

## **Human Rights: An Islamic Perspective**

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### **Abstract**

The concept of Human Rights has become something of a catch phrase in the contemporary world. A considerable amount of legislation was observed in after the Second World War, both at the International and State levels. There are no two opinions about the guarantee of Human Rights to citizens of states. However, a sharp polarization exists between two schools of thoughts on the issue of attributing human rights to religion. Of them, one school affirms and the other rejects the idea. If religion is to be recognized as a central defining characteristic of civilization, then one has to give it a serious thought. The present paper is an attempt to take into account the role of Islam in the promotion of human rights. For the benefit of readers, the origin and perspective of human rights have also been discussed.

**Keywords:** Human Rights, Concept, State, Promotion

### **Definition and Origin**

The literal meaning of “right” is a just, proper or legal claim, a thing one is entitled to do, or is proscribed by law. Similarly about human rights, it is generally thought that every living person should have them (i.e., the right to freedom, freedom of speech, freedom of religion, the right to assemble, etc.)<sup>1</sup> In the context of social science a right has often been defined as power or a claim of an individual recognized and upheld by a society or a state.<sup>2</sup> Keeping in mind the recognition of society and state, one may ask a simple question as to whether a right would be legitimate even if the state and society deviate from the path of morality. For instance, quite recently slavery was recognized by many states and societies and the claim of slave-owners to hold slaves was recognized and upheld. The answer is equally simple, a claim or right must be justified with reference to common good and individual, or collective welfare.

Francis Fukuyama has explained the term right while looking into compatibility between liberalism and democracy. He is of the view that both liberalism and democracy, though closely related, are separate concepts. He defines political liberalism as: “a rule of law that recognizes certain individual rights or freedoms from Government control.”<sup>3</sup> Fukuyama has defined fundamental rights in the light of Lord James Bryce’s (1838-1922)<sup>4</sup> work on democracy. Based on Bryce’s model, three main political rights are given in the Table 1 below:

Table I: Bryce's Model of Liberalism and Democracy

<b>Rights</b>	<b>Explanation</b>
Civil Rights	The exemption from control of the citizen in respect of his person and property
Religious Rights	Exemption from control in the expression of religious opinions and the practice of worship
Political Rights	Exemption from control In matter which do not so plainly affect the welfare of the whole community as to render control necessary including the right of press freedom

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With regard to the ability to enjoy the individual rights, it is important to note that rights are inseparable from duties, though political philosophers are divided on this issue. The philosophers of the French Revolution assigned importance to the “right” while Italian thinker Mazzini stressed the duties of citizens.<sup>6</sup> Nevertheless, the best way would be to maintain a balance between the two as rights without duties are like bodies without soul. In the international human rights instruments, this issue has been resolved through applying “reasonable restrictions of law and morality” to all the rights.

### **A Perspective**

The concept of human rights is as old as the origin of human beings. However, Frederick Forsyth says that there has been little agreement about the origin of these rights.<sup>7</sup> Some scholars have argued that human rights originated in the West, others have challenged that conception. Nevertheless, most Western social scientists identify it as a post-World War-II phenomenon. As Marvin F. Frankel wrote:

“The concept of international human rights owes its beginnings to Nazi dictator Adolf Hitler. During World War II (1939-1945), the Nazis murdered millions of Jews and hundreds of thousands of others, including Roma (Gypsies), homosexuals, Soviet prisoners of war (POWs), and the mentally ill in gas chambers, by firing squad, and other methods. The world had never faced such monumental crimes, and the Allied forces that were victorious in World War II set out to ensure that such a thing could never happen again. Both the concept and the word *genocide*—coined in 1944 by Polish legal scholar Raphael Lemkin to describe the horror of the Nazi Holocaust—were part of Hitler’s legacy.”<sup>8</sup>

Nonetheless, the desire of the Allied Forces that genocide should never happen again remained unfulfilled as we have been witness to a host of

genocides in the post-World war II era (e.g., former Yugoslavia, East Timor, Rwanda, and Darfur). As for beginning of the concept, one may agree with Frankel and other analysts to the extent that it was adopted by the international community in 1940's. In essence, it existed for the last several centuries and there are many claimants who take the credit of pioneering the idea. They are discussed briefly below.

- (I) The *Magna Carta* is an historic document not only in the British but world history of Constitutional Development and realization of Human Rights. Written by British Barons and subsequently signed by King John at Runymede in 1215, the Charter limited powers of the king and guaranteed certain Human Rights. The *Magna Carta* laid the foundation of liberties, though, critics say that "it contained little that was new and it chiefly benefited the land holders"<sup>9</sup>
- (II) The British Bill of Rights 1689 was the result of Glorious Revolution that occurred in 1688. It was reflective of the political arrangement made during that revolution. Most of the rights incorporated in various laws had roots in that document.<sup>10</sup>
- (III) John Locke's *Treatise on Civil Government* in 1689 is yet another reference. He was the most prominent theorist of British Liberalism. "John Locke's ideas of natural rights, Government by consent of the governed, Social Contract, the limited state, private property and revolution; gradually influenced the modern democratic thought especially in the United State of America."<sup>11</sup>
- (IV) Rousseau's Social Contract Theory of 1762. According to the Social Contract Theory, the Government of a state came into existence as a result of an agreement signed by all concerned. "Rousseau's ideas of human equality, democracy and freedom greatly influenced modern republican Governments."<sup>12</sup>
- (V) The American Declaration of Liberty was a statement, primarily written by Thomas Jefferson and was adopted by continental Congress on 4<sup>th</sup> July 1776. As a result of adoption of the declaration, not only that 13 American colonies got independence form Great Britain but it also "justified the independence of the United States by listing colonial grievances against [King George III](#), and by asserting certain [natural rights](#), including a [right of revolution](#)."<sup>13</sup>
- (VI) The French Declaration of Rights of Man 1789 was adopted by the National Assembly. The Assembly abolished

