

# The Human Rights and Islam

## Perspective of Religious Identity



**Muhammad Raza Taimoor**

### **Abstract**

Modernism evolved in a process to dismiss the religious hegemony of the Church upon the Christian World. In order to compensate the belief oriented outlook of medieval masses there evolved metaphysics, ontology and an epistemology of modernism as well. Though humanistic in slogan modernism actually undermined long lived traditions of humanity of the traditional past just for the *raison d'être* of these traditions which was religion. Divine rights were relegated to the background as a target of the modernism. Under the shadows of denying the Divine rights human rights were designed suiting to the lustful nature of man. Overwhelming by modern ideas the religious world adopted an apologetic approach and incorporated modernism into the religion as if two were synonymous. Muslims were not an exception and even the Human Right Charter of UNO has been declared as Islamic one. In this paper this concept is defined in the light of religious identity i.e. whether there is any difference between human beings in the light of Divine rules and regulations of Islam?

## Introduction

Man, since time immemorial, has been seeking the key to salvation regarding his life in this world as well as hereafter. Up to the medieval ages the religion, either fabricated or original, stood decisive in determining the status of man in the universe. Last in the chain of revealed codes is the religion of Islam whose teachings constitute a two fold process i.e. towards the fellowmen and towards the eternal reality. The guidance was duly supplemented by the human experience of the Prophet and his companions Peace Be Upon Them (upon them *salat was salam*).<sup>1</sup> A rich civilization arising out of this early experience cast unprecedented impact upon human history in all spheres of life. However, with the dawn of the Modern Age, a secular point of view emerged to address human grievances and deprivations and was termed as Human Rights. The concept was the result of humanism; an intellectual movement starting from the 13<sup>th</sup> century in Europe.<sup>2</sup> It was a reaction to the oppression of the Church upon its followers. Hence religion was relegated to background with the rise of the concept of Human Rights. As Islam is also a divine code of life it has been treated likewise on the question of Human Rights. It is distressing on the part of Muslims that with the political and cultural hegemony of the West, the Muslim World has been persuaded for interpreting their religion in the perspective of Human Rights. It is generally

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<sup>1</sup> English equivalent of Arabic terminologies are given in the first entry. Later on only the Arabic term is quoted.

<sup>2</sup> The concept of humanism took many centuries to be emerged as a definite paradigm; however, German philosopher Immanuel Kant (1764-1804) contributed key points in determining the status of humanism. By writing "What is Enlightenment" he pointed out true 'human' who has liberated himself from external guidance i.e. divine guidance. For details visit <http://www.columbia.edu/acis/ets/CCREAD/etscc/kant.html>.

believed that the concept of modern Human Rights and Islam are unanimous in determining the status of man in the world.

Human Rights is a vast subject to deal, therefore, this paper seeks to focus on one of its aspects that is religious identity. The case is that human rights in Islam are religion oriented. As religion comprises of God's directions for man therefore the status of God's word in human affairs remains pivot of the discussion. Actually it is study in interpretation.

### **Huququllah (Divine Obligations): A General Perception**

The concept of Human Rights is hailed to such an extent that it preoccupies the general Muslim perception. Under this perception the concept has gained roots that *huququl-ibad* (human rights) have preference over *huququllah*. However, this perception is not analogous to the verdict of the scripture, though it is widely assumed as such. There are several loopholes in this concept of preferring *huququl-ibad*. First of all the term *huququl-ibad* is never used as an equal status to that of *huququllah* but the former comes under the fold of the latter. The two are not separate codes but flow from the same source. If we shed the term *huququl-ibad*, *huququllah* suffice to sum up all the spheres of human life. For instance a highly revered status of parents is stressed in Quran but in no way the status of God becomes subservient to that of parents. In one of such directions in which duty towards parents is suggested Allah Almighty says:

وَوَصَّيْنَا الْإِنْسَانَ—وَإِنِ اشْكُرْنِي وَلَوْلَا الَّذِيكَ—(14) وَإِنْ جَاهَدَاكَ عَلَىٰ أَنْ تُشْرِكَ بِي مَا لَيْسَ لَكَ بِهِ عِلْمٌ فَلَا تُطِعْهُمَا وَصَاحِبُهُمَا فِي الدُّنْيَا مَعْرُوفًا وَاتَّبِعْ سَبِيلَ مَنْ أَنَابَ إِلَيَّ مَرْجِعُكُمْ فَأُنَبِّئُكُمْ بِمَا كُنتُمْ تَعْمَلُونَ (15) (لقمان)

**Trans:** “And We have enjoined on man... (to be dutiful and good) to Me and to his parents...But if they strive with you to make you join in worship with Me others that of which you have no knowledge, then obey them not; but behave with them in the

world kindly, and follow the path of him who turns to Me in repentance and in obedience. Then to Me will be your return, and I shall tell you what you used to do.”(31:15)

Allah enjoins on man to be dutiful and good to the parents but not without condition; that is, not to prefer them over the rights of Allah. Likewise all relations with fellow human being are divinely determined.

### ***Huquq-ibad: The Missing Determinant***

The apologetic behavior of the Modern Muslim outlook sought the analogy between Islam and modernism regarding the preference of human rights over divine rights.<sup>1</sup> The analogy is based on the argument that a man can not be absolved of his highhandedness unless the exploited one is persuaded. And, this persuasion will be of no use as in the Day of Judgment every body will be in dire need of deeds which, besides his own, he will manage to collect from other persons due to any kind of highhandedness. The missing determinant in this regard is that Allah has the discretion to forgive a man for his misdeeds towards other human being. The basic instance in this regard is the absolving those of all previous sins who embrace Islam. Even

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<sup>1</sup> Apologetic approach crept into the Muslim intelligentsia since the political hold of Muslim Lands by European Powers. One of the pioneers is Syed Amir Ali of the British India whose magnum opus *The Spirit of Islam* is proved to be a milestone in the apologetic approach. In one of the chapters he describes the human concern of Islam against previous religions and civilizations in which he even distorts the meaning of the Quranic verses. For the verse 190 of al-Baqrah he put on the meaning “attack them not the first” to the word *الاول* while it means highhandedness. This endeavor of distortion is to prove the process of Jihad as a defensive act (p. 206). Similarly, by 62nd verse of al-Baqrah he meant that the followers of other religions if keep piety stands equal to Muslims which is contrary to the other verdict of the Quran. For other details of this kind see Syed Amir Ali, *The Spirit of Islam*, (Lahore: Islamic Book Service, 1995) 204-21

the murdering of Muslims<sup>1</sup> and burial of daughters<sup>2</sup> were let off, while the latter were not asked yet:

بِأَيِّ ذَنْبٍ قُتِلَتْ (9) التكويد

For what she was killed (80: 9)

The other instance was the exoneration of the person of pre-Islam Israelite who committed hundred murders.<sup>3</sup> These instances clear the mess about the analogy of human rights in Islam and in modernism. However, the strongest argument in this regard is the unforgivable matter of setting up partners with Allah (*shirk*). It should be noted that it is the only sin which is unforgivable as Allah declared the possibility of rendering forgiveness for all other sins in the very verse in which *shirk* is declared as unforgivable.

إِنَّ اللَّهَ لَا يَغْفِرُ أَنْ يُشْرَكَ بِهِ وَيَغْفِرُ مَا حُونَ ذَلِكَ لِمَنْ يَشَاءُ وَمَنْ يُشْرِكْ بِاللَّهِ فَقَدِ افْتَرَىٰ إِثْمًا عَظِيمًا (48) النساء

**Trans:** "Verily, Allah forgives not that partners should be set up with Him, but He forgives except that to whom He wills. And whoever sets partner with Allah he has indeed invented a tremendous sin." (4: 48)

The measure is very strict such that the parents and progeny of prophets (upon them *salat was-salam*) were no exception and the obvious instance is seen in the matter of *Ibrahim Khalil-ullah* (Abraham) whose father was among non believers.<sup>4</sup> Further, not

<sup>1</sup> Many infidels who fought and killed Muslims in early battles latter converted to Islam and acquired a revered place in Islamic history: Khalid bin Walid, Amr bin al 'aas, Ikrima bin abi jahal were a few prominent examples.

