

Human Rights in Islam

Author: Dr. Zubair Fattani

Since Allah is the Absolute and the Sole Master of men and the universe, He is the Sovereign Lord, the Sustainer and Nourisher, the Merciful, Whose mercy enshrines all beings; and since He has given each man human dignity and honor, it follows that, united in Him and through Him, and apart from their other human attributes, men are substantially the same and no tangible and actual distinction can be made among them, on account of their accidental differences such as nationality, color or race. Every human being is thereby related to all others and all become one community of brotherhood in their honorable and pleasant servitude to the most compassionate Lord of the Universe. In such a heavenly atmosphere the Islamic confession of the oneness of God stands dominant and central, and necessarily entails the concept of the oneness of humanity and the brotherhood of mankind.

Although an Islamic state may be set up in any part of the earth, Islam does not seek to restrict human rights or privileges to the geographical limits of its own state. Islam has laid down some universal fundamental rights for humanity as a whole, which are to be observed and respected under all circumstances whether such a person is resident within the territory of the Islamic state or outside it, whether he is at peace or at war. The Holy Quran from the English translation of the "Kanzul Iman" very clearly states:

"O believers, stand up firmly by the Commandments of Allah, bearing witness with justice and let not the enmity of any people incite you that you should not do justice. Do justice that is nearer to piety and fear Allah, undoubtedly, Allah is aware of your doings." (5:8)

Human blood is sacred in any case and cannot be spilled without justification. And if anyone violates this sanctity of human blood by killing a soul without justification, the Holy Quran from the English translation of the "Kanzul Iman" equates it to the killing of entire mankind.

"...whosoever killed a soul not to retaliate for a soul, nor for creating disorder in the land, then it is as if he had killed all mankind. And whoso gave life to one soul, then it is as if he had given life to all mankind..." (5:32)

It is not permissible to oppress women, children, old people, the sick or the wounded. Women's honor and chastity are to be respected under all circumstances. The hungry person must be fed, the naked clothed and the wounded or diseased treated medically irrespective of whether they belong to the Islamic community or are from among its enemies.

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 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 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.

The charter and the proclamations and the resolutions of the United Nations cannot be compared with the rights sanctioned by God; because the former are not applicable on anybody while the latter are applicable on every believer. They are a part and parcel of the Islamic Faith. Every Muslim or administrator who claims himself to be Muslim, will have to accept, recognize and enforce them. If they fail to enforce them, and start denying the rights that have been guaranteed by God or make amendments and changes in them, or practically violate them while paying lip service to them, the verdict of the Holy Quran from the English translation of the "Kanzul Iman" for such government is clear and unequivocal:

"Undoubtedly, We have sent down Taurah, wherein is the guidance and light. According to it the Jews were ordered by Our obedient prophets and men of learning and jurists for it was desired from them to preserve the Book of Allah and they were witnesses to it, then fear not people, but fear Me and do not accept mean price for Our Signs. And whoso judges not according to what Allah has sent down, they are the persons who are infidels." (5:44)

Human Rights In An Islamic State

The Security Of Life And Property:

In the address which the Holy Prophet (Peace be upon HIM) delivered on the occasion of the Farewell Hajj, he said:

"Your lives and properties are forbidden to one another till you meet your Lord on the Day of Resurrection." The Prophet (Peace be upon HIM) has also said about the dhimmis (the non-Muslim citizens of the Muslim state): "One who kills a man under covenant (i.e., dhimmi) will not even smell the fragrance of Paradise."

The Protection Of Honor:

The Holy Quran from the English translation of the "Kanzul Iman" lays down:

"O believers! let not the men scoff at the men, perchance they may be better than those who scoff, and nor the women at other women, perchance that they may be better than those women who scoff, and do not taunt one another and nor call one another by nicknames. What a bad name is, to be called a disobedient after being a Muslim, and those who repent not, they are the unjust. O believers! avoid most suspicions, verily some suspicion is a sin and do not look out for faults and do not backbite one another. Would any of you like to eat the flesh of his dead brother? You would abominate it. And fear Allah, Verily Allah is Oft Returning, Merciful." (49:11-12)

Sanctity And Security Of Private Life:

The Holy Quran from the English translation of the "Kanzul Iman" has laid down the injunction:

"O believers! enter not houses other than you own, until you take permission and salute the residents thereof. This is better for you, haply you may be heedful." (24:27)

The Security Of Personal Freedom:

Islam has laid down the principle that no citizen can be imprisoned unless his guilt has been proven in an open court. To arrest a man only on the basis of suspicion and to throw him into a prison without proper court proceedings and without providing him a reasonable opportunity to produce his defense is not permissible in Islam.