- feudalism, ended personal obligations and the tithes, formulated the Declaration of the rights of man and in November, put up most of the Church lands for sale.”<sup>14</sup>
- (VII) The 14<sup>th</sup> Amendment in US Constitution was passed in 1868. It provided a broad definition of citizenship. Before this amendment, not only citizenship was denied to slaves and their descendants but other Constitutional rights were not extended to them either. “Its [Due Process Clause](#) has been used to apply most of the [Bill of Rights](#) to the states. This clause has also been used to recognize [substantive due process](#) rights, such as parental and marriage rights, and [procedural due process](#) rights. Certain steps are required before depriving a [person](#) of their life, liberty, or property. The amendment's [Equal Protection Clause](#) requires states to provide equal protection under the law to all [people](#) within their [jurisdictions](#). This clause later became the basis for [Brown v. Board of Education](#) (1954), the Supreme Court decision which precipitated the dismantling of [racial segregation in the United States](#).”<sup>15</sup>
- (VIII) When World War II came to an end, the Allies forces established special war tribunals to try those accused of war crimes (i.e., violations of international agreements governing the conduct of war) and crimes against humanity, such as torture and genocide. The first trials, conducted in Nürnberg, Germany, sentenced about 200 Nazi leaders, military officers, and civilians. Of them, dozens were sentenced to death, and the rest were given lengthy prison sentences. On a similar note, Japanese leaders and enlisted persons were also executed. These trials helped establish the principle of accountability before the international community.<sup>16</sup>
- (IX) The UN Charter was signed and adopted in 1945. The states who established the UN, agreed upon certain goals. One of the goals was to realize through increased recognition of the dignity and worth of human beings.<sup>17</sup> Similarly, the principal organ of UN, the Economic and Social Council (ECOSOC) directly deals with issues of Human Rights. Thus, Article 62(2) of the Charter while describing functions of ECOSOC states: “It may make recommendations for the purpose of promoting respect for, and observance of, Human Rights and fundamental freedoms for all.”<sup>18</sup>
- (X) The Universal Declaration of Human Rights (UDHR) was adopted and proclaimed by the United Nations General

Assembly through a resolution on 10<sup>th</sup> December 1948. This document, spreading over 30 articles and a preamble embodies in it almost all civil, political, economic, and cultural and other rights. It starts with a 'beautiful' phrase in Article 1: "All human beings are born free and equal in dignity and rights."<sup>19</sup>

### **Religion and Human Rights**

The important question agitating the minds of many scholars is whether it would be appropriate to take into account Human Rights from the religious point of view. There are many who have not reconciled themselves with compatibility of Human Rights with religion. However, Samuel P. Huntington terms religion a very significant characteristic of civilization. He wrote:

"Religion is a central defining characteristic of civilization, and, as Christopher Dawson said 'the great religions are foundations on which the great civilizations rest'. Of Weber's five world religions, four—Christianity, Islam, Hinduism and Confucianism---are associated with great civilizations."<sup>20</sup>

Meanwhile, Barbra Ann Rieffer is among those thinkers who support the input of religion in the promotion of Human Rights. In her on-line article titled: "*Religion, Politics and Human Rights: Understanding the Role of Christianity in the Promotion of Human Rights*", she wrote:

"...all the major religions express the belief that human beings have an inherent dignity. On account of this, we have obligations to others: All of the major religions of the world seek in one way or another to speak to the issue of human responsibility to others. Despite their vast differences, complex contradictions, internal paradoxes, cultural variations, and susceptibility to conflicting interpretation and fierce argumentation, all of the great religious traditions share a universal interest in addressing the integrity, worth, and dignity of all persons and consequently, the duty toward other people who suffer without distinction."<sup>21</sup>

### **The concept of Human Rights and Islam**

As the theme of this paper is to examine Human Rights from an Islamic perspective, we therefore have to look into the so called track record of Islam. History bears testimony to the fact that Islam has played a splendid role in the promotion of Human Rights. Unlike Capitalism and Communism, Islam discourages extremism in observing Human Rights and invites the mankind to a balanced approach. In Islam both individual

and state are important entities and one of them may not be promoted at the expense of other. Islam, therefore, creates a balance between rights and obligations. Rights in Islam may be categorized in to two area (i.e., *Huquq Allah* (obligations towards Allah) and *Huquq al-ibad* (the rights of human beings)). *Huquq Allah* (obligations towards Allah) are summarized in one single term *Tauheed* (Oneness of God). It is the first part of the confession of faith viz. *La Ilahah illa Allah* (there is no God but Allah). When *Tahheed* is properly understood, it leads towards rejection of all man-made ideologies, projections, icons and conceptions. *Huquq al-ibad* (the rights of human beings), on the other hand, refer to one's ethical and legal rights and obligations in a social context.<sup>22</sup> Dr. Hameedullah has explained the relationship between right and obligation as:

