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Office : Al-Mustafa Islamic Research Society

G-46 Nizamuddin West, New Delhi – 110013, India

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E-mail: almustafa_irs@yahoo.com , **Website:** www.miuindia.in

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These articles in the book do not reflect the view of Dr. Syed Fayaz Hussain

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Preface

Human rights (whether the creator of universe gave them to Human, whether society or international organizations) are among the things that every human wants these rights to be respected and implemented.

These rights are among the issues welcomed by the various nations and it is necessary to study the concept of human rights in all religions. The present issue explains the views regarding Human rights and deals with certain issues of human studies necessary for understanding human rights such as the creator and lord of human being, human essence, his nature, position of human being in the universal existence, his relation with the universal existence, and the ultimate goal of creation of human being.

In Islam, human rights, is stated that: "Human rights are those things that are fixed and stable and common to all human beings, which every human being must have and has in order to be human.

And this right has been given by the creator of man at the beginning of his birth.

The last sermon of Holy Prophet in Hajjat-ul-vida that no one has any superiority over any one due to race, colour or culture. All are equal, children of Adam and Adam was created by clay. This is the declaration of human rights in Islam.

In Islam, Human Rights have been conferred by God and therefore these are permanent and cannot be changed. Any charter, proclamations or resolutions on Human Rights by Governments or

the United Nations therefore cannot be compared with the Rights sanctioned by God. In Islam woman have been granted the right of inheritance, engage in financial transactions, education, and participation in political and legal affairs from the very beginning.

Risalat-ul-Haqooq is one of his most outstanding teachings by Imam Zain-ul- Abideen (AS). It is a master document on Islamic human rights, which not only covers human rights, but also includes the rights of God, our body parts, and our deeds. Any intelligent reader who thinks carefully and deeply about the contents of this valuable document on rights, it immediately becomes clear that Islam has already established the first document on rights nearly fourteen centuries ago.

Hujjat-ul-Islam Dr. Reza Shakeri

Chief Representative

Al Mustafa International University, India

Editorial

Another Issue of 'International Journal of Religious Thoughts' is with you. This issue deals with another important subject for everyone that is human rights. Basically, human rights in life is very important for both those who believe in God and those who do not believe in God, Because the system of existence cannot continue its life without respecting human rights, even the rights of other creatures. So, Human should respect to the rights of all beings in the world. With every succeeding Issue, the response that we are getting in the form of letters, mails and contributions from the learned authors has been encouraging for us. It is an indication in itself as regards the popularity of 'Religious Thoughts' that it has achieved. Our main goals in publishing this journal have been to inform the educated class about the common points of religions regarding the beliefs, morality, mysticism, spirituality, peace and security, so that we can reach an ideal, progressive, and stress-free society. Another point that may be of interest to our worthy readers is that 'Religious Thoughts' has now been allotted ISSN number and we are trying to get the ISI standard (Scopus Title Evaluation) for this journal soon. It is a milestone in our journey, which started with the realization of the need to publish a Journal that presents discussions on Inter-Faith and various positive aspects of religion to Indian and Iranian readers. The publication is a sincere attempt by Al-Mustafa Islamic Research Society to highlight those different paths and processes of thought exist in the world. We believe that initiating the process of dialogue and expression of different views and thoughts always adds to sustenance of mutual understanding.

In a world, where difference of opinion offers leads to misunderstanding and conflicts, we wish to use the tools of dialogue and interaction for better understanding and human relations. We intend to and have tried to take a deeper look at various existing religions and to develop a spirit of togetherness. Study of culture and religion shows that, peace oriented, convergent and scholarly approaches are welcomed by the right-thinking people in India and Iran both. While thanking the scholars and experts on the subject, we earnestly hope that they will continue to patronize us in this momentous task through their constructive criticism and suggestions.

Dr. Syed Fayaz Husain

Editor-in-Chief IJRT

Islamic Human Rights and the Present World: A Philosophical Justification

Professor Dr. Md. Sirajul Islam¹

Abstract:

Islam as a religion is highly conscious about Human Rights. The holy Qur'an's affirmation of fundamental rights which all human beings ought to possess because they are so deeply rooted in our humanness and their denial or violation is tantamount to a negation or degradation of that which makes us human. From the perspective of the Qur'an, these rights came into existence when we did; they were created, as we were, by God in order that our human potential could be actualized. According to Islam Rights created or given by God cannot be abolished by any temporal ruler or human agency. Eternal and immutable, they ought to be exercised since everything that God does is for "a just purpose to establish just society". Before addressing the issue of human rights in Islam, it is useful to clarify that the Islamic tradition - like other major religious traditions - does not consist of, or derive from, a single source. Most Muslims if questioned about its sources are likely to refer to more than one of the following: the Qur'an or the Book of Revelation which Muslims believe to be God's Word transmitted through the agency of Angel Gabriel to the Prophet Muhammad; Sunnah or the

¹ - Former Head Dept. of Philosophy and Religion, Former President, Visva-Bharati University.

practical traditions of the Prophet Muhammad; Hadith or the oral sayings attributed to the Prophet Muhammad; Fiqh (Jurisprudence) or Madahib (Schools of Law); and the Shari'ah or code of law which regulates the diverse aspects of a Muslim's life. While these "sources" have contributed to what is cumulatively referred to as "the Islamic tradition", they are not identical or considered to be of equal weight. Of all the sources of the Islamic tradition, undoubtedly, the most important is the Qur'an which is regarded by Muslims in general, as the primary, and most authoritative, source of normative Islam.

To many Muslims the Qur'an is the Magna Carta of human Rights and a large part of its concern is to free human beings from the bondage of traditionalism, authoritarianism (religious, political, economic, or any other), tribalism, racism, sexism, slavery etc. from the very beginning of modern civilization.

In this present era of science Human Rights are intentionally or unintentionally violated in the various corners of the globe which by and large can be considered as the disgrace of humanity. There is Universal Declaration of Human Rights; however, Islamic Human rights are much broader, scientific and justifiable.

This paper is an initiative to focus true spirit of Islamic Human Rights in scientific manner so that misunderstandings about Islam can be minimized/ eradicated from the society.

There are many striking points in the topic those will be focused in the full paper.

Key Words: Quran, Human Rights, Islam, Philosophy, Justification,

Introduction:

The term “Human Rights” as a movement, is of a very recent origin and some sections of people in the 20th century mainly concerned about it. But history attest that from the very beginning of modern awareness concerning Human rights it was impregnated in the very past of modern civilization. The nature of human rights is complicated one and it is not free from the controversy. A critical debate continues over what is meant by human *rights*. The universality and inalienability of a human right depends to a large extent on the character of the ‘right’ involved.

It is necessary first of all to distinguish between the adjectival use of the word ‘right’, which means good or proper, from the substantive ‘a right’, which is a special, possess able benefit. Not everything which is right (good) is a right, although many people mistakenly inflate the concept of a right by asserting benefits, they believe are ‘right’ to be ‘rights’. This confusion has become evident in the assertion of what are known as ‘second-generation human rights’ - such as the right to economic development and prosperity - and ‘third generation human rights’ - which cover the rights to world peace and a clean environment. While some human rights advocates accept the inclusion of these benefits as rights, others argue that prosperity and peace are ‘right’ but not substantive rights.¹

Even with the substantive term ‘a right’, however, there are several different meanings. In 1919, Wesley Hohfeld laid down a useful set

¹ -Webster’s Encyclopedic Unabridged Dictionary of the English language, Gramercy Book, Random House,1989, p.1233.

of four distinctive connotations that can be given to the phrase "A has a right to X". Perhaps the most common meaning given to this phrase conveys the notion of a *claim-right*. It is a claim that A has against a correlative duty of another, B; A has a right to X, and B has a duty to let A have or do X. The duty B has may be positive, in the sense that action is required on B's part to allow A to enjoy X; if A has a right to health care; B has a duty to provide it. There may also be a negative duty, in the sense of B having to refrain from interfering in A's possession of benefit X; if A has a right to privacy, B must refrain from prying in A's affairs. It is important to note that the duty may be owed by a particular person or official, or the duty may generally lie in the whole community. The essential characteristic of a claim-right is the inherent connection between A's claim to a benefit and B's duty - A can make a claim that B must perform the duty.¹

Human rights are a product of a philosophical debate that has raged for over two thousand years within the European societies and their colonial descendants. This argument has focused on a search for moral standards of political organization and behavior that is independent of the contemporary society. In other words, many people have been dissatisfied with the notion that what is right or good is simply what a particular society or ruling elite feels is right or good at any given time. This unease has led to a quest for

¹ -Wesley N. Hohfeld, *Fundamental Legal Concepts as Applied in Judicial Reasoning*, (New Haven: Yale University Press, 1919). For a clear summary of this work see Jeremy Waldron, *Theories of Rights*, (New York: Oxford University Press, 1984), pp.6-10.

enduring moral imperatives that bind societies and their rulers over time and from place to place. Fierce debates raged among political philosophers as this issue was argued through. While a path was paved by successive thinkers that lead to contemporary human rights, a second lane was laid down at the same time by those who resisted this direction. The emergence of human rights from the natural rights tradition did not come without opposition, as some argued that rights could only from the law of a particular society and could not come from any natural or inherent source. The essence of this debate continues today from seeds sown by previous generations of philosophers.

Now, the notion of Human Rights is widely used in political and moral senses because, the core idea is that all human beings have some inalienable basic rights which have some practical appeal. Historians have traced back it as the code of the Babylonian king Hammurabi (2130-2088B.C.)¹ From many other sources it reveals that ancient Greek Philosopher Socrates' disciple Plato wrote extensively for justice and virtues to establish just society. His Republic is an embodiment of wisdom, prudence and guiding principles to establish philosopher king, who will be above of all selfishness and supposed to use the power of the state to guarantee the general welfare of citizens. His entire conception was abstract in nature and was mainly based upon the Utopian thinking and its practical application is almost impossible. However, he felt the

¹ - Parveen S. Ali, Human Rights in Islam, Adam Publishers and distributors, New Delhi, 2010, p. 16.

necessity of Human Rights from the very beginning of modern civilization. The earliest direct precursor to human rights might be found in the notions of 'natural right' developed by classical Greek philosophers, such as Aristotle, but this concept was more fully developed by Thomas Aquinas in his *Summa Theologica*. For several centuries Aquinas' conception held sway: there were goods or behaviors that were naturally right (or wrong) because God ordained it so. What was naturally right could be ascertained by humans by 'right reason' - thinking properly. Hugo Grotius further expanded on this notion in *De jure belli et paci*, where he propounded the immutability of what is naturally right and wrong.¹

The Christian doctrine created a religious hierarchy headed by the Pope to watch the activities and regulate arbitrary decisions of the kings/rulers. All laws passed by the rulers of Christendom were reviewed by the Papacy in Rome so that rulers would not transgress the path of rectitude. After the decline of the Pope's legacy due to the moral degradation, excessive corruptions, tyrannies of powers Western Christian world became ripe to receive Machiavelli as a messiah of secular politics. With his sledge hammer logic and perspicacity, he attacked all ethical and religious precepts in politics. Thus, he advocated for moral attitude in political behavior to end the supremacy of state. His famous opinion "*ends justified the means*", and for good ends was not essential that means also be good, which was largely criticized by the Christian religious leaders. Thereafter, two revolutions occurred in human history were

¹ - Ibid, pp.16-17.

American Revolution in 1776A.D. and French Revolution in 1789A.D. and as a result countless people have severely tortured and killed in the dark chamber of the despots.¹

In the middle of the 18th century A.D. the rights of man or human rights became the central theme of the political and philosophical thinkers in the West by which people were rapidly aware about the political manipulation and injustices as well as the economic inequalities. At that time misery produced by the high handedness and gross violation of justice in the legal systems that touched the people of industrial labors which again paved the avenue for movement for establishing *Human Rights* as well as the *dignity of man*. Thus, French thinkers produced a comprehensive philosophy like “*droits de l'homme*” (rights of man) which can be considered as the germ of modern Human Rights. The thinkers were Montesquieu, Voltaire and Rousseau those who advocated for people's rights and freedoms by the constitutional framework. They wrote extensively against corruption, misery, moral degradation in politics, aristocratic oligarchies and absolute monarchies of the rulers. These revolutions again paved the way to snatched away the powers from corrupt autocracy and their leaders sat down to lay the foundations of a regime in which dignity of man and his fundamental rights would be preserved by the rulers/Governments. During this phase a powerful debate was took place in the writings of Edmund Burke and Thomas Paine, those

¹ - Ibid., pp.22-23.

who were high ranked statesmen and philosophers considered as the great crusaders against all sorts of oppressions and tyrannies.¹

The controversies about the Human Rights did not end with the public debate of Burke and Paine rather in the 19th century it became more acrimonious. In fact, in this time, the rapid industrialization and the rising of sprawling slums where thousands of human beings were lived in miserable situation of poverty and inhumane treatment to them has given a powerful impetus to thinkers to reform society in extending rights to men.

The notion of Human Rights is not same in all places. Soviet concept of human rights was different from conceptions prevalent in the West. According to Western legal theory, "it is the individual who is the beneficiary of human rights which are to be asserted *against* the government", whereas Soviet law declared that state is the source of human rights.² Philosophers are not unanimous concerning the meaning and application of Human rights. The philosopher John Finnis argues that human rights are justifiable on the grounds of their instrumental value in creating the necessary conditions for human well-being.^{[19][20]} Interest theories highlight the duty to respect the rights of other individuals on grounds of self-interest. The idea of human rights is not without its critics. Jeremy Bentham, Edmund Burke, Friedrich Nietzsche and Karl Marx are

¹ - Ibid., pp.22-25.

² - Lambelet, Doriane. "The Contradiction Between Soviet and American Human Rights Doctrine: Reconciliation Through Perestroika and Pragmatism." 7 Boston University International Law Journal. 1989. p. 61-62.

examples of historical philosophers who criticized the notion of natural rights. Alasdair Mac Intyre is a leading contemporary critic of human rights. Some have also criticized *Declaration of the Rights of Man*. Karl Marx a socialist thinkers criticized *Declaration of the Rights of Man and of the Citizen* as bourgeois ideology.¹

I think, the Declaration is rooted in the enlightenment idea that every human being enjoys, just in virtue of being a human being, certain fundamental rights. Of course, not every enlightenment thinker thought that rights were ‘God given,’ as Jefferson seems to suggest. That, however, raises the question that if fundamental rights are not God-given, where exactly do rights come from. One could, I suppose think that rights are just “natural” and intrinsic to what it is to be a human being. Reputed Philosopher John Locke seems to have thought something like that. No doubt during the episode we will explore alternative views about where rights come from and in virtue of what human enjoy various rights. But I have not interested to discuss all here.

I should say that not everything that is represented as a right, even a universal right could plausibly think to be a “natural” right, whatever exactly those are. For example, the UN’s Universal Declaration of Human Rights says that “the right to rest and leisure, including reasonable limitation of working hours and periodic holidays with pay” is a universal human right. Paid holidays are certainly a good thing. But it is at best debatable that the right to paid holidays is in, any plausible sense, “universal.” And it seems

¹ - Ibid, pp.62-63.

plainly false to say that such a right is somehow a natural or intrinsic right.

Islamic notion of Human rights:

Islam is a universal religion not only conscious for particular community rather for entire mankind. Unfortunately, the universal Declaration of Human rights motivations and benefits are fall in the direct challenges to their existence. Human rights are *universal* since they are said to belong to all humans in every society. Human rights are also supposed to be *inalienable*; because they flow from and protect human existence, they cannot be taken away without endangering the value of that existence. However, these universal and inalienable qualities of human rights are disputable in both their conception and operation. Some thinkers have raised very legitimate questions concerning Islamic Human Rights. They said that there are some barbaric punishment systems in Islam like the lashing in public for peccadilloes and dirty crimes, chopping of hands for stealing, public stoning for rape, beheading for heinous crimes etc. which represents that Islam is against of Human Rights. Even some other cases Islamic rights are looking hostile to human rights, like- the infringements of the rights of women as manifested by the imposition of *purdah/ hijab*(veil), the provision of polygamy and easy divorce by uttering three *Talaq* (tin talaq) etc.¹ My point is that we will have to discuss all these in logical and dispassionate way in avoiding all prejudice and biasness. If we judge

¹ - Journal of Objective Studies, Vol-10, No.1january 1998, Editor- F.R. Faridi, Institute of Objective studies, New Delhi, p. 1.

dispassionately then it would be obvious that Islamic human rights are more logical, secular and universal than that of the western declaration of human rights.

It is pertinent to mention that to some extent; the universality of human rights depends upon their genesis. Moral standards, such as human rights, can come into being in two manners: like- they may simply be invented by people, or they may only need to be revealed to, or discovered by, humans. If human rights are simply an invention, then it is rather difficult to argue that every society and government should be bound by something they disagree with. If human rights have some existence independent of human creation, however, then it is easier to assert their universality. But such independent moral standards may arise in only two ways: if they are created by God, or if they are inherent in the nature of humankind or human society. Islamic Human Rights are not manmade rather these rights are prescribed by God which were revealed through the agency of Angel Gabriel (*Zibril*) to Prophet Hadrat Muhammad(s) and those have been preserved in the holy Quran.

The notion of Human rights in Islam though is Quranic, however, does not consist of, or derive from, a single source. Most Muslims if questioned about its sources are likely to refer to more than one of the following: the Qur'an or the Book of; *Sunnah* or the practical traditions of the Prophet Muhammad; Hadith or the oral sayings attributed to the Prophet Muhammad; *Fiqh* (Jurisprudence) or *Madahib* (Schools of Law); and the *Shari'ah* or code of law which regulates the diverse aspects of a Muslim's life. While these

"sources" have contributed to what is cumulatively referred to as "the Islamic tradition", they are not identical or considered to be of equal weight. Of all the sources of the Islamic tradition, undoubtedly, the most important is the Qur'an which is regarded by Muslims in general, as the primary, and most authoritative, source of normative Islam.

To many Muslims the Qur'an is the Magna Carta of human rights and a large part of its concern is to free human beings from the bondage of traditionalism, authoritarianism (religious, political, economic, or any other), tribalism, racism, sexism, slavery or anything else that prohibits or inhibits human beings from actualizing the Qur'anic vision of human destiny embodied in the classic proclamation: "Towards Allah is thy limit" ¹

In the section entitled "General Rights" which follows, an account is given of the Qur'an's affirmation of fundamental rights which all human beings ought to possess because they are so deeply rooted in our humanness that their denial or violation is tantamount to a negation or degradation of that which makes us human. From the perspective of the Qur'an, these rights came into existence when we did; they were created, as we were, by God in order that our human potential could be actualized. Rights created or given by God cannot be abolished by any temporal ruler or human agency. Eternal and immutable, they ought to be exercised since everything that God

¹ -Reference here is to The Qur'an, Surah 53: An-Najm: 42; the translation is by Muhammad Iqbal, *The Reconstruction of Religious Thought in Islam*, p. 57 (Lahore: Shaikh Muhammad Ashraf; 1971).

does is for "a just purpose".¹ In the dark age of human civilization (*ayyam-e-zaheliyat*) Islamic human rights were revealed to establish just society. Thus, it has a very holistic approach for the benefit of the entire mankind. Islam declares that entire humanity is derived from one race (*kullukum ibn adama*) and their souls are from the one Soul (*wahdatannafsan*). Therefore, Islam seems humanity belongs to one family. Human dignity and rights are worthwhile equally to all persons. Notion of justice and freedom are equally efficacious and effective to all human beings. Thus, Islam was a reactionary movement against all tyranny and oppression for establishing peaceful society in the world because Muslims are believing that each and every soul will have to produce account of their deeds to Allah (*yuhasibkumbihillah*). Allah has bestowed high status and dignity to them. According to Islam all human beings are declared to have been born free and equal. None shall be enjoying a privilege or suffer a disadvantage or discrimination on the ground of race, color, sex, origin or language. Here ruler and ruled alike are subject to and equal before the law. In Islam all worldly power is considered as a sacred trust and can be exercised within the limit and just way. Even in Islamic countries religious minorities shall have the choice to be governed in respect of their civil and personal matters by their own laws.² Islamic human rights are numerous in

¹ - The holy Quran, Surah 15: Al-Hijr: 85; Surah 16: An-Nahl: 3; Surah 44: Ad-Dukhan: 39; Surah 45: Al-Jathiyah: 22; Surah 46: Al-Ahqaf: 3.

² - Journal of Objective Studies, op. cit., p.7.

number, however, Islamic declaration groups categories all these in 23. Some important Islamic Human rights are noted down below:¹

Right to Life

The Qur'an upholds the sanctity and absolute value of human life² and points out that, in essence, the life of each individual is comparable to that of an entire community and, therefore, should be treated with the utmost care. ³

Right to Respect

The Qur'an deems all human beings to be worthy of respect⁴ because of all creation they alone chose to accept the "trust" of freedom of the will.⁵ Human beings can exercise freedom of the will because they possess the rational faculty, which is what distinguishes them from all other creatures.⁶ Though human beings can become "the lowest of the lowest", the Qur'an declares that they have been made "in the best of moulds",⁷ having the ability to think, to have knowledge of right and wrong, to do the good and to avoid the evil. Thus, on account of the promise which is contained in being human, namely, the potential to be God's vicegerent on earth,

¹ - Riffat Hassan, "Are Human Rights Compatible with Islam? University of Louisville, Louisville, Kentucky (from Internet).

² - The holy Quran, Surah 6: Al-An'am: 151.

³ - The holy Quran, Surah 5: Al-Ma'idah:32.

⁴ - The holy Quran, Surah 17: Al-Isra': 70.

⁵ - The holy Quran, 33: Al-Ahzab: 72.

⁶ - The holy Quran, 2: Al-Baqarah: 30-34.

⁷ - The holy Quran, Surah 95: At-Tin: 4-6.

the humanness of all human beings is to be respected and considered to be an end in itself.

Right to Justice

The Qur'an puts great emphasis on the right to seek justice and the duty to do justice.¹ In the context of justice, the Qur'an uses two concepts: "adl" and "ihsan". Both are enjoined and both are related to the idea of "balance", but they are not identical in meaning.

