

A True Vision of Human Rights in Islam

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The present study is an attempt to provide an epilogue on human rights given in the Qur'an and Sunnah. It is an in-depth analysis of Human Rights and dignity of person, encompassing its various dimensions.

The study is an attempt to understand the true philosophy of human rights in Islam. It aims at providing an ethical and legal basis for the realization of implementation of human rights in the world states in general and in the Muslim states in particular.

1. Importance Of Man And His Right In Islam:

The right of a person is considered very important and sacred in Islam law. "In all the sources of Islamic law beginning from Quran to ijtehad there is a mention of the concept of human right."(1)

Looking at from the historical aspect the concept of human rights in Islam is as old as man himself. Islam has declared and guaranteed it 1400 years ago and every Muslim is bound to accept and follow it.²

Some Muslim authors have traced the declaration of the human rights in Islam from the creation of Adam by Allah. They quote the following ayat in their support.

﴿الَّذِي عَلَّمَ بِالْقَلَمِ، عَلَّمَ الْإِنْسَانَ مَا لَمْ يَعْلَمْ﴾ (3)

"He who taught (the use of) pen, taught man that which he knew not"

﴿وَعَلَّمَ آدَمَ الْأَسْمَاءَ كُلَّهَا﴾ (4)

"He taught Adam the names of all things"

Here we see that Allah has placed man as His vicegerent on the earth, taught him the names of things, of which the angels were ignorant and in view of the superiority of his Knowledge, they were commanded to prostrate themselves before Adam, the first man.

Syed Abul A'ala Maududi in his commentary of the Quran writes on it as: "The only way man acquires knowledge is through a mental grasp of their names. So we can say all man's knowledge really comprises the names of things. Teaching Adam the names of these things was virtually imparting knowledge of all those things to him."(5)

The best statement of the human right is to be found in the address delivered by the Messenger of Allah Muhammad (SAW) in his Sermon on the eve of the Hajjat al-Wida'a (the Farewell Pilgrimage):-

"O People, just as you regard this month, this day, this city as Sacred, so

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regard the life and property of every Muslim as a sacred trust. Return the goods entrusted to you to their rightful owners. Hurt no one so that no one may hurt you” ... (6)

2. Concept Of Human Right In Islam:

The Arabic word Huquq is used for human rights. Huquq is plural of Haqq. In Arabic one says: ‘Hathihi haqqi,’ (this is my right). (7)

Although the ‘primary meaning of Haqq is established fact or reality (al mawjūd- al thābit), however, in the field of law its dominant meaning is truth or that which corresponds to facts’. ‘Both meanings are equally prominent, so much so that some lexicographers’ (Lane 1865) consider the second meaning to be the primary one.

In the context of law, ‘right, power, and claim are equally good to convey the same meaning’. Some writers add beneficence and public good to the term right. (8)

In Sufi usage “Haqq means the absolute”. (9)

The term haqq occurs frequently in the Qur’an to imply the aforementioned meanings of ‘adl’, ‘qist’, ‘ma’ruf’ and other related ones’. In the sense of the specific due, Quran says:

﴿ فِي أَمْوَالِهِمْ حَقٌّ لِّلسَّائِلِ وَالْمَخْرُومِ ﴾ (10)

“And those in whose property there is a right for the indigent and the deprived”

In the sense of justice, Allah says:

﴿ اللَّهُ يَقْضِي بِالْحَقِّ ﴾ (11)

“And Allah judges with right”

This word is also used in the traditions of the Messenger of Allah Muhammad (SAW). The Messenger of Allah (SAW) in one of his traditions says as:

﴿ تِلْكَ الْحَمْدُ أَنْتَ الْحَقُّ ﴾ (12)

“O, Allah , All praise to you, you are the Truth”

In a hadith recorded by Muslim, Abū Hurairah narrated that:

﴿ حَقُّ الْمُعْتَمَلِ عَلَى الْمُسْلِمِ سِتٌّ ﴾ (13)