<sup>2</sup> Likewise among companions of the Prophet there were men who buried their daughters earlier.

<sup>3</sup> *Musnad Ahmed*, (Beirut: Maktaba Sahmila) 308/23. The man is reported to kill hundred persons. Feeling repentance he approached a learned person who advised former to migrate towards a society of pious people. The man died before reaching the destiny and was absolved of his sins for seeking pardon.

<sup>4</sup> وَمَا كَانَ اسْتِغْفَارُ إِبْرَاهِيمَ لِأَبِيهِ إِلَّا عَنْ مَوْعِدَةٍ وَعَدَّهَا نَائِفَةً فَلَمَّا اتَّبَعْنَاهُ إِنَّهُ عَدُوٌّ لِّلَّهِ تَبَرُّاً مِّنْهُ — (114) التوبة

only that the prayer of Prophet Muhammad (upon him *salat wa salam*) was not entertained in the case of Abdullah bin Abi Salool but also he was forbidden to do so in the future.<sup>1</sup>

### Supremacy of God's Word: The Fabric of Semitic Religions

This attitude of preferring God's rights over those of human beings has been the fabric of all Semitic religions. The tyranny of medieval Papal rule owed to the exaggerated version of this very attitude. That was why the reaction to dark ages was an enlightenment characterized by human sanctity with no divine interference. It should also be noted that peaceful stance of Christianity is not any old phenomenon but it adopted this so called quote for peace in the wake of humanism. In this regard, as an argument, we have the saying of Jesus Christ (upon him *salat was-salam*) that he did not come to fulfill the desires of people of a peaceful livelihood but to establish the Kingdom of Heaven on earth even though it dismantles human relations. He said, "I am come to set a man at variance against his father and the daughter against her mother, and the daughter in law against

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**Trans:** "And Ibrahim's invoking for his father's forgiveness was only because of a promise he had made to him (father). But when it became clear to him that he (father) is an enemy of Allah, he dissociated himself from him." (9: 114)

<sup>1</sup> The Prophet prayed on the funeral of Abdullah bin Abi Salool on the request of latter's son. See Bukhari, 235/14. Upon this Allah warned him not to pray on them. Following verses were revealed on the occasion:

اسْتَعْفِرُوا لَهُمْ أَوْ لَا تَسْتَغْفِرُوا لَهُمْ إِنْ تَسْتَغْفِرُوا لَهُمْ سَبْعِينَ مَرَّةً فَلَنْ يَغْفِرَ اللَّهُ لَهُمْ ذَلِكَ بِأَنَّهُمْ كَفَرُوا بِاللَّهِ وَرَسُولِهِ—(80)

وَلَا تُضَلِّ عَلَى أَحَدٍ مِنْهُمْ مَاتَ أَبًا، وَلَا تَقُمْ عَلَى قَبْرِهِ إِنَّهُمْ كَفَرُوا بِاللَّهِ وَرَسُولِهِ وَمَاتُوا وَهُمْ فَاسِقُونَ (84) التوبة

**Trans:** Whether you ask forgiveness for them or not; and even if you ask seventy times for their forgiveness, Allah will not forgive them because they have disbelief in Allah and His Messenger... And never pray (funeral) for any of them (hypocrites) who died, nor stand at his grave. Certainly they disbelieved in Allah and His Messenger and died in the state of disobedience. (9: 80, 84)

her mother in law. And a man's foes shall be they of his own household. He that loveth father or mother more than me is not worthy of me: and he that loveth son or daughter more than me is not worthy of me”<sup>1</sup> Similar concept of belittling the status of human relations in context of God's word is found in Islam as well. Among many verses of Quran bearing this concept, following one is noteworthy:

قُلْ إِنْ كَانَ آبَاؤُكُمْ وَأَبْنَاؤُكُمْ وَإِخْوَانُكُمْ وَأَزْوَاجُكُمْ وَعَشِيرَتُكُمْ وَأَمْوَالٌ اقْتَرَفْتُمُوهَا وَتِجَارَةٌ تَخْشَوْنَ كَسَادَهَا  
وَمَسَاكِينُ تَرْضَوْنَهَا أَحَبَّ إِلَيْكُمْ مِنَ اللَّهِ وَرَسُولِهِ وَجِهَادٍ فِي سَبِيلِهِ فَتَرَبَّصُوا حَتَّى يَأْتِيَ اللَّهُ بِأَمْرٍ وَاللَّهُ لَا  
يَهْدِي الْقَوْمَ الْفَاسِقِينَ (24) التوبة

**Trans:** Say: If your fathers, your sons, your brothers, your wives, your kindred, the wealth that you have gained, the commerce in which you fear a decline, and the dwellings in which you delight are dearer to you than Allah and His Messenger and Jihad in His cause, then wait until Allah brings about His decision. And Allah guides not the people who are wrong doer. (9: 24)

Also the Prophet (upon him *salat was-salam*) said:

أَنَّ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ فَوَالَّذِي نَفْسِي بِيَدِهِ لَا يُؤْمِنُ أَحَدُكُمْ حَتَّى أَكُونَ أَحَبَّ إِلَيْهِ مِنَ وَالِدِهِ وَوَلَدِهِ

**Trans:** The Prophet (upon him *salat was-salam*) said, By God none of you can be a believer unless I become for you dearer than your parents and children.<sup>2</sup>

### **Muhammad and his Companions** (Upon them *salat was-salam*)

So far the invocation of religious text in the issue remained intact. In this section the case will be supported by the practical example from life of the Holy Prophet and his

<sup>1</sup> Chapter 10, *Matthew, from The holy Bible, King James version Bible, King James*. This version available from the University of Virginia Library Charlottesville, Va. Available from: Oxford Text Archive <http://etext.lib.virginia.edu/relig/browse.html> 1995. also see, Holy Bible: Old Testament (urdu), (Lahore: Bible Society, 2002), 13

<sup>2</sup> *Bukhari*, (Beirut: Maktaba Sahmila) 23/1

companions (upon them *salat was-salam*). The Prophet Muhammad (upon him *salat was-salam*) is titled by Allah as *Rehmatal lil 'alimin* (Blessing for all worlds)<sup>1</sup>. He was very kind not only to human beings but to animals also. The situation in which his person was involved he used to forgive even those who attempted to kill him. His life is replete with examples of compassion and mercy. However on the issue of religion his attitude is defined by Allah is as follows:

مُحَمَّدٌ رَسُولُ اللَّهِ وَالَّذِينَ مَعَهُ أَشِدَّاءُ عَلَى الْكُفَّارِ رُحَمَاءُ بَيْنَهُمْ (29) الفتح

**Trans:** Muhammad, the Prophet of Allah and his companions are severe against non-believers and merciful among themselves. (48: 29) Thus the overall basis of sympathy for human being is ideology and not any of kinship. Having sympathy on personal basis is another thing as envisaged in attitude of the Prophet (upon him *salata was-salam*). The strictness shown by the Prophet and his companions (upon them *salat was-salam*) is evident from a number of instances. One of such instance is quoted here. On the day of *Badr* when the dead body of Utba bin Rabia father of Huzefa (one of the prominent companion of the Prophet) was being taken to burial; Huzefa seemed upset. The Prophet asked him whether he had feelings about his father. Huzefa denied by swearing to God and said that he had in his mind that his father was a wise man and he would embrace Islam, but died as unbeliever. For this reason he was upset.<sup>2</sup> The Prophet prayed for him.

