

Human Rights: The Islamic Perspective

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قال النبي ﷺ الخلق عيال الله فاحبّ الخلق الى الله من احسن الى عياله (بيهقي)

The Prophet صَلَّى اللهُ عَلَيْهِ وَسَلَّمَ said that the whole of the creation is Allah's family and Allah loves him the most who is most good to His family.

This humble presentation about the status and rationale of human rights in Islam is being made at a time when Islam is under fire from all sides on many counts, not the least of which is the question of human rights. In this smear campaign against Islam, what is most stupefying is that it is a travesty, a perversion of truth. And the mudslinging exercise is enthusiastically carried on by those who have no respect for human life except in theory; it is not merely that the kettle is calling the pot black but that the black is dubbing the white as dark. In this process Islam has been largely alienated, recalling to mind the famous *hadith* of the Prophet صَلَّى اللهُ عَلَيْهِ وَسَلَّمَ:

بَدَأَ الْإِسْلَامُ غَرِيبًا وَسَيُودُ فَطُوبَى لِلْغُرَبَاءِ (مسلم - كتاب الايمان)

Islam began as something alien and odd and the condition will recur; then glad tidings to the strangers.

But if Islam is seen as it actually is the whole campaign of distortion will fall to the ground. The fact is that as far as the question of human rights is concerned, it is Islam and Islam alone which systematizes and securely safeguards them. With Islam human rights are absolute whereas in all other systems they are only contingent. The following discourse will attempt to briefly explain this argument.

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Islam raises the fabric of human rights on a secure foundation of belief and conviction which, with a shift of emphasis from faith to ideology, could be called the impregnable ideological basis of human rights in Islam. In order to fully appreciate the significance and value of this secure foundation of human rights in Islam we need only to bear in mind that in the West (which celebrates its commitment to human rights with trumpets and drumbeats) the concept of human rights has evolved through a slow, gradual and often painful process involving tremendous human sacrifice of which the French Revolution and the American Revolution are two prominent signposts. Even Britain, whose people take pride in the bloodless nature of their democratic evolution, has a history chequered with numerous revolts, suppressions and gory episodes. The *Magna Carta* of 1215, the execution of Charles I, the Cromwell regime and the Civil War, the struggle for adult suffrage and Women's Rights, the Reform bills and many plots and conspiracies constitute the most remarkable landmarks of this history. And in spite of their Tom Paines and Mary Wollstoncrafts, their deprived sections particularly the non-Whites still thirst for human rights. About the imperialist performance of the British and other European powers, the less said the better. America — the contemporary heir of the Western Imperialism — is re-enacting the drama, suppressing human rights in many Eastern countries and at its won door step in Guantanamo Bay. And all this because human rights in the West have never had a secure, sacrosanct, commonly acceptable and universally valid ideological basis apart from *Magna Cartas* and charters like the U.N. Charter.

Islam, on the other hand, provides this basis with absolute perfection. This basis comprises three main planks:

a) Human rights essentially emanate from man's supreme status as God's vicegerent on the earth (*Khulifat-ul-lah fi al-ardh*). In the hierarchy of creation man is next only to God and enjoys the rights of God's own deputy. The whole creation is subservient to him and this includes the angels — the agents who run the universe under God's commandments. The Qur'anic parable of the prostration of angels before Adam, the father of mankind, symbolizes the subordination of all forces of nature to man. As the Qur'ân says:

ولقد كرّمنا بني آدم وحمّلناهم في البرّ والبحر (بني اسرائيل - ٧٠)

Verily We have honoured the children of Adam and we carry them on land and sea.

وسخّر لكم الليل والنهار والشمس والقمر والنجوم مسخراتٍ بأمره - (النحل - ١٢)

And He has made subservient to you the night and the day and the sun and the Moon and the stars too are in subjection by his command.

الم تروا أنّ الله سخّر لكم ما في السموات وما في الارض (لقمن - ٢٠)

Do you not see Allah has made subservient to you whatsoever is in the heavens and whatsoever is on the earth.

b) This position along with the rights that proceed from it is shared equally by all men regardless of the differences of race, colour and the area of residence. The West has generally regarded the non-Westerners as barbarians and this attitude has persisted right from the hey-day of Greek civilization and the rise of Alexander to the modern times. The post-Renaissance West has regarded all non-Whites as the Whiteman's burden. To the Jews all non-Jews are the gentiles, inferior to the Jews in legal and moral status. The Indian caste system and the maltreatment of lower castes is too well known to require any detailed mention. Even today discriminations of race, colour and caste continue to work havoc and preclude man from pursuing higher humanitarian ideals. The killing of an American or a Britisher is considered to be a tragedy, an unpardonable crime, while others — Afghans, Iraqis and Chechans for instance — are decimated with callous unconcern like worms of the soil. Islam, on the other hand, does not recognize any discrimination between men. The Qur'an says:

يَا أَيُّهَا النَّاسُ إِنَّا خَلَقْنَاكُمْ مِنْ ذَكَرٍ وَأُنْثَىٰ وَجَعَلْنَاكُمْ شُعُوبًا وَقَبَائِلَ لِتَعَارَفُوا إِنَّ أَكْرَمَكُمْ

عِنْدَ اللَّهِ أَتْقَىٰكُمْ (الحجرات - ١٣)

O Mankind we have created you from one (pair of) male and female and made you nations and tribes so that you identify one another (otherwise) the best and noblest amongst you is the one who is the most God-conscious and the most righteous in conduct.

The prophet صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ in his address on the occasion of the Farewell Pilgrimage remarked, among other things:

يَا أَيُّهَا النَّاسُ إِنَّ رَبَّكُمْ وَاحِدٌ وَإِنَّ أَبَاكُمْ وَاحِدٌ - أَلَا لَا فَضْلَ لِعَرَبِيٍّ عَلَيَّ أَعْجَمِيٍّ وَلَا لِعَجَمِيٍّ عَلَيَّ عَرَبِيٍّ وَلَا لِأَحْمَرَ عَلَيَّ الْأَسْوَدَ وَلَا لِأَسْوَدَ عَلَيَّ الْأَحْمَرَ إِلَّا بِالتَّقْوَىٰ (مسند - احمد)

Listen mankind, your Lord and Creator is one and your father is one. An Arab has, therefore, no superiority over a non-Arab nor has the non-Arab any superiority over an Arab. Likewise the fair complexioned, red-cheeked person has no superiority over a black-complexioned person nor has the black-complexioned person any superiority over the fair-complexioned person except for God-consciousness and righteous conduct.

c) This supreme position, enjoyed by all men, is in absolute conformity with the principle of equilibrium (*tawazun*) that governs the universe and ought ideally to govern human life as well. Says the Qur'ân:

وَالسَّمَاءَ رَفَعَهَا وَوَضَعَ الْمِيزَانَ - أَلَّا تَطْغَوْا فِي الْمِيزَانِ وَأَقِيمُوا الْوَزْنَ بِالْقِسْطِ وَلَا تُخْسِرُوا

الْمِيزَانَ (الرحمن - ٧-٩)

And He raised up the sky and set up the balance. You may not, then disturb this equilibrium but observe it justly and not fall short in any way.

مَا تَرَى فِي الْخَلْقِ الرَّحْمَنِ مِنْ تَفْوُتٍ فَارْجِعِ الْبَصَرَ هَلْ تَرَى مِنْ فُطُورٍ - ثُمَّ ارْجِعِ الْبَصَرَ
كَرَّتَيْنِ يَنْقَلِبْ إِلَيْكَ الْبَصَرُ خَاسِئًا وَهُوَ حَسِيرٌ (المملك- ٣- ٤)

*You will not see any disharmony in the creation of the
Beneficent; send your eye around, do you find any fault
anywhere? Then turn your gaze again and again, it will
come back to you dismayed, aweary.*

This privileged status of man is safeguarded by the Islamic system through:

- I) Legislation
- II) The creation of an appropriate social ambience, and
- III) Ensuring a balance between rights and duties.

Legislation

Islam lays down that everyone's life, property and honour is sacrosanct. In the address of the Farewell Pilgrimage, the Prophet ﷺ said:

إِنَّ دِمَائِكُمْ وَأَمْوَالِكُمْ وَأَعْرَاضَكُمْ حَرَامٌ كَحَرَمَةِ يَوْمِكُمْ هَذَا فِي بِلَادِكُمْ هَذِهِ الْيَوْمِ تَلْقَوْنَ رَبَّكُمْ (بخارى و مسلم)

*Your lives, your property and your honour are declared as
sacred like the sanctity of this day (of pilgrimage), this
month (the holy month of pilgrimage) and this city (the holy
city of Makkah). This will hold good until the day you meet
your Lord (for the final account).*

About the sanctity of human life, the Qur'an uses a language than which no language can be more emphatic:

مَنْ قَتَلَ نَفْسًا بِغَيْرِ نَفْسٍ أَوْ فَسَادٍ فِي الْأَرْضِ فَكَأَنَّمَا قَتَلَ النَّاسَ جَمِيعًا وَمَنْ أَحْيَاهَا فَكَأَنَّمَا
أَحْيَا النَّاسَ جَمِيعًا (المائدة- ٣٢)

Whoever kills a person without his having killed another person or causing disorder (leading to bloodshed), it is as if he killed the whole of mankind and whoever saves a life, it is as if he saved the life of the whole of mankind.