“A Muslim has a right (haqq) over other Muslims in six matters...” The Arabs use the word haqq (right) interchangeably to denote both right and duty. (14)

The classical Muslim scholars use right in general as well as in particular senses. They use it to cover the wide-range of the categories of the right. (15)

Ibn Nujaym defines haqq as:

“...the entitlement of a person to a thing”. (16)

Western commentators generally hold that Islam does not recognize the idea of an individual having inherent rights, fundamental or otherwise. For

When Muslims speak about human rights in Islam, they mean rights which are bestowed by Allah in the Holy Quran; rights which are divine, eternal, universal and absolute; rights which are guaranteed and protected through the Shariah. The rights which are not subject to any alterations or modifications, and there is no scope for any change or abrogation.(23)

Islamic concept of human rights is essentially based on the idea of human dignity and equality of mankind. The dignity of a person is considered very important and basic right of the individuals in Islam law.(24)

Human rights in Islam are concerned with the right of the individual, the level of self esteem that secures personal identity and promotes human community. While the pursuit of human dignity is universal, its forms are designed by the cultures of people.(25)

Islam regards human rights as an integral part of faith. A man cannot be considered religious in the true sense of the word, if he does not take care of the rights of his fellowmen. The measure of judging a man's religiosity is how he deals with people, not how much he prays.(26)

In Islamic jurisprudence human rights are to some extent more than the ordinary civil rights, they are based on the Principles of Adl, Ihsan and Istihsan. All the rights determined by the Quran and the Sunnah shall be deemed fundamental rights for the Muslims.(27)

The Qur'an gives us a clear concept of the human rights and it demands that the rights be safeguarded in such a way that not only the individual gets his rights but along with the individual the society should also evolve, become better, a more civilized.(28)

The concept of human right receives clear exposition in the Qur'an which says:

﴿ولقد كرّمنا بني آدم وحملناهم في البر والبحر ورزقناهم من الطيبات وفضلناهم على كثير ممن خلقنا تفضيلاً﴾ (29)

“Verily we have honoured the children of Adam. We carry them on the land and the sea, and have made provision of the good things for them, and have preferred them above many of those whom we created with a marked preferment”

According to Quran, the Almighty Allah has given to humankind dignity and honour over all of His creation. Allah Almighty honoured Man by making the angels kneel before Adam, the first man.

﴿اسجدوا لآدم﴾ (30)

Schacht: "Islamic law is a system of duties, of ritual, legal and moral obligations, all of which are sanctioned by the authority of the same religious command". Gibb opines that:

"The Islamic theory of Government gives the citizen as such no place or function except as taxpayer and submissive subject". This line of argument is taken further by Henry Siegman (1964) who states that: "no such abstractions as individual rights could have existed in Islam. In such a system the individual cannot have rights and liberties, he has only the obligation".(17)

The reason of this incorrect conclusion is because of lack of proper understanding of the nature of human rights in Islam. In Shariah human rights are a consequence of human obligations. All members of a society are responsible to God and as a result of fulfilling these obligations they gain certain rights and freedoms.(18)

The philosophy of Islam is justice, and this "requires an integrated and unitarian approach towards rights and obligations. Both the individual and society are working under the commandment of Allah, to enable people to live freely on the earth in peace and satisfaction".(19)

In Islam rights and duties are in fact, 'two sides of same coin'. They are so co-related that they cannot be separated. The Shariah tends to integrate rights and obligations into the broad concepts of haqq (right) and hukm (ruling). In this context each individual's rights become others' duties, and others' duties become his rights.(20)

In Islam right is only one end of a social relation while the other end is the duty. One's right to do something can only be guaranteed in a society if he accepts to allow the same amount of freedom of action to others.(21)

