

Human Rights in Islam

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[Introduction]

Throughout history, the philosophy of human rights has been to ensure human dignity, irrespective of race, religion, creed, caste and color. Theories, codes and behaviors have been established to ensure this basic principle. However, as Thomas Hobbes wrote, “human beings are fallible.” Hence, such theories and laws were not always practical and were often full of contradictions. People try to trace the genesis of human rights back to ancient Greece and Rome where natural law governed the institutions, but these rights are not in due order process of law. The Magna Carta (1215) of England is seen as a remarkable achievement, but it has its own defects. It has been established through case law, that members of Judaism and Sikhism are fully protected; under the Race relation act, but no such protection exists for members of other faiths¹ More recently, the Bill of Rights of the United States was written but it too has shortcomings. The U.S. considers itself to be a righteous nation but it is prejudiced toward other nations and minority races. Despite the so-called established laws of Human rights, there is much discrimination in United States on the basis of color, caste and creed.

Going back through history, the concept of human rights in Islam and its practical applications to human beings is totally neglected. However, Islam, with its divine dependence upon the prophet Mohammad (SAW) contains a message of human rights as its basic law and injects the values of interest which fully normalize the claims and demands and needs in every society for which laws and provisions were made for the interest of individual human beings.

[Main Points of Research]

The claims or demands of such human beings fall into one of three categories: **individual, public or social**. As we know rights and duties are correlated. One can't have right without duty or duty without right, so Law had particular influence on rights and duties. The function of the law is to control illegal activities and safeguard the rights of other human beings. Prophet Mohammad (SAW), the final messenger, worked day and night for the preservation of human rights. He acted very determinately against human rights atrocities. Moreover, after migration in 622 A.D., he introduced the charter in Madina which guarantees full protection of religion, life, and also safeguards property. After the conquest of Makka, where many atrocities were perpetuated against Muslims, the Prophet Mohammad showed forbearance and great statesmanship by forgiving everyone. Divine guidance guarantees these rights and obligations and has been conveyed to humanity ever since the origin of mankind.

As mentioned earlier, duties and rights are not separate from each other in Islam. In this regard, A.K. Brohi says, "Since within the totality of Islam, man's duty is to society and to every other individual, paradoxically, the rights of each individual are protected by the obligations of all under divine law, as the state itself is compelled to protect the rights of individual."³ The right to life in Islam is also protected and emphasizes that no one has the right to violate any one's right to life in this regard. The Holy Quran says, "Do not kill a soul, which Allah had made sacred except through the due process of law."⁴ In another verse Allah Says, "Nor take life which Allah had made sacred except for just cause."⁵ So far as revenge for murder is concerned it can only be decided by a competent court of law. Otherwise, anyone who commits murder without due process of law would be considered to have killed the whole humanity. The Holy Quran says, "If anyone slew a person unless it be for murder or for spreading mischief in the land, it would be as he had slewed the whole humanity."

The significance of protecting human life is explained in the second part of the above verse. If anyone saved a life it would be as he saved the life of whole of humanity.⁶ Islam gives this right to each and every human being regardless of race, nationality or religion. The Prophet Mohammad (SAW) is reported to have said, "One who kills a man under covenant (a non Muslim Citizen of Islamic State) will not even smell the fragrance of paradise."⁷

Keeping in view the concept of human rights, the duties of humanity under the guidance of natural law have been categorized into two vast fields: Haqooq ul Allah and Haqooq ul Ebad. Haqooq ul Allah are the rights of Allah upon mankind and consist of many types of worship and rituals. The Haqooq ul Ebad are the rights of humans. Each of the rights of Allah correspond to public rights and, because Muslim laws regards observance of necessary devotional acts as being beneficial in the community, there is no hindrance of all rights vested to Allah for the service of humanity.⁸ Both categories of rights – Haqooq ul Allah and Haqooq ul Ebad – are originally vested to Allah. It is explicitly clear in Islam that duties towards other human beings are vested to Allah alone. Now the concept has emerged from

the divine guidance, which leads both to preserve the rights of Allah on men and women.

