

## The Relation Between Human Rights and Freedom An Islamic Viewpoint

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### Abstract

"Right", freedom, peace and justice are the most sacrosanct words that enjoy highest sanctity and special position in human beings life. Today, observance of human rights in the world should be a top priority. Respect for human rights and compliance with their relevant norms and standards is not a posture adopted out of political expediency or conformity with others. Rather it is the natural consequence of religious teachings and precepts. It is possible to argue that in the absence of the absolute morality and spiritual vision that only religion can provide, human rights may be hard, if not impossible, to observe. Islam, like other theistic religions, emphasizes the importance of human rights. On the other hand, freedom is a Divine gift. It is man's essence and his existence is grounded in freedom. It is obvious that no right can be conceived without freedom. This paper attempts to study the relation between human rights and freedom from the viewpoint of Islam.

### Introduction

Freedom is one of the most important things to all human beings anywhere, including Muslims. Freedom, a yearning of man's inner being, has been expressed in various forms throughout human history. History of mankind is a ceaseless quest for freedom. It is a multipronged quest: freedom from want, from fear, from forces of nature, from tyranny of fellow beings, from injustice, from superstition, from prejudice, from tribal and racial loyalties, and ultimately from his own egocentric existence. Adam and Eve,

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as Iqbal puts it, were compelled by this urge to leave heaven, where there was no scope of freedom, and to come to the world of action. It is presumed that action is grounded in freedom. From the Islamic viewpoint man's coming to earth was an act of his free choice, and he has to earn eternal freedom and conquer time through his continuous free acts in this world which test his urge for freedom at every step in his life.<sup>1</sup>

All human activity is a quest for freedom, and all human evolution represents a course of gradual realization of various freedoms. Human evolution is emergent and creative evolution in the sense that at its every stage a higher form of freedom emerged as a result of man's creativity. Islam has emerged as an embodiment of all kinds of freedom and made humanity a balanced synthesis of material and spiritual freedoms.

Freedom can be understood in two ways: theoretically from ontological point of view, and practically from social angle. For the sake of study this division is feasible, but in reality the latter aspect logically follows from the former. The urge for freedom is inherent to man's nature. It may be called a Divine gift or spark. Even we can say that freedom was bestowed upon man not as a gift, but he received it through his own capacity, because nothing was imposed upon man from without, what a man's essence (*'ain*) demanded from God was given to him.<sup>2</sup> Therefore from the Islamic point of view, freedom is man's essence and his existence is grounded in freedom. He is born free in the world, which calls upon him to choose and act freely in order to determine his destiny.

All Divine Commands and Prohibitions presume that men have ability to follow them, and that some of them shall obey, while others shall disobey. The possibility of obedience and disobedience arises out of human freedom. God has promised men reward and punishment according to their deeds. Without allowing for man's freedom of choice and action, there could never arise the question of reward and punishment, which would have been amounted to arbitrariness that is injustice, on the part of God.

The following are corollaries of human freedom:

- 1- Every man is able to perform an act he wills and chooses to do.
- 2- Man who performs one act is able to perform its opposite also.

3- Every man who is obliged to do a certain act is awarded power to do it.

4- Even those who do not obey Divine command are given the power to do it, and they are also free to do or not to do what they are obliged.<sup>3</sup>

Will (choice, freedom) is the instrument and the motive that enables man to achieve perfection, for when Allah created man, He placed him before two ways with their elements within himself. One of the ways is a reactionary one which connects man to earth and the other is a perfectionist one. In terms of the first human being emphasizes the feelings, sympathies, and desires, and considers them the means and the aims and attempts to exploit the existence for their sake. (Qura'n, 45:23; 7:175-176) in terms of the second one the human being becomes a representative of Allah on earth, and his fate is in the hands of Allah. (84:6)

The practical side of freedom is related to man's individual as well as social duties. Every duty requires as its prerequisite condition freedom and power to fulfil it, which is called "right" in legal terms. As the right to have the freedom and power to perform desired acts is termed a natural right; freedom and power to perform social duties is termed civil rights; freedom to act in relation to the state is called political right; and freedom to defend and contest one's rights in courts is termed legal right. Right is based on freedom, for it calls on men to fulfil certain duties. Rights are meaningless without freedom and freedom remains an empty concept without rights to act within a particular framework. Freedom assumes a definite meaning in each ideology according to its conception and practice of human rights.