“Another feature of the Islamic law system seems to be the emphasis laid on the correlativity of right and obligation. Not only the mutual relations of men among themselves, but even those of men with their Creator are based on the same principle; and cult is nothing but the performance of duty of men corresponding to the rights usufruct of worldly things that Providence has accorded him. To speak only of the “rights of man” without simultaneously bringing into relief his duties would be transforming him into a rapacious beast, a wolf or a devil.”<sup>23</sup>

The essence of Human Rights in Islam is that God al-Mighty may forgive the violation of *Huquq Allah* but usurpation of *Huquq al-Ibad* will never be pardoned

### **The objectives of Islamic State and Human Rights**

The function of the state in modern times is to ensure freedom, well being and happiness of its citizens.<sup>24</sup> The secular view about the state is that it should not prescribe religion or morality. Secularists opine that religion arises from the sentiments or hearts and morality is a matter of conscience, both of these phenomena cannot be dictated by power of the state.<sup>25</sup> However, Islam has a different view about the state as explained by Sayyed Maudoodi in the following:

“What is the scope of activities of an Islamic state and the nature of limitations imposed thereon? And the answer is that as this state is a Vicegerent of God and accepts His *de jure* sovereignty, the scope of its activities will naturally be restricted within the limits ordained by the almighty Himself.”<sup>26</sup>

For exact comprehension of Islamic state, we have to refer to the Holy Quran, which has described the objectives of an Islamic State as:

*(They are) those who; If we establish them*

*In the land, establish; Regular prayer and give  
Regular charity, enjoin; The right and forbid wrong:  
With God rests the end ;( And decision) of (all) affairs* <sup>27</sup>

Of the above three basic functions of an Islamic state, we'll discuss the two which are relevant to Human Rights (i.e., *Zakat* and *Amr bil maroof wa nahi anil munkar* (enjoining the right and forbidding the wrong)).

### **Zakat:**

*Zakat* is one of the five pillars of Islamic belief; the other four pillars are belief in one God, the service of prayer, the fasting and the *Hajj*.<sup>28</sup> As per Islamic law *Zakat* is levied at the rate of 2.5 % on wealth and assets remained in custody of Muslim for one calendar year. *Zakat* is collected through this rate is then distributed among the poorest of the poor.

In several places in the Holy Quran and sayings of Prophet Muhammad (P BUOH) paying of *Zakat* has been emphasized. The Quran has held out threats of a dreadful torment and chastisement of those who don't pay *Zakat*.<sup>29</sup> In Chapter 9 of Quran tiled *Tauba* (repentance) Allah warns:

“The day shall surely come when the same gold and silver shall be heated, and therewith their foreheads, their bodies and their backs shall be branded,(saying), ‘here is that treasure(*Kanz*) you have hoarded up for yourselves; now taste the evil of your hoarded wealth.”<sup>30</sup>

The Prophet Muhammad (P BUOH) encouraged the believers to pay *Zakat*. He also promised incentives in reward to *Zakat* in this world and the hereafter. The following two *hadiths* (sayings) of the Prophet are selected from amongst many about *Zakat*:

- a) According Hazrat Abu Hurairah, the Holy prophet said: “On the Day of Rising, when there will be no shade except under the Divine Throne, seven categories of people will be given shelter thereunder. One of them will be the person who expends his wealth secretly in the way of Allah so that his left hand is not aware of what his right hand is giving.”
- b) The Messenger of Allah used to express great joy and would pray for a person who brought his charity before him. When Hadrat Abu Aufa came with his charity, the Holy Prophet prayed O Allah! Send down thy mercy upon the household of Abi Aufa.<sup>31</sup>

Islam specifies eight categories of needy people to whom *zakat* should be paid. They are: i) The poor, ii) the needy, iii) those who work

for the collection of *zakat*, iv) those whose hearts are to be reconciled, v) slaves and prisoners of war, vi) the heavily indebted, vii) in the path of God, and viii) to the way farers.<sup>32</sup>

A cursory look at the above eight categories shows that the *Zakat* covers all the needs of the society. In other words, the system of *Zakat* ensures bringing those less fortunate within a society to a certain level of dignity whereby their basic rights are guaranteed.

***Amr bil maroof wa nahi anil munkar (enjoining the right and forbidding the wrong).***

The second duty of the Islamic state is *Amr bil maroof wa nahi anil munkar (enjoining the right and forbidding the wrong)*. The sanctimonious task of enjoining right and forbidding wrong is assigned to the Muslim *Ummah* and they have to perform it both individually and collectively. The Holy *Quran* thus communicates us the word of God:

“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. They are the ones to attain felicity.”<sup>33</sup>

On the other hand the Holy prophet said: “Any one of you who finds evil in practice, is duty bound to stop it by force, if he lacks the potential, then he should slate it verbally, if he can’t even do this then at least hate it from his heart, and this is the lowest ebb of belief.”