These are clear from the tradition of Prophet Mohammad (SAW), when he said Allah will enquire from you about human rights on the day of judgment. It is written, “‘O children of Adam! I asked you for food, but you didn’t feed me.’ The man will reply, ‘O Allah how could I feed you when you are the sustainer of all men.’ Allah will say ‘such and such of my servants asked you for food but you did not feed him. Do you not know that if you had given him food you would have found that food here with me?’” And again, Allah asked, “‘O children of Adam, I asked you water and you didn’t give it to Me.’ Man will say, ‘O Allah how can I give you water, when you are the Lord of worlds?’ Allah says ‘such and such of my servants asked you for water, but you did not oblige him. If you had given water to him, you would have found it here with Me.’”⁹

Now human rights which are explored within the Haqooq ul Ebad would be grouped into two sections, one section needs the establishment of a state. We can say these are state sponsored human rights. Another would be called moral rights, which requires individual emphasis and everyone has to work for the establishment of these rights. The goal of an Islamic state is to preserve the rights of human beings who have been deprived from these rights. The first caliph of Islam, Abu Bakr, when elected as Amir Ul Mumeneen in Madina, said “The weak shall be strong in my eyes until I restore to them their rights and the strong shall be weak in my eyes until I have restored the rights of weak from them.”¹⁰

These rights cannot be considered as the products of socio-economic conditions as per Marxist or Freudian concepts. For both of these thinkers assume that man is the creation of his own complex ideas. Life with human rights is the natural condition; they are innately needed by man in order to continue on the path towards perfection. Before determining the proper criteria of rights, two conditions concerning the nature of man and of rights should be visualized.¹¹The criteria for rights should be universal, and impartial with respect to color, caste and creed. Now the only criteria we had to find is human conscience in the general sense which includes both moral and conscious awareness so that human beings should be conscious to preserve the rights of others in the community. Without consciousness, a body has no humanity. It is just like a piece of log for which there can be no hope for rights.¹²

The Muslim state was run by caliphs who were not monarchs trying only to satisfy themselves. Rather, these caliphs were just rulers and advocates of divine law. They were totally against the dictatorship concept of rule. There was no concept of the English doctrine, "the King can do no wrong and is not liable to face justice." In the Islamic political system, caliphs are themselves subject to the divine ruler (Allah). In this regard, the Holy Quran says, “I seek refuge in the lord of mankind, the king of mankind the Allah of Mankind.”¹³ The great commander Khalid bin Walid once addressed the Romans who regarded their emperor as the king of kings by saying, "Your king may be like that, but our caliph, whom we have elected as such, if he thinks about the kingship even for a moment, he shall be deposed.”¹⁴

The Islamic judicial system is unique because justice is its core and no one can commit anything unjustly. Once Hazrat Ali lost his armor which was later found with a Jew. The caliph complained in the court of justice against the Jew. The caliph Hazrat Ali brought his son Hazrat Hassan as witness in support of his case. The judge rejected the complaint of Caliph and did not consider the evidence of any such relative as reliable, this kind of just judicial system impressed the Jew and he at once embraced Islam.¹⁵ We are directed in the Holy Quran to act justly with every one, Muslim, non Muslims and even with relatives and orphans and the poor.

Islam, being the universal religion, does not allow any one to deprive another of his or her rights. Indeed, Islam guides mankind to respect one another regardless of religion. Because Islam is the religion of tolerance, Muslims have made treaties whenever they are close to victory in War. Once, the commander of a Muslim army Abu Ubaida al Jarrah made a treaty with the people of Hamas and invited the caliph Hazrat Umar in this regard. Hazrat Umar declared the treaty and said, as per the treaty, the lives, property and religious laws concerning you are protected and secured under due process of law¹⁶ Justice is the inner most quality which gives moral luster and spiritual dignity to human affairs.

Within the circumstances of law and politics, justice has two distinct meanings: first it is a characteristic of the human mind that distinguishes between right and wrong. Secondly, it signifies legal rules which allow a society to maintain law and order.¹⁷ Islam strictly prohibits mankind from acting unjustly and emphasizes work for moral and ethical upliftment and against fraudulent activities. The Holy Quran says, "And defraud not the substance of any people and do not act corruptly on the earth making mischief. And guard yourself against the punishment of Allah for all sorts of corruption."¹⁸ Allah always acts justly and does not make mankind beasts of burden under his divine command, but insists always on the individual responsibilities of man to make a choice between good and evil. The Holy Quran says, "Whosoever goes for right does so only for his own and whosoever errs, errs only to its hurt. No soul can bear another's load. We never punish until we sent a messenger."¹⁹ In another verse, Allah says, "Every soul is a pledge for its own deeds."²⁰ Mohammad Asad explains the relationship between man and Allah like this:

But He only indicates will to us, He does not compel us to behave in the way indicated. He gives us freedom of choice. We may, if we so desire, willingly submit to his revealed law and thus, as it were against Him, disregard His law and risk the consequences. However we decide the responsibilities to ourselves.²¹

Everybody has been born free and has the right to peaceful existence. Allah himself declared in the holy Quran that, one, all human beings are born free and, two, that slavery and forced labor are abhorred.