#### **Islamic Viewpoint**

Freedom is one of the manifestations of human dignity in Islam. Islam provides for human freedom in its perfect sense, which relates to the liberation of man's body, soul, thought and wisdom. This is the form of freedom Islam considers befitting for man. For Islam it is not only freedom but also liberal mindedness, which suit the dignity of man. That is why according to Islamic viewpoint, whoever he may be, to whichever race he may belong, whatever be his language, country or color, deserves honor, dignity and freedom.<sup>4</sup>

Allah has created in man the ability to choose by his own will as the Almighty Allah says:

Surely We have shown him the way: he may be thankful or unthankful. (76:3) Again, He says:

And pointed out to him the two conspicuous ways. But he would not attempt the uphill road, and what will make you comprehend what the uphill road is? It is the setting free of a slave. (90:10-13)

By the way of tests and experiences in meeting these two ways the human being can move towards perfection or can fall to evil and vice and thus to the lowest part of hell. As the Almighty Allah says:

And if the people of the towns had believed and guarded (against evil) we would certainly have opened up for them blessings from the heaven and the earth, but they rejected, so We overtook them for what they had earned. (7:96).

Man, in Islam, enjoys freedom of faith and no one can compel the other to discard his faith and forcibly convert him to Islam. The holy Qur'an says:

There is no compulsion in religion; truly the right way has become distinct from error. (2: 256).

It's important to understand that from the Muslim point of view, when we say "*There is no compulsion in religion;*" religion in Arabic word here is "*ad-din*". *Ad-din* doesn't just mean matters of ritual. For the Muslim, *ad-din* is a way of life. So when we say *no compulsion in religion*, we mean no coercion in the Muslim way of life. It is because the right has been distinguished from the wrong path. Man is free to go his own way, to stay where he chooses. This is also evident from the conduct of Imam Ali (A.S.) towards people during his rule. It is observed that he left them free to go wherever they desired even to the court of Ma'awiyah and to conspire against him.<sup>5</sup> So, Freedom is at the heart of the Islamic conception of justice.

Similar is the case of other liberties, which are the rights of a human being. So long as they do not clash with and damage the system of Islamic government and the social and individual interests of others. It is because the liberties and rights of others are equally respectable and their observance and obligation for others. Therefore, the rule of "negation of loss"<sup>6</sup> is one of the

recognized principles of Islamic jurisprudence and social law so that nobody's freedom endangers anyone else's liberties.

### **Relation between Human Rights and Freedom**

The relation between rights and freedom is twofold: on the one hand no right can be conceived without freedom, on the other, rights ensure certain freedoms for human beings. In the same way rights and duties are also related to each other reciprocally. Every right granted to man saddles him with corresponding duties, and each duty fulfilled by man secures some rights for him. Duty in broader sense means respecting the rights of others, which in its own turn results in securing a safer ground for enjoying and exercising one's own right. Freedom of man implies that all men have equal right to freedom, which leads to a logical corollary that every individual's freedom is delimited by others' freedom. But this limitation does not deprive one of his freedoms; rather it safeguards freedom of all men. If one is allowed to exercise his individual freedom to an extent, which results in grabbing or curtailing other men's freedom, nobody can remain free, and freedom itself will become meaningless. Thus freedom in itself is a right as well as a duty. Therefore, freedom, right and duty are three sides of a triangle, in which all three sides are equal. If any one of the three is eliminated the triangle disappears. Islam has given equal importance to all the three, which together form the moral, social and political conduct of a Muslim.

Islam is deeply concerned about liberating human beings from every kind of bondage.<sup>7</sup> Recognizing the human tendency toward dictatorship and despotism, the Qur'an says:

It is not (possible) that a man, to whom is given the Book, and Wisdom, and the Prophetic Office, should say to people: "Be ye my worshippers rather than Allah's". On the contrary (he would say):

"Be ye worshippers of Him Who is truly the Cherisher of all. (3: 79)

The institution of human slavery is, of course, extremely important in the context of human freedom. Slavery was widely prevalent in Arabia at the time of the advent of Islam, and the Arab economy was based on it. Not only did the Qur'an insist that slaves be treated in a just and humane way (See, for instance, 4:36), but it continually urged the freeing of slaves (See, for

instance, 2: 177; 4:92; 5: 89; 9: 60; 24: 33; 58: 3). By laying down that prisoners of war were to be set free (47: 4), "either by an act of grace or against ransom"<sup>8</sup>, the Qur'an virtually abolished slavery since "the major source of slaves - men and women - was prisoners of war"<sup>9</sup>. Because the Qur'an does not state explicitly that slavery is abolished, it does not follow that it is to be continued, particularly in view of the numerous ways in which the Qur'an seeks to eliminate this absolute evil. The Book, which does not give a king or a Prophet the right to command absolute obedience from another human being, could not possibly sanction slavery in any sense of the word.