"Adl" is defined by A.A.A. Fyzee, a well-known scholar of Islam, as "to be equal, neither more nor less." Explaining this concept, Fyzee wrote: "...in a Court of Justice the claims of the two parties must be considered evenly, without undue stress being laid upon one side or the other. Justice introduces the balance in the form of scales that are evenly balanced."² "Adl" was described in similar terms by Abu'l Kalam Azad, a famous translator of the Qur'an and a noted writer, who stated: "What is justice but the avoiding of excess? There should be neither too much nor too little; hence the use of scales as the emblems of justice"³ Lest anyone try to do too much or too little, the Qur'an points out that no human being can carry another's burden or attain anything without striving for it.⁴

Recognizing individual merit is a part of "adl", The Qur'an teaches that merit is not determined by lineage, sex, wealth, worldly success

¹ - The holy Quran, Surah 5: Al-Ma'idah: 8 and Surah 4: An- Nisa': 136.

² - A.A.A. Fyzee, A Modern Approach to Islam, p. 17 (Lahore: Universal Books, 1978).

³- Ibid.

⁴ - The holy Quran, Surah 53: An-Najm: 38-39.

or religion, but by righteousness, which consists of both right "belief" ("iman") and just "action" ("amal").¹ Further, the Qur'an distinguishes between passive believers and those who strive in the cause of God pointing out that though all believers are promised good by God, the latter will be exalted above the former.²

Just as it is in the spirit of "adl" that special merit be considered in the matter of rewards, so also special circumstances are to be considered in the matter of punishments. For instance, for crimes of unchastity the Qur'an prescribes identical punishments for a man or a woman who is proved guilty³ but it differentiates between different classes of women: for the same crime, a slave woman would receive half, and the Prophet's consort double, the punishment given to a "free" Muslim woman.⁴ In making such a distinction, the Qur'an while upholding high moral standards, particularly in the case of the Prophet's wives whose actions have a normative significance for the community, reflects God's compassion for women slaves who were socially disadvantaged.

While constantly enjoining "adl", the Qur'an goes beyond this concept to "ihsan", which literally means, "restoring the balance by making up a loss or deficiency".⁵ In order to understand this concept, it is necessary to understand the nature of the ideal society

¹ - The holy Quran, Surah 2: Al-Baqarah: 177.

² - The holy Quran, Surah 4: An-Nisa': 95-96.

³ - The holy Quran, Surah 24: An-Nur:2.

⁴ -. The holy Quran, Surah 4: An-Nisa': 25; Surah 33: Al-Ahzab: 30.

⁵ - G.A. Parwez, *Tabweeb-ul-Qur'an*, (Urdu), Volume I, p. 78 (Lahore: Idara-e-Tulu'-e-Islam, 1977).

or community ("ummah") envisaged by the Qur'an. The word "ummah" comes from the root "umm", or "mother". The symbols of a mother and motherly love and compassion are also linked with the two attributes most characteristic of God, namely, "Rahim" and "Rahman", both of which are derived from the root "rahm", meaning "womb". The ideal "ummah" cares about all its members just as an ideal mother cares about all her children, knowing that all are not equal and that each has different needs. While showing undue favour to any child would be unjust, a mother who gives to a "handicapped" child more than she does to her other child or children, is not acting unjustly but exemplifying the spirit of "ihsan" by helping to make up the deficiency of a child who need special assistance in meeting the requirements of life. "Ihsan", thus, shows God's sympathy for the disadvantaged segments of human society (such as women, orphans, slaves, the poor, the infirm, and the minorities)

Right to Freedom

As stated earlier, the Qur'an is deeply concerned about liberating human beings from every kind of bondage. Recognizing the human tendency toward dictatorship and despotism, the Qur'an says with clarity and emphasis in Surah 3: Al-'Imran: 79:

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."¹

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,² but it continually urged the freeing of slaves. ³ By laying down, in Surah 47: Muhammad: 4, that prisoners of war were to be set free, "either by an act of grace or against ransom". ⁴ the Qur'an virtually abolished slavery since "The major source of slaves - men and women - was prisoners of war".⁵ Because the Qur'an does not state explicitly that slavery is abolished, it does

¹ - Abdullah Yusaf Ali(translation) The Holy Qur'an, p. 148 (Brentwood, Maryland: Amana Corporation, 1989).

² - The holy Quran, Surah 4: An-Nisa': 36.

³ - The holy Quran, Surah 2: Al-Baqarah: 177; Surah 4: An'Nisa': 92; Surah 5: Al-Ma'idah: 89; Surah 9: At-Tawbah:60; Surah 24: An-Nur: 33; Surah 58: Al-Mujadalah: 3.

⁴ -. Muhammad Asad (translation) The Message of the Qur'an, p. 778 (Gibraltar: Dar Al- Andalus, 1980).

⁵ - G.A. Parwez, Islam: A Challenge to Religion, p. 346 (Lahore: Idara-e-Tulu'-e-Islam, 1986).

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. A 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.

The greatest guarantee of personal freedom for a Muslim lies in the Qur'anic decree that no one other than God can limit human freedom¹ and in the statement that "Judgment (as to what is right and what is wrong) rests with God alone".² As pointed out by Khalid M. Ishaque, an eminent Pakistani jurist:

The Qur'an gives to responsible dissent the status of a fundamental right. In exercise of their powers, therefore, neither the legislature nor the executive can demand unquestioning obedience...The Prophet, even though he was the recipient of Divine revelation, was required to consult the Muslims in public affairs. Allah addressing the Prophet says: "...and consult with them upon the conduct of affairs. And when thou art resolved, then put thy trust in Allah".³

Since the principle of mutual consultation ("shura") is mandatory,⁴ it is a Muslim's fundamental right, as well as responsibility, to participate in as many aspects of the community's life as possible. The Qur'anic proclamation in Surah 2: Al-Baqarah: 256, "There shall

¹ - The holy Quran, Surah 42: Ash-Shura: 21.

² - The holy Quran, Surah 12: Yusuf: 40.

³ - "Islamic law - Its Ideals and Principles" in *The Challenge of Islam*, p.157 (A. Gauher, editor, 1980; London: The Islamic Council of Europe).

⁴ - The holy Quran, Surah 42: Ash-Shura: 38.

be no coercion in matters of faith",¹ guarantees freedom of religion and worship. This means that, according to 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. ² The right to exercise free choice in matters of belief is unambiguously endorsed by the Qur'an³ 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 conduct⁴ as indicated by Surah 2: Al-Baqarah: 62 which says:

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. ⁵

¹- The Message of the Qur'an, p. 57.

² - The holy Quran, Surah 6: Al-An'am: 107; Surah 10: Yunus: 99; Surah 16: Al-Nahl: 82; Surah 42: Ash-Shura: 48.

³ - The holy Quran, Surah 18: Al-Kahf: 29.

⁴ - Vide Surah 6: Al-An'am: 108.

⁵ - The Holy Quran, pp. 33-34.

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 not-believers in God (if they are not aggressing upon Muslims).¹

In the context of the human right to exercise religious freedom, it is important to mention that the Qur'anic dictum, "Let there be no compulsion in religion"² applies not only to non- Muslims but also to Muslims. While those who renounced Islam after professing it and then engaged in "acts of war" against Muslims were to be treated as enemies and aggressors, the Qur'an does not prescribe any punishment for non-profession or renunciation of faith. The decision regarding a person's ultimate destiny in the hereafter rests with God.

The right to freedom includes the right to be free to tell the truth. The Qur'anic 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.³ While the Qur'an commands believers to testify to the truth, it also instructs society not to harm persons so testifying.⁴

¹ - The holy Quran, Surah 6: Al-An'am: 108.

² - The holy Quran, Surah 2: Al- Baqarah: 256; The Holy Quran, p-106.

³ - The holy Quran, Surah 4: An-Nisa': 135.

⁴ - Reference here is to Surah 2: Al-Baqarah; also see G.A. Parwez, "BunyadiHaquq-e- Insaniyat" (Urdu), in Tulu'-e-Islam, pp. 34-35 (Lahore, November 1981).

Right to Acquire Knowledge

The Qur'an puts the highest emphasis on the importance of acquiring knowledge. That knowledge has been at the core of the Islamic world-view from the very beginning is attested to by Surah 96: Al'Alaq: 1-5, which Muslims believe to be the first revelation received by the Prophet Muhammad.

Asking rhetorically if those without knowledge can be equal to those with knowledge,¹ the Qur'an exhorts believers to pray for advancement in knowledge.² The famous prayer of the Prophet Muhammad was "Allah grant me Knowledge of the ultimate nature of things" and one of the best known of all traditions ("ahadith") is "Seek knowledge even though it be in China."

According to Qur'anic perspective, knowledge is a prerequisite for the creation of a just world in which authentic peace can prevail. The Qur'an emphasizes the importance of the pursuit of learning even at the time, and in the midst, of war. ³

Right to Sustenance

As pointed out by Surah 11: Hud: 6, every living creature depends for its sustenance upon God. A cardinal concept in the Qur'an - which underlies the socio-economic-political system of Islam - is that the ownership of everything belongs, not to any person, but to God. Since God is the universal creator, every creature has the right

¹ - The holy Quran, Surah 39: Az-Zumar: 9.

² - The holy Quran, Surah 20: Ta-Ha: 114.

³ - The holy Quran, Surah 9: At-Tawbah: 122.

to partake of what belongs to God.¹ This means that every human being has the right to a means of living and that those who hold economic or political power do not have the right to deprive others of the basic necessities of life by misappropriating or misusing resources which have been created by God for the benefit of humanity in general.

Right to Work

According to Qur'anic teaching every man and woman has the right to work, whether the work consists of gainful employment or voluntary service. The fruits of labour belong to the one who has worked for them - regardless of whether it is a man or a woman. As Surah 4: An-Nisa': 32 states:

...to men
Is allotted what they earn,
And to women what they earn.²

Right to Privacy

The Qur'an recognizes the need for privacy as a human right and lays down rules for protecting an individual's life in the home from undue intrusion from within or without.³

Right to Protection from Slander, Backbiting, and Ridicule

¹ - The holy Quran, Surah 6: Al-An'am: 165; Surah 67: Al-Mulk:15.

² - The holy Quran, Surah 4: An-Nisa': 97-100.

³ - In this context, reference may be made to several Qur'anic verses. e.g., Surah 2: Al-Baqarah:229; Surah 3: Al-Imran: 17,77; Surah 5: Al-Ma'idah:1; 42-48; Surah 9: At-Tawbah: 17; Surah 17: Al-Isra': 34; Surah 67: Al-Mulk:15.

The Qur'an recognizes the right of human beings to be protected from defamation, sarcasm, offensive nicknames, and backbiting.¹ It also states that no person is to be maligned on grounds of assumed guilt and that those who engage in malicious scandal-mongering will be grievously punished in both this world and the next.²

Right to Develop One's Aesthetic Sensibilities and Enjoy the Bounties Created by God

As pointed out Muhammad Asad, "By declaring that all good and beautiful things to the believers, the Qu'ran condemns, by implication, all forms of life-denying asceticism, world-renunciation and self-mortification.³ In fact, it can be stated that the right to develop one's aesthetic sensibilities so that one can appreciate beauty in all its forms, and the right to enjoy what God has provided for the nurture of humankind, are rooted in the life-affirming vision of the Qur'an.⁴

Right to Leave One's Homeland under Oppressive Conditions

According to Qur'anic teaching, a Muslim's ultimate loyalty must be to God and not to any territory. To fulfill his Prophetic mission, the Prophet Muhammad decided to leave his place of birth, Mecca, and immigrated to Medina. This event ("Hijrah") has great historical and

¹- For example, R.A. Jullundhri, "Human Rights in Islam", in Understanding Human Rights (A.D. Falconer, editor: Dublin: Irish School of Ecumenics, 1980).

² - A.A. Maududi, Human Rights in Islam (Lahore: Islamic Publications: 1977).

³ - The holy Quran, Surah 4: An-Nisa': 4,19; Surah 24: An-Nur: 33; Surah 2: Al-Baqarah: 187; Surah 9: At-Tawbah:71; Surah 7: Al-A'raf:189; Surah 30: Ar-rum: 21.

⁴ - The holy Quran, Surah 2: Al-Baqarah: 231,241.

spiritual significance for Muslims who are called upon to move away from their place of origin if it becomes an abode of evil and oppression where they cannot fulfill their obligations to God or establish justice.¹

Right to "The Good Life"

The Qur'an upholds the right of the human being only to life but to "the good life". This good life, made up of many elements, becomes possible when a human being is living in a just environment. According to Qur'anic teaching, justice is a prerequisite for peace, and peace is a prerequisite for human development. In a just society, all the earlier-mentioned human rights may be exercised without difficulty. In such a society other basic rights such as the right to a secure place of residence, the right to the protection of one's personal possessions, the right to protection of one's covenants, the right to move freely, the right to social and judicial autonomy for minorities, the right to the protection of one's holy places and the right to return to one's spiritual center, also exist.²

Beside these Islam has given justifiable rights of marriage, equitable rights to women, right of worship, right of inheritance and property, family rights, rights of distress and poor people, rights of labor and so on which are very reasonable humane in nature. Here it is not possible to focus all of them in this article.

¹ - The holy Quran, Surah 2: Al-Baqarah: 233.

² - The holy Quran, Surah 4: An-Nisa': 2-3.

Islamic Human Rights and present world:

There is no doubt that the present world is dominated by science. The scientific accomplishments are reached in every corners of our life, however, every day numerous unexpected incidents are happening in the society in violating human rights and human dignity which is the disgrace of human civilization. When we rise in the morning and listen to the radio / T.V. or read the newspaper, we are confronted with some sad news which are basically the violation of human rights, like religious violence, crime, wars, terrorist attack and so on. We cannot recall a single day without a report of something terrible happening somewhere. Even in this modern era it is clear that one's precious life is not safe. It is ironic that the more serious problems emanate from the more scientifically and industrially advanced societies. Science and technology have worked wonders in many fields, but the basic human problems remain unaltered. The materialist pillars upon which modernity was established and achieved an economic and technological advancement, but failed to satisfy human needs and unable to preserve human rights properly. The Western way of life which was founded on material knowledge, technical know-how, innovation, invention and the dominance of the world markets with its products, was not able to give the human soul a so lacy/ ray of light, a hint of peace and tranquility for anxious souls. That is why, it was quite natural for a man living in these conditions to seek happiness in the material world and look for ways of alleviating his suffering permanently in ways consistent with it. Indeed, the materialistic comforts and accumulation of excessive wealth, sex

and other corrupted vices temporarily indulges human being's happiness but it is quite evident that it will not entail peace. With the decline of family values and the rise of individualism, the modern man, along with the 'modernized' one, felt his soul crying out for freedom from this material prison, searching for a release into the vastness of faith to enjoy human rights in proper way. I think Islamic human rights are very justifiable to treat human being as human with proper dignity.

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Human Rights: A Comparative Study between the Islam and Indian Constitutions

Sumaiya Ahmed¹

Abstract:

The concept of human rights is that of the respect for human personality and it is worth, regardless of colour, race, sex, religion or other considerations. These rights are essential for the adequate development of the human personality and for human happiness. Without getting involved in the definitional controversies therefore human rights may be said to be those fundamental rights to which every man or women merely by virtue of having been born a human being concept of human rights. Therefore, each religion and each nation have, it has been owning different history in relation to human rights. All these assigns in their respective constitution a visibly important place of human rights which is conceived as covering both the traditional political and civil rights and relatively new socio- economic rights. Human rights thus stand today everywhere as an ideal or norm to be respected, irrespective of actual practice which may differ. Therefore, the paper attempt to find a way of the importance of human rights and in order to

¹- Ph. D Research Scholar in the Department of Islamic Studies, Aligarh Muslim University (AMU), Aligarh, India. Email: sumi.ahmad21@gmail.com

evaluate, compare between the human rights in Islam and human rights in Indian Constitution.

Keywords: *Human, Human Rights, Constitution, Islam*

1. Introduction:

The man is sociable by nature. He heard instinct urges him on to live together with fellow beings. Right from his birth until death, he stands severely in need of the attention, aid and support of innumerable individuals. Not only to meet the needs of his upbringings, food, clothing, lodging and education and training, but also for the development and blossoming, he is compelled to lead, and participate in collective life. This corporate life binds up a vast fabric of relationships around him, the small and big spheres of relationships of the family, brotherhood, locality, town, country and humanity as a whole, determine his rights and obligations. He has certain obligations in the various capacities of mother, father, son, pupil, teacher, the employer, employee, trader, customer, citizen and the ruler and as against all these obligations, he is entitled to certain definite rights. Among these rights some are of a moral nature, for instance, the right of respect for the elders, the right of affection and consideration for the youngsters, the right of help for the needy, the right of the guest to be entertained and so on. And some have a legal protection and support, for example, the right of ownership, the right of wages (for work done), the right of obtaining dower (mahr), and the right of compensation and the like. These are the rights of a nature related to some interests, and the law of the land, recognizing such interests makes them realizable

through the judiciary. These rights are known as legal Rights or positive Rights.¹

There is yet another sphere of the rights of the individual concerning his relations with the state. In this sphere the rights given to an individual in relation to a state with vast powers and resources, are called fundamental Rights. They are also sometimes termed Basic Human Rights and Birth Rights of man. These rights are guaranteed to him under the highest law of the land, the "Constitution" instead of the ordinary laws obtaining in a country. They are called "Fundamental Rights" because none of the various arms of the state, executive or legislature can violate them. These rights are enjoyed by the individual not as the citizen of a state, but as a member of the universal brotherhood of mankind. They transcend all distinctions of colour, race, territory, language and the rest, and man is entitled to them as human beings. They have not been conferred on him as a result of legislation by any state legislature, or as the outcome of a covenant, but naturally enjoyed by him and forming an integral part of his existence. In case of a state failing to recognize or enforce them, it is considered guilty of usurping the rights of man conferred on him by nature, since they are inalienable and irrevocable. The state has no power even to amend, abridge or hold them in abeyance temporarily on some pretext, not to speak of revoking them, save in the case of the sovereign or the people all having conferred those powers on it with definite limits and conditions expressly mentioned in the

¹- M. Abbas Khan, *Humanism in Islam*, New Delhi: RVS Books, 2010, pp. 1-2

constitution.¹ This examination of the constitution attempts to look for the comparative study between the Islamic and Indian constitution for human rights.

2. Meaning of the Human Rights:

Human beings are rational beings. They by virtue of their being human possess certain basic and inalienable rights which are commonly known as Human Rights. Since these rights belong to them because of their very existence, they become operative with their birth. Human Rights, being the birth right, are, therefore. Inherent in all the individuals irrespective of their caste, creed, religion, sex and nationality. These rights are essential for all the individuals as they are consonant with their freedom and dignity and are conducive to physical, moral, social and spiritual welfare. They are also necessary as they provide suitable conditions for the material and moral uplift of the people. Because of their immense significant to human beings; Human Rights are also sometimes referred to as fundamental rights, basic rights, inherent rights, natural rights and birth rights.²

Human Rights in Islam: The word *Islam* literally means peace. It is teachings also disclose all such ways, which are sure to create peace in the world, if adhered to in daily life. Islam prescribes a complete and equitable system for mankind. It provides spiritual directives, along with legal safeguards. It is a comprehensive spiritual and

¹- Ibid, p. 2

²-Dr. H.O. Agarwal, *International Law & Human Rights*, Allahabad (India): Central Law Publications, 2014, p. 754

material way of life which expresses itself in the conscience of the individual as well as in the behaviour of the society. Islam is a great liberation movement. It is advent brought a revolution which destroyed all spiritual, intellectual and social factors which had suppressed human life and clearly spelled out human rights, without the protection of which there cannot be peace on the face of earth.¹

Human rights called *Huqooq-ul -Abad* (the rights of the people) are obligatory for the Muslims. They are as important as *Huqooq-ul-Allah* (the rights of Allah); nay in a way more important because Allah has promised to forgive the violation of his rights if someone repents; but in case of the violation of the *Huqooq-ul -Abad* the person who had suffered, has the right to forgive and it is obligatory for the offender to compensate. *Tawhid* is the bedrock on which the entire Islamic system of life rests. *Tawhid* means that there is only one supreme Lord, if the universe called Allah. He is the creator of the universe, omnipotent, and the sustainer of mankind, the sovereign and all powerful. One of the logical conclusions of *Tawhid* is the idea of the oneness of mankind.² According to Qur'an:

يَا أَيُّهَا النَّاسُ إِنَّا خَلَقْنَاكُمْ مِنْ ذَكَرٍ وَأُنْثَىٰ وَجَعَلْنَاكُمْ شُعُوبًا وَقَبَائِلَ لِتَعَارَفُوا إِنَّ أَكْرَمَكُمْ عِنْدَ اللَّهِ أَتْقَاكُمْ إِنَّ اللَّهَ عَلِيمٌ خَبِيرٌ

O mankind Indeed, we have created you from male and female and made you peoples and tribes that you may know one another. Indeed, the most

¹- M. Abbas Khan, op. cit, p.187

²- Ibid, pp.187-188

noble of you in the sight of Allah is the most righteous of you. Indeed, Allah is Knowing and Acquainted.¹

وَلَقَدْ كَرَّمْنَا بَنِي آدَمَ وَحَمَلْنَاهُمْ فِي الْبَرِّ وَالْبَحْرِ وَرَزَقْنَاهُمْ مِنَ الطَّيِّبَاتِ وَفَضَّلْنَاهُمْ عَلَى كَثِيرٍ مِمَّنْ خَلَقْنَا تَفْضِيلًا

And We have certainly honored the children of Adam and carried them on the land and sea and provided for them of the good things and preferred them over much of what We have created, with [definite] preference.²

قُلْ تَعَالَوْا أَتْلُ مَا حَرَّمَ رَبِّيَ عَلَيْكُمْ أَلَّا تُشْرِكُوا بِهِ شَيْئًا وَبِآلِ الدِّينِ إِحْسَانًا وَلَا تَقْتُلُوا أَوْلَادَكُمْ مِنْ إِمْلَاقٍ نَحْنُ نَرْزُقُكُمْ وَإِيَّاهُمْ وَلَا تَقْرَبُوا الْفَوَاحِشَ مَا ظَهَرَ مِنْهَا وَمَا بَطَنَ وَلَا تَقْتُلُوا النَّفْسَ الَّتِي حَرَّمَ اللَّهُ إِلَّا بِالْحَقِّ ذَلِكُمْ وَصَّاكُمْ بِهِ لَعَلَّكُمْ تَتَّقُونَ

