in Allah and the Last Day. That is best (for you), and most suitable for final determination.”(26)

The Quran has explicitly given recognition to this right in following ayah as well.

﴿لَا يُحِبُّ اللَّهُ الْجَهْرَ بِالسُّوءِ مِنَ الْقَوْلِ إِلَّا مَنْ ظَلِمَ﴾

“Allah does not like that the evil should be uttered in public except by him who has been wronged”.(27)

What appears to us from the above mentioned ayat is that the oppressed in Islam not only has the right to protest but also to use of strong words of condemnation against the tyrants and oppressors even though they by the heads or high officials of the state.(28)

Maulana Maududi commenting on the above ayat states as:

“This means that Allah strongly disapproves of abusive language or strong words of condemnation, but the person who has been the victim of injustice or tyranny, Allah gives him the right to openly protest against the injury that has been done to him”.(29)

The Messenger (SAW) also warned the Muslims of the consequences at their silence over tyranny. He said that:

“أفضل الجهاد كلمة عدل عند سلطان جائر ، أو أمير”

“The best of jihad is of him who speaks a just word before a ruthless and unjust authority”.(30)

In an other Hadith it is reported by Abu Saeed Khudhri that the Messenger (SAW) said:

“من رأى منكم منكراً فليغيره بيده ، فإن لم يستطع فبلسانه ، فإن لم يستطع فبقلبه ، وذلك أضعف الإيمان”

“If any one of you comes across an evil, he should try to stop it with his hand (using force), if he is not in a position to stop it with his hand then he should try to stop it by means of his tongue (meaning he should speak against it). If he is not even able to use his tongue then he should at least condemn it in his heart. This is the weakest degree of faith”.(31)

This obligation of inviting people to righteousness and forbidding them to adopt the paths of evil is incumbent on all true Muslims. The whole history of the Caliphate is evident of it that the people used to criticize the rulers freely and fearlessly. Caliphs Umar and Abu Bakr invited people to criticism in their speeches everywhere and the people criticized them without any hesitation. Caliph Abu Bakr in his first address after his election said:

“فإن استقمت فأعينوني , وإن زغت فقوموني”

“Help me if I am right, if I am in the wrong set me right”.(32)

“Once, Hazrat Umar called a meeting of the Shura to consider his proposal to restrict the amount of dower. A woman opposed his view on the basis of a Quranic injunction. Hazrat Umar changed his opinion, accepted the views of the woman and thanked her for correcting him”.(33)

Once Hazrat Umar (RA) mounted the pulpit and said:

“Gentlemen if I incline towards worldliness what will you do?” A man stood up taking out his sword and said: We shall cut off your head, in order to test his mettle Hazrat Umar (RA) daunted him: “do you use such words for me”? The man said: yes for you. Umar replied: Praise is to Allah there are such men in the nation that if I go wrong they can put me right”.(34)

On another occasion a person rose again and again addressing; “O Umar (RA)! fear Allah.” Somebody restrained him but Umar (RA) said: “let him say it; if these people do not say so they are of no use and if we do not listen to them we are of no use”.(35)

Once, Hazrat Ali (RA) was delivering a lecture in a mosque when some Kharjites raised their special slogan there. Hazrat Ali (RA) said: “We will not deny you the right to come to mosques to worship Allah and we shall not take military action against you as long as you do not fight with us”.(36)

It is reported that Ali also sent them the following message: “You may live wherever you like, the only condition between us being that you will not indulge in bloodshed and you will not practice cruel methods”.(37)

Maududi draws from these instances the logical conclusion that even an organized group, opposed to the form of government, may entertain its political opposition provided it is not done in a disorderly fashion and does not call for the destruction of the state by forceful means or violence.(38)

The above examples of the Caliphs of Islam clearly show that in an Islamic state no one can be deprived of his rights on account of expression of difference of opinion with the people in power. The presence of such a guarantee is indispensable for the maintenance of freedom of opinion and belief and to uphold the rights of the individuals composing the Islamic nation as a whole and maintaining its political integrity.

(c) **Right to Participate in the Government Affairs:**

The principle of mutual consultation ‘Shura’ is mandatory in Islam. It is a Muslim’s fundamental right, as well as responsibility, to participate in as many aspects of the community’s life as possible. The Messenger (SAW), even though he was the recipient of Divine revelation, was required to consult the Muslims in public affairs.

The Holy Quran on the subject speaks as:

﴿وَالَّذِينَ اسْتَجَابُوا لِرَبِّهِمْ وَأَقَامُوا الصَّلَاةَ وَأَمْرُهُمْ شُورَىٰ بَيْنَهُمْ وَمِمَّا رَزَقْنَاهُمْ يُنْفِقُونَ﴾

“Those who harkens to their Lord and establish regular prayer; who (conduct)their affairs by mutual consultation”.(39)

Commenting on these ayat of consultation Maulana Maududi states as:

“According to this principle it is the right of every Muslim either to have a direct say in the affairs of the state or to have a representative chosen by him and other Muslims to participate in the running of the state.....The Shura or legislative assembly should embrace the following principles:

- The executive head of the government and the members of the assembly should be elected by free and independent choice of the people.
- The people and their representatives should have the right to criticize and freely express their opinions.
- The real conditions of the country should be brought before the people without suppression of fact so that they are in a position to judge whether the government is working properly or not.
- There should be adequate guarantee that only those people who have the Support of the masses should rule over the country and those who fail to win this support should be removed from their position of authority”.(40)

Muhammad Sharif Chaudhry, the author of ‘Human Rights in Islam’ while commenting on the aforementioned ayat of the Holy Quran states as:

“These ayat about consultation give further support to the concept of freedom of thought and expression. As there is no idea of consultation if there is no freedom to think and express one’s views freely without restriction and without causing annoyance to the ruler. The ruler or the leader need not consult the people if he is not prepared to listen to any views differing with his views..... History bears ample testimony to the

fact that the Prophet of Islam always consulted his companions on all important worldly and non-religious affairs i.e., affairs on which he did not receive any divine guidance; for example, with regard to the many matters pertaining to Battle of Badr, prisoners of war, Battle of Uhud, Battle of Ahzab, Treaty of Hudaibiyah, etc”.(41)

(d) Right to Freedom of Movement:

The Quran validates freedom of movement, especially when used to preserve the integrity of one’s faith and conscience.

﴿ألم تكن أرض الله واسعة فتهاجروا فيها﴾

“Was not the earth of Allah spacious enough for you to emigrate therein”?(42)

﴿وَالَّذِينَ آمَنُوا وَلَمْ يُهَاجِرُوا مَا لَكُمْ مِنْ وَلَايَتِهِمْ مِنْ شَيْءٍ حَتَّى يُهَاجِرُوا﴾

“And those who believed but did not emigrate you owe no duty of protection to them until they emigrate”.(43)

In fact, freedom of movement, regardless of its ultimate objective, is allowed:

﴿هُوَ الَّذِي جَعَلَ لَكُمُ الْأَرْضَ ذُلُولًا فَامْشُوا فِي مَنَاكِبِهَا وَكُلُوا مِنْ رِزْقِهِ وَإِلَيْهِ النُّشُورُ﴾

“He it is who has made the earth subservient to you, so travel in its tracts and benefit from its bounty”.(44)

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