

Human Rights in Islamic Tradition: An Overview

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Abstract

The concept of human rights is as old as human history itself but the first brave step was made by Islam in the 7th century CE (10th AH). Nowadays, it has become a most significant issue of the modern era especially in the Islamic and the Western world. Human rights have become most discussable issues in the contemporary socio-political context. Islam gives great importance to human rights due to human honour and dignity. In Islamic perspective, all kinds of rights and freedoms are granted by Almighty Allah and the revelation (Wahi) is a sole base of them. Many verses of the Holy Quran and Ahadith (sayings) of the Prophet Muhammad (SAAS) describe these rights in a quite scientific way. According to Muslim scholars, the fundamental human rights were given by Islam fourteen hundred years ago in 10 AH/632 CE with the deliverance of the Last sermon of the Prophet (SAAS). Every person stands in need of other person at every step of his life. Therefore, it was important that there should be definite mutual rights and duties for human beings which might smooth the human existence. That is why the human rights have been of very great significance in the existence of humankind. In this research paper, an attempt is made to describe the concept of human rights in Islam in the light of its primary text on one hand and it also makes a discussion about some of the basic human rights conferred by Islam upon the human beings on the other hand.

Keywords: Islam, Human Rights, Right to Life, Right to Faith and Right to Expression

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Introduction

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 areas (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 Tawheed (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 Tawheed 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. 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. In this research article, an attempt has been made to highlight the concept of human rights in Islamic tradition. It also deals with a discussion about some of the basic human rights which were conferred by Islam on human beings with its advent.

The Concept of Human Rights and Islam

When we speak of human rights in Islam, we really mean that these rights have been granted by God, they have not been granted by any king or by any legislative assembly. The rights granted by the kings or the legislative assemblies, can also be withdrawn in the same manner in which they are conferred. The same is the case with the rights accepted and recognized by the dictators. They can confer them when they please and withdraw them when they wish; and they can openly violate them when they like. But since in Islam human rights have been conferred by God, no legislative assembly in the world or any government on earth has the

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right or authority to make any amendment or change in the rights conferred by God. No one has the right to abrogate them or withdraw them; nor are they basic human rights those which are conferred on paper for the sake of show and exhibition and denied in actual life when the show is over. Nor are they like philosophical concepts which have no sanctions behind them.

It is to be understood very clearly that the basic concept of Islam with regard to the human rights is based upon equality, dignity and respect for humankind. As it is clear from the Holy Qur'an, Allah Almighty has endowed on human beings the status of being superior to all other creations. The Holy Qur'an has described the position enjoyed by human beings in great detail that at the time of creation of Adam, Allah Almighty enjoined upon the angels to bow before Adam.¹

It was for the first time in the history of mankind that Islam did away with all biases and discriminations on the basis of wealth, clan and tribe, language, sex, colour and caste etc. It termed all human beings equal in status whether one is poor or rich, black or white, woman or man or whether one belongs to this or that region or race. What greater example of human equality can there be than that in which people belonging to various countries, languages and races gather at the precincts of the Ka'bah for worship and wear the same dress during the Hajj. After laying the foundation of respect and equality of man, Islam prescribed a complete charter of rights for humanity ranging from moral rights to religious, economic, social and political rights. Islamic concept of human rights and freedoms is unique and of universal character, which is independent of historical and regional boundaries of time and space.

Dr. Tahirul-Qadiri defines the human rights as:

"The Human Rights are those Rights which are given by the Creator (Allah) of the humanity through His Messengers. These Rights are immutable but have reciprocal relationship to the duties".¹

According to the HEC official web site's Research paper:

"Human rights can generally be defined as those rights that are inherent in human nature and without which human beings cannot live a decent life".²

Another important thing in Islamic point of view is that these rights are given to human being for his dignity and respect. For example Allah states in the Holy Quran:

"We have honoured the sons of Adam; provided them with transport on land and sea; given them for sustenance things good and pure; and conferred on them special favours, above a great part of our creation".³

Another important issue regarding Islamic human rights is that the rights are bounded with duties. According to the Islamic teachings, every Muslim is accountable in this world and in the hereafter about his actions. For example, the Prophet (SAAS) said:

"Everyone is responsible about his duties and actions to Allah".⁴

It means the Islamic concept of human rights is different from the west. According to the Western philosophy of human rights, human rights are unlimited and without any terms and conditions of duties. So we do not find any relationship between Rights and Duties. But in Islamic philosophy, the human Rights are not unlimited and have a reciprocal relationship to the Duties.