The Right To Protest Against Tyranny:

Among the rights that Islam has conferred on human beings is the right to protest against government's tyranny. Referring to it the Holy Quran from the English translation of the "Kanzul Iman" says:

"Allah likes not the utterance of evil words except one who is being oppressed. And Allah is Hearing, Knowing." (4:148)

In Islam, as has been argued earlier, all power and authority belong to Allah, and with man there is only delegated power which becomes a trust; everyone who becomes a recipient of such a power has to stand in awful reverence before his people toward whom and for whose sake he will be called upon to use these powers. This was acknowledged by Hazrat Abu Bakr (R.A.) who said in his very first address:

"Cooperate with me when I am right but correct me when I commit error; obey me so long as I follow the commandments of Allah and His Prophet (Peace be upon HIM); but turn away from me when I deviate."

Freedom Of Expression:

Islam gives the right of freedom of thought and expression to all citizens of the Islamic state on the condition that it should be used for the propagation of virtue and truth and not for spreading evil and wickedness. The Islamic concept of freedom of expression is much superior to the concept prevalent in the West. Under no circumstances would Islam allow evil and wickedness to be propagated. It also does not give anybody the right to use abusive or offensive language in the name of criticism. It was the practice of the Muslims to inquire from the Holy Prophet (Peace be upon HIM) whether on a certain matter a divine injunction had been revealed to him. If he said that he had received no divine injunction, the Muslims freely expressed their opinion on the matter.

Freedom Of Association:

Islam has also given people the right to freedom of association and formation of parties or organizations. This right is also subject to certain general rules.

Freedom Of Conscience And Conviction:

Islam has laid down the injunction in the Holy Quran from the English translation of the "Kanzul Iman":

"There is no compulsion in religion; no doubt the virtuous path has become clearly distinct from the erring; then whoso does not accept devil and believes in Allah, he grasped a very firm knot which is never to open and Allah Hears and Knows." (2:256)

On the contrary, totalitarian societies totally deprive the individuals of their freedom. Indeed, this undue exaltation of the state authority curiously enough postulates a sort of servitude, of

slavishness on the part of man. At one time slavery meant total control of man over man - now that type of slavery has been legally abolished but in its place totalitarian societies impose a similar sort of control over individuals.

Protection Of Religious Sentiments:

Along with the freedom of conviction and freedom of conscience, Islam has 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.

Protection From Arbitrary Imprisonment:

Islam also recognizes the right of the individual not to be arrested or imprisoned for the offenses of others. The Holy Quran from the English translation of the "Kanzul Iman" has laid down this principle clearly:

"And no soul bearer of burden will bear the burden of another. And if any one heavily loaded calls any other to share its load, not anyone will bear anything from its burden, even though he may be a near relation..." (35:18)

The Right To Basic Necessities of Life:

Islam has recognized the right of the needy people for help and assistance to be provided to them. In the Holy Quran from the English translation of the "Kanzul Iman", it states:

"And in their wealth there was the right of the beggars and the unfortunate." (51:19)

Equality Before Law:

Islam gives its citizens the right to absolute and complete equality in the eyes of the law.

Rulers Not Above The Law:

A woman belonging to a high and noble family was arrested in connection with theft. The case was brought to the Holy Prophet (Peace be upon HIM), And it was recommended that she might be spared the punishment of theft. The Holy Prophet (Peace be upon HIM) replied:

"The nations that lived before you were destroyed by Allah because they punished the common man for their offenses and let their dignitaries go unpunished for their crimes; I swear by Him Who holds my life in His hand that even if Fatima, the daughter of Muhammad, had committed this crime, I would have amputated her hand."

The Right To Participate In The Affairs Of State:

It states in the Holy Quran from the English translation of the "Kanzul Iman":

"And those who obeyed the command of their Lord and established prayer and their affairs are decided by mutual consultation and they spend something out of Our provision in Our way." (42:38)

The "Shura" or the legislative assembly has no other meaning except that the executive head of the government and the members of the assembly should be elected by free and independent choice of the people. Lastly, it is to be made clear that Islam tries to achieve the above mentioned human rights and many others not only by providing certain legal safeguards but mainly by inviting mankind to transcend the lower level of animal life to be able to go beyond the mere ties

fostered by the kinship of blood, racial superiority, linguistic arrogance, and economic privileges. It invites mankind to move on to a plane of existence where, by reason of his inner excellence, man can realize the ideal of the brotherhood of man. The Holy Quran quotes come from the English translation of the "Kanzul Iman". This is, by far, the best English translation of the Holy Quran. The faults of the article above are entirely my own. All correct information gathered and written in the article above are entirely attributed to Allah. For He, in His Mercy and Kindness, shows this slave of His, the Right Path. A thousands blessings and Salams go to my hero, Prophet Muhammad (Peace be upon HIM) As-Salatu Wa-Assalamu Alaikah Ya Rasulullah.

Prepared and Presented by:

Islamic Academy

Plano, Texas, USA

Email address: almajma@islamicacademy.org

www.islamicacademy.org

www.islamicacademy.net

Islamic Academy ©