Say, "Come, I will recite what your Lord has prohibited to you. [He commands] that you not associate anything with Him, and to parents, good treatment, and do not kill your children out of poverty; We will provide for you and them. And do not approach immoralities - what is apparent of them and what is concealed. And do not kill the soul which Allah has forbidden [to be killed] except by [legal] right. This has He instructed you that you may use reason."³

Human Rights in Indian constitution: During the freedom movement, with vision and foresight, Indian leaders included Human Rights in their agenda for post- independence India. Human Rights, the product of historical processes, were quite

¹- Al- Qur' ān 49:13

²- Al- Qur' ān 17:70

³- Al- Qur' ān 6:151

significant in India's struggle for independence from the colonial rule. The Indian political scene for independence from the colonial rule. The Indian political scene witnessed the gradual, yet inevitable, emergence of the normative aspirations of the people. Free India addressed itself through the legal instrument of the constitution. Political freedom brought into focus the need to change the socio-economic conditions left behind by the colonial Rule. It was realized that economic stability and enjoyment of individual civil and political rights were inseparable. It is perhaps in this background that the wise founding fathers of Indian constitution had the economic and social context of freedom in their minds.¹

The tryst to make the India's constitution a viable instrument of the Indian people's salvation, and to secure all people's basic human rights, implicit from the preambles promise, fundamental rights, directive principles, and various other provisions of either constitution. Most of the Articles of the Universal Declaration of Human Rights 1948 and two international covenants are building blocks of Indian Constitutional framework. Though the constituent Assembly was primarily concerned with the welfare of the masses, yet there was considerable emphasis on the ameliorative role of the state. Strictly speaking, the promulgation of the constitution by the people may be said as a landmark in the development of Human Rights Jurisprudence in India. ²

¹-Dr. Mridula Mishra, *Human Rights: Refuge Problem in India*, New Delhi: Vij Books India Pvt. Ltd, 2011, p. 44

²- Ibid, p. 44-45

3. Supervision:

Islam: Humanity needs divine supervision (Hidāyat) because of earth reality of human limitations. From the story of creation, we have seen the nature of those limitations. They include intellectual finiteness and moral frailty. Where then can guidance come from? It is the only possible source is Allah, and the Qur'ān testifies that Allah does provide it: ¹

قُلْ أَدْعُوا مِنْ دُونِ اللَّهِ مَا لَا يَنْفَعُنَا وَلَا يَضُرُّنَا وَنُرْثِدُّ عَلَىٰ أَعْقَابِنَا بَعْدَ إِذْ هَدَانَا اللَّهُ كَالَّذِي اسْتَهْوَتْهُ الشَّيَاطِينُ فِي الْأَرْضِ خَيْرٌ إِنَّ لَهُ أَصْحَابَ يَدْعُونَهُ إِلَى الْهُدَىٰ إِنَّتِنَا قُلْ إِنَّ الْهُدَىٰ اللَّهُ هُوَ الْهُدَىٰ وَأَمِرْنَا لِنُسْلِمَ لِرَبِّ الْعَالَمِينَ

Say, "Shall we invoke instead of Allah that which neither benefits us nor harms us and be turned back on our heels after Allah has guided us? [We would then be] like one whom the devils enticed [to wander] upon the earth confused, [while] he has companions inviting him to guidance, [calling], 'Come to us.' " Say, "Indeed, the guidance of Allah is the [only] guidance; and we have been commanded to submit to the Lord of the worlds."²

وَلَنْ تَرْضَىٰ عَنْكَ الْيَهُودُ وَلَا النَّصَارَىٰ حَتَّىٰ تَتَّبِعَ مِلَّتَهُمْ قُلْ إِنَّ هُدَىٰ اللَّهِ هُوَ الْهُدَىٰ وَلَئِنَّ آتِبَعْتَ أَهْوَاءَهُمْ بَعْدَ الَّذِي جَاءَكَ مِنَ الْعِلْمِ مَا لَكَ مِنَ اللَّهِ مِنْ وَلِيٍّ وَلَا نَصِيرٍ

And never will the Jews or the Christians approve of you until you follow their religion. Say, "Indeed, the guidance of Allah is the [only] guidance." If you were to follow their desires after what has come to you of knowledge, you would have against Allah no protector or helper.³

¹- Roland E Miller, Muslim Friends: Their Faith and Feeling an Introduction to Islam, Hyderabad (India): Orient Longman, 200, p. 65

²- Al- Qur'ān 6:71

³- Al- Qur'ān 2:120

How does Allah provide His supervision to humanity? He gives it first of all through instinct and reason, which Allah has given humans in their creation. By Their means people should be able to read the signs of Allah in creation, and they should be able to heed the inner of art spirit.¹

Indian Constitution: Of course, merely listing a set of rules is not enough to ensure their application. Accordingly, the implementation of human rights standards is closely watched at several levels. At the national level, human Rights are supervised by:²

- Concerned government agencies and services, including the police,
- National Human Rights institutions (such as a human Rights commission or an ombudsman)
- Human Rights and other non-governmental organizations (NGOs):
 - The Courts
 - Parliament
 - The media
 - Trade Unions
 - Religious organizations
 - University centres

¹-*op. cit*, p. 66

²-Human Rights and Law Enforcement: A Trainer's Guide on Human Rights for the Police, New York: United Nations Publications, 2002 - Issue 5, Part 2, p. 14

4. Constitutions:

A constitution means a document having a special legal sanctity which sets out the framework and the principles, functions of the organs of government of the state and declares the principles governing the operation of those organs constitutions is not to be as a constructed broadly and liberally.¹

Islamic Constitution:

Background: The Holy Prophet (PBUH) founded a political system that consisted of the Muslims, Jews and idolaters of Madina. He, after careful deliberations and discussion with the people representing different sections of the inhabitants of Madina a prepared a written charter of rights for the people of the city state of Madina. The representatives of every section of people agreed on this, so it took the form of a written constitution and now it may be rightly ascribed as the first written constitution of the world because we find no such other written constitution before this. According to this constitution or agreement everyone's life and properties were protected and every section of the people was allowed to enjoy life according to it is own way. This was a political unit of the Muslims, Jews and the others living in Madina. However, the Muslims being in majority communities or sections in the present democratic countries have. In this way the city state of Madina was, in fact, the first Islamic state of the world, in which the non- Muslim had full liberty in their internal affairs. No community had the right or such

¹-Asish Kumar Das and Dr. Prasant Kumar Mohanty, *Human Rights In India*, New Dehli: Sarup and Sons, 2007, P. 62

upper hand as to interfere into the charter, it was agreed that in case, Madina was attacked.¹ The Charter stated:

In the name of Allah Most Merciful, most compassionate, this charter is given by Muhammad the Apostle of Allah, to all believers, whether Quraish or Madina and all individuals of whatever origin who have made common sense with them, who shall all constitute one nation. (Ummah).²

The constitution of Medina is the redefinition of ties between the constitution of Medina sets faith relationships above blood- ties and emphasizes individual responsibilities the identities are still important, and used to refer to different groups, but the “*main binding tie*” for the newly –created Ummah is religion. This contrasts with the norms of pre – Islamic Arabia, which was a thoroughly tribal society, although the sergeant pustules the existence of earlier theocratic communities. According to Deny, Watt has linked the Ummah as it is described in the document to a tribe, but with the important difference that it was to be based on religion and not on kingship. This is an important event in the development of the small group of Muslims in Medina to the larger Muslim community and empire.³

Objective: Islam views all humans equally so far as the application of Allah laws and justice are concerned. It does not favour a nation,

¹-Rafi Ahmad, *Hadrat Muhammad The Prophet of Islam*, New Delhi :Adam Publishers, 2008, pp.29-30

²-Badru D. Kateregga, Devid W. Shenk, *Islam and Christianity*, Nairobi(Kenya): Uzima Press , 2004, p. 50

³-Dr Googelberg Islam,*Compiled Form Wikipedia Entries*, Lulu.com, p. 16

tribe, country, race, ethnic group or gender. It emphasizes dignity and justice for all Human Rights beings. It recognizes the fact that if justice and Human Rights are denied in a society, it will live in conflict with Allah commandments. Therefore, in such an environment, where basic fundamental rights guaranteed by Allah are abused or denied, Islam cannot flourish. The Islamic state, has no bearing on the Human Rights that must be honored based on Allah laws which have universal applicability. Some fundamental rights recognized by Islam are:¹

- I. *The right to life and property*
- II. *The right to freedom*
- III. *The right to avoid Human blood without strong justification*
- IV. *The right to avoid torture or oppression*
- V. *Protection of honor*
- VI. *Inviolable honor, insulting or making fun of others is not allowed*
- VII. *The right to food and treats when hungry or sick, even if the person belongs to the enemy.*
- VIII. *The right to equality, racism is not allowed*
- IX. *The right to justice, even for those who are hated*
- X. *The right to basic standard of life*
- XI. *The right to one's own religion, without insult or abuse*

Indian Constitution: Constitution of India is a supreme law. The constitution Assembly, which had been the first meeting on 9th December 1946 and finally the constitution was adopted by the people of India on 26 November, 1949. And it came into force w. e. f.

¹-Arshad Khan, *Islam Muslims And America: Understanding The Basis Of Their Conflict*, New York: Algora Publishing, 2003, pp. 217-218,

26th January, 1950. During this whole period the constituent Assembly took serious note national as well as international developments, particularly in the area of Human Rights. The recognition of Human Rights had started taking place, from the Bill of Rights of 1668 followed by the American Declaration of Independence in 1789. Many anti-slavery laws were also enacted in the nineteenth century. On 10th December, 1948, when the Constitution of India was in the making, the General Assembly proclaims and adopted the Universal Declaration of Human Rights, which surely influenced the framing of India's Constitution, viewed from the Indian standpoint, Human Rights have been synthesized, as it were, into and integrated the fabric by the preambles promises and various constitutional clauses of 1950. ¹

The preamble to the constitution and parts of part III on Fundamentals Rights and Part V on Directive principles constitute the core of the constitution. Quite interestingly all these together reflect the basic principle of the Universal declaration of Human Rights 1948 and the covenants on civil, political and economic, social and cultural Rights 1966. ²

The Fundamental Rights enshrined in the part III of the constitution of India guarantee civil liberties so that all Indian citizens lead their lives in peace and harmony. The Constitution contains 412 Articles and 12 schedules and is undoubtedly one of the longest

¹-Asish Kumar Das,*op.cit*, pp. 62-63

²-Jebagnanam Cyril Kanmony, *Human Rights Violation*, New Delhi: Mittal Publications, 2010, p. 22

Constitutions in the world. Every Article of the Constitution aims to provide happiness and peaceful living to each one of us. Several aspects of Human Rights are covered by parts III and IV of the Indian Constitution. The Civil liberties include individual Rights Common to most liberal democracies, such as equality before law, freedom, of speech and expresses, freedom of association and peaceful assembly, freedom to practice religion and the right to Constitutional remedies for the protection of civil rights through the courts of law. Violations of these rights are liable for punishments as prescribed in the Indian penal code. The fundamental Rights are defined as basic Human Freedoms, which every Indian citizen has the right to enjoy. The Six fundamental rights are¹

- a. *Right to equality (Articles, 14, 15, 16, and 17)*
- b. *Right to Freedom (Articles, 19, 320, 21 and 22)*
- c. *Right to against exploitation (Articles, 23, and 24)*
- d. *Right to Freedom of religion (Articles, 25, 26, 27 and 28)*
- e. *Cultural and Educational Rights (Articles, 29 and 30)*
- f. *Right to Constitutional remedies (Articles, 32, and 34)*

The Rights guaranteed under the Constitution of India are termed fundamental as they have been incorporated into the Fundamental Law of the land and are enforceable in a court of law. Fundamental rights for Indians have also been aimed at overturning the inequalities of pre-independence social practices. The Fundamental Rights enshrined in the constitution are of significance to one interested in human rights as they guarantee that there is no

¹-Ibid, pp. 22-23

discrimination on the grounds of religion, race, caste, sex or place of birth. They also forbid trafficking of human also forbid trafficking of human beings and force the labour. The Fundamental Rights were included in the constitution because they were considered essential for the development of the personality of every individual and to preserve Human Rights. These Fundamental Rights help not only protection but also the prevention of gross violation of Human Rights.¹

5. Human Rights Granted:

Every man, whether he belongs to this country or that, whether he is a believer or unbeliever, whether he lives in a forest or in a desert, has certain basic human Rights simply because he is a human being. We have seen, too, that it is the duty of every man to recognize these rights.²

Basic Human Rights Granted by Islam:

Right to life: The right to live is man's first basic right. According to Islam, the life of every person is to be considered sacred. It prohibits the taking of any life except in the pursuit of justice. According to the *Qur'ān*, the Killing of an innocent person is equivalent to the killing of all mankind (and saving a life is considered equivalent to saving the life of all mankind). There is no exception for non-Muslims. According to Muhammad (PBUH), "One who kills a man

¹-Ibid, pp. 23-24

²-M. Abbas Khan, *op.cit*, p.161

under covenant (Non-Muslim citizen of an Islamic state), will not even smell the fragrance of paradise".¹

Right to Sanctity of Property: Islam recognizes the right to private property and seeks to protect it. On the moral level, it makes stealing un-Islamic while also imposing deterrent punishment for the crime. Irrespective of whether a person is a Muslim or a non-Muslim, the life and property of all citizens in an Islamic state are considered sacred. According to Islam, no person's honour should be abused. Therefore, it recognizes the right to protection from slander and ridicule. It seeks the avoidance of sarcasm, insults, name calling, backbiting and defamation. Those who engage in spreading malicious stories or casting aspersions upon a woman's honour and Chasity, which must be respected under all circumstances, warn of punishment in both worlds.²

Right to Privacy and security: The sanctity and security of private life is recognized in Islam, which specifies rules to protect life in the home from interference. The *Qur'ān* has specified that one should not enter any house unless the occupant's consent has been obtained. It also mandates that one should not spy on others.³

Right of Freedom: According to Islam, no one besides Allah can limit Human freedom which includes freedom of religion and worship for both believers and non-Believers. Since it is a Allah given right, no ruler or legislative body has the right to take away

¹-Arshad Khan, *op.cit*, p. 218

²-*Ibid*, pp. 218-219

³-*Ibid*, p219

the right to freedom. Islam does not allow anyone to be imprisoned unless guilt is proven. An accused, who has the right to defend himself, is guaranteed a fair and impartial trial. Since each individual person is responsible for his own actions, a person cannot be arrested for a crime that someone else may have committed.¹

The Right to Protest against Tyranny: A citizen of an Islamic state has the right to protest against tyranny by the ruler or government. This right cannot be taken away through legislation or by an executive order. The first Khalīfah Hadrat Abu Bakr (R.A.), is reported to have said, *“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, but turn away from me when I deviate.”* Islam recognizes the right of freedom of thought and expression. However, there is one condition that it impose on this particular right. It cannot be used to propagate any view or evil that is considered harmful for society. Islam is very clear about freedom of conscience and conviction. If a Muslim disagrees with a law being implemented, he has the right to protest. If he believes the law is un-Islamic, he can even refuse to comply with it. Islam also allows a person the freedom to choose without being subject to coercion. This right is guaranteed in the *Qur’ān*, which states that there can be no compulsion in religion.²

¹-Ibid, p219

²-Ibid, pp.219-220

The Right to Justice: According to the *Qur'aan*, "The most honored of you in the sight of Allah is the most righteous of you." Righteousness consists of both beliefs and actions that are just. The *Qur'aan* makes clear that righteousness determines merit –not factors such as social status, wealth, power or gender. It highlights both the right to seek justice and the duty to do justice. According to Islam, justice cannot be denied even to those who are hated. Committing injustice is considered to be one of the worst sins in Islam.¹

The Right to Basic Life Necessities: Islam recognizes that there are some people in every society who are disadvantaged, destitute, and needy. Therefore, it has provided such people the right to be helped by those who are more fortunate. Hence, it encourages the giving of charity and also made mandatory zakat pillar of Islam.²

The Right to Equality: According to Islamic Law, all citizens are equal in every respect and no one is above the law. There should be absolutely no difference in the way an ordinary Muslim citizen, a non-Muslim citizen, or the ruler should be treated. A society that fails to provide equal justice flouts the basic Islamic concept of equality.³

Political Rights: Every citizen is granted political rights which include the right to participate in the affairs of the state. Citizens need to be consulted regarding how the government is run. Even Muhammad (PBUH) was commanded to seek counsel from his

¹-Ibid, p220

²-Ibid, p220

³-Ibid, p220

companions, “consult with them upon the conduct of affairs”(Al - Qur’añ, 3:159). Members of the legislature and *shoora* must be elected by the citizens. They can stay in power only so long as they retain the confidence of the electorate.¹

Minority Rights: Islam recognizes the rights of non-Muslim living in an Islamic state and grants them protection. Their Life, property and honor are to be respected and protected just like the Muslims. Additionally, non-Muslims are provided complete freedom of conscience and belief. In civil and criminal matters, Islam does not distinguish between a Muslim and a non-Muslim²

Right to Respect: According to Islam, man is considered to be the Allah vicegerent on earth. He has been provided with intelligence and the ability to exercise freedom of choice. Also, among all the creatures that Allah created, man was given the highest status and with is, the right to be respected³

Right to Work: The Right to work is a fundamental right that is guaranteed by Islam. According to the *Qur’añ*, every person has the right to work and enjoy the fruits of his labor. Islam encourages one to work and earn a living to take care of one’s own self, wife, children, parents, siblings and the disadvantaged. Depending on others, for those who are able to work, is highly discouraged⁴

Basic Human Rights Granted by Indian constitutions:

¹-Ibid, pp220-221

²-Ibid, p221

³-Ibid, p221

⁴-Ibid, p221

Right to Equality: Right to equality is one of the chief guarantees given in Articles 14, 15, 16, 17 and 18 of the constitution. It is the principal foundation of all other rights and liberties, and guarantees equality before the law, social equality and equal access to public areas, equality in matters of public employment, abolition untouchability, and abolition of titles. Thus, the state cannot discriminate against a citizen on the basis of caste, creed, colour, sex, religion or place of birth. No person shall be discriminated against a citizen on the basis of caste, colour and language and every person shall have equal access to public places. However, reservations can be made for women, children, scheduled castes or scheduled tribes. The state cannot discriminate against anyone in the matter's employment.¹

Right to Freedom: Right to Freedom is given in Articles, 19, 320, 21 and 22 of the constitution of India, with the view of guaranteeing individual rights that were considered vital by the framers of the constitution. The right to freedom encompasses the freedom of speech and expression, freedom to form associations or unions, freedom to reside and settle in any part of the territory of India, and the freedom to pursue any profession or on any occupation, trade or business.²

Right to Against Exploitation: Right to against exploitation, given in Articles 23, and 24, provides for two provisions, namely, the

¹-G.B. Reddy and Muhammad Suhaib, *Constitution of India and Professional Ethics*, New Delhi: I. K. International Pvt. Ltd, p. 2006, p. 25

²-Ibid, p. 26

abolition of trafficking in human beings and the abolition of employment of children below the age of 14 age years in dangerous jobs like factories and mines child labour is considered a violation of the spirit and provisions of eth constitution. *Begar* (forced and unpaid labour), practiced in the past by landlords, has been declared a crime and is punishable under law. Trafficking in humans for the purpose of slave trade or prostitution is also prohibited by law. An exception is made for public purposes. Compulsory military conscription is covered by this provision¹

Right to Freedom of Religion: Right to Freedom of religion, covered in Articles 25, 26, 27 and 28, provides religious freedom to all citizens of India. The objective of this right is to sustain the principle of secularism in India. According to the constitution, all religions are equal before the state and no religion shall be given preference over the other. Citizens are free to preach, practice and propagate any religion of their choice²

Cultural and Educational Rights: Cultural and Educational Rights, in Articles, 29 and 30 of the constitution, are measures to protect the rights of eth minorities. Any community which has a language and a script of its own has the right to conserve and develop them. No citizen can be discriminated against for admission in state or state-aided institutions. All religious, and ethno-linguistic communities can set up their own educational institutions in order to preserve and develop their culture. In granting aid to the institution, the state

¹-Ibid, pp. 27-28

²-Ibid, p. 27

cannot discriminate against any institution on the basis of the fact that it is administrated by a minority institution. The right to education at the elementary level has been made one of the fundamental rights under rights to life and personal liberty by the 86th constitutional amendment of 2002.¹

Right to Constitutional Remedies: Right to Constitutional remedies “is the very soul of the Constitution and the very heart of it”. It is true that a declaration of Fundamental Rights is meaningless in the absence of an effective machinery to enforce them. It is the remedy which makes a right, a right in reality. If there is no remedy there is no right at all. Article 32 of the constitution, which itself is a Fundamental Right provides for an effective remedy for the enforcement of other Fundamental Rights. Not only this, Article 226 of the constitution also empowers all the High Courts of India to issue the writs for the enforcement of the Fundamental Rights. Clause (2) of the Article confers power to enforce Fundamental Rights is widest. However, it is guaranteed by the Constitution that whenever there is violation of Fundamental Rights any person can move to the court for an appropriate remedy. This right is restricted and can also be abrogated in certain situation, according to Articles 33 and 34.²

6. Protection of Human Rights:

The important problem of humanity today is not the determination

¹-Ibid, p. 27

²-Preeti Misra, *Domestic Violence Against Women: Legal Control and Judicial Response*, New Delhi: Deep and Deep Publications, 2006, pp. 279-280

of these rights, preparation of their beautiful lists, their inclusion in the constitution of the country, the issue of international charter and declarations of rights, and celebration of Human Rights Day. The real problem, instead, is how to save the rights that are being enumerated, displayed and recognized as human rights, from the usurping and transplanting by the rules of the day¹

Islam:

Islam has attached special importance to this practical aspect in its system of governance, and has provided such effective and firm safeguards to the fundamental rights, which on the one hand strike at the root of the possibilities of the development of the germs of dictatorship and Fascism in the rulers and the causes and motives that take them on the path of oppression and tyranny and compulsion and violation; and on the other, riding the common citizens of the fear and awe of human authority and their negative feelings of their own helplessness, arousing in them the spirit of self-reliance, magnanimity and fortitude and doubtlessness, create such a tremendous power of resistance in them that there is no room left for anybody to thrust his sovereignty over them. The *Qur'ān* in a short verse has revealed to us the truth about dictatorship, its causes and how it succeeds in getting sway over people. Allah has presented Pharaoh as the worst pattern of dictatorship before us, and out of the evil traits of his character that have been pointed out, one that was at the root of all of them was this² The *Qur'ān* conveys

¹-M. Abbas Khan,*op.cit.*,p.107

²-Ibid, pp.107-108

to us in this verse that *Pharaoh* regarded his people as lowly, despised and weak as compared with himself, and it was this estimate of them that was at the root of declaring himself as their God and his dictatorship Fascism. Immediately following this Allah says in the *Qur'ān*. This was the reason for which Pharaoh's dictatorship was based and flourishing. His own crime was that he took his people as facile and weak and ruled over them as a tyrant of the worst type. His egoism fed on their misery and suffering in debasement.