If the Qur'ân lays down the law of *Qisâs* (retaliation), this too is meant to safeguard life. The Qur'ânic logic in this regard, is very simple. Taking of human life for base worldly ends by desperadoes is more reprehensible than killing through the process of justice a committed murderer to save many more people from getting murdered and sending a message out that a proper and just legal system is in place and no criminal can escape scot-free. The Qur'ân, therefore, says:

وَلَكُمْ فِي الْقِصَاصِ حَيَاةٌ يَا أُولِي الْأَبْصَارِ (البقره- ١٧٩)

And in retaliation is life for you, O men of understanding.

Like life, honour is also protected in Islam through appropriate moral and legal safeguards. Laughing at others, taunting, backbiting, spying on others and all kinds of libel are forbidden. The Qur'ân says:

يَا أَيُّهَا الَّذِينَ آمَنُوا لَا يَسْخَرُوا قَوْمًا مِّن قَوْمٍ عَسَىٰ أَن يَكُونُوا خَيْرًا مِنْهُمْ وَلَا نِسَاءً مِّن نِّسَاءٍ
عَسَىٰ أَن يَكُنَّ خَيْرًا مِنْهُنَّ وَلَا تَلْمِزُوا أَنفُسَكُمْ وَلَا تَنَابَزُوا بِالْقَابِ (الحجرات- ١١)

O you who believe let not men laugh at other men; it may be that those others are better than them; and let no women laugh at other women; it may be that those other women are better than them. And taunt and defame not yourselves nor use offensive nicknames for one another.

يا أيها الذين آمنوا اجتنبوا كثيراً من الظن إن بعض الظن إثم ولا تحسسوا ولا يغتب بعضكم بعضاً أيحب أحدكم أن يأكل لحم أخيه ميتاً فكرهتموه. (الحجرات- ١٢)

O you who believe refrain from too much suspicion as some suspicion is sinful and spy not one another nor backbite; would anyone of you like to eat the flesh of his dead brother, certainly you will abhor it.

The Islamic legal system imposes stringent punishment for libel and false accusation. Whoever fails to establish his charge with evidence, cannot escape punishment. That is why the much maligned punishment for adultery has rarely been awarded in Islam unless the culprit would confess to it himself or herself. The false accuser of adultery, according to the Qur'ân (*al-Nur*: 4) is to be flogged and his evidence is never to be accepted.

Right to privacy is a privilege whose value is still to dawn on mankind. Islam took moral and legal measures to safeguard this right fifteen hundred years ago. To protect privacy the Qur'ân prescribes the unique procedure of *isteezan*, seeking the consent and permission of a person before encroaching upon his privacy in any manner:

لا تدخلوا بيوتاً غير بيوتكم حتى تستأنسوا وتسألوا أهلها. (الحجرات- ١٢)

Do not enter houses other than your own unless you seek consent of the inmates and invoke peace upon them.

To protect the right to a property inherited or procured through legal and fair means, Islam has prescribed a comprehensive legal code whose pivot is that all means of acquiring property based on force and exploitation like theft, robbery, usury, gambling, lottery and forcible confiscation of property are totally forbidden. Islam declares it that even a martyr who has sacrificed everything for the sake of truth cannot escape punishment if something is due from him to any one. The fundamental principle laid down by Islam in this regard is in the Qur'ânic words,

يا أَيُّهَا الَّذِينَ آمَنُوا لَا تَأْكُلُوا أَمْوَالَكُمْ بَيْنَكُمْ بِالْبَاطِلِ - (النساء- ٢٩)

O you who believe, eat not each other's property through false and fraudulent ways.

Social Ambience

The letter of the law alone cannot ensure respect for human rights in a society. It has to be duly supported by an appropriate social atmosphere in which every one regards the rights of others as sacrosanct. Indeed no law can succeed in the absence of such a morally strengthened social fabric. Islam creates such an ambience by moral edification and training. The Prophet صَلَّى اللهُ عَلَيْهِ وَسَلَّمَ remarks:

الخلق عيال الله فَأَحَبُّ الخلق إلى الله من احسن إلى عياله - (بيهقي - طبري)

The whole of creation is Allah's family and Allah loves him the most who is most good to His family.

كلّكم راعٍ وكلّكم مسئول عن رعيته - (بخارى - مسلم)

Each one of you is a shepherd (to the extent of his circle of influence) and each one is accountable in respect of his flock.