Basic Human Rights and Islam

The significance of the Islamic concept of Basic Human Rights is that it is more comprehensive and balanced as it emphasizes equally on human duties also. It caters for physical well-being, needs and aspirations of human beings as well as considers the ethical, moral and spiritual development of personality. However, here, I will focus on discussing the following basic human rights conferred by Islam upon human beings:

The Right to Preserve and Promote Life

The first and the foremost basic human right is the right to live and respect human life. For example Allah says in the Holy Quran:

"Whosoever kills a human being without (any reason like) man slaughter, or corruption on earth; it is as though he had killed all mankind".⁵

As far as the question of taking life in retaliation for murder or the question of punishment for spreading corruption on this earth is concerned, it can be decided only by a proper and competent court of law. If there is any war with any nation or country, it can be decided only by a properly established government. In any case, no human being has any right by himself to take human life in retaliation or for causing mischief on this earth. Therefore it is incumbent on every human being that under no circumstances should he be guilty of taking a human life.

If anyone has murdered a human being, it is as if he has slain the entire human race. These instructions have been repeated in the Holy Quran in another place saying:

"Do not kill a soul which Allah has made sacred except through the due process of law".⁶

The Right to Life' has been given to man only by Islam. You will observe that the people who talk about human rights

if they have ever mentioned them in their Constitutions or Declarations, then it is clearly implied in them that these rights are applicable only to their citizens or they have been framed for the white race alone. This can clearly be gleaned by the fact that human beings were hunted down like animals in Australia and the land was cleared of the aborigines for the white man. Similarly the aboriginal population of America was systematically destroyed and the Red Indians who somehow survived this genocide were confined to specified areas called Reservations. They also penetrated into Africa and hunted down human beings like wild animals. All these instances go to prove that they have no respect for human life as such and if they have, it is only on the basis of their nationality, colour or race. Contrary to this, Islam recognizes this right for all human beings. If a man belongs to a primitive or savage tribe, even then Islam regards him as a human being.

The Right to Faith

Islam also gives the right to freedom of conviction and faith to its citizens in an Islamic state. For example, Allah says in the Holy Quran:

"There should be no compulsion in the matter of faith".⁷

Though there is no truth and virtue greater than the religion of truth—Islam and Muslims are enjoined to invite people to embrace Islam and advance arguments in favour of it, they are not asked to enforce this truth on them. No force will be applied in order to compel them to accept Islam. Whoever accepts it he does so by his own choice. Muslims will welcome such a convert to Islam with open arms and admit him to their community with equal rights and privileges.

Along with the freedom of conviction, Islam has also given the right to the individual that his religious sentiments will be given due respect and nothing will be said or done which may encroach upon his right. It has been ordained by Allah in the holy Quran:

"And insult not those whom they (disbelievers) call upon besides Allah, lest they insult Allah wrongfully without knowledge".⁸

These instructions are not only limited to idols and deities, but they also apply to the leaders or national heroes of the people. If a group of people holds a conviction which according to you is wrong, and holds certain persons in high esteem which according to you is not deserved by them, then it will not be justified in Islam that you use abusive language for them and thus injure their feelings. Islam does not prohibit people from holding debate and discussion on religious matters, but it wants that these discussions should be conducted in decent manner. Allah says in the holy Quran:

"Do not argue with the people of the Book unless it is in the politest manner".⁹

This order is not merely limited to the People of the Book, but applies with equal force to those who follow other faiths.

The Right to Expression

The right to expression has been given an important place in the teachings of Islam. No man can be forbidden from expressing himself unless it is harmful or against the injection of the Islam or it causes corruption in the society. Thus, Islam gives right of freedom of thought and expression to all human beings. This freedom of expression is not only granted when there is some tyranny against them. But the citizens of the Islamic state are free to have different opinions and express themselves regarding various issues. This freedom of opinion must, however, be used for propagation of virtue and truth and not for spreading evil or wickedness. The main purpose behind the right to expression has been defined by Almighty Allah in the Qur'an as follows:

"If we give authority to these men on earth, they will keep up prayers, and offer welfare due, bid what is proper and forbid what is improper".¹⁰

And again Qur'an says:

"You are the best community which has been brought forth for mankind. You command what is proper and forbid what is improper and you believe in Allah".¹¹

Islam never imposes any restriction whatsoever on its followers freedom of speech and expression, except, of course, to keep them away from blasphemy and spreading ill-will. The Prophet (SAAS) himself patiently listened to all that was talked about in his court both formally and informally. So did the succeeding Caliphs. Never did the Prophet (SAAS) impose his personal views in worldly matters on his followers, either individually or collectively. The Prophet (SAAS) allowed all of them to differ from him. Unequivocally he (SAAS) declared:

"I am a human being so, when I advise you in respect of any worldly matters don't forget that I am a human being".¹²

In addition to this, man's right to protest against tyranny and injustice is given by Islam to all human beings. Be it the state, the ruler, or an individual howsoever highly placed who is guilty of such tyranny or injustice. "One who protests against a tyrant is the greatest crusader", said the Prophet (SAAS).¹³ There are scores of instances which signify the freedom of thought and expression that prevailed in the ideal Islamic society under the leadership of the Prophet (SAAS). This atmosphere of free expression of opinion

without any fear continued after the demise of Prophet (SAAS) as well. The Prophet (SAAS) warned:

"The people who endorse the wrong doings of the rulers after me are not my followers".¹⁴

Caliph Umar (RA) and Abu Bakar (RA) invited people to criticism in their speeches everywhere and the people criticized them without hesitation. The right of expression is not theoretical in Islam; it has practical application, as any other right. The freedom of expression in Islam gained great momentum, that personal opinion (Ijtihād) became one of the important sources of the Islamic Jurisprudence.