But the sight of Allah the people were no less blameworthy and contemptible since they were obeying him in abject subservience and were resigned to their fate of lowness and debasement. The *Qur'ān* has declared them as a nation of transgressors- the limits set by Allah. The first and foremost limit set by Allah is that none save Him should be taken as their deity and sovereign. The people guilty of such a heinous crime shall be meted out the fate of the people of Pharaoh, to save His servant from the torment of humiliation and debasement. Allah on the one hand made ample provision for putting checks on dictatorship in His code of conduct for human life and on the other made people extremely resistant to dictatorship and Fascism. The protections provided in the Islamic system of governance can be divided under four heads¹

- a) *Purge of the concept of sovereignty*
- b) *Purge of the leadership*
- c) *Limitation of powers*

¹-Ibid, pp. 108-109

d) *Accountability of the emirate*

India: The constitutional and statutory protection of Human Rights, Government of India has entered into various International covenants for the protection of Human rights in India. In addition to the regular courts, government has also established machinery for the promotion, protection and effective implementation of the Human Rights of all classes of people. In this connection, the Human Rights commission has been established to protect the Human rights provided under various legislations and the Constitution of India. Besides this, there are also other specialized agencies for the promotion and protection of human rights, viz. National Commission for scheduled castes and scheduled Tribes, National Commission for women and the Minority Commission. These commissions will review the socio-economic conditions of the concerned groups and related government policies and enactments¹

7. **Analysis:**

Islam:

➤ From the time the Prophet Muhammad (PBUH) and his followers withdrew from Mecca to form their own political community until just after World War I—almost exactly thirteen hundred years—Islamic governments ruled states that ranged from fortified towns to transcontinental empires. These states, separated in time, space, and size, were so Islamic that they did not need the adjective to describe themselves. A common constitutional theory,

¹-By T. S. N. Sastry(ed)*India and Human Rights: Reflections*, New Delhi: Concept Publishing Company, 2005, pp. 127-128

developing and changing over the course of centuries, obtained in all. A Muslim ruler governed according to God's law, expressed through the principles and rules of the *shari'a* that were expounded by scholars. The ruler's fulfilment of the duty to command what the law required and ban what it prohibited made his authority lawful and legitimate. In the nineteenth century, distinctively Islamic government began to falter. The Ottoman Empire, whose ruler claimed to lead the Islamic world as caliph, adopted a series of new governing arrangements championed by internal reformers and pressed by Western debt-holders. Though the empire remained formally Islamic, epochal changes like a legislature and a legislative code shook the foundations of the traditional, unwritten constitution that had prevailed under traditional Islamic rule. When the Ottoman Empire collapsed in the wake of its defeat in World War I, its lands were divided into Western spheres of influence, guided, if not governed, by France and England. The new Turkish government that eventually established itself on the Ottoman Empire's Anatolian rump declared itself secular and abolished the caliphate. In both symbolic and practical terms, the Islamic state died in 1924. Yet today the Islamic state rides again. Its reach is not limited to fascinating anomalies like Saudi Arabia, which claims to adhere to the ancient Islamic constitution in its purest form. By revolution, as in Iran, or by constitutional referendum, as in Iraq and Afghanistan, governments in majority-Muslim countries are increasingly declaring themselves Islamic. Their new constitutional regimes replace secular arrangements adopted over the last century with government based in some way on the *shari'a*. The trend is

with them. In Muslim countries running the geographical span from Morocco to Indonesia, substantial majorities say that the shari'a should be a source of law for their states; and in important and populous countries like Egypt and Pakistan, large majorities say that Islamic law should be the *only* source of legislation¹

➤ The Muslims Countries are also claiming their right to present a specific modulation of these rights. As a means against atomistic and unstable individualism of some of those rights and liberties which have brought about in the liberal industrialised countries, extension of the class struggle and as a means against the something too strong practical affirmation of the society in individual socialist countries, they are trying to transfer some of the oldest and noblest values of the Muslim community into the national framework: creating a sense of collective effort and fraternal solidarity²

India:

➤ The denial of Human Rights is analyzed, one would find that the complex political, economic, social, psychological and moral factors are responsible to a large extent. The factors, along with many other deep-rooted customs and superstitions may be regarded as fundamental causes for the denial of human rights. Therefore, the first and the primary task in furthering the Human

¹-Noah Feldman, *The Fall and Rise of the Islamic State*, U.S.A:Princeton University Press, 2012, pp.-1-3

²-M. Abbas Khan,*op.cit*,p.209

Rights is the study real situations, practical problems and actual obstacles.¹

➤ It is true that no national institution, or Human Rights commission, howsoever effective it might be, can provide food, shelter, and clothing. Education and health facilities for the wanting millions²

➤ In India the full realization of Human Rights is a distant dream. It cannot be easily or quickly achieved. Although recent years have seen remarkable efforts of the Government to promote human rights like many other developing countries, much has to be done for the better protection of Human Rights. The Struggle for Human Rights must continue with greater vigour. Although other social and economic problems like poverty, illiteracy, unemployment, population growth, and law and order have surpassed the importance due to human rights, all efforts are required to be made to make the people aware of their rights³

➤ Today, if we review the position of human rights available to the people of India in the light available to the people of India in the light of the direction envisaged by the constitution in 1950, we find the picture as a mix of many successes with occasional failure due to strange conditions available in this country⁴

8. Concluding Remarks:

¹-Dr. H.O. Agarwal, *op.cit*,p.1005

²-Ibid, 1005

³-Ibid, 1006

⁴-Asish Kumar Das, *op.cit*, p. 58

The gulf between slogans and the reality has to bridge through realization of the rights of human beings. Effort with full determination and courage have to be made by those who govern the country for the upliftment of the economic and social conditions of the people and for the promotion of human dignity and honour. How far they shall respond to this is matter which they would themselves decide. But they have to find a way before is it too late. They should be aware that the maintenance of peace and stability in impossible without making a reality of the dream of Islam for a Human beings.¹ Those Human Rights which 1400 years ago Islam gave to man. It reinforces and strengthens our faith in Islam when we realize that even in this Modern age, which makes such loud claims of progress and emancipation, the world has not been able to produce more just and equitable laws than those given 1400 years ago. May Allah have mercy on them and give true guidance²

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Human Rights and Environment from Islamic Perspective

Mohammed Ahmed Raza¹

Abstract:

Violation of human rights and environmental crisis are the most complicated issues of our time. From killing of innocent people on the name of religion, and violation of fundamental human rights by the stakeholders of power to resource depletion, species extinction and multilayered pollutions, the world is struggling against unprecedented assaults. One of the greatest challenges to contemporary religions is how to respond to these problems specifically the current climate change and protection of human rights. Today different NGOs and communities with variety of nomenclature claim that we are the one who introduced the human rights and environmental rights to the world. Whereas some fourteen centuries ago while the world was roaming around in ignorance and darkness, ruled by force and hegemony, lacking logic and justice, shackled with endless boundaries of social injustice and discrimination, the message of Islam was revealed to synthesize the worldly affairs of man, and to liberate humanity from racial bondage. The source of each kind of rights in Islam is *Quran* and *Hadith*. The sayings and deeds of the prophet are compiled in the form of six canon of *ahādith*. Broadly, the prophet has categorised

¹ Research Scholar (Ph. D), Centre for the Study of Comparative Religions, Jamia Millia Islamia, New Delhi-25

the all kinds of rights (*Huquq*) into two. 1) *Huquq al-Allah* (The rights towards God), and 2) *Huquq al-Abd* (The rights towards other than God). The former is related to God, believing Him with all His attributes and not making share in His worship. The later, means fulfilling one's duty as individual and social being. And, also treating well with living and none-living creatures according to their *Huquq*(rights) which God has bestowed on them. At first, this article will present the human right as set forth in *Quran* and *Sunnah*, so as to prove that Islam has preceded all international declaration, charters and covenants in the domain of human rights. Secondly, this paper will also highlight Quranic ecoethics, abundance of prophetic reports on concerning admonition, rules and stories related to flora and fauna and their rights. Finally, it will be suggested to revive Islamic institution such as *Himā*, *Harimandihya-al Mawāt* for environmental preservation. This article will also insist on Muslim to take initiative of faith-based conservation plan and project.

Introduction:

Human right can be defined as 'rights that are to be recognized to the interest of the individual for the simple fact of being human'.¹ In the light of this definition it can be inferred that the idea of human rights cannot be new because protecting human being from cruel, inhuman, or degrading treatment has been recorded in major

¹ Al-Hageel, Sulieman Abdul Rahman.1999, *Human Rights in Islam: And refutation of the misconceived Allegation associated with these rights* Imam Muhammad bin Saud Islamic University, KSA.

religious and non-religious traditions throughout history. Practical experience of life in societies with very different culture reflects the fact that humans have fought and killed fellow humans, having denied them their dignity. The post-World War II nations committed themselves to establish the United Nations and protect humans from indiscriminate violence and oppression when anti-Semitism resulted in horrors of the Holocaust. Consequently, on December 10, 1948, the Universal Declaration of Human Rights (UDHR) was adopted by 56 members of the UN. If we make a comparison between what has been established and what was reached by Secularism and human reason, we will realise that Islamic principle in the domain of human rights are superior by virtue of being just and righteous. The source of human rights for secular world is the Enlightenment philosophy of humanism which says that every human being by virtue of his humanity possesses the natural right not because of some extraneous reason. In Islam human rights have been stipulated in Quran and Sunnah before they were documented in the international covenants some fourteen centuries ago.

The Prophet's Final Sermon: A Forerunner to the Universal Declaration of Human Rights

In his farewell speech while performing his last *Hajj*, prophet declared and established human rights when he said, "O mankind! Be aware that your Lord is one, and that your father is one, you all belong to Adam and Adam was made of clay, be aware that the of you in the sight of Allah, is the one who is most righteous. There is no honour for an Arab against a non-Arab. There is no honour for

non-Arab over Arab. There is no superiority of red [race] person over white person. Likewise, there is no superiority of a white over a red [race] person except for righteousness. "¹ In this historic sermon, he spoke of racial equality, tolerance and peace. In fact, the basis for a declaration of human rights was established through this sermon alone. Superiority one human being over any other was quashed, except by individual excellence and conscientiousness. Thus, excellence of moral character was to be the only criterion of individual superiority in the eyes of God. At the domestic front, his sermon banished oppression and centuries of subjugation of women by declaring them as equal to men. Islam conceives that all mankind is one single nation. It is ordained in the Quran: "O mankind! We created you from a single (pair) of male and female, and made you into nations and tribes, that you may know each other (not that you may despise each other). Verily the most honoured of you in the Sight of Allah is (he who is) the most righteous of you. In addition, Allah has full Knowledge and is well acquainted (with all things)."²

Equality in Islam

In his blessed speech, the Prophet Muhammad (Peace Be Upon Him) declared the position of Islam towards human rights very clearly. According to the principle laid down by the Messenger, people are equal in the common human value. He was reported to have said that people are like the teeth of a comb in terms of equality. The laws of Islam eradicate the misguided basis of racism.

¹ Reported by Ahmad no. 411

² Quran 49:13

For instance, one of the companions of Allah's Messenger (PBUH) Abu Zur Al-Ghafari had an argument with Bilal Ibn Rabah, the former called the latter "O the son of the black lady" upon hearing this, the Prophet turned to Abu Zur and said to him, "Are you insulting this man with his mother? Truly, you possess some of the qualities of the era of Ignorance (pre- Islamic times). That time is finished and over. There is no virtue or merit for the son of the white woman over the son of the black woman, except through piety and righteousness, or by good deeds and actions."¹ Upon hearing this Abu Dtharr placed his cheek on the ground and asked Bilal to step his foot over it, as an expiation for his misdeed, although the Prophet did not command him to do so. Abu Dtharr wanted to discipline himself by humiliating himself in this way so that he would never repeat such a sin in the future. The dignity of man stem from the fact that in Islam human being is vicegerent of Allah on the earth. Allah says in the holy Quran, "I am about to place My Vicegerent on the earth": they (angels) said, "You will place the one who will spread turmoil in it and shed blood? Whereas we glorify you with praise and proclaim your sanctity"; He said, "I know what you do not."² And Allah honoured the by ordering angels to bow for the man. "And when we commanded the angels, prostrate before Adam"-so they all prostrated, except Iblis he refused."³ Man is the only honoured creature on the earth.

¹ Reported by Ahmad 4:145. Cited in Al-Hageel, Sulieman Abdul Rahman.1999, *Human Rights in Islam* P.29

² Quran 2:30

³ Quran 20:116

For this reason, he is endowed with the ability of vision, hearing and above all reasoning so that he can fulfil all his duties and rights bestowed on him as the servant of Allah.

Protection of Human life

Many of the fundamental human rights which we enjoyed today were declared by the prophet through the holy Quran and his practice. The first right given to man by holy Quran is the right to life. No one has right to snatch this right away from others. This right is ordained in the holy Quran, "Whoever killed a person (unjustly), except as a punishment for murder or for (spreading) disorder in the land, it would be as if he killed all the people (society); and whoever (saved him from unjust murder and) made him survive, it would be as if he saved the lives of all people (of society; i.e he rescued the collective system of human life).¹ More than any other religion, Islam has placed stress on the prohibition of suicide and euthanasia. In the Qur'an their sanction against the suicide. "And do not kill yourselves. Surely, God is most merciful to you".² And the prophet Muhammad said, "Whoever kills himself with something in this world will be punished with it on the Day of Resurrection."³ Once the Prophet said about someone, "He will surely go to hell". Upon hearing this people were surprised and asked the reason because the person in question was outstanding as a fighter.

¹ Qur'an 5:32

² Qur'an 4:29

³ <http://www.islamreligion.com/articles/10370/despair-and-suicide-in-islam>

Afterwards they learned that the person in question had committed suicide.¹

Freedom of Religion

In present scenario of the world when to hurt religious sentiment of a particular community became right to freedom of expression. It is quite significant to highlight how Islam guarantees the freedom of religion to the religious minorities living in the Muslim territory. The holy Qur'an maintains the religious tolerance saying, "And I shall never worship that which you worship. Nor will you worship Whom I worship. (So) you have your religion, and I have my religion."² This freedom of faith to other than Muslim was safeguarded in practice by the prophet stating, "The Jews of the Banu Awf are one community with the believers. The Jews have their religion and the Muslims and their associates have theirs, except those who behave unjustly and sinfully, for they hurt but themselves and their families."³ The Qur'an states, "There is no compulsion in *Din* (Religion)"⁴

Woman's Right

Gender equality and religious freedom are the two most contested areas of debate between advocate of universal human rights regime

¹ Bihar al-Anwar, Vol.2, ch.12, p 198, tradition no.28

² Qur'an 109:4-6

³ Related by Ibn Hisham in al-Sira al-Nabawiyya, vol.3, p.34 cited in Tahir-ul-Qadri, Muhammad.2016, *Peace, Integration and Human Rights*, Gujrat India:Minhaj Publication India Forum.p.85

⁴ Qur'an 2:225

and those seeking to develop and infuse an Islamic perspective on human rights. To understand the stance of Islam on women we will have to turn to the pre-Qur'anic condition where woman was treated as a commodity which can be inherited by the heirs of a dead husband. In this dark era for women, Islamic reform through Qur'an and Sunnah of the Prophet (PBUH) was revolutionary. In fact, Muslim women enjoyed more rights than women in any other society until the liberation of women in the Western world. As a matter of historical fact, in the Western world, a woman was not even considered a 'legal person' until the early 20th century. Roger Cotterrell gave a definition of a legal person in his work, *The sociology of Law*, in such a way "a legal person or legal subject defines who or what the law will recognise as a being capable of having rights and duties, the one who possesses legal rights and duties is known to be the legal person."¹ Historically in the West, women were deprived of legal rights and the right to vote until the late 19th or early 20th century. Whereas women were declared legal persons in Islamic Law over fourteen centuries ago. They were given the right to vote and to partake in the political process of the day. Qur'an says, "O Prophet! When the believing women appear in your presence to take the oath of allegiance that they will not set up anything as a partner with Allah and will not steal, nor will they commit adultery or kill their children or bring false blame which they have invented between their hands and feet (i.e. will not deceive their husbands by declaring someone else's baby as born to her) or disobey you in

¹ Cotterrell, Roger, *The Sociology of Law*, in Tahir-ul- Qadri, Muhammad. *Op.cit* p.23

what is right, then accept their allegiance and seek forgiveness for them from Allah. Surely Allah is Most Forgiving, Ever Merciful.”¹ From the perspective of human rights the Revelation and the Prophet envisaged women equal to their counterpart. Gender discrimination is absent in the Qur’an, but in later period under the influence of patriarchal setting of society some classical exegetes and medieval jurists gave and rocentric interpretation of specific verses of Quran. And current discourse of Muslim feminists is engaged in re-interpreting generally misconstrued verses regarding gender via using the tool of *ijtihad*.

To conclude Islamic stance on human rights it should be noted that Muslim world ‘in response to Universal Declaration of Human Rights’ have introduced the Cairo Declaration of Human Right in Islam (CDHRI) in 1990. Most of the human rights stipulated in Universal Declaration of Human Rights are one way another mentioned in the CDHRI. Characteristic feature of the CDHRI is that it affirms Islamic Sharia its sole source, which guide and purify the soul of Muslim. The Universal Declaration of Human Rights has nothing to do with religion, it do not have executive force. It proved to be instrument of power game for Western States, which upheld the declaration, refused to exercise the and freedoms in relation to the Third World Countries.

Ecological Precepts in Islam

Let us turn to another component of this paper. What Islam says about protection of environment? Islam being a monotheistic

¹ Qur’an 60:12

religion shares a common heritage with Judaism and Christianity like Indic religions have something in common. What caused the environmental crisis? Some believe that present environmental degradation has been perpetuated by enormous inroad of materialism and secularization in contemporary society whereas medieval historian like Lynn White in his article '*The Historical Roots of Our Ecological Crisis*' has associated the root of ecological crisis with biblical concept of cosmos and creation story.¹ He had attacked Christianity for overthrowing ancient Greek religion of paganism which was pro-environment and created the anthropocentric worldview. Triad monotheistic religions represent the notion that human creature is supreme creature of God and have been given the right to dominate over the nature. Qur'an states, "God had made human beings in the *best* of forms:² and, furthermore, to this supreme creature, to human beings, he subjected (*sakhkharalakum*, "He subjected to you") all that is in the heavens and the earth."³ Muslim theologians, philosophers, and lay persons have been focused almost exclusively on the relationship between Allah and humanity. These all gave the impression that Islam like Christianity and Judaism has for most part been manifestly, "the anthropocentric". This was further consolidated by the observation

¹ White, Lynn. 1974. "The historical roots of our ecological crisis" [with discussion of St Francis; reprint, 1967], *Ecology and religion in history*, New York: Harper and Row, 1974. <http://www.siena.edu/ellard/historical-roots-of-our-ecologic.htm>, (accessed on 2-3-2015).

² Quran 15: 1-4, (tr.), Abdullah Y. Ali (Trentwood, Md: Amana Corporation, 1989).

³*Ibid.*, 2: 22.

of Muslims and their pursuit of materialistic, consumption-oriented life style in numerous Muslim majority countries. Therefore, the most part of contemporary Islamic literature on the Environment reflects strong objection to the ecological criticism aforementioned. The Islamic response to ecological criticism can be put into two categories: a) a defence of Islam based on alternative reading of Islam and Islamic history; and b) moves towards the construction of viable Islamic conception of nature. A number of authors including Nasr, Manzoor, Khalid, Agwan and others have sought to dispel the criticism that Islam lacks an ecological dimension. These authors have presented an alternative view of Islam as a comprehensive religion that contains all the essential ingredients of "Environmentalism". Islamic position on environment and ecology is not a straight forward task as it is the case of any tradition. Islamic scholars and theologians have developed ecological theology which is called 'Ecotheology'. The main task before Islamic ecotheologians are; a) a reconstruction of the meanings of key Islamic terms, and their interrelationships, for example, *tawhid* (divine unity), *khalqiyat* (creation), *ahd* (covenant), *amanat* (trust), *umma* (community), *mizan* (order, balance) and *khalifa* (steward) and (b) a deconstruction of those Islamic cosmological, theological, and ethical perspectives untenable either wholly or in part. For example, the verses like;

"He has made subject to you the night and the day, the Sun and the moon, and the stars they are in subjection by His command: Surely, in this are signs for those who reflect! And the thing on this earth which he has multiplied in colours diverse indeed, in this is a sign for those who recollect! It is He who had made the sea subject [to

His law], that ye may eat thereof flesh, tender and fresh, and that ye may extract there from ornaments to wear See, how the ships plough the waves! So ye seek of the bounty of God: Perhaps ye shall be grateful!"¹ Verses like these give the impression of anthropocentrism; here it should be kept in mind that the Quran does contain verses that *prima facie* gives the impression that natural world and all its creatures exist for the sake of human beings, but it would be very plain reading of the Quran. In the explanation of these verses medieval Jurist ibn Taymiyya wrote "it must be remembered that God in his wisdom brought into being these creatures for reasons other than serving human beings. In these verses God only explains the [human] benefits of these".² It is noteworthy to clarify that among three monotheistic faiths, Islam does not have to clarify the burden of any scriptural imperative to "subdue" the earth and seek to establish "dominion" over the natural world. There is clear and explicit answer to the question to whom belongs the dominion over the natural world "And for Allah only is kingship of the heavens and the earth; and towards Allah is the return."³ In contrast to this interpretation if we accept that human been given the privilege to dominate (*taskhir*) the earth is given on the condition that they will remain in a state of submission to and servant hood of God. Quran does not under any condition give

¹*Ibid.*, 16:12-14.