Islam not only secures the life of its people but also guarantees the protection of their property. Such a guarantee of protection of life is laid on the lawful property gained through reliable sources.²² Prophet Mohammad (SAW), in his farewell address, said, "Your lives and property are forbidden to one another and to you until you meet your lord on the day of

judgement.”²³ Mr. Salahudin mentions in his book, Bunyadi Haqooq, that such rights include the rights of enjoyment and consumption, the right to investment in some business, the right to transfer and right to protection of the occupation of one's property.”²⁴ During the caliphate of Hazrat Umar “a Syrian cultivator complained that the army had trampled down his crops, and the caliph at once ordered for the payment of the ten thousand dirhams to him as compensation out of the Baitul Mal.”²⁵

The rights of Subjugation are safeguarded so much that, during the period of caliph Umar a farman was sent to Abu Ubaida concerning the conquest of Syria, which forbid the Muslims to do any injustice to the Dhimmi. It said, “They should not harm them at any cost nor take their substances unjustly. And keep faith fully all the terms you have made with them.”²⁶ During the first century of hijra in the era of the 2nd caliph of Islam, Hazrat Umar framed the administrative system in such a way that every Dhimmi was protected through due process of law. Their properties were safeguarded For example, when the central Mosque of Kula was constructed, the remains of some older forts, which were situated in the land of a Dhimmi, needed to be used for construction. The state paid compensation to the Dhimmi as per the required cost of the remains of the old forts.²⁷

The Holy Quran places great emphasis on just dealings so that every one get his due rights related to property and honor. It is written,

O ye who believe stand out firmly for Allah as witness, to fair dealing and let not the hatred of others to you make you swerve, to do wrong and depart from Justice. Be just, that is next to piety, and fear Allah. For Allah is well acquainted with all that you do.²⁸

Abdullah Yousuf Ali had explained this verse very simply. He says, “to do justice and act righteously in a favorable or neutral atmosphere is meritorious enough, but the real test comes when you have to do justice to people who hate you or to whom you have an aversion. But no less is required by the higher moral law.”²⁹

From the very beginning Islam and kufr have had ideological differences, they can never be one and the same, so it is necessarily our belief that logical links between Islam and kufr do not exist. Islam was revealed to eradicate the atrocities perpetuated by the unbelievers who had perpetuated grave human rights violations. Every ideology is rooted in the reality of requirements and need. Knowing reality - who is the creator, who feeds him - is necessary. After reflecting upon this, man has only two alternatives either to embrace the Islamic ideology in which human rights are preserved, or, deny this reality and act against the Haqooq ullah and violate his own rights.

Of course, if a man takes a materialistic approach towards the world, he will find several ideologues to take the place of Allah, each drawing him to its diverging way. The Holy Quran says, “Allah sets forth an example: there is a slave who has several owners who are partners who are always differing with one another, and there is another slave who is wholly owned by one man. Are the two alike in condition?”³⁰ Surely such person of varying ideology will not be able to act justly. The ideology he had placed before

him could not provide everyone his right. It is a matter of fact that in the modern so-called civilized world in which several ideologies are working at the state level such ideologues use every kind of tactics to suppress others on ideological grounds. But the Holy Quran at this juncture preserves the rights of everyone, even during the war times, and preserves the rights of non-combatants. For it is only fighters who are to be fought – not the non-combatants. It is written, "Fight in the cause of Allah those who fight you, but do not transgress limits; for Allah love not transgressors."³¹

Justice is the real cause of Islam. "The Prophet Mohammad, the great patron of justice, was also commanded to act justly as I am commanded to be just among you."³² During the prismatic period, injustice prevailed everywhere and every kind of tactic was used to gratify one's soul and suppress people for self interest. The Holy Quran commands Muslims to respect human rights, Allah Says;

O ye who believe, stand out firmly for justice, as witnesses to Allah, even as against yourselves or your parents or your kin whether it be against rich or poor For Allah can best protect both. Follow not the lusts of your hearts, lest ye swerve, and do not distort justice or decline to do justice. Verily, Allah is well acquainted with all that ye do.³³

The modern system of justice is against the moral system of justice. Islam denies favor to those who have done injustice or any other crime. Take for example the case of Taimai ibn Ubairiaq. He was nominally a Muslim but in reality he was a hypocrite and perpetuated all sorts of wicked deeds. He was suspected of stealing a set of armor, but when the trial was hot he planted the armor in the house of a Jew, where it was found. The Jew denied the charge and accused Taima, but the Muslims lent their sympathy to Taima because he was also a Muslim. The case was brought to the Prophet Mohammad, who acquitted the Jew according to the strict principles of justice as guided by the Allah. Attempts were made to prejudge, and deceive the Prophet Mohammad but he was not swayed. When Taima realized that his punishment was imminent, he fled and became an apostle.³⁴