The Quran emphasizes on duties rather than rights. It insists upon the fulfillment of individual obligations before the individual can claim his privileges. With this approach the individual is neither a part nor separate from society, and his rights are neither different from nor conflicting those of the community. He is part and parcel of society, and the fulfillment of his obligations and those of the other members of the society constitute the reservoir of social rights which are then shared by all. The individual enjoys as many privileges as society can afford, and society affords just as much as it receives from the individual. Thus the Islamic society is not a separate conflicting entity with the individual; it is not a mere system, but the highest form of integral and integrated collectivity wherein each individual is both a member and a leader. There can be no social classes, and any member of the community who is asked to be a leader or to be ready for leadership must also act at all times with the same degree of social responsibility as if he were in fact the leader rather than the follower.(22)

“Prostrate yourselves before Adam”

This commandment of Allah implies that every born baby should be cared for and properly treated as an honorable human being. When he grows up he should be treated as a free man that is guarded by the dictates of the glorious Shariah which honors his life and guards him against prison, killing or even insult.(31)

Man has been placed on a very pedestal in the Divine scheme of creation. The Qur’an provides ample testimony of the exalted status accorded to man.

﴿وَسَخَّرَ لَكُمُ اللَّيْلَ وَالنَّهَارَ وَالشَّمْسَ وَالْقَمَرَ وَالنُّجُومَ مُسَخَّرَاتٍ بِأَمْرِهِ﴾ (32)

“And He has subjected to you the night and the day, and the sun and the moon; and the stars are subjected by His Command.”

No Further evidence is required in the pages of the Quran which high-lights the dignity and right of Man, thus we read:

﴿فَإِذَا سَوَّيْتُهُ وَنَفَخْتُ فِيهِ مِنْ رُوحِي فَقَعُوا لَهُ سَاجِدِينَ﴾ (33)

“So when I have made him and have breathed into him {Adam} of My spirit, then fall down prostrating yourselves unto him.”

Muslim jurists have made a detail study of human rights. Even the rights of animals did not escape their attention. In addition to the rights of parents, neighbors, children, wives, they also discussed civil rights Every Citizen of a Muslim state has the right of a decent living and of holding property In addition he has freedom of opinion, profession and movement. No one can deprive him of these rights. Life is a divine gift, whose sanctity must be observed.

The Quran emphasizing the fundamental rights of an individual to life and personal dignity proclaims that:

﴿وَلَا تَقْتُلُوا النَّفْسَ الَّتِي حَرَّمَ اللَّهُ إِلَّا بِالْحَقِّ﴾ (34)

“Kill not a soul which Allah has made sacrosanct save in the cause of justice.”

﴿مَنْ قَتَلَ نَفْسًا بِغَيْرِ نَفْسٍ أَوْ فَسَادٍ فِي الْأَرْضِ فَكَأَنَّمَا قَتَلَ النَّاسَ جَمِيعًا وَمَنْ أَحْيَاهَا فَكَأَنَّمَا أَحْيَا النَّاسَ جَمِيعًا﴾

“Whosoever killed a person not in retaliation of murder, or (and) to spread mischief in the land, it shall be as if he had killed all

mankind, and who so gave life to one, it shall be as if he had given life to all mankind”³⁵

The right to personal dignity is further substantiated by the Qur’anic prohibition of slanderous accusation (qadhf)

﴿وَالَّذِينَ يَرْمُونَ الْمُحْصَنَاتِ ثُمَّ لَمْ يَأْتُوا بِأَرْبَعَةِ شُهَدَاءَ فَاجْلِدُوهُمْ ثَمَانِينَ جَلْدَةً وَلَا تَقْبَلُوا لَهُمْ شَهَادَةً أَبَدًا وَأُولَئِكَ هُمُ الْفَاسِقُونَ﴾ (36)

“And those who accuse chaste women, and produce not four witnesses, flog them with eighty stripes, and reject their testimony forever .They indeed are liars and rebellious.”