Therefore, the greatest guarantee of personal freedom for a Muslim lies in the Qur'anic decree that no one other than God can limit human freedom (42: 21) and in the statement "Judgment (as to what is right and what is wrong) rests with God alone. (12: 40).

According to the Qur'anic teaching, non-Muslims living in Muslim territories should have the freedom to follow their own faith-traditions without fear or harassment. A number of Qur'anic passages state clearly that the responsibility of the Prophet Muhammad is to communicate the message of God and not to compel anyone to believe (for instance, see 6: 107; 10: 99; 16: 82 42: 48). The right to exercise free choice in matters of belief is unambiguously endorsed by the Qur'an ( for instance, see 18: 29) which also states clearly that God will judge human beings not on the basis of what they profess but on the basis of their belief and righteous conduct:

Those who believe (in the Qur'an) and those who follow the Jewish (scriptures), and the Christians and the Sabians, any who believe in God and the Last Day, and work righteousness, shall have their reward with the Lord: on them shall be no fear, nor shall they grieve.(2: 62)

So, freedom is ensured in Islam; both inborn and acquired. There is no distinction between a believer and a non-believer in this respect. As Qur'an says:

(The Prophet) enjoins them good and forbids them evil, and removes from them their burden and the shackles which were upon them... (7: 157)

### **Relation between Knowledge and Freedom**

Knowledge of the creation in general and of this world in particular, is emphasized by Islam as a prerequisite for making use of freedom in the right direction and for the purpose willed by God. Knowledge is “the light of reason”, a treasure, root of all the good, and that which emancipates man. It is a power<sup>10</sup>, and one's supremacy is in proportion to the extent of one's knowledge and wisdom.<sup>11</sup> We can infer from many sayings about knowledge, in Islam, that it is itself freedom, for it saves man from ignorance<sup>12</sup> which is the cause of man's slavery to false beliefs, unfounded fear of nature and his superiors. It is at the same time a key to attain and safeguard freedom accorded to human beings. The Qura'n is unique among the scriptures in encouraging the believers to acquire knowledge and to verify the fundamentals of faith rationally. There are almost 704 verses in the Qura'n in which either the word *'ilm* or its derivations are used. We must point out the right to acquire knowledge and freedom of inquiry to form an essential part of the laws and guiding principles governing human rights in Islam. In this matter no distinction is made between Islamic and non-Islamic sources and Muslim and non-Muslim teachers. Holy Prophet says: “Knowledge is the lost heritage of Muslims”<sup>13</sup>, Get them knowledge and wisdom back, though you may have to get them from apostates.<sup>14</sup>

### **Freedom of Faith**

We turn now to examine a question that closely relates to the previous discussion: Does Islam recognize individual freedom of conscience? Are people free to accept or reject Islam? The answer to this question is an emphatic yes. The principle of the freedom of belief has been unequivocally established in two Qura'nic verses:

Let there be no compulsion in religion: Truth stands out clear from error. (2:256)

If it had been your Lord's Will, they would all have believed, -all who are on earth- will you then compel them to be believers! (10:99).

The latter is addressed to the Prophet. The Holy Prophet really loved the people and wanted them to be true believers. The Qur'an says the use of force in the matter of belief is meaningless.<sup>15</sup>

As long as people do not misuse the freedom of opinion, Islam considers every human being free to have an opinion. However, when freedom is ascribed to faith with respect to laws and intellectual precepts, there are four probabilities:

(i) Man is free to find and have faith. The content of this statement is the independent precept of reason and in the Islamic sources, there is no mention contrary to this. Here Islam presents sound and reasonable guidance. The holy Qur'an promises those who listen to others and follow the best piece of their word that they have been guided and are men of thought and reason. It exhorts humans to listen impartially to what they hear, to select the best of what they hear and keep the torch of dialogue alive:

... Give tidings to those of My worshippers who hear every statement, but who choose the most righteous and observe it...  
(39:17-18).