In the light of the above, whenever, the Muslims stuck to the duty of *Amr bil maroof wa nahi anil munkar (enjoining the right and forbidding the wrong)*, all evils including violation of Human Rights were eradicated from the society. The Muslims history is witness to the fact that as long Muslims kindled the light of good and dispelled the darkness of evil, all segments of the society enjoyed their rights to an optimal level. On contrary, when, the Muslims showed indifference to that sacred duty, rights of individuals and marginalized classes were usurped. It is because of dire consequences of not performing *Amr bil maroof wa nahi anil munkar* that the *Quran* and the Holy Prophet constantly advised the Muslims to adhere to that noble task. Once the Prophet said:

“Allah does not punish the common masses for the evil doing of certain elements until the stage is reached that they see evil practices and don’t stop it although capable to do so. When they do so, then God punishes bad elements along with the common masses in the shape of total destruction”<sup>34</sup>

The Muslim political philosophers considered administration of justice, the most significant characteristic of a Muslim ruler. Ibn Khaldun has put forward three conditions for *Imam* (leader or head of an Islamic State). They are: (1) Knowledge, (2) Probity (*‘adalah*), and (3)



Competence.<sup>35</sup> Of these, Probity ('*adalah*) pertains to establishing a just and humane social order whereby respect for Human Rights remains a cardinal stone of the social structure.

### ***Hilful Fazul***

The entire life of the Holy Prophet (PBUOH) is spent in the promotion of *Huquq* Allah (obligations towards Allah) and *Huquq al-ibad* (the rights of human beings). Here, only three instances are given. He was instrumental in founding a courteous and welfare organization called *Hilful Fazul* or Federation of the Fazul in 595 AD. The main objectives of the organization was "to defend every individual, whether Meccan or stranger, free or slave, from any wrong or any injustice to which he might be subjected in Meccan territories, and to obtain redress for him from the oppressor."<sup>36</sup> The name Fazul was derived from a similar ancient organization formed by four persons, namely Fazl, Fazal, Muffazzal and Fuzail (collectively referred to as Fazul). The need of founding *Hilful Fazul* was felt in the post-Abdul Mutalib era when lawlessness became order of the day. Strangers strolling at the streets of Makkah were looted. They were "robbed not only of their goods and chattels but also of their wives and daughters."<sup>37</sup> *Hilful Fazul* worked effectively and provided security of life, property and dignity to human beings.

### **The Charter of Madinah**

In Madinah, the foremost task before the Prophet was to enter into a formal agreement with significant tribes and families of that city. For that purpose *Misaq-e-Madinah* (The Charter of Madinah) was signed in 622 AD.<sup>38</sup>

The Madina Charter consisted of 47 articles. The Charter addressed the power structures that contributed to the conflict in Yathrib (Madina). It identified the parties involved in the conflict (i.e., the Muslim immigrants from Makkah and the Muslims of Yathrib, the Jews and the people of Yathrib). All these stake holders were defined as one community to the exclusion of all others. Before the proclamation of the charter, Yathrib (Madina) was not a unified city, rather its different portions were under the control of various tribes. The Charter resulted in making the dwellers of Yathrib (Madinah) as an integrated community:

"The integration provided an opportunity to the Prophet to address issues of community justice and protection. It established the course of law for Yathrib. The right to seek justice was shifted from individuals to the central community. The Prophet's arrangements for community justice and protection encouraged collective responsibility. The Madina

Charter was also the first acknowledgement of religious divisions within the Yathrib tribal system.”<sup>39</sup>

Of the 47 articles of the Charter, the following nine are worth mentioning:

1. The God-fearing believers shall be against the rebellious or him who seeks to spread injustice, or sin or animosity, or corruption between believers; the hand of every man shall be against him even if he be a son of one of them.
2. To the Jew who follows us belong help and equality. He shall not be wronged nor shall his enemies be aided.
3. The peace of the believers is indivisible. No separate peace shall be made.
4. It shall not be lawful to a believer who holds by what is in this document and believes in God and the last day to help an evil-doer or to shelter him. The curse of God and His anger on the day of resurrection will be upon him if he does, and neither repentance nor ransom will be received from him.
5. The Jews of the B. ‘Auf are one community with the believers (the Jews have their religion and the Muslims have theirs), their freedmen and their persons except those who behave unjustly and sinfully, for they hurt but themselves and their families.
6. The Jews must bear their expenses and the Muslims their expenses. Each must help the other against anyone who attacks the people of this document. They must seek mutual advice and consultation, and loyalty is a protection against treachery. A man is not liable for his ally’s misdeeds. The wronged must be helped.
7. A stranger under protection shall be as his host doing no harm and committing no crime.
8. The contracting parties are bound to help one another against any attack on Yathrib.
9. This deed will not protect the unjust and the sinner. The man who goes forth to fight and the man who stays at home in the city is safe unless he has been unjust and sinned. God is the protector of the good and God-fearing man and Muhammad is the apostle of God.