On this point, Allah revealed this verse, "We have sent down thee with the book in truth, that thou mightiest judge between the people by that which Allah has shown thee, so do not be an advocate for those who betray their trusts".³⁵ In Islam the right to honor is also guarded and much significance is laid on it in the holy Quran. Muslims are commanded to respect others and not to abuse others. In this regard Allah says, "O ye who believe, let not some men among you laugh at others. Do not defame nor be sarcastic to each other by offensive nicknames.... nor speak ill of each other behind their backs."³⁶

Honor of everyone is protected in Islamic law regardless of social rank. There is no distinction between men according to their caste or status. Islam directs man very simply that all human beings are created from a single pair and that piety is the only nobility in Islamic law. It is written,

"O mankind! We created you from a single pair of male and female and we made you into tribes and nations that you may recognize each other.

Verily the most noble among you, in the sight of Allah is he who is most righteous among you. Surely Allah is all knowing and all aware”³⁷.

It is a fact that man has his origin from Hazrat Adam, the first messenger and human being from whom all human beings spread on the earth through different ages. So, in this regard all human beings are brethren to each other. The Prophet Mohammad, on his farewell pilgrimage, delivered a lecture at the pulpit of Kaba in which he said, "No Arab has any superiority over a non-Arab, nor does a white man have any superiority over a black man. You all are children of Adam and Adam is created from clay."³⁸ In Islamic history, the right to honor is given first priority. The caliphs were also anxious about the preservation of these rights. During the caliphate of Hazrat Umar, "a famous chief of Syria holding a royal rank embraced Islam and was performing the circumambulation (Tawaf) around the Kaba, when the hem of his mantle fell and came into the feet of another circumambulator (tawafian). Jabalah at once slapped him on the face. The victim retaliated and Jabalah complained to the caliph. Upon hearing the complaint, the caliph Umar said, 'You have received the punishment for what you have done.' Jabalah was amazed at the reply and said, 'I belong to a high-class family. If anyone acts rudely against us, he is punished with death. The caliph Umar replied that that was un-Islamic (jahilia)." Islam equalizes all ranks and everyone is equal before law. Jabala furiously replied, "If Islam is a system in which there is no distinction between high and common people, I abjure it."³⁹

Islam vanquished from the ground level the discriminatory approach of life on the basis of color; caste and region. Prophet Mohammad (SAW) not only held this view, but also practically shows that everyone is equal before the law.

"Once a woman from a noble family of Madina committed a crime of theft and was caught red handed. The case was brought to the Prophet Mohammad and he was asked to spare the woman because she was from a noble family. The Prophet Mohammad (SAW) replied,

The nations that lived before you were raised to the ground by Allah, because they punished only the lower strata of their society and forgave only their own crimes. I swear By Allah whose hands are my life that even if Fatima (the beloved daughter of Prophet Mohammad (SAW)) had committed this crime, I would have cut-off her hands"⁴⁰

In Islam personal freedom is given to man to judge things by his own reason, but he should not transgress the limits Muslims are directed to obey. In the Holy Quran personal, freedom is highlighted. It is written, "And when you judge between man and man that ye judge with justice."⁴¹ In another verse, the Prophet Mohammad was asked to investigate every report delivered to him regarding personal freedom. He said, "If a wicked person comes to you with any news ascertain the truth lest ye harm people unwillingly and afterwards become full of repentance for what ye have done."⁴²

Keeping the above verse in mind, man is given personal freedom to such an extent that he can not harm others and also investigate reports so that mankind would be saved from atrocities of other people. No doubt, every

one has to take the burden of his own actions. Allah says, “Everyone shoulders the heed of one’s acts on none but oneself: no bearer of burden can bear the burden of another.”⁴³

Islam does not prohibit the right of protest against the tyranny of the government. The Prophet Mohammad has regarded protest against a tyrant to be the best form of jihad.⁴⁴ It is the result of prophetic and Quranic teachings that people openly criticized the caliphs and never hesitated to protest against any unlawful action. Once Caliph Umar called a shura to restrict the amount of dower. An old woman openly opposed his acts on the basis of Quranic injunctions. At once Hazrat Umar changed his statement and accepted the statement of that old woman and thanked her. Once Umar the second caliph stood on the pulpit of the Mosque and said, “Gentleman if I bend to worldliness what would you do?” A man raised his sword and said “We shall cut off your head.” In order to test his determination, Caliph Umar asked him, “Have you said such words for me?” The man said, “Yes, for you.” Hazrat Umar replied, “Praise to be to Allah! Still there are men in Ummah that can put me to right if I do wrong.”⁴⁵