In this stage, therefore, Islam does not force man to act blindly and to refrain from all statements and writings and to follow the Islamic sources and documents only. Rather, Islam frankly allows him to listen to any statement on any subjects that he likes. After listening, however, he should use his reason and intelligence to choose and apply the best of what he has heard as his reason and intelligence too judge the same way. After man passes this stage and acquires faith by his own freedom Islam, without forcing him, expresses its doctrines so that if he has made mistake in discretion for choosing the faith, he may revise his opinion and accept Islam if he is willing to do so. (See, for example, 73:19; 74:35-37; 81:27-28).

The Prophet of Islam (SAAS) adopted the same method of reasoning, explanation and clarification in his call upon dualists and idolaters or heretics and deniers, as well as the followers of past religions and other divine books. He sat down to discuss on with each person and each group or tribe and reasoned with them to show what is right and what is wrong, and to close the



way of wrong with logic and to open the way of right with reasoning. When right is discovered, wrong vanishes<sup>16</sup> and the spirit which seeks Truth and God and is inherent in man's nature presses on demolishing the walls of prejudice, inherited imitations and ancestral, racial and other wrong and invented beliefs, and then they turn to the rightful divine religion.<sup>17</sup>

(ii) Man is free to have faith. In this case, we can say that when a person adopts a faith and belief no one has the right to reproach him for it and to impose his own different faith on him. The Prophet of Islam and the Imams confronted the opponents and enemies of Islam and held debates and free discussions. They first listened to all their statements and then expressed their own answers. At the end of the sessions, a group would accept their statements and embrace Islam, while another group would remain reticent and would leave the sessions freely. These debates started at the time of the Prophet and assumed greatest importance at the time of Imam Sadeq and Imam Reza. Even at the time of Imam Sadeq and Imam Reza, an international debate was organized and non-Islamic scholars of the time from all over the world gathered in Khorasan and deliberated on the controversy with Imam Reza.<sup>18</sup>

It is better to say that if a person chooses a religion with freedom and with his own will and places himself within the bounds of the rules of that religion, he must not be called compelled and bounded. Rather his very freedom is the adherence to the rules of that religion.

(iii) Man is free to keep and continue the faith. In Islam, there is no sign that the Islamic government should enquire about the faith of people and should debate and argue with those who have different faiths or should force them for debate and discussions.

(iv) Man is free to express his faith. According to Islam, it may be said that expressing an opposed view is both permitted and not permitted. By permission, it is meant that in Islamic Sources, there is no evidence that if a person announces a view opposed to the views of Islam, one has to shut his mouth and prevent him from continuing his speech till he suffocates and does not continue his discourse. When it is said that the expression of opposed views is not permitted, it means that Islamic scholars must not remain silent and reticent in the face of the expression of opposed views.<sup>19</sup>

### Freedom to Tell the Truth

The right to freedom includes the right to be free to tell the truth. The Qura'nic term for truth is *haqq* which is also one of God's most important attributes. Standing up for the truth is a right and a responsibility, which a Muslim may not disclaim even in the face of the greatest danger or difficulty (4: 135). While the Qur'an commands believers to testify to the truth, it also instructs society not to harm persons so testifying.<sup>20</sup>

### Freedom of Non-Muslims

One may not find a single Muslim who does not know and say that Islam has come to free people. It is a religion of freedom! One is freed once he adheres to Islam. This is a truth! But reality is another truth Muslims should not forget: the whole mankind is not Muslim, some people have not even heard of Islam, some do not know it or can't know it, and some even have come to know it but are not willing to become Muslims. Still, it is their freedom not to choose Islam as their religion; and this is an Islamic truth, embodied in the holy Book The Qur'an: says

There is no compulsion in religion: Truth stands out of clear from Error: whoever rejects evil and believes in Allah hath grasped the most trustworthy hand-hold that never breaks. And Allah hears and knows all things. (2:256)

And:

If it had been your Lord's Will, they would all have believed, \_\_all who are on earth will you then compel them to be believers! (10:99).