### Muslim versus Non-Muslim

So far we were talking about the status of human rights against God's status. From the above instances it is crystal clear

<sup>1</sup> وَمَا أَرْسَلْنَاكَ إِلَّا رَحْمَةً لِّلْعَالَمِينَ (107) الانبياء

**Trans:** And we sent you not but as a mercy for mankind and all that exist. (21: 107)

<sup>2</sup> *Ar-Rahiqul Makhtum*, (Lahore: Maktaba Salfia, 1999) 306



that relationships among fellow men are religion oriented. A probe into the nature of human rights themselves will further elaborate this notion. Where sanctity of any relation which poses anti God stance is disregarded the sanctity of a true Muslims is regarded as sacred as that of God. The life, wealth and honor of a Muslim are more revered than the home of God (*ka'aba*), the Prophet said.<sup>1</sup> The point here lies is, however, nowhere has been stated that a non-Muslim should be humiliated though he can not enjoy the revered status assigned to a Muslim. What status a non-Muslim occupies in Islam will not be discussed here. The concern is what a non-Muslim can not have versus a Muslim. Following verses of the Quran are noteworthy:

يَا أَيُّهَا الَّذِينَ آمَنُوا إِنَّمَا الْمُشْرِكُونَ نَجَسٌ فَلَا يَقْرَبُوا الْمَسْجِدَ الْحَرَامَ بَعْدَ عَامِهِمْ هَذَا—(28) قَاتِلُوا الَّذِينَ لَا يُؤْمِنُونَ بِاللَّهِ وَلَا بِالْيَوْمِ الْآخِرِ وَلَا يُحَرِّمُونَ مَا حَرَّمَ اللَّهُ وَرَسُولُهُ وَلَا يَدِينُونَ دِينَ الْحَقِّ مِنَ الَّذِينَ أُوتُوا الْكِتَابَ حَتَّى يُعْطُوا الْجِزْيَةَ عَنْ يَدٍ وَهُمْ صَاغِرُونَ (29) التوبة

**Trans:** O you who believe! Verily, the pagans are impure. So let them not come near *Masjad-il-Haram* after this year...Fight against those who believe not in Allah, nor in the Last Day, not forbid that which has been forbidden by Allah and His Messenger, and those who acknowledge not the religion of truth among the people of the scripture, until they pay the *jizya* with willing submission, and feel themselves subdued. (9: 28-9)

Secondly although Allah states the murder of human being a heinous act<sup>2</sup> the penalty of any murder is not same for all. It has exception as envisaged in the following *hadith*.

<sup>1</sup> The last address of the Prophet, *Subl-ul-Huda war-Rishad*, 482/8, (Beirut: Maktaba Sahmila). The address is reported in various books in parts but complete account is found in this book of *Seerah*.

<sup>2</sup> —مَنْ قَتَلَ نَفْسًا بِغَيْرِ نَفْسٍ أَوْ فَسَادٍ فِي الْأَرْضِ فَكَأَنَّمَا قَتَلَ النَّاسَ جَمِيعًا— (32) البائدة

**Trans:** ...If anyone killed a person not in retaliation of murder, or to spread mischief in the land, it would be as he killed all mankind...(5: 32)

وَلَا يُقْتَلُ مُؤْمِنٌ بِكَافِرٍ وَدِيَّةُ الْكَافِرِ كَيْصَفِ دِيَّةِ الْمُسْلِمِ

**Trans:** No Muslim is killed in retaliation (*qisas*) of an unbeliever and the compensation (*diyat*) of an unbeliever is half that of a Muslim.<sup>1</sup>

This issue of penalty for murdering covers lengthy details in the Islamic jurisprudence (*fiqh*). All schools of thought consider this verdict of *Hadith* absolute in execution except Imam Abu Hanifa. Imam Abu Hanifah excluded the *dhimmi* (non-Muslim living in an Islamic state) from this verdict; that is a Muslim will be killed in place of a *dhimmi*.<sup>2</sup>

### Assumed Divine Charter of Human Rights: A Brief Look on the Last Address

Lastly some words about the last address of the Prophet (*hijjat-ul-wida*) might be helpful in encircling the scenario of the thesis. The address is often considered as the divine charter of Human Rights by apologetic Muslims. Of course, it is in the best interest of human beings but not in the sense of proposed Humanism. Here only one aspect of the address suffices the case. It was addressed to the Muslims only and not a single non-Muslim was present on the occasion. The prominent point of the address was religious identity which diminishes the status of being Arabic or any other exalted status. There is nothing like the notion of religious equality in whole of the address.