The Right to Equality

Islam not only recognizes absolute equality between men irrespective of any distinction of colour, race or nationality, but makes it an important and significant principle, a reality. The Almighty God says in the Holy Quran:

"O mankind, we have created you from a male and female".¹⁵

In other words all human beings are brothers to one another. They all are the descendants from one father and one mother. For example, Allah says in the holy Qur'an:

"And We set you up as nations and tribes so that you may be able to recognize each other".¹⁶

This means that the division of human beings into nations, races, groups and tribes is for the sake of distinction, so that people of one race or tribe may meet and be acquainted with the people belonging to another race or tribe and cooperate with one another. This division of the human race is neither meant for one nation to take pride in its superiority over others nor is it meant for one nation to treat another with contempt or disgrace, or regard them as a mean and degraded race and usurp their rights.

"Verily, the most honourable of you before Allah is that (believer) who has At-Taḳwa [i.e. one of the Muttaqun (the pious)], Verily, Allah is All-knowing, All-Aware".¹⁷

In other words the superiority of one man over another is only on the basis of God-consciousness, purity of character and high morals, and not on the basis of colour, race, language or nationality, and even this superiority based on piety and pure conduct does not justify that such people should play lord or assume airs of superiority over other human beings. Assuming airs of superiority is in itself a reprehensible vice which no God-fearing and pious man can ever dream of perpetrating. Nor does the righteous have more privileged rights over others, because this runs counter to human equality, which has been laid down in the beginning of this verse as a general principle. From the moral point of view, goodness and virtue is in all cases better than vice and evil.

This has been explained by the Prophet (SAAS) in one of his following sayings:

"No Arab has any superiority over a non-Arab, nor does a non-Arab have any superiority over an Arab. Nor does a white man have any superiority over a black man or the black man any superiority over the white man. You are all the children of Adam, and Adam was created from clay".¹⁸

In this manner Islam established equality for the entire human race and struck at the very root of all distinctions based on colour, race, language or nationality. According to Islam, God has given man this right of equality as a birthright. Therefore no man should be discriminated against on the ground of the colour of his skin, his place of birth, the race or the nation in which he was born.

The Right to Justice

Justice being the moral equipment has been given important place in Islamic law. This is very important and valuable right which Islam has given to man as a human being. For example Allah says in the Qur'an:

"O you who believe! Be steadfast witness for Allah in equality, and let not enmity of any people seduce you that ye deal not justly. Deal justly that is nearer to your duty. Observe your duty to Allah".¹⁹

The justice to whom Islam invites its followers is not limited only to the citizens of their own country, or the people of their own tribe, nation or race, or the Muslim community as a whole, it is meant for all human beings of the world. The Muslims, therefore, cannot be unjust to anyone. Qur'an says:

"O you who believe! Stand out firmly for justice, as witnesses to Allah; even though it be against yourselves, or your parents, or your kin, be he rich or poor, Allah is a Better Protector to both (than you). So follow not the lusts (of your hearts), lest you may avoid justice, and if you distort your witness or refuse to give it, verily, Allah is Ever Well Acquainted with what you do".²⁰

In an Islamic set up the lawyers are to be paid by the government and their work was only to give free legal opinion to the people. This institution was known as Iftā. Only competent Muftis were entitled to give legal opinions.²¹ Under the Islamic system of judicial procedure, there are no 'secret trials' or proceedings in camera. All trials have to be in the open court, the accused is to be given hearing and chance of defense and no punishment or award can be given except on the basis of the proven facts. Qur'an describes:

"And when you judge between persons judge with justice".²²

It is for the purpose of protecting the right to justice and fair trial to the widest possible extent.

Conclusion

From the above discussion it can be concluded that history bears witness to the fact that Islam as a divine and universal religion contributed a lot to the development of the concept of human rights and fundamental freedom and human right is not a new concept or idea formulated in 1948 CE or derived from Magna Carta, but is as old as Islam itself. In this connection the Qur' an and Sunnah has made repeated references to rights of different sections of people of society. These rights are not for the Muslims alone but extended to the entire humanity as well. Islam has granted a full-fledged "bill of rights" to human beings at large without any discrimination. In short, human rights in Islam are inseparable part of the Islamic belief and the general look to the relations between man and his Lord, man and himself, man and other people, and man and the Universe.

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