Islam adopts solid measures to implement the spirit embodied in these moral instructions. A comprehensive system of *zakah* (to give away a certain percentage of one's capital to the deserving as a matter of their right and to purify one's capital) and *saduqât* (charitable spending for Allah's pleasure) is instituted to support the underprivileged and deprived sections of the society. Islam declares this kind of financial support as the inalienable right of the deprived people and not a favour. As the Qur'ân says:

وَفِي أَمْوَالِهِمْ حَقٌّ لِّلسَّائِلِ وَالْمَحْرُومِ- (الذَّارِيَات- ١٩)

And in their wealth and possessions is the right of a due share for those who are in want and for those who are deprived.

And this duty has to be done so that in the Qur'anic phrasology:

كَيْ لَا يَكُونَ دَوْلَةٌ بَيْنَ أَغْنِيَاءٍ مِنْكُمْ- (الحشر- ٧)

So that wealth does not stagnate amongst the rich only.

In the words of the Prophet صَلَّى اللهُ عَلَيْهِ وَسَلَّمَ this system ensures the circulation of wealth in the society:

يُؤْخَذُ مِنْ أَغْنِيَاءِهِمْ وَيُرَدُّ عَلَىٰ فُقَرَائِهِمْ- (بخارى- كتاب الزكوة)

It is taken from their rich people and diverted to the poor and the indigent.

In this social ambience everyone enjoys the freedom to live in his own way and remains on guard against any move to derail the system. This freedom of expression and action is enjoyed by the Muslim and the non-Muslim alike. As the Qur'an says:

لَا إِكْرَاهَ فِي الدِّينِ (البقره- ٢٥٦)

There is no compulsion in the matter of religion.

لَيْسَ عَلَيْكُمْ بِمِصْطَبٍ (الغاشيه- ٢٢)

You are not a warder over them

وَلَا تَسُبُّوا الَّذِينَ يَدْعُونَ مِن دُونِ اللَّهِ (الانعام- ١٠٨)

Revile not those unto whom they (the non-Muslims) pray beside Allah.

لكم دينكم ولي دين (الكافرون-٦)

To you your religion and to me mine.

In the context of the Qur'anic emphasis on the freedom to profess and practise any religion a question is often raised: why was non-Islam exterminated from the Arabian Peninsula and why are Islam's two holiest cities — Makkah and Madina — forbidden to non-Muslim entry? To me (and Allah knows what is right) the answer to this question is that to exemplify to mankind an ideal Islamic society the holy land had to be totally cleansed of non-Islam just as to exemplify the ideal Islamic character a purified individual life on Islamic lines is indispensable. This requirement was there and shall always remain there otherwise Islam ensures freedom of religion even to those who are directly under its political control. The protected minorities, *dhimmis*, in an Islamic set-up have all the freedom to profess and practise their religion and live according to their personal law. The civil and criminal law however, has got to be the law of Islam in order to save the society from chaos and disorder and ensure to all security, peace and justice.

With regard to *dhimmis*, the question of *jizyah* is often raised notwithstanding the fact that it no longer exists anywhere. *Jizyah* was imposed on those who chose to adhere to non-Islamic faiths, in an Islamic order, for two reasons: i) exemption from military duty and ii) guarantee for the protection of life, honour and property and freedom of religion, and personal law. As far as the first reason is concerned it has to be borne in mind that *jizyah* was imposed in an age when there was no practice of maintaining regular and paid armies. As contingency would arise, armies would be raised. Islam exempted the *jizyah*-payers from such conscription. Now that regular armies are maintained by the state and their salaries are paid from the state exchequer to which, all including non-Muslims in an Islamic state, contribute, this reason has ceased to have any validity. For the second reason alone, *jizyah* has never been imposed anywhere but even if this were the sole ground how many of us living as minorities in the non-Islamic and the so-called secular set-ups would not be glad

enough to pay anything for the protection of religion and life and honour and property.

Balance between Rights and Duties

Islam ensures complete balance between rights and duties in all spheres which is in accord with the principle of balance and equilibrium that permeates the universe. In Islam the rights of Allah and the rights of men are organically related to each other so that when one is doing his duty to Allah, he is simultaneously doing a duty to his fellow-beings. This is ingrained in all modes of Islamic worship especially *zakah*, *saduqâh* and sacrifice. Unlike many non-Islamic creeds Islam does not subscribe to the view that one should renounce his worldly commitment in order to secure purity of the soul and pleasure of God. *Rahbaniah* (renunciation) in all its forms is forbidden. In Islam the path to Allah lies through the path of service to mankind. Nor can the body be sacrificed for the sake of the soul. Instead a complete balance is maintained between the two as integral components of an organic unity.