The last address of the Prophet is yet another monumental Human Rights document. In 632 AD, he performed his last pilgrimage (*Hajjatul Wida’*). On the 9<sup>th</sup> day of *Zilhajja*, he delivered his last address which in itself is charter of Human Rights.<sup>40</sup> Some basic Human Rights concepts highlighted in the address are given below:

- i) The only distinction between man and man is on the basis *Taqwa* (piety).
- ii) Slaves have to be treated well. They are to be fed and

- clothed the way the masters do.
- iii) Be kind to women. Men have rights over women just as women have rights over them. A wife may not give away from her husband's money without his permission.
  - iv) Life, honour and property have to be respected.<sup>41</sup>

The last sermon of the Holy prophet may be divided into six main areas of Human Rights. They include:

(i) Equality

He said: "There is no superiority for an Arab over a non-Arab and for a non-Arab over Arab, none for the white over the black or for the black over the white except in piety. All man kind is the progeny of Adam and Adam was fashioned out of clay."

(ii) Life Property and honour

Inviting attention of Muslims towards a very significant area of Human Rights, he said: "O people! Verily your blood, your property and your honour are sacred and inviolable until you appear before your Lord, as the sacred inviolability of this day of yours, this month of yours and this very town (of yours). Verily you will soon meet your lord and you will be held accountable for your deeds."

(iii) Women's Rights

Interestingly, the longest part of the Prophet's last sermon is the one where he urged upon the Muslims to protect and guarantee rights of women. He said: "O People! Verily you have got certain rights over your women and your women have rights over you. It is your right upon them that they must not allow any body save you to come to your bed and admit none to enter your homes whom you do not like but with your permission. And it is for them not to commit acts of impropriety, which if they do, you are authorized by Allah to separate them from your bed and chastise them, but not severely, and if they refrain, then clothe and feed them properly. Behold! It is not permissible for women to give any thing from the wealth of her husband to any one but with his consent. Treat the women kindly, since they are your helpers and are not in a position to manage their affairs themselves. Fear Allah concerning them for verily you have taken them on the security of Allah and have made their persons lawful unto you by words of Allah."

(iv) Security of Human Beings

"Beware! No one committing a crime is responsible for it but himself. Neither the child is responsible for the crime of his father, nor is the father responsible for the crime of his child."

(v) Brotherhood

"Nothing of his brother is lawful for a Muslim except what he himself

gives willingly. So do not wrong your selves. O people! Every Muslim is the brother of other Muslim, and all the Muslims form one brotherhood.”

(vi) Slaves Rights

“Feed your slaves with such a food as you eat yourselves and cloth them with the clothes as you yourselves wear.”

Some of the Rights given by Quran and Hadiths

Eminent scholar Altaf Gohar says that Islam gave to the world the institutions of equality, freedom and the indivisibility of the human race. In fact these institutions are termed as fundamental Human Rights in the modern jargon. <sup>42</sup>Islam attaches great importance to the rights of fellow-beings in a society that even they are considered more important than religious rituals. In the Holy Quran Allah indicates that approach of Islam:

“It is not righteousness that you turn your faces towards East or west, but it is righteousness to believe in Allah and the Last day, and the angels and the Books, and messengers, to spend of your substance out of love for Him, for your kin, for orphans, for the needy, for the way farers, for those who ask, and to set slaves free, and are steadfast in prayer, and to practice regular charity.”<sup>43</sup>

In the above verses, not only have the six categories of needy people been described but they serve to how Muslims have been enjoined upon to practice regular charity. The Holy Quran, *Hadiths* of the Holy Prophet (PBUH), practice of the most guided Caliphs, companions of the prophet, Islamic jurisprudence and the whole Islamic history; are full of guidance about the observance of Human Rights. However, for the purpose of this article, a few of the rights guaranteed by Islam are presented below.

### **1. Right to preserve and promote Life**

The right to life is the first and foremost right of the human beings. Homicide is strictly forbidden in Islam. During his last sermon, the prophet said: “O people! Verily your blood, your property and your honour are sacred and inviolable until you appear before your Lord.” The following two Quranic verses elaborate the subject further:

- a) “It is forbidden by God that you should kill a human being except when it is justified. And if a person is killed wrongfully, his heir is entitled to reparation.”<sup>44</sup>
- b) “(That) whosoever killeth a human being for other than man-slaughter or corruption in the earth, it shall be as if he had killed all mankind, and whosoever saveth the life of one, it shall be as if he had saved

the life of all mankind.”<sup>45</sup>

In order to prevent unjustified killing, Islam prescribes *Qissas* (i.e., retaliation or reparation). *Qissas* is clearly in opposite of atonement in the Christian theology whereby the Christians believe in reconciliation of God and man by means of incarnation and death of Christ. In fact the law of *Qissas* provides security of life as the Holy Quran said: “There is security for you in the law of reparation, O men of understanding. Hopefully you will restrain yourself.”<sup>46</sup>

## 2. Freedom to profess religion and the rights of *Dhimmis*

Islam believes in the freedom to adapt and profess any religion and says no to compulsion in this regard. Verse 256 of the second chapter of the Holy Quran titled *baqara* reads as:

“There is no compulsion in religion. The right direction is henceforth distinct from error. And he who rejecteth false deities and believeth in Allah hath grasped a firm handhold which will never break. Allah is hearer and Knower.”<sup>47</sup>