Advancing the concept of human right and dignity of person, the Quran reads as:

﴿يَا أَيُّهَا الَّذِينَ آمَنُوا لَا يَسْخَرْ قَوْمٌ مِّنْ قَوْمٍ عَسَىٰ أَن يَكُونُوا خَيْرًا مِّنْهُمْ وَلَا نِسَاءٌ مِّنْ نِّسَاءٍ عَسَىٰ أَن يَكُنَّ خَيْرًا مِّنْهُنَّ وَلَا تَلْمِزُوا أَنفُسَكُمْ وَلَا تَنَابَزُوا بِالْألقَابِ﴾ (37)

“O you who believe! Let not a group scoff at another group, it may be that the latter are better than the former. Nor let (some) women scoff at other women, it may be that the latter are better than the former. Nor defame one another, nor insult one another by nicknames”.

It is a unique concept of human right presented by Islam, having no example of it, at least in the western concept of human rights. In the views of Rashid Ahmad Jullundhri:

“Islam wants to create a society based on a deep sense of moral responsibility and justice in order to preserve human dignity accorded to man by God”.(38)

The human history is evident of it that ‘the Holy Messenger Muhammad (SAW) for the first time bestowed all those fundamental rights to man which were necessary to elevate him on the highest pedestal of humanity. He “granted humanity that Charter of liberty, fraternity, equality, justice, dignity, peace, and what not, which lent grace, politeness and beauty to the life of man.(39)

Human rights granted by Islam are “not confined to citizens of any one state. They are to be enjoyed by the Muslims as well as non Muslims all over the world without any discrimination”. “Islam does not restrict these rights and privileges to the geographical limits of its own state or to the people of its own faith. It has a universal concept of fundamental rights which is for the whole mankind irrespective of color, race, territory,

language, and even creed". Every man, whether he belongs to this country or that, whether he is a believer or unbeliever, whether he lives in a forest or in desert, has certain basic human rights simply because he is a human being. These rights have been given to all without any distinction of caste, creed or color.(40)

In a true Islamic state "these rights are enjoyed by all of its citizens and cannot be violated by the state or another individual. No war no emergency and no crisis can authorize anybody including the state to suspend or abrogate the fundamental rights given by the Quran and Sunnah to the Muslim citizens and non Muslims living in an Islamic state".(41)

Messenger's (SAW) declaration of human rights, proclaimed in his last sermon is a clarion-call for all mankind of the universe, irrespective of caste and creed, devoid of any narrow nationalistic ideas of the present day.(42)

Muslim theologians have divided rights into two categories: 'Huqooq Allah', (the rights of Allah) and 'Huquq al-Abad', (human rights).(43) 'Islamic approach to balancing the rights of Allah and the rights of the individual is objective in the sense that it seeks to protect the interests of both the individual and the community under the umbrella of justice'.⁽⁴⁴⁾

Islam not only guarantees human rights and fundamental freedoms to the Muslims and non-Muslims both but, at the same time, provides' remedies for the infringement of these rights and freedoms.(45)

In his first official speech, Abu Bakr(RA) said:

"إني قد وليت عليكم ولست بخيركم فإن أحسنت فأعينوني وإن أسأت فقوموني،
الصدق أمانة، والكذب خيانة، والضعيف فيكم عندي قوي حتى أرجع عليه حقه
إن شاء الله، والقوي فيكم ضعيف عندي حتى أخذ الحق منه إن شاء الله
إني قد وليت عليكم ولست بخيركم فإن أحسنت فأعينوني وإن أسأت فقوموني،
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إن شاء الله، والقوي فيكم ضعيف عندي حتى أخذ الحق منه إن شاء الله"

"O People: I have been appointed ruler upon you, while I am not the best of you. If you see me with truth, help me, and if with falseness set me right. The strong among you, in my opinion, is weak until I snatch the right from him and the weaker among you, in my view, is the strong, unless I redress his wrong."(46)

Abu Bakr 's (RA) policy was continued by his successor Umar,(RA) the second Caliph of Islam. Once, the Governor of Egypt incarcerated a citizen unjustly. The injured managed to escape from prison. He went from

Egypt to Madina where he complained to Umar,(RA). Umar,(RA) summoned the Governor of Egypt and said:

”مذمكم تعبدتم الناس وقد ولدتهم أمهاتهم أحرارا.“ (47)

“Since when have you taken upon yourself to make people slaves who are born free”?