²*Majmu' Fatawa*, quoted in Mawil Yousuf Izzi Deen "Islamic Environmental Ethic" in *Ethics of Environment and Development*, ed. J. Ronald Engel & John Gibb Engel (Tucson: University of Arizona Press, 1990).

³ Qur'an 24: 42

human beings the right to dominate without protecting and acting as its steward. We cannot take away the *haqq* of various creatures given to them by God, but must pay each being its due (*haqq*) in accordance with the nature of that creature.

Now consider the other verse which seems to be human-centred, Quran says that humans being were created in the best of forms (*fi ahsanitaqwim*)¹ and Islamic tradition holds that human being is the noblest of creatures (*ashraf al Makhluqat*), Islam gives some privilege to human being but demands humbleness saying that creation of the rest of the cosmos is a matter greater than the creation of people: "Assuredly, the creation of the heaven and the earth is [a matter] greater than the creation of human being: yet most people understand not!"² We do not have exclusive claim to the earth, for, "the earth He has assigned to all living creatures."³ And all living creatures are natural communities, with their own habitat, their own laws, and their inviolable natural rights: "And there is no animal in the earth or bird that flies with its own wings but that they are communities like you."⁴ According to Nasr classical Islamic thought refers to both the recorded Quran (*al-Quran al-tadawini*) and Cosmic Quran (*al-Quran al-takwini*). The cosmic Quran refers to the phenomena of nature. The sage or mystics read the cosmic book, its chapter and verses, and saw the phenomena of nature as "signs" of

¹ Qur'an 95:4

² Qur'an 40:57

³ Qur'an 55:10

⁴ Qur'an 6:38

the Author of the book of nature. This spiritual significance of nature can be found in the poetry of Arab poet Abu Nuwas:

Wa li-kulliShay'in la hu ayatun.

Ta dullu'alaannahuwahidun

In everything there resides a sign of Him, providing proof that He is one.¹

It is of the utmost significance that in Quran God is said to be the All-Encompassing (*Muhit*) as in the verse, "But to God belong all things in the heavens and on the earth: And He it is who encompasses (*Muhit*) all things"² and that the term *Muhit* also means Environment.³

From environmental perspective it is inevitable to discuss two basic principle of Islam—the balance principle (*mizan*) and, the vicegerent principle (*khalifa*). Qur'an states about the principle of *Mizan*, "And Allah has raised the sky; and He has set the balance. That you exceed not the balance. And establish the measure justly, nor decrease the due weight."⁴ All creation has an order and purpose. If the sun, the moon, the stars, the trees, and the rest of the creation did not conform to the natural order (known as Eco-System modern

¹ Quoted in Seyyed Hossein Nasr, "Islam, the Contemporary Islamic World, the Environmental Crisis" in *Islam and Ecology*, ed. Richard C. Foltz and Frederick M. Denny (Harvard University Press, 2003.)

² 4:126

³ W. Chittick, "'God surrounds all Things: An Islamic Perspective on the Environment.'" *The World and I*, vol. I, no. 6 (June 1986)

⁴ Qur'an 55:7-9

science), it would be impossible for life to function on the Earth. Quran warns the humans being not to transgress the balance in the creation which God has created to maintain equilibrium.

Khalifa—or the role of stewardship—is the sacred duty God has ascribed to the human race. There are many verses in the Quran that describes human duties and responsibilities, such as the following which aptly summarizes the humanity's role: It is He Who has appointed you viceroys in the earth (6:165) Allha says about Adam: "I am going to put a caliph (*khalifa*) on the earth" (2:30). Thus, all humankind, as the children of Adam, share this attribute of *khalifa*-dom, of being like Allah's deputy or representative to make sure that His commands are carried out. There is a hadith in which the Prophet said, "The world is green and pleasant thing. Allah has left you in charge of it (*mutakhlifukumfiha*) and looks at how you behave."¹

Humankind has a special place in God's scheme, that of viceroy (*khalifa*), bearing in mind that we are first and foremost submitters, servant of God (*'abd Allah*). This is our relationship to the Creator: that of guardian in the role of the servant. Although we are partners with everything else in the natural world, we have added responsibilities and we are also accountable for our actions. We are decidedly not its lords and masters. Wherever in the Quran we see the anthropocentric verses it does not mean that human being has been bestowed the absolute authority to dominate the earth but

¹*Sahi Muslim bi-sharh al-Nawai*, 17:55 trans. Abdul Hamid Siddiqui, Quoted in Yasin Dutton "The Environmental Crisis of Our Time: A Muslim Response" in *Islam and Ecology* ed. Richard C. Foltz and Frederick M. Denny (Harvard University Press, 2003).

rather makes human being responsible before God; such as no other creature is. This accountability arises out of the trust (*alamāna*) that human beings accepted at their transcendental origin. It should be observed at once that this *amana* entails a kind of global trusteeship, and this reading does no offense to the Qur'anic concept of trust: "We did indeed offer the Trust to the Heavens and the Earth and the mountain—but they refused to carry it, being afraid of it. But the human being carried it: Ho! Humankind is unfair to itself and foolhardy"¹ Here note that so enormous was burden that non-other than human being was able to carry the responsibility of the natural world. Furthermore, in Islam misuse, excessive exploitation, overconsumption (*israf*) and waste (*tabdhir*) of resources are not permitted. The following *hadith* will show how much prophet was sensitive about the wasting the natural resources:

"God's Messenger appeared while Sa'ad was performing the ablutions. When he saw that Sa'ad was using a lot of water, he intervened saying:

What is this? You are wasting water."

Sa'ad replied asking: "Can there be wastefulness while performing the ablution?" To which God's Messenger replied:

"Yes, even if you perform them on the bank of a rushing river."²

¹Qur'an 33: 72

²*Musnad*, ii, 22; *ibn Maja*, 48, no.425 Quoted in Ibrahim Ozdemir "Toward and Understanding of Environmental Ethics from a Qur'anic Perspective" in *Islam and*

Flora

In addition to Quranic ecoethics outlined here, Muslim environmentalist cited those *ahadith* (saying or deed of prophet) in which Prophet Muhammed commanded his companions to plant a tree, and properly treat to animal because not only he is prophet to human being but equally to all creature of God. From the ecological point of view trees and plants play a key role in the natural systems of which they are part. Trees provide food, fodder and fuel for the inhabitants. Vegetation and forests have an essential role in natural process: they are the habitats of animals, they play a part in determining local and regional climate, they assist in keeping water resources and they provide soil cover. Watershed forests, by their regulating effect on water, also protect downstream areas and assist in preventing silt build-up in reservoirs and irrigation system.

Many wild plants are of the medicinal value and are components of pharmaceutical products. Complete system of Ayurvedic and Unani method of treatment is based on nature. Tibb al-Nabvi (Medicine of the prophet or Prophetic Medicine) is natural therapy based on the prophetic traditions practiced by Muslim. There is entire chapter on the prophetic medicine in Bukhari, Muslim, Abu Dawud and Tirmidi etc called *Kitab al-Tibb* (Book of Medicine). Dr M.I.H Farooqi in "Medicinal Plants: In the Traditions of Prophet Muhammed" has listed numerous herbs and trees mentioned in the

Ecology ed. Richard C. Foltz and Frederick M. Denny (Harvard University Press, 2003).

Ahadith along with their medicinal property such as Black Cumin, Olive, Chicory, Senna, Saffron, Marjoram etc¹. In the “Plants of the Quran²” Farooqi beautifully collected names of the plants mentioned in the Quran and how they are beneficial for humankind. It is quite striking that there exists in the Hadith corpora an abundance of reports concerning plants and trees, land cultivation and irrigation, crops, livestock, grazing water distribution, water sources and their maintenance, wells and rivers water rights— all this is most promising material for our contemporary environmental concerns. In a report in Bukhari’s *Shih*, the Prophet is quoted as saying, “There is none amongst the believers who plants a tree, or sows a seed, and then a bird, or a person, or an animal eats thereof, but is regarded as having given a charitable gift [for which there is great recompense]³. How much praiseworthy and noble is the task of *sustainable* cultivation that even in Paradise servant of God will express his desire to cultivate the land. So, we read prophet is telling to his companions:

“One of the inhabitants of Paradise will beseech God to allow him land cultivation. God will ask him, “Are you not in your desire state of being?” “Yes”, he will say, “but I would still like to cultivate land” When the man will be granted God’s leave for this task, he will sow seeds, and plants will soon grow out of them, becoming

¹ M. I. H Farooqi, *Medicinal Plants: In the Tradition of Prophet Muhammad*, Sidrah Publishers Lucknow, 2010.

² M. I. H Farooqi, *Plants in the Qur’an*, Sidrah Publishers Lucknow, 2010.

³ *Sahih al-Bukhari*, (ed.), (tr.), Khan, *Op. cit.* 3: 513.

ripe and mature, ready for reaping. They will become colossal as mountains. God will then say: "O Son of Adam, gather!"¹

In another place, the Prophet is reported to have said: "When doomsday comes, and someone has a palm shoot in his hand, he should plant it."² This conveys a message that bounty of nature is in it even at Doom. Apart from this, the prohibition of spoiling and damaging stated in many verses in the Holy Book embodies an obligation of Man to preserve the blessing bestowed on him by the creator. For example, cutting down a fruit-bearing tree is harmful to others, as doing so deprives them of fruit which would have otherwise been available to them. Causing such harm is contrary to the Divine laws, which not only prohibits felling fruit-bearing trees, but also the destruction—directly or indirectly—of all plants that are now or potentially beneficial to Man.

Fauna

Animals constitute an important element of nature, and all have a part to play in the continuation of life until the final day. But, unfortunately, today many animal species are becoming extinct. Other animals stray abandoned and hungry in the streets of many parts of the world. We cannot say that we are treating the animal as we should, or carry out our responsibilities toward them. Questions regarding animal rights and humankind's attitude toward animals,

¹ Ibid, 3:538

²*Sunan al-Baihaqi al-kubra*, quoted in Mawil Yousuf Izzi Deen "Islamic Environmental Ethic" in *Ethics of Environment and Development*, ed. J. Ronald Engel & John Gibb Engel (Tucson: University of Arizona Press, 1990).

as well as the subject of species extinction, have been discussed extensively by environmentalists all over the globe and constitute some of the major problems that environmentalists have been trying to solve. Qur'anic views on animal is very holistic and optimistic for environmentalists. In fact, the number of chapters of the Qur'an bear the names of the animals, for example, *al-Baqara* (The Cow); *al-Nahl*(The Bee), *al-Ankabut*(The Spider), and *al-Naml* (The ant). It would be very surprising to the environmentalists that Quran uses in referring to animal are that they constitute community (*umma*) like us:

"There is not an animal [that lives] on the earth, nor a being that flies on its wings, but [forms part of] communities like you. Nothing has We omitted from the Book, and they [all] shall be gathered to their Sustainers in the end."¹

Even more striking, there are abundance of prophetic reports on concerning admonitions, rules, and stories related to animals, their treatment, rights and natural dignity. In the "Book of Striving" (*Jihad*) of the *Muwatta'* is a tradition about horses. The prophet is quoted as saying: "In the forehead of horses are ties up welfare and bliss until the Day of Resurrection" Such compassion and care for animal is reflected in the same book in an account of prophet wiping the mouth of his horse with his personal cloth. Asked why, he replied: "Last night I was rebuked [by God] for not looking after

¹Qur'an 6:38

my horse”¹. Again, in Bukhari’s “Book of Water” we have this *hadith*:

The one to whom his horse is a source of reward is the one who keeps it in the path of God, and ties it by a long rope in a pasture or a garden. Such a person will get a reward equal to what the horse’s long rope allows it to eat in the pasture or the garden. And if the horse breaks its rope and crosses one or two hills, then all marks of its hoofs and its dung will be counted as good deeds for its owner. And it passes by a river and drinks from it, then that will also be regarded as a good deed on the part of its owner....”² Appearing in the “The Book of Jihad” in the *Mishkat* is a set of rules concerning the treatment of the camels. “When you travel in fertile country give the camels their due from the ground, and when you travel in time of drought make them go quickly. When you encamp at night keep away from the roads, for they are where beasts pass and are the resort of insects at night.”³ The prophet instructed to the companion. In the same book, there exists a stern admonishment against animal abuse: “Don not treat the back of your animals as pulpits, for God the most high has made them subjects to you only to convey you to a place which you could not otherwise reach

¹*Muwatta* of Malik ibn Anas, (tr.) Muhammad Rahimuddin, Lahore: Sh. Muhammad Ashraf, 1985, no. 993.

²*Sahih al-Bukhari*, (ed.), (tr.), M. Muhsin Khan Chicago: Kazi Publication, 1979, 3: 559.

³ *Mishkat al- Masabih*, trans. James Robson (Lahore: sh. Muhammad Ashraf, 1990).

without much difficulty.”¹ There is well-known Hadith in Islamic world the story of woman who was condemned to hellfire “because of a cat which she had imprisoned, and it died of starvation...God told her, ‘you are condemned because you did not feed the cat, and did not give it water to drink, nor did you set it free so that it could eat of the creatures of the earth..”² This *hadith* story forms the basis of the *fiqh*-legislation that the owner of an animal is legally responsible for its well-being. If such owners are unable to provide for their animal, jurists further stipulate, then they should sell them, or let them go free in such a way that they can find food and shelter. Given the requirement that animals should be allowed as far as possible to live out their lives in a natural manner, keeping birds in cages is deemed unlawful.³ In fact, the moral code of conduct in the teaching of prophet has numerous ecological ramifications. In the *Mishkat* the prophet says, “If anyone wrongly kills [even] a sparrow, [let alone] anything greater he will face God’s interrogation.”⁴ Branding an animal is prohibited in Islam except those animals which are kept for *Zakat*, but not in the face, only on that part of the body which give less pain. Once the prophet saw a donkey branded on the face, it upset him so much that he invoked God’s curse: “God curse the one who branded it!” Similarly, he is reported to have

¹*Sahih al-Bukhari*, ed. and trans. M Muhsin Khan 3:517

² *Ibid* 3:553

³ S. Nomanul Haq, “Islam and Ecology: Toward Retrieval and Reconstruction” in *Islam and Ecology*, (ed.), Richard C. Foltz and Frederick M. Denny, Harvard: Harvard University Press, 2003.

⁴*Mishkat al-Masabih*, trans. Robson, 874.

forbidden all forms of blood sports, including inciting living creatures to fight with one another, or using them as targets— “The prophet cursed those who used a living creature as targets”¹ In the same vein and with clear ecological dimensions, we have a story in Abu Dau’d’s *Sunan*: “Once the companion of the Prophet was seen crumbling up bread for some ants with words, ‘They are our neighbours and have rights over us.’”² There is no prohibition on eating meat in Islam, provided that animals are given the conditions for good and healthy lives and that they are slaughtered as mercifully as possible. Thus, there exist *Hadith* collections exceedingly detailed instructions concerning animal slaughtering. The report in the *Mishkat* has the prophet saying, “God who is blessed and exalted has decreed that everything should be done in a good way, so when you kill [an animal] use a good method, for each of you should sharpen his knife and give the animal as little pain as possible”³. It is declared reprehensible by the prophet to let one animal witness the slaughtering of another, or keep animal waiting to be slaughtered, or sharpening of the knife in their presence— “Do you wish to slaughter the animal twice: once by sharpening your blade in front of it and another time by cutting its throat”⁴ To sum

¹*Mishkat al-Masabih*, 872 Quoted in Mohd Yousuf khan *Islam mein Haywanat ke ahkam* Baitul uloom Purani Anar kali, Lahore 2010.

² Denys Johnson-Davise, *The Island of Animals, Adapted from an Arabic Fable* (Austin: University of Texas Press, 1994)

³*Mishkat al-Masabih*, trans. Robson, 872

⁴ S. Nomanul Haq “Islam and Ecology: Toward Retrieval and Reconstruction” in *Islam and Ecology*, ed. Richard C. Foltz and Frederick M. Denny (Harvard University Press, 2003.)

up, the rights of animals (*huquq al-hayawan*) are enshrined as one of the categories of *huquq al-'ibad*, the rights of God's servant, that is, human beings and animals. We cannot take away the *haqq* of various creatures given to them by God but must pay each being its due (*haqq*). Humans are responsible for whatever they have at their disposal, including animals whose rights must be respected.

Contemporary Muslim environmentalist and scholars advocate reviving traditional Islamic institutions like *himā*, *haram* and *waqf* for conservation of biodiversity. They claim that implementing such institutions can provide good sign for Islamic environmentalism.

Conclusion

Since the nature of the problem is complex and multidimensional therefore various approaches have been adopted to deal with the environmental problem. In a society where science has acquired god-like position, is unquestionable. It is general notion that science has solution of all problems that humanity faces including the existing problem of environmental degradation. Do we need religion to solve the current environmental problem? Scholars like Hossein Nasr and others have opined that current environmental crisis is indeed a spiritual crisis, in order to heal the earth, we need to heal our souls. Over secularization of society exacerbated the situation. Scientific knowledge has been based to enlarge man's access to natural resources, on the one hand, and on the other, to consume the natural resources at extremely high rates of utilization. Historian Lynn White linked the consumeristic trend of society to anthropocentric worldview of Judeo-Christian tradition. Based on

the ideological framework of the Lynn White one of the most common stereotype is found in environmental literature that eastern religion promotes a sense of harmony between human beings and nature, and other side of the stereotype stand that semitic religions promote the separation of human beings and nature and encourage acts of domination, exploitation and control over nature. In response to this baseless stereotype it can be argued that religion, in general, can both deliver and obstruct in relation to the climate crisis depending on which aspect of their scriptures are stressed. For example, in case of Semitic religions emphasis on scriptural aspect 'to dominate (*taskhir*) the earth' rather than steward it can lead to a great deal of environmental damage. Similarly, seeing this world an illusion (*maya*) and consequently emphasizing on world denying philosophy of asceticism rather than fulfilling one's *dharma*s through the path of good action (*Karma*) would be disastrous to the environment. In the light of above-mentioned ecological precepts in Islam Muslim need to engage themselves to protect nature. Fazlun Khalid, the Director and Founder of Islamic Foundation for Ecology and Environmental Science (IFEES) in Birmingham, UK. In collaboration with conservationist NGOs like IFEES, ARC, and WWF International' initiated to several faith-based conservation project in countries like Indonesia where Muslim population is largest in the world. He protects nature taking inspiration from his own religion Islam. Fazlun Khalid is applying those eco-ethic of Islam which is abundant in *Qur'an* and *Hadith* In society like India and Pakistan, religious leaders play an important role in everyday life. While Islam does advocates conservation and importance of

natural resources but religious leaders viewed this with suspicion as Western agenda. This image of suspicion needs to be eradicated.

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Conceptual Discourses on Human Rights: An Islamic Perspective

Showkat Ahmad Dar*

Abstract

Human rights are the rights that justifiably belong to a person or a moral and legal entitlements for a person to have or to do something. It has become the most debatable issue in the contemporary times with varied interpretations and implications. The major developments in this regard took place in the aftermath of World War II and despite of many conferences and publications on the subject, the humanity has not overcome the predicament it faces. Regarding the conceptual discourses on the subject, there exist different definitions and approaches to the concept of human rights. Centring the concept on “equality of all human beings”, the *United Nations Universal Declaration of Human Rights* declared that “all human beings are born free and equal in dignity and rights” and the “recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world.” Islam also deals with the subject to a large extent. Securing human honour and dignity, Islam offers provisions to lead the humanity to achieve real freedom,

*Ph.D. Research Scholar, Department of Islamic Studies, Aligarh Muslim University, Aligarh, 202002.

Email: ashiqsir786@gmail.com

justice, and peace. Moreover, the concept of human rights in Islam is of divine origin so provides a comprehensive and holistic view of human nature and their rights. Contrary to the homicide in the name of Islam, Islam believes in safeguarding the human lives and guaranteeing the security of the individuals living in a community. Freedom of belief, freedom to exercise one's religion, right to honour, among other social and civic rights are some highlights of Islamic teachings that were well practiced and applied during the early years of Islam.

Keeping the contemporary conceptual discourses on human rights in view, the paper attempts at analysing comparatively these discourses; and how far Islamic concept of Human rights is viable and universal in its application.

Key Words: *Human Rights, UDHR, Peace, Islamic Claim of Human Rights, Human honour and dignity*

Introduction

The concept of Human Rights is as old as the history of humanity itself. Since his creation, Man has been aware about all his rights and duties. The authentic and valid source testify this fact as well as highlights the initial stages of human existence. As long as human beings remained loyal to the divine teachings and guidance, they were able to control their baser instincts and subordinate their desires to the Divine Will. With the passage of time and deviation from the Divine plan of life, human being became self-centred and began to violate the Divine scheme of life. As a result, the history witnessed that the first violation of the human rights and the killing

of a human being by a human being happened to occur.¹ For this reason the *Qur'ān* declared:

*Because of this did We ordain unto the children of Israel that if anyone slays a human being unless it be [in punishment] for murder or for spreading corruption on earth - it shall be as though he had slain all mankind; whereas, if anyone saves a life, it shall be as though he had saved the lives of all mankind.*²

Here, a glimpse of Islamic perspective of human rights is seen how it sanctifies and protects the human life. But despite the presence of Divine guidance, humanity continue committing the crimes of violence including the ruthless killing of human beings. The major events of genocide were seen during the first half of the twentieth century in the form of two Great World Wars. After the world war II, the United Nations General Assembly approved an institution, "*The Universal Declaration of Human Rights*" on 10th of December, 1948 to safeguard the humanity with all its rights. The institution passed many resolutions to guarantee and safeguard the human rights. It also passed a resolution against genocide and framed regulations to check it. Despite these efforts, UDHR is not in a position to exercise an effective check on the violation of human rights. The ineffectiveness of UDHR is open to question. However, the ongoing events throughout the globe evince that UDHR is somehow biased in approach. When there exists any violation of

¹ Al-Qur'ān, 5: 27-32

² Al-Qur'ān, 5:32; Translations of the Qur'ānic verses in this study have been taken from Muhammad Asad, *The Message of the Qur'ān*, (Gibraltar: Dar al-Andalus, 1980).

human rights, that too in the interests of UN and its allies, UDHR seems to be very active. On the other hand, if the ball is on the other side of the fence, it plays a role of but a mere spectator. And no action has been taken against any country guilty of this severe and revolting crime.