*Dhimmis* may be defined as the loyal and law abiding non-Muslim citizens of an Islamic state. Normally, they are provided protection by the state and are exempted from military duty. In lieu of these concessions, they pay a tax called *Jizyah*. Sayyed Abul Al'a Maudoodi has taken into account their status and rights which may be summarized as:

“For all citizens of this kind, Islam furnishes a guarantee of protection of life and limb, property and culture, faith and honour. It enforces only its law of land on them and it gives them equal rights with Muslims in all civil matters....They have a equal share with Muslims in the matter of all civil liberties, and even in economic matters. No discrimination is made between a Muslim and a *Zimmi*.”<sup>48</sup>

In the Islamic history *Dhimmis* enjoyed their rights and exemplary good treatment from the Muslim rulers. Even in the case of paying *Jizyah*, many concessions were given to them. The Second Caliph Umar had issued orders to all Governors that they should not be made to pay than what they could actually afford. After his death, a testament was found in his room which contained many instructions. Regarding *Dhimmis* he said:

“I instruct you to be good to the *Dhimmis* for they are your responsibility. Do not tax them beyond their capacity. Ensure that they pay the *Jizya* without undue inconvenience. Fear God, and in all that you do keep His pleasure in view. In the matter of people fear God, and in the matter of Allah do not be afraid of

the people. With regard to the people, I enjoin upon you to administer justice with an even hand. See that all the legitimate requirements of the people are met.”<sup>49</sup>

On the other hand whenever the Muslims were unable to protect *Dhimmis*, the *Jizyah* was returned as they did in the battle of Yarmuk.<sup>50</sup>

### 3. Women’s Rights

A careful reading of the Quran, *Hadiths* and practice of Muslims will reveal that Islam bestowed upon women certain rights. These rights were not available in the pre-Islamic era.<sup>51</sup> As mentioned earlier, during his Last Address of the Holy Prophet (PBUOH) stressed the need to protect women’s rights. How much respect and sanctity the prophet attributed to women is evident from the following examples:

a) According to an agreed upon *Hadith*, someone asked the prophet: “Who is the most respectable person on earth?” He replied: “Your mother”. He was asked: “Who was next?” to which he again replied, ”Your mother”. He was asked for the third time and yet again he gave the same answer. The fourth time he was, he said: “Your father.”<sup>52</sup>

b) The Holy Prophet (PBUOH) said: “Verily the best amongst you is the one who is best in manners and kindest to his wife.”<sup>53</sup>

c) The Holy Prophet (PBUOH) said “Whosoever has a daughter and he does not burry her alive, does not insult her, and does not favour his son over her, God will enter him into Paradise.”<sup>54</sup>

### 4. Equality and Justice

Islam enjoins administration of justice and equality. In the Quran all racial and tribal discriminations have been declared as unjust. Allah made it clear: “O mankind! Lo! We have created you from male and female, and have made you nations and tribes that ye may know one another. Lo! The noblest of you, in the sight of Allah, is the best conduct. Lo! Allah is knower. Aware.”<sup>55</sup> Justice is so crucial a value in Islam that a person lacking it is not accepted as a witness in an Islamic court of law. Similarly in the corpus of *hadith* reports of an unjust person are not validated by the scholars.<sup>56</sup> Some other Quranic references about justice are given below:

c) Allah sets forth the objective of sending Messengers as establishment of a just order: “Verily we sent our messengers with clear proofs and revealed with them the scripture and the balance, that mankind may observe right measure.”<sup>57</sup>

d) In any human society, dealing justly with the near and dear ones is quite easy. The real test comes in your way when the person at the receiving hand is

your enemy. Islam, therefore, advises the believers to be especially careful in the face of that eventuality. “O ye who believe! Be steadfast witness for Allah in equity, and let not hatred of any people seduce you that ye deal not justly, Deal justly, that is nearer to your duty.”<sup>58</sup>

- e) In Chapter 16 title *Nahl* of the Holy Quran, justice has been made part of a package which is: “God commands justice, the doing of good and liberality to kith and kin. And He forbids all shameful deeds and injustice and rebellion. He instructs you that ye may receive admonition.”<sup>59</sup>

It is pertinent to mention here that a case of theft against an influential lady Fatima. The Holy Prophet (PBUOH) ordered to punish her. His companions wanted to remit the sentence but the Prophet flatly refused. Rejecting their recommendation, he said that the previous nations perished because they dealt with influential and the poor with different standards of justice. He made it clear that even if his beloved daughter Fatima had committed that crime, he would punish her too similarly.<sup>60</sup>

Dr. Anis Ahmad looks at social justice in Islam from another angle. He wrote:

“The principle of Islamic social justice also demands an attitude of *Ihsan*—that is kindness, not only in observing duties but fulfilling obligations. The character thus created concerns itself with not only the word of law but the spirit behind it, of seeking Allah’s pleasure (*Mardaat Allah*), a commitment to fulfill one’s ethical and legal responsibilities. Justice thus demands a responsible attitude towards oneself and others, for it is the corner stone of the Islamic concept of family and society.”<sup>61</sup>