In an Islamic culture the state has the responsibility of enforcing these rights of the individuals based on principles of Adl and Ihsan, guaranteed by Shariah. The purpose of an Islamic state is not merely to protect its citizens but also to achieve social justice.(48)

In Islamic Shariah, it is the legal obligation and duty of the people in power to look after and protect the rights of the people. If they fail to enforce them, and start denying the rights that have been guaranteed by God or make amendments and changes in them, or practically violate them while paying lip-service to them, they are sinful. In many ayat of the Holy Quran warning has been issued against those who are involved in persecution and violations of human dignity. They are reminded again and again to implement the laws of Shariah and to observe justice by dealing with others.(49)

The Quran in this regard proclaims as:

﴿وَمَنْ لَّمْ يَحْكَمْ بِمَا أَنزَلَ اللَّهُ فَأُولَٰئِكَ هُمُ الْكَافِرُونَ﴾ (50)

“Those who do not judge by what Allah has revealed are the disbelievers” (kafirun).

The second ayah in this regard speaks as:

﴿وَمَنْ لَّمْ يَحْكَمْ بِمَا أَنزَلَ اللَّهُ فَأُولَٰئِكَ هُمُ الظَّالِمُونَ﴾ (51)

“And whosoever does not judge by that which Allah has revealed, they are the wrong-doers” (zalimun) .

While a third Ayah in the same chapter says:

﴿وَمَنْ لَّمْ يَحْكَمْ بِمَا أَنزَلَ اللَّهُ فَأُولَٰئِكَ هُمُ الْفَاسِقُونَ﴾ (52)

“And whosoever does not judge by that which Allah has revealed, they are the evil-livers” (the rebellious) (fasiqun)

Since in Islam, Allah is the Absolute Sovereign, there is no room for rulers to be above the law, for kings who do no wrong, for monarchs who enslave men. The man who abuses his power will pay for it and the victim

of abuse is entitled to redress. Both sovereign and subject are equal before the law. The subject has no obligation to obey the sovereign if the latter deviates from the law.(53)

The Messenger of Islam Muhammad (SAW) explained in detail the implications for unjust rulers who ignore the rights of their subjects and enjoy committing excesses against the people, by saying:

”كلكم راع ومسئول عن رعيته ، فالإمام راع وهو مسئول عن رعيته ، والرجل في أهله راع وهو مسئول عن رعيته ، والمرأة في بيت زوجها راعية وهي مسئولة عن رعيته“

“Everyone of you is a shepherd, and everyone of you will be questioned about those under his rule: the Amir (ruler) is a shepherd and he Will be questioned about his subjects, the man is a ruler in his family and he will be questioned about those under his care and the woman is a ruler in the house of the husband and she will be questioned about those under her care”.(54)

”ما من عبد استرعاه الله رعية ، فلم يحطها بنصيحة ، إلا لم يجد رائحة الجنة“ (55)

“Any governor in charge of Muslim subjects who does not protect them with good counsel will not smell the fragrance of Paradise”.

”ما من أمير عشرة إلا يوتى به يوم القيامة مغلولة يدها إلى عنقه ، أطلقه الحق أو أوبقه.“ (56)

“He who has been ruler over the ten people will be brought on the Day of Resurrection shackled till justice loosens his chains or his tyranny brings him to destruction”.

”ويل للأمرء ، ويل للرفاء ، ويل للأمناء ، ليتمنين أقوام يوم القيامة أن ذوائبهم كانت معلقة بالثرى، يتذبذبون بين السماء والأرض ، ولم يكونوا عملوا على شيء.“ (57)

“Woe to the governors, woe to the chiefs, woe to the supervisors! On the Day of Resurrection, people will wish their forelocks were tied to the Pleiades, that they were swinging between heavens and earth, and that they had never exercised any rule”.