Flexibility of Human Rights

It is fact that human mind in absence of the divine guidance is unable to judge fully what is right and what is wrong for himself as well as for the society. The concepts of what is right and what is wrong have the meanings that do not change from case to case or from time to time but retain their validity for all times and all conditions. There exist no definitions of “right” and “wrong” arrived through our speculation that possess eternal validity because human thought is essentially subjective and therefore strongly influenced by the thinker’s time and environment.¹ Similar is the case with the concept of Human Rights. Unlike the concept based on Divine guidance, Human rights has been changed since ancient times. These concepts changed with the changing needs of the time and changed from time to time and from place to place. In ancient times the human rights of servants were different than that of their masters as was the case in pre-Islamic Arab. According to the Fascist and Nazism ideology the right to rule was given to the powerful and the weak were given the only right to obey the

¹ Cf. Muhammad Asad, *The Principles of State and Government in Islam*, (Gibraltar: Dar al-Andalus, 1980), pp. 8-9

powerful. This concept also lost its validity, and today we have different interpretations and applications of Human rights.¹

Definition of Human Rights

Human rights are the rights that justifiably belong to a person. These are moral and legal entitlements for a person to have or to do something. However, keeping the diverse demands of humanity in mind, different scholars define the concept differently. According to Abdul Hakeem, a renowned Muslim scholar, "General human rights are collective rights. Any power does not ban or stop them, but their perception is different in different areas. So there is deficiency to define them."² Herold Joseph Laski (1893-1950), a British political theorist and economist defines human rights as those conditions of social life without which no man can seek in general to be his best self. ³In *Encyclopedia of Britannica*, the Human rights are defined as the "Rights that belong to an individual or group of individuals as a consequence of being human: They refer to a wide continuum of values or capabilities thought to enhance human agency and declared to be universal in character, in some

¹ Cf. Mufti Muhammad Taqi Usmani, *Huqūq al-'Ibād aur Mu'āmulāt*, (Urdu), (Multan, Pakistan: Idārah-e-Tālifāt Ashrafiyah, 1426 AH), pp. 47ff.

² Hassan, Abdul Hakeem, Dr., *Hurriyat -ul- Ammah*, Dar-ul-Fikr al-Arabi, Beirut, 1954, p.176

³ Laski, Harold, Joseph, *Studies in the problem in sovereignty*, Yale University Press, 1924.Pp. 23 as quoted in Saeed Riaz Ahmad, "Human Rights in Islam and the West: (The Last Sermon of the Prophet and UDHR)" *Jihat al-Islam*, Vol.6 (January-June 2013) No.2, p.10

sense equally claimed for all human beings.”¹According to the online standard encyclopedia of Philosophy:

Human rights are international norms that help to protect all people everywhere from severe political, legal, and social abuses. Examples of human rights are the right to freedom of religion, the right to a fair trial when charged with a crime, the right not to be tortured, and the right to engage in political activity. These rights exist in morality and in law at the national and international levels.²

The United Nations Organization (UNO) defines the human rights as “Those rights, which are inherent in our nature and without which we cannot live as human beings.” ³According to Abdul Aziz Said, a Syrian-American Muslim scholar:

Human rights are concerned with the dignity of the individual—the level of self-esteem that secures personal identity and promotes human community. While the pursuit of human dignity is universal, its forms are designed by the cultures of people. Politics is a cultural activity reflecting tradition and environment. The debate on human rights assumes that in spite of the differences that characterize the spectrum of world cultures, political conduct can be conceptualized by certain common norms and attitudes. In the modern global system Westerners have concentrated on discovering

¹ Saeed Riaz Ahmad, “Human Rights in Islam and the West”, *op. cit.*, pp. 10-11

²<http://plato.stanford.edu/entries/rights-human>

³ Muhammad Zafarrullah Khan, *Islam and Human Rights*, (Tilford, UK: Islam international publications, 1999), P. 6

common denominators rooted in Judeo-Christian traditions and from which a calculus of human rights would emerge. This emphasis on Western common denominators projects a parochial view of human rights that excludes the cultural realities and present existential conditions of Third World societies.¹

These definitions and the like evince that human rights are those rights without which human beings cannot live a decent life.

Human Rights in Islamic Perspective:

It has been wrongly propagated that Islam is against the human rights and to implement Islam means to put the human rights in danger. But a deep understanding of the Islamic texts evince that Islamic teachings are a blessing for humanity and these are meant to enable human beings to live a peaceful and happy life. The Islamic perspective of human rights is divinely ordained and thus has the eternal validity and applicable in all times. Islam not only identifies the human rights but also provides guidelines to protect such rights. The history is witness how Prophet Muhammad (PBUH) recognized the human rights and how measure was taking to safeguard such rights. Among the human rights recognized by Islam and has been identified and highlighted by various Muslim scholars are not

¹ Abdul Aziz Said, "Human Rights in Islamic Perspectives," in Human Rights: Catturai and ideological Perspectives, eds. Adamantia Pollis and Peter Schwab (New York: Praeger Publishers, 1979), 86.

different from the resolutions passed by UDHR. These rights include:¹

1. Equality of Human rights
2. Obedience of Rights
3. Right of life
4. Eradication of Ethnicism
5. Right of Property
6. Right of Society Members
7. Rights of Slaves and Servants
8. Eradication of Lawlessness
9. Economic rights
10. Right of inheritance
11. New-borns Right of ancestral sanctity
12. Right of social Identity
13. Right to receive the Debt
14. Right of Ownership
15. Woman's Rights

¹ Qazi M. Salman Mansurpuri, *Rahmatu lil Aalameen*, (Urdu), (Lahore: Maktabha Islamiyyah, n.d.), p. 229; Abul Ala Mawdudi, *Human Rights in Islam*, (Lahore: Islamic Publications, 1995), pp. 14ff; Mufti Muhammad Taqi Usmani, *Huqūq al-'Ibād aur Mu'āmulāt*, *op. cit.*, pp. 47ff. Saeed Riaz Ahmad, "Human Rights in Islam and the West", *op. cit.*, pp. 19-20.

16. Husband's Rights

17. Constitutional Rights

18. Rights of State

19. Right of law observance

20. Rights of Justice

21. Right of awareness

22. Divines Rights (Rights of Allah, Book and the Prophet (P.B.U.H.)

In addition, some of prohibitions to safeguard the human rights have been summarised in the following verse of the Qur'ān:

*Say: "Come, let me convey unto you what God has [really] forbidden to you: "Do not ascribe divinity, in any way, to aught beside Him; and [do not offend against but, rather,] do good unto your parents; and do not kill your children for fear of poverty – [for] it is We who shall provide sustenance for you as well as for them; and do not commit any shameful deeds, be they open or secret; and do not take any human being's life – [the life] which God has declared to be sacred – otherwise than in [the pursuit of] justice: this has He enjoined upon you so that you might use your reason; and do not touch the substance of an orphan – save to improve it – before he comes of age." And [in all your dealings] give full measure and weight, with equity: [however,] We do not burden any human being with more than he is well able to bear; and when you voice an opinion, be just, even though it be [against] one near of kin."*¹

¹ Al-Qur'ān, 6: 151-153

Islamic Provisions for safeguarding Human Rights

The teachings of Islam provide a systematic and comprehensive scheme for a social setup and its security wherein all rights have been protected and safeguarded. It presents a social system where everyone is assured social security and social justice.¹In addition, “the social legislation of Islam aims at a state of affairs in which every man, woman and child has (a) enough to eat and wear, (b) an adequate home, (c) equal opportunities and facilities for education, and (d) free medical care in health and in sickness.”²The honour and dignity of humanity is protected by the implementation of some divine punishments—*Hudūd*, *Ta’zīrāt* and *Qisās*.³ To eradicate the doubt regarding the Islamic punishments, Muhammad Asad argues that these punishments are understood only when keeping the fundamental principle of Islamic law into mind. The principle according to him is “no duty (*Taklīf*) is ever imposed on man without his being granted a corresponding right (*Haqq*).”⁴ In provision of social security and justice, Asad maintains, “any attempt on the part of an individual to achieve an easy, unjustified gain at the expense of other members of the community must be

¹*Ibid.*, p. 219; See foot note 48 corresponding to the verse 5: 38

²*Ibid.*

³ A brief discussion about these punishments can be seen in *Ma ‘ārif al-Qur’ān*, *op.cit.*, Vol. 3, pp. 130-140

⁴*The Message of The Qur’ān*, *op.cit.*, p. 219; See foot note 48 corresponding to the verse 5: 38

considered an attack against the system as a whole, and must be punished as such.”¹

In explanation of 178th verse of *Sūrah al-Baqarah* related to *Qīṣāṣ*, Asad argues, “one of the main problems facing any society is the safeguarding of the lives and the individual security of its members.” The problem is resolved by *Qīṣāṣ*, the term, which Asad translates as “just retribution” that is “making the punishment equal to the crime”.² In addition, Asad explains, “individual righteousness cannot become effective in the social sense unless there is agreement within the community as to the social rights and obligations of its members.”³ Besides the safeguarding the lives of humanity and individual security, this interconnectedness of the social laws, according to Asad, plays so great a role within the ideology of Islam. Moreover, for this reason, he adds, the *Qur’aan* consistently intertwines its moral and spiritual exhortation with ordinances relating to practical aspects of social life.⁴

Conclusion:

The Concept of Human rights is a debatable issue and those who care for the humanity are active in safeguarding the human rights and their dignity. In presence of the varied interpretations of the concept, it would be wrong to say that Islam violates the human

¹*Ibid.*

²*Ibid.*, p. 71; See foot note 147 corresponding to the verse 2: 178

³*Ibid.*

⁴*Ibid.*

rights though its claim is to be akin to human nature. The world organizations including UDHR come up with their efforts to save humanity but could not succeed in transforming the chaos into peaceful environment and prevent the ongoing violations on humanity to suffice the interests of some. The human mind is capture and thus unable to provide a valid concept of human rights that could be applicable in the contemporary times. The theories of human rights originating from mere human efforts are subjected to err. The humanity needs a valid and authentic principles that would help in protecting and safeguarding the rights of human beings. This need would be sufficed by religion (Islam) alone that is based on absolute moral principles that are eternal in nature. It is the need of the hour to identify the absolute frame of reference to decide what are Human Rights and the ways to protect them without any discrimination. The body so organized on such absolute principles would be able to exercise an effective check on the violations of human rights.

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-Al-Qur' ān, 5:32; Translations of the Qur' ānic verses in this study have been taken from -- Muhammad Asad, *The Message of the Qur' ān*, (Gibraltar: Dar al-Andalus, 1980).

- Cf. Muhammad Asad, *The Principles of State and Government in Islam*, (Gibraltar: Dar al-Andalus, 1980),

- Cf. Mufti Muhammad TaqiUsmani, *Huqūq al-'Ibāda*urMu'āmulāt, (Urdu), (Multan, Pakistan: Idārah-e-TālīfātAshrafiyah, 1426 AH), pp. 47ff.
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-*The Message of The Qur'ān*, *op.cit.*, p. 219; See foot note 48 corresponding to the verse 5: 38

Human Rights and Peaceful Coexistence: An Islamic Perspective

Dr. Naseem Gul Dar¹

Abstract:

According to Islam, the fundamental unity of mankind was revealed at their creation. When Adam and Eve came into being, Allah (God) drew forth from their loins all the children of Adam, from the first human being to the last, and called for their testimony. The first covenant obligates people to know Allah (God), to know one another as one people, and to build the friendly relations essential for peaceful coexistence on earth. The Qur'an repeatedly emphasizes on the unity of mankind, i.e., they come from the same parents. There are, in fact many a commonality among different apparently divergent sections of mankind. Talking in specifically organic terms, every human being constitutes of the organic matter irrespective of his/her habitation. It is also a borne-out fact that mankind has descended from the common parents. It is also a common observation that to changing phenomena of weather, climate and atmosphere, men, no matter where do they live, show almost common response and reaction. Interestingly enough, the collective conscience of man has always shown a common sensitivity to the different odds or evils that it faced at different stages of the development of human civilization. Man has never

¹⁻ Assistant Professor & Coordinator, BGSB University, Rajouri(J&K)

remained silent or passive before falsehood, injustice, oppression, persecution, etc. Even on the individual level he has never remained immune from or unaffected by the wrong deeds performed by him willy nilly. Thus, it seems that, like the 'physical behavior' of man which motivates him to guard himself against different forces of nature, mankind has a common 'moral behavior/basis/ground' according to which it responds the issues of human rights and peaceful coexistence.

Key words: Peaceful Coexistence, Islam, human Rights, Quran

Introduction:

Islam gives clear guide lines to value the rights of fellow human beings and all the religious communities. It rejects racism which is a hurdle to coexistence, it accepts diversity of faiths, it is for the fulfillment of peace, it respects freedom of mankind, and similarly respects the freedom of religious belief. Islam does not reject the existence of other religions rather recognize them and at the same time promotes harmony amongst the adherents of these varied religious traditions. This also sets and assigns the basic role which the Muslims are expected to play among the mankind and for the mankind.

Racism: A hurdle to Coexistence: The Qur'an's assertion of one transcendent God, such a God, beyond gender, color, and personification, makes possible the establishment of a true, universal community among the people on earth. The Qur'an

stresses on the concept of all people as children of Adam and Eve.¹ All people stand as equal with each other before Him. The very ideals of Islam based as they are on the worship of One God and on the injunction to humanity to seek unity based on their common creation by that One God—these ideals move people away from the concept of a “chosen race” and of “gentile” and help them, see themselves as equally respected creations of Allah.² One major hurdle in the way of peaceful co-existence is the false notion of racial superiority. It has already caused a great deal of bloodshed among different human races. Each tribe of the pre-Islamic Arabs claimed the greatest honor for itself on account of its pedigree.³ It is a matter of regret that even some religions that came before the prophethood of Muhammad (SAAS) aggravated the problem of disunity and inequality among mankind by laying down the principles of superiority solely on the basis of birth and religion.⁴ The Qur'an demolished the age-old structure of social superiority by asserting common origin of all human beings. It recognizes piety as the sole basis of nobility and superiority. Undoubtedly, this concept develops in man an optimistic attitude towards life by inspiring him to attain superiority through noble deeds. It has also

¹Muhammad Shafiq and Mohammed Abu-Nimer, *Interfaith Dialogue: A Guide for Muslims*, International Institute of Islamic Thought, Herndon, USA, 2007, p. 54.

²Ibid.

³See, Najeebabadi, Moulana Akbar Shah, *Tarikh-i Islam* (urdu), vol. I, Farid Book Depot private Ltd., Delhi, p. 73.

⁴Ibid., pp. 76-81.

made possible the realization of the universal brotherhood of nations.

Islam rejects racism and preaches alternative criteria for Allah's people. It rejects the notion that Allah is biased or partial to a particular race or tribe, and that His Mercy is locked up to a certain group. With such profound statements in the Qur'an, Islam was able to wipe out age-old ethnocentric notions of superficial superiority and exclusive nobleness of mankind. Challenging the claims of the egocentric people who claimed that none shall enter paradise unless he belongs to their race and ethnicity, the Qur'an says: "...Say: "Produce your proof if ye are truthful.""¹ As to the true criteria for such a qualification, the Qur'an proclaims: "Nay,- whoever submits his whole self to Allah and is a doer of good,-he will get his reward with his Lord; on such shall be no fear, nor shall they grieve."² Islam discredits all kinds of chauvinism, be it racial or religious, because such chauvinism is based on nothing but selfish and idiosyncratic tendencies in the exclusion and lack of respect for others. Islam also insists on the individual being honoured. Almighty Allah says: "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 Almighty Allah has honoured the human beings by making them respectful and not lowly. They were preferred over all other creatures and were given

¹The Qur'an., 2: 111.

²Ibid., 2: 112.

³Ibid., 17: 70.

a distinct position in this world. Allah (SWT) thus gave them faculties to be civilized, to acquire different kinds of knowledge and to achieve development. Allah (SWT) also made opportunities for them on earth and entrusted them with responsibilities that were beyond the capability of other creatures. Almighty Allah says: "We did indeed offer the Trust to the Heavens and the Earth and the Mountains; but they refused to undertake it, being afraid thereof: but man undertook it...."¹ This honour was provided since birth, as Allah created man from earth and breathed into him of His spirit, then ordered the angels to prostrate to him in honour and respect. Almighty Allah says:

Behold, thy Lord said to the angels: "I am about to create man from clay: when I have fashioned him and breathed into him of My spirit, fall ye down in prostration unto him." So, the angels prostrated themselves, all of them together.²

Then, soon after that Allah provided man with the knowledge to allow him to make his life and existence according to the way Allah willed them to be as the following verse of the Qur'an states: "And He taught Adam the names of all things...."³ In spite of all this, man invented different notions on his own. In the field of religion too, he kept himself confined to the tradition which, he thought, was true. This gave rise to the diversity of religious traditions or simply faiths.

¹Ibid., 33: 72.

²Ibid., 38: 71-73.

³Ibid., 2:31.

Diversity of Faiths: The phenomenon of religious diversity is one of the questions with which today's religious thought is faced. The existence of communities in which people of different religious traditions live together and the expansion of social relationships and communication at the threshold of the third millennium are among the reasons for paying attention to this vital issue.¹ The Qur'an argues for Divine wisdom in human diversity of culture, language, and tribes. The purpose in this diversity is for men and women to cooperate in a life of righteousness and vie with one another in the performance of righteous deeds. Goodness must not be judged, therefore, by ethnic, racial or even religious identity²; because, according to the Qur'an: "...Verily the most honoured of you in the sight of Allah is (he who is) the most Righteous of you...."³ Further, Islam is not a barrier for religious coexistence. Thus, the Qur'an states:

...To each among you have We prescribed a Law and an Open Way. If Allah had so willed, He would have made you a single People, but (His Plan is) to test you in what He hath given you: so strive as in a race in all virtues. The goal of you all is to Allah; It is He that will show you the truth of the matters in which ye dispute.⁴

¹Muhammad Legenhausen, *Islam and Religious Pluralism*, Alhoda Publishers and Distributors, London, 1991, p. ii.

²Ayoub, Mahmoud M., "ROOTS OF MUSLIM-CHRISTIAN CONFLICT", *The Muslim World*, Mn. Ed., Elizabeth A.D' Amico, The Duncan Black Macdonald center Hartford Seminary, Hartford, USA, 1989, vol. Lxxiv, p. 29.

³*The Qur'ān*, 49:13.

⁴*Ibid.*, 5: 48.

In other verse the Qur'an states: "If it had been thy Lord's Will, they would all have believed, -all who are on earth! Wilt thou then compel mankind, against their will, to believe!"¹ An examination of the texts of these two verses makes it clear that diversity is the will of Allah. The text of the aforementioned verses also makes it clear that compulsion in the matters of faith is forbidden which is also corroborated by another verse of the Qur'an which states: "There is no compulsion in religion...."² A critical look of the texts of the verse 5:48 manifests that the purpose of these differences is to test, what we do with the revelations and how we behave with the precepts and teachings of Islam and who strive as in a race in good deeds. Diversity of religions, nations and peoples are a test and the teachings of Islam require that we manage the differences and live a peaceful harmonious life in this world. Thus the Qur'an states: "...And did not Allah check one set of people by means of another, the earth would indeed be full of mischief...."³ In other verse the Qur'an states: "...Did not Allah check one set of people by means of another, there would surely have been pulled down monasteries, churches, synagogues, and *masajid*, in which the name of Allah is commemorated in abundant measure...."⁴ The teaching of the aforementioned two verses is very significant in the present world context. The everlasting teachings, the universal dimension of the message of Islam of these two verses are that if there are no

¹Ibid., 10:99.

²Ibid., 2:256.

³Ibid., 2:251.

⁴Ibid., 22:40.

differences between people, if power is concentrated in the hands of one group alone, be it one nation or one race the earth would be corrupt because human beings require others to control and limit their irresponsible impulse and behavior for expansion, supremacy and dominance. Verse 22:40 indicates that the scheme of Allah is to protect monasteries, churches, synagogues and *masajid* which establishes pluralistic religious nature of Islam.

One must not deduce from this discussion that according to Islam every religion is true, no, it is not like that. However, Islam never intends to disturb the required and essential harmony among people of diverse religious traditions. That is why it includes strong provisions for peace and harmony.

Peace: Outcome of Islam is Peace, and is defined as submission to Allah, which means that peace cannot be obtained without total submission to the Lord of the universe. When Qur'an calls, "Enter Islam wholeheartedly"¹, it does not merely invite its adherents to follow the institutionalized system of Islam; it also signals to them that the real, comprehensive and long-lasting peace can be achieved only through total acceptance of the System of Allah. Thus, the Qur'an states that, "the System for you is the (system of) Peace"². And at another place the Qur'an states: "But Allah doth call to the Home of Peace...."³ Further, at one more place Allah says:

¹Ibid., 2:208.

²Ibid., 3:19.

³Ibid., 10:25.