## CONCLUSION

The purpose of this paper was to provide an overview of the Islamic perspective on human rights. In particular, the article attempted to show the role of Islam faith can and does align and promote the fundamental principles of human rights in a clear and unambiguous way. The article also traced the evolution of human rights starting with the *Magna Carta* (1215), to the adoption of Universal Declaration of Human Rights (1948) has been an inspiration one for human kind as it has ultimately culminated in the realization of secular ‘universal’ human rights. However, it was noted that Islam introduced its’ own Human Rights instruments as earlier as in 7<sup>th</sup> Century. The Holy Quran, the voluminous

record of sayings of the Holy Prophet, the evolution of Islamic Law and justice system and above all, the tract record of Muslim Caliphs and other rulers, are but a few of the key references where one can find visible acknowledgement for fundamental human rights.

Observing both *Huquq Allah* (obligations towards Allah) and *Huquq al-ibad* (the rights of human beings), leads to the attainment of Divine attributes. These are necessary for the moral and material advancement of Muslims. Thus, for other people observing human rights may be a civilized act but for Muslims, it is an article of faith. The connection of Human Rights with faith essentially regulates the individual and collective conduct of Muslims and implementation mechanism turns to be stronger.

From an Islamic perspective, it would be a serious folly if we were to confuse the recognition and observance of Human Rights by Islam with the conduct of the contemporary Muslim states. Honestly speaking, the performance of the Muslim world regarding observance of Human Rights is far from satisfactory but it should not be attributed to Islam alone. In fact, the lofty principles of Islam are very much there which may be realized by bringing a positive socio-political change throughout the Muslim world.

## END NOTES

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<sup>1</sup> Jonathan Crowther (edt) *Oxford advanced Learner's Dictionary 2000*, 5<sup>th</sup> Edition, Oxford University Press, Tehran(Iran), pp. 582 & 1012

<sup>2</sup> Habibur Rahman, *Civics* Ideal Publications Dhaka(Bangladesh), 1965, p. 81

<sup>3</sup> Francis Fukuyama, *The End of History and the Last Man*, Free Press Simon & Schuster, New York, 2006, p. 42

<sup>4</sup> James Bryce, 1st Viscount Bryce of Dechmont, (10 May 1838 – 22 January 1922) was a British jurist, historian and politician. From 1859 to 1921, he authored 14 books including *The Holy Roman Empire*, 1864, *The American Commonwealth*, 1888, *Studies in History and Jurisprudence*,1901and*Modern Democracies*,1921([http://en.wikipedia.org/wiki/James\\_Bryce,\\_1st\\_Viscount\\_Bryce](http://en.wikipedia.org/wiki/James_Bryce,_1st_Viscount_Bryce) accessed on 15=5-2010)

<sup>5</sup> Fukuyama, *opcit*, p. 43

<sup>6</sup> Habib, *opcit*, ,pp, 92-93



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<sup>7</sup> <http://www.du.edu/korbel/hrhw/volumes/2006/rieffer-2006.pdf> accessed 4-6-2010

<sup>8</sup> Marvin E. Frankel “*Reason for Hope: The International Human Rights Movement at 50*” Microsoft Encarta@2009(DVD) Redmond WA, Microsoft Corporation {Marvin E. Frankel is a lawyer and former federal district court judge who has argued numerous cases before the Supreme Court of the United States. He is chairman emeritus of the Lawyers Committee for Human Rights (LCHR) and coauthor of *Out of the Shadows of Night: The Struggle for International Human Rights*. (Source: Encarta Yearbook, May 1998)}

<sup>9</sup> Harold Wheeler, (Ed) *Illustrated Encyclopedia of World Knowledge*. Vol:5 Anmol Publications, New Delhi, India, 1990, p. 2633

<sup>10</sup>

<sup>11</sup> Garrett Ward Sheldon, *The Encyclopedia of Political Thought*, Viv Books Mumbai, India, 2005, P. 189

<sup>12</sup> Ibid, p. 265

<sup>13</sup> [http://US Declaration of Independence.htm](http://US%20Declaration%20of%20Independence.htm)(3-6-2010)

<sup>14</sup> Stephen J. Lee, *Aspects of European History*, Routledge, London, 1982, p.10

<sup>15</sup>

[http://en.wikipedia.org/wiki/Fourteenth\\_Amendment\\_to\\_the\\_United\\_States\\_Constitution](http://en.wikipedia.org/wiki/Fourteenth_Amendment_to_the_United_States_Constitution)(3-6-2010)

<sup>16</sup> Howard, Peter. "United Nations." Microsoft® Encarta® 2009 [DVD]. Redmond, WA: Microsoft Corporation, 2008.(Accessed 2 July 2010)

<sup>17</sup> Corlton Clymer Rdee, Thomas H. Greene, *Introduction to Political Science*, McGrath Hill Book Company, Singapore, 1987,P. 527

<sup>18</sup> Jean-Pierre Colombey, *Collection of International Instruments and Other Legal Texts*, UN High Commissioner for Refugees, Geneva, 1995 P. 480

<sup>19</sup> Ibid, p. 153

<sup>20</sup> Samuel P. Huntington, *The Clash of Civilizations and the Remaking of World Order*, Penguin Books, New Delhi(India)1996, P. 47