Islam grants freedom to all women whether she belongs to Muslim Ummah or to a conquered nation. In all conditions Islam honors and respects her chastity.⁴⁶ The protection of equal status for men and women is considered to be vital. If you judge the rules of inheritance you will find no difference on the economic possession of sons and daughters.⁴⁷ One who violates the chastity of women has to face harsh punishment. Islam strictly opposes adultery. It is written, "Do not approach the bounds of adultery."⁴⁸

Respect for the chastity of woman is found nowhere else as strong as it is in Islam. Nowadays, in the so-called civilized countries, armies are provided the means to gratify their desires opposite to this Muslim history. Witness that Muslim armies have protected the women of countries they have conquered just as they would protect their own women for the last fourteen hundred centuries. It never happened that a Muslim army has ever perpetuated this kind of illogical activity.⁴⁹

Islam, from very beginning, has preserved the rights of the needy and directed those who are wealthy to take care of the plebian section of the society. In the Holy Quran, Allah says, “And to their wealth and possession was acknowledged the right of the needy who asked him who was prevented (from asking).”⁵⁰ This right was preserved for both Muslim and non Muslim because in world affairs Muslims and non-Muslims have the same rights under the Islamic state. In this regard Khalid bin Walid made a treaty during the Caliphate Of hazard Abu Bark with the people of Hiram in which he provided them with grants as long as they were under the care of the Islamic State. He said,

I have granted the right that if anyone among you is old and is unable to do any work or has suffered through natural disaster and after being rich has become destitute (extremely poor) so much so that his fellow Muslims pay alms to him, his jazia will be remitted, he and his children will receive allowance of maintenance from the public treasury (Bait ul Mal) as long as they live in *dar ul Islam*. But the Muslims will not be responsible for their maintenance if he and his family leave the *dar ul Islam*.⁵¹

The worst thing to occur in human history is slavery. Slaves were treated inhumanly and did not receive the respect that humanly beings need. They were made beasts of burden through slavery and this also existed in Islam. But Islam's response was totally the opposite of the response of other religions and civilizations. Islam taught Muslims that freeing a slave means to get rid of sins. Freeing a slave due to one's own will means that that person will be protected from hell fire.⁵²

According to the tradition of the prophet Mohammad (SAW), when he advised his companions regarding slaves, he said "these are your brothers over whom Allah has granted you authority. You should feed them on what you eat yourself, cloth him as you clothe yourself and you should not set him a task beyond his capacity and if he is assigned something heavy and difficult, you should help him in carrying it out."⁵³

The slaves were freed and were given the same privilege as the other citizens of the state and are allowed to marry with anyone as per his wish.⁵⁴

The Prophet Mohammad (SAW) himself freed as many as 63 slaves. Hazrat Aisha freed 67, Abdullah ibn Abbas 70, Abdullah bin Umar freed 1000 and Abd al Rahman purchased 30000 and set them free. This problem of slavery was solved within forty years. In this way, their right to privilege and honor was saved.⁵⁵ Islam worked very hard to eradicate forced labor and slavery once and for all, declared unpaid slavery a major sin and freed slaves.⁵⁶ In the holy Quran it is said,

And serve Allah and ascribe no partners to Him. Show kindness to unto your parents unto near kindred and orphans and the needy and to your neighbors who are not kin, and the travelers and wayfarers and the slaves whom your right hand possesses. Lo Allah love none such as are proved and boastfull.⁵⁷

The Holy Quran also reports that Allah said;

Let those who find not the where with for marriage keep themselves chaste, until give them means, out of his grace. And if any of your slaves ask for a deed in writing (their Freedom for a certain Sum) live them such a deed. If you know any good in them; yea give them something yourselves put of the means which Allah has given to you but force not your maids to prostitution when they desire chastity, in order that ye May make a gain in the goods of this life.⁵⁸

Keeping in view the above facts, one can infer that the concept of human rights in Islam is so unique that it did not make any distinction on the biases of color, caste or region. The laws of Islam have no equal in human history. It not only guarantees the security of life but also preserves the chastity of woman without any difference between Muslims and non-Muslims. In Islam many ways of worship are allowed but the whole lifestyle under the moral and ethical scheme is immutable. There is no match to it in world history from Greek, Roman and Sasanid down to the present age so-called civilized world Islam believes in peaceful existence and depends on the philosophy of live and let live peacefully.

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