...There hath come to you from Allah a (new) light and a perspicuous Book, –wherewith Allah guideth all who seek His good pleasure to ways of peace and safety, and leadeth them out of darkness, by His Will, unto the light, –guideth them to a Path that is Straight.¹

Therefore, the final Guidance, the last Message, the Qur'an, is the message filled with peace and prosperity, a bounty of Allah for whole of His creation. But peace in this worldly life does not mean absence of differences it may mean so as for as the case of eternal life in Paradise is concerned. Peaceful living and peaceful coexistence are at the very center of what Islam enjoins on all Muslims. The Qur'an is very concerned with bringing an end to tribal, ethnic, and religious feuds and with promoting peaceful coexistence. So true is this that some Muslims believe the United Nations Declaration of Human Rights and the US Bill of Rights were influenced by the Qur'an.² Otherwise, there were false notions of superiority and egotism on the basis of race, colour, tribe and ethnicity. Islam provided three basic elements– faith in one God (Allah), reform of self and reform of the society at large. Islam remained as a religious commitment, a socio-economic-political program, but above all a vehicle for the 'continuous reform' of the society. Almighty Allah says: "O ye who believe! Enter into Islam whole-heartedly; and follow not the footsteps of the Satan for he is to you an avowed enemy."³ It should be noted here that following

¹Ibid., 5:15-6.

²*Interfaith Dialogue: A Guide for Muslims*, op. cit., p. 64.

³*The Qur'ān*, 2:208.

the call to join peace by advising against following the steps of Satan means that the opposite of peace, i.e. war, is a suggestion of Satan. In order to show the importance of peace in Islam, it is sufficient to know that the term Islam itself is derived from it. It means: following God's commands and being faithful to worshipping and serving Him; this is referred to as peace. Suffice it also to know that as-Salam is one of the attributes of Allah. Hence, Almighty Allah says:

Allah is He, than Whom there is no other god; –the Sovereign, the Holy One, the Source of Peace (and Perfection), the Guardian of Faith, the Preserver of Safety, the Exalted in Might, the Irresistible, the justly Proud glory to Allah! (high is He) above the partners they attribute to Him.¹

It is quite likely that the use of this name for Allah resides in the peaceful meaning that is being discussed. It also resides in the fact that Almighty Allah is free from imperfection and defect and of being affected by the adversities that affect others like annihilation. Almighty Allah also summons people to the abode of peace as in His saying: "But Allah doth call to the Home of Peace: He doth guide whom He pleaseth to a Way that is straight."² The meaning is that of the abode of security, stability, and happiness. Some interpreters of the Qur'an explain the house of peace as paradise. One should also add that Muslims invoke peace at the conclusion of every prayer (*Salah*), and they exchange greetings with the same

¹Ibid., 59:23.

²Ibid., 10:25.

word. The prophet Muhammad's (SAAS) exalted saying states: "You will not enter paradise until you have faith, and you will not have faith until you love each other. Do you want me to point out to you something that will enable you love each other? Spread Salam (peace) amongst you."¹ Peace, in the meaning given to it by the Islam, does not mean giving in or weakness, it means the securing of one's right. It also means the exchange of relations and services on the basis of equality and mutual respect and also on the basis of agreements which are binding to all parties.

So far as the study of Islam as a religion is concerned, it could be possible only through the texts of this religion. Although a Muslim is expected to be an expression of the Islamic teachings, but Islam could not be interpreted (misinterpreted) through the behavior of Muslims. It is so because in the prophet Muhammad's (SAAS) time and in the first subsequent generation, most of the Muslim community lived according to the precepts of Islam. These are very comprehensive, covering every detail of life-religious observance, family, social, economical, political, cultural, and other aspects of daily life, as well as international, national and tribal relations. As centuries passed, bringing about the expansion of the Muslim communities and the tremendous growth of its resources, with various new nations joining the community and bringing with them their different backgrounds, heritages and philosophies, it was inevitable that some differences should develop between the Muslim's behavior and the teachings of Islam. There were

¹*Muslim* on the authority of Abu Hurayrah, H. No. 203.

individuals, subjects, rulers, and nations whole, though they bore Muslim names acted in ways utterly at odds with the Qur'anic precepts. Islam prohibits every kind of misbehavior, cheating, treachery, drinking intoxicants and gambling. Alas! How many Muslims nowadays live a life according to these rules? Although Truth could not be more than one, still Allah has willed that man should choose the right path on his own. For this purpose, He bestowed freedom on mankind.

Freedom of Mankind: Islam teaches that human diversity is a sign of Allah's mercy and a portent for men of knowledge. Therefore, in the Qur'an Almighty Allah states: "And among His Signs is the creation of the heavens and the earth, and the variations in your languages and your colours...."¹ Thus, the Qur'an accepts the reality of difference and diversity within humanity. It gives the impression that diversity is part of the divine plan and recognizes the freedom of choice of mankind. Hence according to the Qur'an: "If thy Lord had so willed, He could have made mankind One People...."² Furthermore, the Qur'an recognizes the legitimate multiplicity of religious convictions and laws, as can be seen from this verse:

...To each among you have We prescribed a Law and an Open Way. If Allah had so willed, He would have made you a single People, but (His Plan is) to test you in what He hath given you: so, strive as

¹The Qur'an, 30:22.

²Ibid., 11:118.

in a race in all virtues. The goal of you all is to Allah; it is He that will show you the truth of the matters in which ye dispute.¹

But those who are Muslims, believe in Oneness of Allah, are, therefore, told to proclaim:

Say ye: "We believe in Allah, and the revelation given to us, and to Abraham, Ishma'il, Isaac, Jacob, and the Tribes, and that given to Moses and Jesus, and that given to (all) prophets from their Lord: we make no difference between one another of them: and we submit to Allah".²

Indeed, the secret in allowing difference is that Islam advocates faith which should be based on observation, contemplation and then choice. At the same time Almighty Allah has given the opportunity to those who believe and who perform good deeds to reap requital and recompense, as opposed to those who neither believe nor perform good deeds and who should expect all the punishment that should ensue there from. It should be understood that when Islam allows freedom of faith, it also leaves the final word to difference about it to Almighty Allah who says: "...But Allah will judge between them in their quarrel on the Day of Judgement."³

The notion of freedom of faith, in the view of Islam, starts out from the idea that religion is both faith and belief. Any personal and inner feeling has to be based on conviction, inclination and ease. This is because adopting Islam means that one has led and

¹Ibid., 5:48.

²Ibid., 2:136.

³Ibid., 2:113.

submitted himself to Almighty Allah. That it is established on the basis of freedom which Islam considers an important value, as it relates to the nature and innate instincts of man. Freedom is one of the basics of human rights and one of the most salient aspects of honoring Allah. We may even say that the expression of honour, as already stated, is nobler than the expression of "human rights" which has become of current use lately. The term 'rights' connotes that there is taking and fighting, whereas honoring refers to the generous supply of wealth and favours. The freedom that Almighty Allah has bestowed upon man concerns his faith, work, lodging, correspondence, thinking and his expression, which form his personality and are the focus of his life, and which allow him to be productive. This is also the basis of the strong and united society where the sharpness of the struggle is subdued. The notion of struggle is used here in the sense of competition between opposing factions which try to eliminate and replace each other. This kind of fighting is a common human feature and law, which is almost general. The reason is that Islam has turned that into a competition which the Qur'an has insisted upon as in the following verse: "...And for this let those aspire, who have aspiration."¹ The Qur'an prohibits believers from using abusive language about other religions and faiths:

Revile not ye those whom they call upon besides Allah, lest they out of spite revile Allah in their ignorance. Thus, have We made

¹Ibid., 83:26.

alluring to each People its own doings. In the end will they return to their Lord and He shall then tell them the truth of all that they did.¹

In this verse the word '*Ummah*' (religious community/ each People) and the word '*Zyyanna*' (beautiful and attractive/ alluring) are used together. It means that Allah made the religious injunctions (*Shari'ah* and *Minhaj*) of each community attractive and appealing to the followers of that community. Therefore, the Qur'an asks the believers respectfully to tolerate other *Sharai'* and *Manahij* and avoid any derogatory language against them. This type of command is used in many other places of the Qur'an to make sure not only that religious coexistence itself is respected but that the actions and beliefs of each religious community are protected. Hence the non-Muslim subjects under Muslim rule enjoyed such freedom that their educational institutions and their personal law courts were independent and free.² Naturally, such a freedom could work only when there is enough choice for man to choose his faith. This brings to light the freedom of religious belief.

Freedom of Religious Belief: The freedom of religious belief is claimed to have been preached in Islam. The Qur'an prohibits forced religious conversion and any hindrance to religious freedom. Hence, the Qur'an states: "There is no compulsion in religion: Truth stands out clear from Error: whoever rejects *Tagut*³ and believes in Allah hath grasped the most trustworthy hand-hold, that never

¹Ibid., 6:108.

²See *Tarikh-i Islam*, op. cit., vol's. I, II, III.

³'*Tagut*' here means; anything worshipped besides Allah.

breaks. And Allah heareth and knoweth all things.”¹ Advising Muhammad (SAAS), who was very concerned that the Makkans accept Islam, Allah (SWT) tells him: “If it had been Allah’s Will, they would not have taken false gods: but We made thee not one to watch over their doings, nor art thou set over them to dispose of their affairs.”² The Qur’an, upholding religious freedom as a way of Almighty Allah that must be respected, says: “If it had been thy Lord’s Will, they would all have believed,—all who are on earth! Wilt thou then compel mankind, against their will, to believe!”³ Allah’s Plan is to use the human will to co-operate in understanding Him and His relations to us. This is the answer to an objector who might say: “If He is All-powerful, why does sin or evil exist in the world? Can He not destroy it?” He can, but His Plan is different, and in any case, it is not for a prophet to force any one to accept the truths which he is inspired to preach and proclaim. It is to this extent that the Qur’an views the religions other than Islam.

The Qur’anic view of Other Religions: The Qur’an not only declares that each and every people have been provided with the Divine guidance but also insists on this essential message being one and the same in all cases, and makes no difference between the various prophets who bore it. But one must remember the general foundation, according to Islam, is that the religion of all messengers is the same, but their legislations vary. All are inspired by Almighty Allah. One of the basics of faith in Islam is to believe that all creeds

¹*The Qur’ān*, 2:256.

²*Ibid.*, 6:107.

³*Ibid.*, 10:99.

and religions are one and the same in terms of monotheism, prophethood, resurrection, and comprehensive belief in Allah, His angels, His books, His messengers, the Day of Judgment and fate whether good or bad. However, Islam recognizes the other religions only to the extent that whether they confirm the basic truth brought by the prophets (AS) which was lastly brought by Muhammad (SAAS).

Islam's recognition of Other Religions: Before Islam, world religions were at war with each other. Jews and Christians rejected each other violently. Their mutual persecution is documented in many books of Judeo-Christian history. Islam's unique contribution to human civilization is its recognition of the presence of other religions and its acceptance of the need to live in peace with those religions. Isma'il R. al-Faruqi, confirming this fact, says,

The respect with which Islam regards Judaism and Christianity, their founders and scriptures, is not a courtesy, but an acknowledgement of religious truth. Islam sees them in the world not as "other views" which it has to tolerate, but as standing *de jure*, as truly revealed religions from God. Moreover, their legitimate status is neither socio-political, not cultural, nor civilizational, but religious.¹

The Qur'anic view of the *Ahl al-Kitab* should be understood accordingly.

¹Al-Faruqi, Isma'il R., *Islam and Other Faiths*, Ataullah Siddiqui, Ed., Islamic Foundation, UK, 1998, p.74.

The Qur'anic Concept of *Ahl al-Kitab*:

This concept reveals and encourages the further development of special and intimate relations among Muslims, Jews, and Christians. The Qur'an uses the word '*Ahl al-Kitab*' (people of the Book) specifically of Jews and Christians. But the objective is to remind not only Jews and Christians but Muslims too that their religious heritage is shared and that their religious roots are similar. The Qur'an addresses prophet Muhammad (SAAS):

Say: "O People of the Book! come to common terms as between us and you: That we worship none but Allah; that we associate no partners with Him; that we erect not, from among ourselves, lords and patrons other than Allah." If then they turn back, say ye: "Bear witness that we (at least) are Muslims (bowing to Allah's Will)."¹

The shared heritage here is the concept of One Transcendent Allah and the obligation to obey certain rules in following Him. When Isma'il R. al-Faruqi was asked this question whether Jews and Christians should be called 'infidels' in Islam, he explained that the term 'infidel' is applied to a person who does not recognize Allah at all. It should not, he said, be applied to the adherent of another religion who believes in Allah.² Al-Faruqi further said that no Jews and Christians may be called 'infidel' a priori. However, if he or she denies Allah or Allah's unity and His transcendence, he/she may be called so.³ However, the *Ahl al-Kitab* are not the only religious

¹*The Qur'ān*, 3:64.

²*Islam and Other Faiths*, op. cit., p. 74.

³*Ibid.*, p. 75.

groups that live on earth. There are other groups as well for whom clear guide lines were provided by prophet Muhammad (SAAS) that has come down to us.

Religions other than *Ahl al-Kitab*: The use of the term '*Ahl al-Kitab*' or 'People of the Book' and 'Book People' by Islam to refer to non-Muslims who live with Muslims in the same society proves that Muslims recognize the Books and the Messengers upon whom they were revealed. There are some called 'the people of protection' or 'protégés' (*ahl al-dhimma* or *dhimmis*), i.e. the people of the covenant, peace and security. This is a name that has a wider meaning than the People of the Books, because it includes the religions of the Books as well as other religions and which were known and recognized, as the Magians, Samaritans and Sabians. Ibn Qudāma mentions that: "Al-Nakha'i, al-Sha'bi and ashāb al-ra'y say: "His (i.e. the Zoroastrian's) blood-money is like the blood-money of a Muslim, because he is a free and inviolable human being, akin to a Muslim".¹ According to Muhammad Legenhausen:

...We cannot definitively rule that the followers of religions other than Judaism, Christianity and Islam are not "People of the Book", because it is impossible to determine that the original teachings contained in these religions were not brought by a prophet of Allah. The divergence between the content of their scriptures and teachings from those of Islam do not prove that the original

¹Ibn Qudama, *al-mughni*, Cairo, 1990, vol. 12, p. 55. (*wa qala al-Nakha'I wa al-Sha'bi wa ashab al-ra'y: diyatuhu ka-diyat al-muslim li-annahu adami hurr ma'sum fa-ashbaha al-muslim*)

teachings were not in essence the same. For although the scriptures and teachings of Christianity are inconsistent with those of Islam, this is explained by the erosion (tahrif) of the original teachings, and there is no reason why a similar strategy could not be used to explain the possibility that non-Abrahamic religions might be divinely revealed religions.¹

We may discuss and try to find out whether or not religions which were prevalent during the time of Muhammad (SAAS) are having revealed scriptures or messages and whether or not they were actually descended from any prophet but at the same time we must remember that the religions or faiths or ideologies which came after the prophethood of Muhammad (SAAS) have no basis according to Islam and therefore, have no scope for discussion on their legitimacy. Moreover, whatever the religion or faith whether Christianity, Judaism, Buddhism, Hinduism, Jainism or anything else they are now not to be followed, according to Islam. Because by the coming of final messenger and final guide that is the Qur'an all the previous messages or guidance's are now abrogated. Hence only the final messenger and the message which he came with are to be followed, according to Islam.

This non-*Ahl al-Kitab* group also includes the Indian religious communities who profess multiple religious traditions with a profound similarity.

Indian Religions: There is no doubt that Allah (SWT) sent prophets (AS) to people of India. But there is no mention of any Indian

¹*Islam and Religious Pluralism*, op. cit., p.166.

prophet or scripture in Qur'an. There are some books, written by Muslims who tell that Adam (AS) was sent down in India and lived herein, and from here his offspring spread throughout the world. Therefore, human beings are called *Adami* (attributing to Adam).¹ There are many Muslim scholars according to whom Hindu deities like Ram Chandra and Krishna should be taken with respect and they should not be blasphemed because they might have been prophets or righteous persons. Ibn Hazm² considers the Brahmans as deists and regards the religious traditions of India and the Far East in general as a corrupted form of the religion of Sabaeans.³ Some Sufis have speculated that the sacred texts of Hinduism were based on divinely revealed scripture, and yet others have advanced the hypothesis that the Buddha was the prophet Dhu al-Kifl.⁴ There are the religions like Buddhism and Jainism in India and their founders are considered to be Sidhartha Goutama or Gautama Buddha and MahaVira, they too must not be defamed because maybe they were prophets of Allah or some pious persons and if not still it will create an atmosphere where everyone will abuse the respectful personalities of other faiths which is prohibited for Muslims as per the clear guidelines of the Qur'an are concerned.

¹See for instance, Bilgrami, Ghulam Ali Azad, *Sabhatul Marjan fi Athari Hindustan*, Bombay, n.d., p. 2.

²Ibn Hazm was a Muslim scholar and writer of eleventh century.

³See Abu Muhammad 'Ali ibn Ahmad ibn Sa'id ibn Hazm, *Kitab al-Fasl fi al-Milal wa al-Ahwa' wa al-Nihal*, Cairo: al-Matba'ah al-Adabiyyah, 1317-1321 A.H. / 1899-1903, pt.1, pp. 34-48, 69-78, 113-116.

⁴See Nasr, Seyyed Hossein, "Islam and the Encounter of Religions" in *Sufi Essays*, 2nd ed., Albany: State University of New York Press, 1991, pp. 123-151.

But, in the sight of Muslims, as for as Sikhism, Bahaism and Qadiyanism etc. are concerned, their founders surely were not prophets or righteous persons. Because, according to them (Muslims), prophet Muhammad (SAAS) is the last prophet and messenger of Allah. Nevertheless, adherents of all these faiths or religions need not be expelled from the platform of peaceful coexistence rather they too are included in it and tried to be understood and at the same time they are to be made understand what Islam is.

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-*Islam and Religious Pluralism*, op. cit., p.166.

-See for instance, Bilgrami, Ghulam Ali Azad, *SabhatulMarjan fi Athari Hindustan*, Bombay, n.d.,

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Importance of Humanity in Contemporary Word A Sufi Approach

Abdul Khader Puthiya Kandakkeel*

Abstract:

Sufism (*Tasawwuf*) is the name given to the spiritual life in Islam. Sufism has played a vital role in the life of the devoted and pious Muslims down the century. Like many other Islamic disciplines, its name was not known to the first generation of Muslim. As Hujwiri remarks that 'In the time of the Companions of the Prophet and their immediate successors this name did not exist, but its reality was in everyone. Now the name exists without the reality¹'.

There is a wide range of discussion among the scholars about the origin of the term and the etymological meaning of the word Sufi and Sufism. It is actually synonymous with the Quranic term *tazkiyaan- nafs* (purification of the self) and the prophetic term *ihсан* (spiritual excellence). According to the prophetic tradition, *Ihsan* is defined as "worshipping Allah as if you saw Him, or if you do not see Him, truly, He sees you"². After Prophet Muhammad (PBUH),

*Dr.Abdul Khader Puthiya Kandakkeel, Department of Islamic Studies Jamia Millia Islamia New Delhi,

¹-*Kashf al Mahjub*

²- *Sahih al Bukhari*

the imams and their sheikhs spread the knowledge of Sufism. During the sixth and seventh century of the Islamic era, the way Sufism reached the height of its popularity and different Sufi order (*tariqa*) emerged and spread all over the world.

My paper will focus on the importance of humanity and human values in Sufis life. Sufis are consciously aware of their relationship to Allah almighty as well as to their fellow human beings. Their service to the society and love of mankind made the Sufis successful and prolific. The history and biographies of great Sufis clearly mentioned the fact that, they moved by the inner spirit to bring about harmony in the society. And they became renowned for their simplicity, discipline and hard work in the service of humanity

Key words: Sufism, Tazkiya, Humanity,

Introduction:

Sufism (*Tasawwuf*) is the name given to the spiritual life in Islam. And it is the aspect of Islamic belief and practice in which Muslims seek to find the truth of divine love and knowledge through direct personal experience of Allah almighty. Sufism has played a vital role in the life of the devoted and pious Muslims through the centuries. Islamic spirituality named Sufism has made Islam a distinct religion. As for the origin of the term *tasawwuf*, like many other Islamic disciplines, its name was not known to the first generation of Muslims. A sheikh¹ of the tenth century stated that "Today Sufism is a name without reality; it was once a reality

¹-Abul Hasan Fushanji

without a name”¹. The historian Ibn Khaldun remarks that in the first three generations of Islamic spirituality was too general to have a special name. But when involvement in worldly things became widespread and men tended to become more and more bound up with ties of this life, those who dedicated themselves to the worship of Allah were distinguished from the rest by the title of Sufis².

There is a wide range of discussion among the scholars about the origin of the term and the etymological meaning of the word Sufi and Sufism. The origin and the basis of Sufism are emerged from Quran and *Hadith*. We can find in the Quran and the tradition of prophet Muhammad (PBUH) about Sufi ideas, tendencies, and doctrines. It is actually synonymous with the Quranic term *tazkiyaan-nafs* (purification of the self) and the prophetic term *Ihsan* (spiritual excellence). The Quran says “He will indeed be successful who purifies his soul, and he will indeed fail who corrupts his soul” (91:9-10). “He indeed shall be successful who purifies himself” (87:14). The purification (*tazkiya*) which is the only way that can bring about the emergence of a noble character (*khuluq*) and the proper inward and outward attitude (*adab*) in a human being. The real task of the Sufi is always to make people aware of purification and lead them towards attaining it.

Sufis believe that they are practicing *Ihsan*. As mentioned in a well-known *Hadith*, the prophet describes *Ihsan* as the innermost

¹-Hujwiri, KashfulMahjub

²-Muqaddima

dimension of Islam, after *Islam* (submission, or correct activity) and *Iman* (faith or correct understanding According to the prophetic tradition, *Ihsan* is defined as “worshipping Allah as if you saw Him, or if you do not see Him, truly, He sees you”¹ . After Prophet Muhammad (PBUH), the imams and their sheikhs spread the knowledge of Sufism. During the sixth and seventh century of the Islamic era, the way Sufism reached the height of its popularity and different Sufi order (*tariqa*) emerged and spread all over the world. Qadiriyya, Rifaiyya, Shadhiliyya, Naqshabandiyya and Chishthiyya are the very famous Sufi orders.