It is noteworthy that it says "no compulsion in religion" and not only "in Islam". Moreover, at the beginning, the Qur'an was addressing pagans, unbelievers, unfaithful. Still the Prophet is advised not to compel them "against their will, to believe!" This is clear evidence that the Qur'an thus admits the legitimate existence of other religions and the right and the freedom of the people to espouse any one of them, or to espouse none.

In the Qura'nic commentaries it is written that an Ansari who had

previously been a polytheist had two sons who had converted to Christianity. These two sons had become fascinated by Christianity and very devoted to it, but their father was now a Muslim and upset that his sons had become Christians. He went to the Prophet (SAAS) and said to him: "What can I do to these sons of mine who have become Christians? Whatever I have tried, still they do not accept Islam. Do you give me permission to force them to leave their religion and become Muslims?" The Prophet said: No. "*La ikraha fid-din*" "there is no compulsion in religion".<sup>21</sup> The Qur'an recognizes the right to religious freedom not only in the case of other believers in God, but also in the case of non-believers in God [if they are not aggressing upon Muslims]. (For instance, see 6: 108)

In the history of Islamic universe, we observe that, despite deviating from the path of the Prophet and his true successors, Muslim rulers usually observed the Islamic principle of human equality and granted much more freedoms and rights to their subjects than any other past or contemporary state. Not only Muslims but also non-Muslims enjoyed full freedom in the states ruled by Muslims. Ameer 'Ali, stating that Islam never interfered with the dogmas of any faith, writes:

Whilst orthodox Christianity persecuted with equal ferocity the Jews and Nestorians,... Islam afforded them both shelter and protection. Whilst Christian Europe was burning witches and heretics, and massacring Jews and infidels, the Muslim subjects with consideration and tolerance. They were the trusted subjects of the state, councilors of the empire. Every secular office was open to them along with the Muslims. The teacher himself had declared it lawful for a Muslim to intermarry with a Christian, Hebrew, or Zoroastrian.<sup>22</sup>

As long as the non-Muslim does not wage war against the Muslims, he can live in Muslim country freely and equally like a Muslim and he can enjoy all social and political rights. He is free to perform his own religious rituals even though they are against Islam such as taking a holiday other than Fridays, worshiping in synagogues, churches, convents, and monasteries by tintinnabulation, baptism, and any other programs and practices that they have in their religious rites. They are allowed to do these as long as these

actions do not weaken the beliefs and freedom of the Muslims. Any thing that is considered as violating the beliefs and freedom of Muslims will not be permitted to be done openly, this corrective measure is not against human rights, but is in accordance with the conventions and stipulations that exists in the Islamic country. The non-Muslim has willingly and freely chosen to reside in that country with those conditions. Anyone who does not want to accept them can go to another country. Just as the Islamic government is bound to preserve the rights, properties, and prestige of Muslims, it is bound exactly in a similar way without any thing less or more, to protect the rights, properties, and prestige of religious minorities.<sup>23</sup>

Therefore, the *dhimmi* and other non-Muslims loyal to the Muslim state enjoy freedom of faith and worship. Their worship places are protected.<sup>24</sup> They usually receive liberal grants from Muslim rulers. Though they have equal legal rights, they are free to refer their disputes to their own religious authorities.<sup>25</sup> They are accorded all the rights granted to Muslim citizens, that is, right to education and dissemination of knowledge, freedom of thought, right to property, business, agriculture, industry and honorable living. They are treated equally in social matters and are respected.<sup>26</sup>

### **Conclusion**

Therefore, freedom is the essence of humanity and an essential part of ones identity and individuality. No one and nothing can restrict and restrain man's God-given and lawful freedom and liberty. Islam's aim is not compulsion; Islam accepts the inherent freedom of man, grants its full utilization and development, and bases its socio-political superstructure accordingly. The Islamic conception of human rights and its faithful implementation ensures greater freedom to all sections of humanity than granted in any other system. So, man is free, but his own freedom demands him to fulfil certain obligations, towards himself, towards other fellow beings, and ultimately towards God. Freedom is meaningless if one does not fulfil these obligations. All the human rights become due to man when he exercises his freedom to shoulder the duties he is expected to perform by his Creator, his fellow beings, and his own nature. Right to unceasing Divine guidance along with right to knowledge and freedom of thought and expression forms the foundation stone of Islamic universal declaration of human rights.

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