<sup>21</sup> <http://www.du.edu/korbel/hrhw/volumes/2006/rieffer-2006>, op.cit

<sup>22</sup> Dr. Anis Ahmad, ”*Human Rights in Islam*” unpublished paper presented at a seminar at Human Rights Study Centre, Faculty of Law University of Peshawar, 2001, p. 1

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- <sup>23</sup> Dr. Hameedullah, "Introduction to Islam" Draul Ishhat Karachi, 1994, P. 109
- <sup>24</sup> Mazharul Haq, *politica Science: Theory and Practice, Bookland, Lahore, 1990, P.461*
- <sup>25</sup> *Ibid*, p. 464
- <sup>26</sup> Sayed Abul Ala Maudoodi, *The Islamic Law and Constitution*, Islamic Publications, Lahore, 1986,P. 219
- <sup>27</sup> The Holy Quran, *Sura Hajj(22:41)* Translation by Abdullah Yusuf Ali, Amna Corporation, Maryland, p.862
- <sup>28</sup> Pilgrimage to the holy city of Makkha
- <sup>29</sup> Abdul Aziz Kamal, *Everyday Fiqh*, Islamic Publications, Lahore, 1983P.17
- <sup>30</sup> The Holy Quran, 9: 34-35
- <sup>31</sup> These two *hadiths* have been taken from the famous book of *hadiths* known as *Bukhari* as quoted by Abdul Aziz Kamal opcit, p. 16
- <sup>32</sup> Mahmud Barelvi, *Islam and World Religions*, Islamic Publications Lahore, 1983, P. 277
- <sup>33</sup> The Holy Quran, 3: 104-105
- <sup>34</sup> This *hadith* has been taken from the book of *hadiths* called *irmidhi* given by Sayed Asad Gilani in his book *Islam: A Mission, a Movement*, Islamic Publications Lahore,1982, p. 42
- <sup>35</sup> Ibn Khaldun, *The Muqaddimah: An Introduction to history* Vol: 1 (Translated from Arabic by Franz Rosenthal) Bollengen Series, Princeton University Press, Reprinted by National Book Foundation Islamabad, 2000, p. 388
- <sup>36</sup> Amir Ali, *The Spirit of Islam*, Islamic Book Service, Lahore,, 1985, P. 12
- <sup>37</sup> *Ibid*, p. 13
- <sup>38</sup> C.E. Bowsworth. E. Van Donzel(vii), *The Encyclopedia Of Islam*, E.G. Brill, New York, 1993, P. 367
- <sup>39</sup> Yatkin Yildirim, *Peace and Conflict Resolution Concepts in the Madina Charter*, available at <http://www.interfaithathens.org/article/art10171.asp> accessed 1-6-2010
- <sup>40</sup> Martin Lings, *Muhammad: His life Based on the Earliest Sources*, G. Allen and UNWIN, Ltd, London, 1983, pp. 333-334
- <sup>41</sup> Abdul Majid, *The Last Prophet and His teachings*, CO-OPERA, Karachi, 1990, Pp.158=159
- <sup>42</sup> Altaf Gohar, *Translations From The Holy Quran*, Idara Tarjumanul Quran, Lahore, 1976, P. 39
- <sup>43</sup> The Holy Quran 2:177

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<sup>44</sup> The Holy Quran , 17:33

<sup>45</sup> The Holy Quran , 5:32

<sup>46</sup> The Holy Quran 2:179

<sup>47</sup> The Holy Quran 2:256

<sup>48</sup> Maudoodi, op.cit., p. 247

<sup>49</sup>

<http://sn109w.snt109.mail.live.com/default.aspx?n=118277>

[7293](http://7293) emailed by ID [fn.aqua@yahoo.com](mailto:fn.aqua@yahoo.com) on 11-12-2010 to

JACNWFY Yahoo.Group. This author is member of the same Yahoo.

Group

<sup>50</sup> Maudoodi, op.cit p. 293

<sup>51</sup> For details about degraded status of women in Arab, Hindustan, Roman rmpire , Scaninavia, Europe and other Christain world see Gamal A. Badawi”Women in Islam” in the Khurshid Ahmad, Salem Azzam, *Islam: Its Meaning and Messag*, Islamic Foundation, Leicester, UK, 1999, p. 131

<sup>52</sup> Khalid Durrani”The rights of women” in the *Daily Dawan*, Karachi, 28 June, 2002

<sup>53</sup> *Ibid*

<sup>54</sup> Khurshid Ahmad, Salem Azzam, *Islam: Its Meaning and Messag*, Islamic Foundation, Leicester, UK, 1999, P.137

<sup>55</sup> The Holy Quran, 49:13

<sup>56</sup> Anis Ahmad, *Women and Social Justice: An Islamic Paradigm*, Islamic Foundation Leicester, UK and IPS Islamabad, 1991, P.6

<sup>57</sup> *Ibid*, 57:25

<sup>58</sup> *Ibid*, 5:8

<sup>59</sup> *Ibid*, 16:90

<sup>60</sup> Abdul Majeed, *op.cit*, P.182

<sup>61</sup> Anis Ahmad, *opcit*

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