"إن أحب الناس إلى الله يوم القيامة وأدناهم منه مجلسا إمام عادل ، وأبغض الناس إلى الله وأبعدهم منه مجلسا إمام جائر." (58)

"The one who will be dearest to Allah and nearest to Him in station on the Day of Resurrection will be a just Imam (ruler) and the one who will be most hateful to Allah on the Day of Resurrection and will receive the severest Punishment (or will be farthest from Him in station) will be a tyrannical Imam (ruler)"

These ahadith of the Messenger of Allah Muhammad (SAW) plainly state the rights of the people over their rulers, on the fulfillment of which rests the latter's whole future life. Their excellence or degradation on the Day of Judgement is entirely dependent on how justly or unjustly they treat their subjects, and how much interest they take in the welfare of the people and in safeguarding their rights and privileges.

3.IMPLICATIONS:

Human right in Islam is considered very important and sacred in Islam law. The concept of Human right has been discussed in all the sources of Islamic law beginning from Quran to ijtiḥad. Human rights concept in Islam is as old as man himself. Islam has declared and guaranteed it 1400 years ago and every Muslim is bound to accept and follow them.

Shariah has a unique concept of human rights, which emerge from the concept of obligations. The emphasis of Islam is on duties rather than rights. The rights and duties are in fact, two sides of same coin. They are so co-related that they cannot be separated. All the believers owe a duty to God and as a result of fulfilling these obligations they gain certain rights and freedoms. Islam has an integrated and unitarian approach towards rights and obligations.

Islam regards human rights as an integral part of faith. A man cannot be considered religious in the true sense of the word, if he does not take care of the rights of his fellowmen. The measure of judging a man's religiosity is how he deals with people, not how much he prays.

Human rights granted by Islam are not confined to citizens of any one state. They are to be enjoyed by the Muslims as well as non Muslims all over the world without any discrimination. In a true Islamic state these rights are enjoyed by all of its citizens and cannot be violated by the state or another individual. No war no emergency and no crisis can authorize anybody including the state to suspend or abrogate the fundamental rights given by the Quran and Sunnah to the Muslim citizens and non Muslims living in an Islamic state.

Islam not only guarantees human rights and fundamental freedoms to the Muslims and non-Muslims but, at the same time,

provides' remedies for the infringement of these rights and freedoms. In Shariah, it is the legal obligation and duty of people in power to look after and protect the rights of the people.

In Islam human rights have been conferred by Allah, the Almighty God of universe through His word, the Quran and through His final Messenger Muhammad (SAW). they carry special sanction behind them. They are permanent, sacrosanct and inviolable and in no way or in no circumstances can be withdrawn, modified reduced, amended or suspended on any pretext. No king no head of state or chief executive, no parliament or legislature and no Qadi or court has any authority to violate these rights. Whereas on the other hand rights in the West human rights are the result of legislation by the parliament of a state, which recognizes such rights only for its citizens.

The Charter and proclamations of the United Nations cannot be compared with the rights sanctioned by God, for the former are not obligatory on anybody, while the latter are an integral part of the Islamic faith .The U.N. Charter only provides for protection and encouragement of human rights; it neither guarantees these rights nor ensures their observance. It places no obligation upon the member States to put it into effect. The five super powers are still preserving their veto powers. It is merely declaratory and not mandatory.

The Violation of human rights by the USA and NATO forces and their unlawful interference in Iraq, Egypt, Afghanistan etc and occupation of Kashmir by India are the clear examples of double standards of the big powers and ineffectiveness of the UN.

From the above discussion, it is abundantly clear that the rights proclaimed in the Quran and the appeal made by the Messenger of Allah (SAW) about more than 1400 years ago in his Farewell Sermon with respect to human rights is much more appropriate and comprehensive as compared to the rights proclaimed and guaranteed by the West and Human world organizations.

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