### Women Rights: The Crux of Modern Humanism

One of the distinctive features of Modern Civilization is the enhanced role of women in the society. As women constitute almost half of the population a human stance hardly ignores them

<sup>1</sup> Musnid Ahmed, 254/14, (Beirut: Maktaba Shamila)

<sup>2</sup> Mian Muhammad Siddiqi, *Qisas-o-Diyat*, (Islamabad: Idara Tehqiqat-i-Islami, 1982), 46

by shutting them into the houses. This behavior was so appealing to the human mind that even Muslims welcome the notion and endorse the new status of women. Although Muslims' traditional setup did not permit that liberty of women which the Europeans enjoy, however, they could stem the tide at some point and the matter is moving towards the extreme. In such an environment admonishing the women (in any case) is out of question but it should be noted that admonishing is reported in the last address of the Prophet<sup>1</sup> which is regarded as the Divine charter of Human Rights. In nutshell women rights as envisaged in modern humanism is incompatible with Islamic teachings altogether.

### UN Declaration of Human Rights: Incompatible with Muslim Conscience

Islam casts a deep impression upon its adherents. Though Muslims are moved by the cultural sway of the West they can not shed the Islamic character altogether.<sup>2</sup> They have their religious identity in their conscience. This consciousness is evident from a number of movements which Muslims launched in the near past. Khilafat Movement, Pakistan Movement, Ikhwanul Muslimin are some of prominent instances. In the case of Human Rights there also exists an evidence of this consciousness. At the 14<sup>th</sup> Islamic Conference of foreign ministers in Dhaka in 1983, the text of a proposed declaration regarding the human rights was discussed.

<sup>1</sup> Subl-ul-Huda war-Rishad, 483/8. The text is as follows:

فإن الله تعالى قد أذن لكم أن تهجروهن بالمضاجع، وأن تعزبنهن ضرباً غير مبرح

**Trans:** If they do wrong then Allah authorizes you to separate them in nights and to admonish them.

<sup>2</sup> Despite the need and demand for secularization of the World, the fervor of religious identity especially in case of Muslims can not be shadowed. The world equally feels the influx of ideologies in the new millennium. A comprehensive discussion is conducted by Shaukat Ali in *Islam and the Challenges of Modernity: An Agenda for the Twenty First Century*, (Islamabad: NICHR, 2004), 10

Though the declaration was not approved, however its preamble was recognized which alone could defy the UN declaration of Human Rights. It testifies only those human rights which are not contrary to the *shariah*. It can be guessed what would be covered by all clauses of the declaration.<sup>1</sup>

## Conclusion

Hegemony of the West in all spheres of life has driven the Muslims to an apologetic approach regarding the concept of life. For this they endeavor to Islamize the western concepts by ignoring the historical and cultural roots of those concepts. Western concepts emerged as a result of different movements which precipitated out in the wake of Church oppression during the middle ages. Therefore these concepts have anti religious stance. With respect to divinity Islam is not at conflict with other Semitic religions. Consequently the western concepts could not be synonymous with Islam. So is the case with humanism and human rights. The human beings of humanism are their own gods and to seek for any divine guidance is directly proportional to the negation of being a human. The Human Rights charter of the UN is based upon modernism. Hence it can not address the Islamic faith. The drafters of the charter had no idea even of the basic principles of Islam. Therefore to equate this charter or any other concept of humanism with Islam is erroneous.

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<sup>1</sup> Jan Hjarp, "The Contemporary Debate in the Muslim World on the Definition of Human Rights", *Islam: State and Society*, ed: Klaus Ferdinand & Mehdi Mozaffari (London: Scandinavian Institute of Asian Studies, 1988), 34-7