The same balance is maintained in the mutual rights of parents and children, and those of the spouses. While the children have the rights of love, nourishment, upbringing and education, they in turn have to shower affection on their parents and serve them to the best of their capacity. About the rights and duties of the spouses, the Prophet صَلَّى اللهُ عَلَيْهِ وَسَلَّمَ remarked in his Farewell Pilgrimage address:

إِنَّ لَكُمْ عَلَى نِسَائِكُمْ حَقًّا وَلَهُنَّ عَلَيْكُمْ حَقًّا (طبري-ابن هشام)

You have a right over your women and they have a right over you.

Islam not only lays extreme emphasis on the mutual rights of the neighbours but also widens the scope of neighbourhood to include permanent and temporary companionship. The Qur'ân says:

وَبِالْوَالِدَيْنِ إِحْسَانًا وَبِذِي الْقُرْبَىٰ وَالْيَتَامَىٰ وَالْمَسْكِينِ وَالْجَارِ ذِي الْقُرْبَىٰ وَالْجَارِ الْجُنْبِ

وَصَاحِبِ بِالْجَنبِ وَابْنِ السَّبِيلِ وَمَا مَلَكَتْ أَيْمَانُكُمْ - (النساء- ٣٦)

Be kind to your parents, and to those of kin to you, to orphans, to the needy, to the neighbour with whom you share kinship, to the neighbour who is a stranger, to the companion by your side, to the wayfarer and to those whom your right hands possess.

In this verse, apart from parents, the orphans, the needy and those who serve us, the Qur'ân identifies three kinds of neighbours deserving of our kind treatment — a neighbour to whom we are related by blood, a neighbour who is otherwise a stranger and a neighbour with whom we share a purely temporary companionship. And how are these neighbours to be treated can be gauged from many an exhortation of the Qur'ân and Hadith of which two are quoted here:

لا يؤمن احدكم حتى يحب لايخيه ما يحب لنفسه (بخارى- كتاب الايمان)

None of you is a believer unless he likes for his brother the same as he likes for himself.

والله لا يؤمن، والله لا يؤمن، والله لا يؤمن - قيل من يا رسول الله قال الذى لا

يامن جاره بوائقه (بخارى- كتاب الادب)

'By Allah he does not believe, by Allah he does not believe, by Allah he does no believe'. It was asked 'who O Messenger of Allah?' He replied, 'one from whose fear his neighbour is not secure'.

As the above-quoted Qurânic verse and Ahâdith, like many other verses and Ahâdith, exhort us we have to be extremely kind to those who are subservient to us in the capacity of servants or casual labourers. To such as these Islam has given certain inalienable rights unheard of before in human history. The servants have to be treated as if they were our

children and about the person employed as a casual labourer, the Prophet صَلَّى اللهُ عَلَيْهِ وَسَلَّمَ remarks:

اعطوا الاجيرَ حَقَّهُ قبل ان يَجِفَّ عرقه. (ابن ماجه - كتاب الاجاره)

Pay to the labourer his wages before his sweat is dry.

Objectors point out that Islam has deprived a grandchild orphaned while his grandfather is still alive and the adopted child, of the right to inheritance. Such objections originate from the ignorance of the Islamic law of inheritance which is so finely and delicately balanced that a slight tampering with it will bring the whole edifice down. One of the fundamental articles of this law is that property cannot be inherited by an heir except through a direct link with the person who bequeaths it (*murith*). If allowance is made for this on any consideration other than legal, the whole legal system will be seriously disturbed with incalculable harm to many generations. The grandchild orphaned in his grandfather's life-time ceases to be a direct heir. Similarly the adopted child, unless he is related by blood and therefore a sharer in inheritance, will disturb the law if he is granted the status of a legal heir. This, however, does not mean that there is no provision to meet such contingencies in the Islamic law of inheritance; this law contains within it sufficient safeguards to take care of such cases. Everyone is legally empowered to donate up to one third of his legacy to whomsoever he likes. This provision can be easily utilized to come to terms with such difficulties.

The balance that Islam strikes between rights and duties is exquisitely exemplified in the relationship between the rulers and the ruled in an ideal Islamic social order. The government is charged with safeguarding the rights of the governed just as the governed have to be absolutely loyal to their rulers as long as they follow the law of Islam. Among the various herds (*ra's*), the government has been declared by the Prophet صَلَّى اللهُ عَلَيْهِ وَسَلَّمَ as the chief *ra'a*. It has to act like a parent and guardian towards the people. The rights of the people which it has to protect include the rights to livelihood and the right to marriage.