Sufism and Prophet Muhammad

The prophet Muhammad (PBUH) was truly a Sufi in every sense of the term and Sufis believe that prophet was indeed a Sufi throughout his whole life. He is sent by Allah almighty to instruct the people according to the Quran to make their life holy and sacred. And he is regarded as the true spiritual guide on the ascetic path and later Sufis considered him to an ideal saint from all spiritual aspect. No person on this earth could be compared to the prophet Muhammad. He constantly reminded the people to prepare themselves of the heavenly life in accordance with the teachings of the Quran. “O my people; this life of the present is nothing but temporary enjoyment, it is the hereafter that is the home that will last”²

¹-*Sahih al Bukhari*

²- Quran (40:39)

The claim of the Sufis that *tasawuf* had its source in the life of the prophet and his companions are based on certain facts. The prophet led an extremely simple life. He avoided all luxuries; any valuable presents received by him were immediately disposed of in charity. Indeed, the life of prophet of Islam does provide a Sufi with a perfect example to follow. The traditions narrate that his life was full of sincerity, deep devotion, contemplation, service to humanity and other worldly visions. After the prophet the companions became a code of life for every Muslim. The prophet himself has declared "the best of the time is my time, and then the one that succeeds it; and then the one that succeeds it" and again mentioned about the companions "My companions are the best of men" They have special place of honor in the lives of every Muslims and in particular the Sufis. They are esteemed high for their adherence to the prophet, righteousness and services to the society.

Islam, Humanity and Human Values

Islam introduces general concepts based on human values and preserving them for the establishment of the original culture for Muslims and provides a comprehensive view towards the universe and life. One would understand the extent of humanism of Islam's view if he explores it with regards to the human being, life, the universe, society, and other general theoretical concepts unavailable in the domain of science and experience. According to Quran, human being is very honorable and higher than many other creatures. He is created by the best Creator in the best form. He is created by Allah and chosen by Him to be His representative on earth. A human being is honored with endless potential for

knowledge and the only creature to which Allah has granted the potential perfection of supremacy over universal forces and other creatures. Then Allah ordered to all human being to worship him alone. Quran says that "I created the jinn and mankind only so that they might worship Me"¹

The word worship (*ibada*) has a broad meaning. If one assumes that worship is only prayers and fast and hajj etc, that may be very narrow comprehension of that term. The condition of worship not fulfill with practicing these rites alone because namaz, zakat and hajj are merely rites of worship ordained by Allah almighty. To obey each and every guidances and commands of Allah and his messenger is one of the main parts of worship. Acts of humanitarianism are an essential element of religious practice for Muslims. The Qur'an and prophet calling for humanitarian action, defining and ordering it are numerous. The holy Qur'an emphasizes on humanity and human values

"O mankind; surely we have created you from a male and female, and made you into tribes and families, so that you might come to know each other; surely the most honorable of you with Allah is the one among you most careful (of his duty); surely Allah is all knowing and all Aware" (49;13).

"Have you seen one who denies the Day of Judgment? Who turns away the orphan, and who does not urge the feeding of the poor (107:1,2,3)"

¹-SuraDharyath (51:56)

The Sufis gave great importance to the traditions and sayings of the prophet. The prophet stresses brotherhood of entire humanity in the Hadith “No one of you is a believer in Allah almighty until he loves his brother the way he loves himself” and “whoever believes in Allah and the last day, let him not harm his neighbor”¹. Addressing a gathering during his last Hajj, said the prophet; O people you all are from Adam and Eve. An Arab has no superiority over a non-Arab, nor does a non-Arab have any superiority over an Arab; a white has no superiority over a black, nor does a black have any superiority over a white; [none have superiority over another] except by piety and good action. Learn that every Muslim is a brother to every Muslim and that the Muslims constitute one brotherhood. Nothing shall be legitimate to a Muslim which belongs to a fellow Muslim unless it was given freely and willingly. Do not, therefore, do injustice to yourselves.

Sufi and His Life

The Sufis, like all other followers of Islam, consider the prophet Muhammad to be the most perfect embodiment of their ideas and beliefs, and trace the roots of Sufism back to his life. Sufis are consciously aware of their relationship to Allah almighty as well as to their fellow human beings. Their service to the society and love of mankind made the Sufis successful and prolific. The Sufis, essentially humanitarian in outlook, and they were deeply concerned with the good of the people both in this world as well as

¹-Sahih Muslim

in the next. Indeed, Sufis were honored and revered for their extreme piety, exemplary life and above all their public services.

Imam Qushayri in his book, *Principles of Sufism*, reminds the Sufis of other principles that they are to follow. Striving, fear of god, abstaining from evil, renunciation, silence, fear, hope, hunger and abandonment of passion, humility, trust in god, thankfulness, patience, satisfaction, servitude, sincerity, truthfulness, moral character, bountifulness and generosity, correct behavior and love¹. From these principles anybody can understand that the Sufi doctrines are operative (path to be followed) and not just a theory. By following these principles, one is constantly move towards spiritual way of prophet.

Sufis by their very life have transformed the society. They lived in Sufi center (*khanqah*, *Zawiya*) it was the place of brotherhood and equality. The Sufi master (Sheikh) is the leader and the central figure of the *khanqah*. The hagiography and biographies of great Sufis clearly mentioned the fact that, they moved by the inner spirit to bring about harmony in the society. And they became renowned for their simplicity, discipline and hard work in the service of humanity.

In India Chisthiyya Sufi order and Sheikh MuinudheenChishthi played an important role in harmonizing Islam with indigenous Indian culture. The life of Hazrath Muinudeen Chishthi was a practical manifestation of piety, truthfulness, worship and cleanness. Due to his spiritual blessings and love of humanity a

¹- Al Qushyri, *Principles of Sufism*.p1

number of non-Muslims accepted Islam and spread the Islam in the sub-continent. The great Sufi master Abul Hasanali Shadhili and his famous Sufi order Shadhiliyya originated in the Morocco, done an outstanding religious change in Berber community in Africa. Mackeen attest to this by arguing that "the growth of Sufism in the Magrib forms an integral part and is largely a direct result of development of Islam in Barbary, displaying features characteristic of a heterogeneous Muslim Society. The Muslim west produced results which, while maintaining a general uniformity with those of the East, reflected the color of its own surroundings."¹ And again he stated that "by the twelfth century A.D the Impact of the Sufi movement had been sufficiently absorbed by society to pave the way for the emergence in the succeeding centuries of the powerful Sufi orders which left their imprint on the history of the land. One such a order of great consequence and fame was that of Shadhiliyya"²

Relevance of Sufism in Modern World

This is the period of intolerance. Religious tolerance has been the basic tenet and hallmark of India's ancient culture and history. The rich tradition of religious plurality was the symbol of social and religious harmony. Today, militancy, rage and violence have culminated the loss of peace and harmony of our country. Murder on the verge of race, religion and creed is not a big deal now. Every

¹- A. M. Mackeen, *The Early History of Sufism in the Maghrib Prior to al Shadhili*, in *Journal of the American Oriental Society*, 91:3, July-sep 1971, p400

²- *Ibid*, 408

day, with a rising sun, brutality, ferocity and ruthlessness has also been increasing. Humanity has travelled a long way down the wrong path. It is the time when spiritual guidance can act as panacea for the suffering humanity. Evil cannot be eradicated by evil rather it can be done through the strength of character, faith and wisdom. One of the primary messages, Sufis intend to give is that sacrifice, patience and tolerance, equality and peace through which the growing threats of extremism, fundamentalism, terrorism and obscurantism can be countered. Tolerance helps in developing an inclusive approach and lessening the activities of extremists.

Sufism stand for peace, tolerance, and unconditional love and Sufis and Sufi orders try to promote these virtues of Islam trough all over the world. And it is the time to explore the relevance of Sufi teachings, traditions and culture. Thus, Sufi approach is relevant today because only Sufis could interpret the moral aspects of Islam more effectively. They can use their mystic skills to reduce the rigid attitude towards religion and promote the message of love for all.

Conclusion:

Sufism emerged together with Islam, and it is difficult to see them distinct from Islam. Sufism has a very important role in modern world. Because Islam was warmly accepted then later grew in universe due to the teachings of Sufi masters who promoted concepts such as mutual respect, tolerance, brotherhood and love towards other communities.

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Islamic Perspective on Human Rights

Ruqaiya Tabasum¹

Abstract:

Human Rights discourse has been powerfully projected as a Western contribution to contemporary value orientation of human culture. However, Islam in its philosophical, theological and ethical orientation is one of the most comprehensive human rights programs and it seems fundamentally almost in agreement with contemporary Western perspective on human rights. The Quran has repeatedly underlined the significance as well as observance of human rights in all given social, political, economic and cultural contexts. For example, the Quran has laid categorical emphasis on the most fundamental human right- right to life. According to Quran, whoever kills a human being without due reason, it is as though he had killed all of the mankind. Conversely, whoever saves a life it is as though he had saved the lives of all mankind. Islamic war laws also prescribe that even during a war, non- combatant population such as women, children, old and firm etc are not to be harmed.

There are numerous verses in the Quran which lay emphasis on right to equality. The Quran explicitly brings out that all human beings originate from a single pair of a male and a female. Various nations and tribes are just identification marks and the most

¹⁻ Research Scholar, Islamic studies, AMU.

honorable amongst human beings in the eyes of Allah is one who is most righteous.

Another important and most fundamental right underlined by Quran is right of each person to justice and fairness. The Quran asks believers to be witness to fair dealing and justice. Quran asks believers to stand firmly for justice, as witnesses to Allah, even if it be against yourselves, your parents and your relatives, or whether it is against the rich or the poor.¹

The Quran further says: God commands you to render trust to whom they are due and when you judge between people, judge with justice.²

Islam also accords social, political, economic and cultural rights to women along men. Women are morally and spiritually equal to men as well. They are rewarded for prayers and charitable acts and likewise held accountable for their actions good or bad. The Quran clearly spells out that those who do deeds of righteousness- be they male or female- and have faith, they will enter heaven and not the least injustice will be done to them. It is incumbent on women to enjoin what is just and forbid what is evil. They are entitled to own properties, do business, engage in financial transactions, receive inheritance and participate in public affairs.

The Present paper will give an overview of human rights from Islamic perspective. It will enlighten the readers to know about the concept of Human Rights in the Light of Islam which will help in

¹-Quran 4:135

²- Quran 4:58

creating a better understanding and awareness of human rights in modern societies.

Key Words: Human rights, Islamic perspective, Right to Life and Safety, Right to Justice, Equality of Women, War Laws

Introduction

The atrocities of World War II put an end to the traditional view that states have full liberty to decide the fate of their own citizens. Concept of the contemporary human rights although emerged in the post- World War II era, which led to the creation of the UN Charter, however, the philosophical roots of the human rights are attributed to religions and go back to thousands of years. As laid out by John S., Gibson (1991, page 137) the philosophical roots of protection and enhancement of human rights are traced back to several centuries and then the gradual emergence of political thought that flowed into proclamations of human rights and constitutional and legal foundations, which finally led to the human rights provisions in the U.N. Charter and the historic Universal Declaration of Human Rights of 1948.

The idea that human beings have certain basic rights might be the early renaissance liberal political thought, however, humans have enjoyed certain set of rights since times immemorial. In the course of historical evolution, innumerable philosophical, theoretical and ideological perspectives have crisscrossed and inter-twined leading to post medieval or modern debates with regard to human rights. The origin of human rights can be traced to Old and New Testaments, Vedas, Upanishads, Buddhism, Jainism, Islam and

various post Islamic religious and cultural movements. Human Rights conceptually emerged out of basic religious beliefs, principles and values. All religions, apart from advancing perspectives on God-Man relationship, also advance ethical value systems bringing out interpersonal, inter-communitarian and inter-societal relationships based on love, compassion, maturity, equality and justice. For example, the New- Testament exhort us to relieve the oppressed, to plead for the widows, to do justly and to be merciful. The commandments of Moses are also one of the categorical articulations of human rights. The moral- percepts of Hinduism such as non-violence, respect for life in all forms, the eight-fold path of Buddhism, the five Vows of Jainism, Confucianist emphasis on virtuosity, harmony and right levels of ethical obligations, especially of the ruling class etc, essentially speak of human rights. Islam was the first to recognize basic human rights and almost fourteenth centuries ago it set up guarantees and safeguards that have only recently been incorporated in Universal Declarations of Human Rights. (Human Rights in Islam, International Commission of Jurists. 9)

The Quran contains various moral exhortations bringing out fundamental human rights in bold relief. It even asks us to transcend formalities and capture the essence of virtues and values. The following verse merits most serious consideration in this regard.

"It is not righteousness that you turn your faces towards the east and the west, but righteousness is that one should give away wealth out of love for

God to the near kin and the orphans and the needy and the wayfarer and the beggars and for (the emancipation of) the captives." (2:177)

These morals and values did not only help the people to overcome their economic needs but also inculcated a kind of fellow-feeling among them. Islam introduced the principle of humane treatment of the individuals, whether Muslims or non-Muslims, Arabs or Non-Arabs, men or women, children or the grown-ups. The distinguishing feature of human rights in Islam is that these rights are the natural outcome of a broader practice of faith, deeds and social behavior that Muslims believe are divinely mandated. The Qur'an says:

"Allah 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."¹

Islam is a Religion of Rights and Duties and saves the Rights of all the communities collectively and individually. Islam has laid down some basic and 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 with the state or at war. In this paper we will discuss a few rights that have become the very fundamental rights for the existence of mankind and are incorporated in the Bill of Rights as the very basic rights after 1400 years.

¹-Quran, 16:90-91

(I) Right to Equality

According to Quran all human beings, irrespective of their color or gender, are created equal in their basic humanity. They have come from the same lineage and are equally dignified as Allah's creatures. In Islam any discrimination due to race, sex, color, lineage, class, region or language is strictly prohibited in order to avoid the artificial barriers between the privileged and underprivileged. There cannot be any discrimination on the ground of gender for men and women, both have the same origin, i.e. Adam. There cannot be any discrimination on the grounds of religion for the Quran demolishes any ground for superiority on religious grounds. Allah the Exalted says in Quran

“O mankind! We created you from a single (pair) of a male and a female, and made you into nations and tribes, that ye may know each other (not that ye may despise each other). Verily the most honoured of you in the sight of Allah is (he who is) the most righteous of you.”¹

Thus, what distinguishes one human being from another, in the sight of God, is the person's piety and God-consciousness. The proliferation of humanity into many races and ethnicities is a testament to God's Majesty and Wisdom. Physical and racial differences among human beings do not imply inequality. Racial superiority and discrimination are prohibited in Islam and contradicts its essence. This concept is also exemplified in the following Prophetic tradition:

¹-Quran 49:13

“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.”

Human rights can be seen as stemming from two fundamental principles: dignity and equality. Dignity is a fundamental right of every human being merely by virtue of his or her humanity. In this regard the Holy Qur'an says:

“Verily we have honoured the Children of Adam. We carry them on the land and the sea, and have made provision of good things for them, and have preferred them above many of those whom we created with a marked preferment.”¹

It is the individual, social, and universal responsibility of Muslims, according to their faith, to protect the human merits and virtues of all the children of Adam, whatever their differences may be. Defending the human rights of any human being is a religious duty for a Muslim, who believes that any oppression is an obstruction of God's will and plan in His creation. Moreover, a Muslim believes that God has created all mankind equal as human beings, and no one can claim superiority in this respect, whatever his/her ethnicity, family, wealth or gender may be.²

(II) The Right to Justice

A broad definition of justice, of course, is to render to everyone his

¹-Qur'an 17:70

²- *Human Rights in Islam*, Dr. Fathi Osman, p.1

due. Islam, however, proceeds further in its definition of justice. It lays down that to maintain a proper standard of justice it is necessary that recompense of good should in no case be less than what a person has earned, and that, on the other hand, the penalty for a wrong should not exceed the wrong or transgression committed. A contravention of either of these principles would amount to injustice.¹

All human beings are equal in Islamic Shariah. All human beings are equally liable to penalties and sentences. Islamic Law is applicable without any regard to race or color. No one has any immunity from punishment as there is no distinction made between human beings on whatsoever grounds. No one is over-privileged or under-privileged and no one is privileged to monopolize natural or national resources. Each citizen in the Islamic society has equal right to benefit from the available resources. Each one has to be accorded his due share according to his dedication and commitment. All people are equal on the human plane and no human being has any innate or inborn privilege over any other human being. However, each individual has to be regarded in the light of his contribution to society and community. One who contributes greater input has to appropriate greater output as well. Each one has to get in proportion to his or her services to the wider community. Hard working individuals cannot be offered same pay and financial rewards as a sluggish individual would be.

¹- Muhammad Zafrullah Khan, *The Concept of Justice in Islam*, p.1

Islam requires that Muslims possess upright character and deal justly with the entire human race, irrespective of their ethnicity, nationality, creed, and whether they are friend or foe. The Holy Qur'an says: "O ye who believe! stand out firmly for Allah, as witnesses to fair dealing, and let not the hatred of others to you make you swerve to wrong and depart from justice. Be just: that is next to piety: and fear Allah. For Allah is well-acquainted with all that ye do."¹

The sense of justice that Islam encompasses "is one of the most wonderful ideals of Islam, because, as I read in the Qur'an, I find those dynamic principles of life, not mystic but practical ethics for the daily conduct of life suited to the whole world."²

(III) The Right to Life and Safety.

The right to life and safety can reasonably be accepted by all to be the first and the foremost human right for other human rights are inextricably linked to this fundamental right. Under normal conditions, Islam repeatedly underlines that each person has an unqualifiable right to life and safety. Of course, if a person or a group of persons spread mischief across the people or go in for violence, bloodshed or sow the seeds of discord in any given society, they forfeit the right to life and safety. The Holy Quran recognizes this right in the following verses: "Whosoever kills a human being

¹- Quran, 5:8

²- Lectures on "The Ideals of Islam" Sarojini Naidu, p. 167

without due reason – not in retaliation for murder or corruption on earth – it is as though he had killed all of mankind.”¹

Islam’s position on life is that it is a sacred trust from God. No human being is permitted to take the life of another, unless it is for justice administered by a competent court following due process of law.

"Do not kill a soul which Allah has made sacred except through the due process of law" ...²

Immediately after the verse of the Holy Quran which has been mentioned in connection with the right to life, God has said:

"And whoever saves a life it is as though he had saved the lives of all mankind".³

There can be several forms of saving man from death. A man may be ill or wounded, irrespective of his nationality, race or colour. If you know that he is in need of your help, then it is your duty that you should arrange for his treatment for disease or wound. If he is dying of starvation, then it is your duty to feed him so that he can ward off death.

Not only do human beings have the right not to be harmed, they have the right to be safeguarded from harm – physical or otherwise. So, under Islamic law, people are legally liable for instance, if they did not prevent a blind man from dying of a perilous fall, if they were in a position to do so.

¹-Quran, 5:32

²-Quran,6:151

³-Quran,5:32

(IV) Equality of Women.

One of the most important things that we find in the Charter of Human Rights granted by Islam is that a woman's chastity has to be respected and protected under all circumstances, whether she belongs to our own nation or to the nation of an enemy, whether we find her in the wild forest or in a conquered city; whether she is our co-religionist or belongs to some other religion or has no religion at all. A Muslim cannot outrage her under any circumstances.

As the creations of God, women are accorded spiritual equality with men. They are rewarded for prayer and charitable acts, and likewise held accountable for their actions, good or bad, while on earth. The Holy Qur'an says: "If any do deeds of righteousness, - be they male or female - and have faith, they will enter Heaven, and not the least injustice will be done to them."¹

Both men and women have responsibilities towards their families and societies as is clear from the following verse: "The Believers, men and women, are protectors one of another: they enjoin what is just, and forbid what is evil: they observe regular prayers, practice regular charity, and obey Allah and His Messenger. On them will Allah pour His mercy: for Allah is Exalted in power, wisdom"²

Under the laws of Islam, women have the right to own property and businesses, engage in financial transactions, vote, receive inheritance, obtain an education and participate in legal and political affairs. The fact that Muslim societies do not always accord

¹-Qur'an 4:124

²-Quran, 9:71

women all these rights is an example of how human beings can fall short of fully implementing the Divine Will. Any discrimination between men and women in rights or responsibilities is forbidden according to the divine justice- the same as any other discrimination: And their Lord does answer them: I shall not lose sight of the work of any of you who works [in My way], be it man or woman ...¹

(V) Rights During War

Even in a state of war, Islam enjoins that one deals with the enemy nobly on the battlefield. Islam has drawn a clear line of distinction between the combatants and the non-combatants of the enemy country. As far as the non-combatant population is concerned such as women, children, the old and the infirm, etc., the instructions of the Prophet are as follows: "Do not kill any old person, any child or any woman". "Do not kill the monks in monasteries". During a war, the Prophet saw the corpse of a woman lying on the ground and observed: "She was not fighting. How then she came to be killed?" Thus, non-combatants are guaranteed security of life even if their state is at war with an Islamic state.

The Islamic law of war requires an open declaration at the start of military operations, and limits fighting to the combatants only. As soon as the aggression itself is stopped and the aggressor submits to justice, justice should be maintained in relation to both parties equally:

¹-Quran 3:195

.... but then, if one of the two [groups] goes on aggressing against the other, fight against the aggressors until they revert to God's commandment; and if they revert make peace between them (both parties) with justice, and deal equitably [with them], for verily, God loves those who act equitably.¹

Any of the enemy's army who asks for protection or shelter should be granted it, and may be returned to his camp if he so requests: And if any of those who ascribe divinity to aught beside God seeks your protection, grant him protection, so that he might [be able to] hear the word of God [from you]; and thereupon convey him to a place where he can feel secure.²

The wounded and deserters from the enemy's army should not be attacked, but should be cared for until they are cured or repatriated.

(VI) Right to Freedom of Belief and Conscience.

Islam has also laid down certain rights for the non- Muslims who may be living within the boundaries of an Islamic state and these rights must necessarily form the part of the Islamic constitution. The Islamic state shall guarantee protection of life and property to non-Muslim citizens and should also be respected exactly like that of Muslim Citizens. The Islamic state shall not interfere with the personal rights of non-Muslims and should guarantee them full freedom of conscience and belief. An Islamic state is obligated to not only permit but respect diversity of religions. Thus, non-Muslims in an Islamic state are allowed to worship in accordance with their

¹-Quran 49:9

² -Quran 9:6

religion. When Spain was under Muslim rule, the city of Cordova, was considered the 'intellectual center of Europe', where students went to study philosophy, science and medicine under Muslim, Jewish and Christian scholars.

"This rich and sophisticated society took a tolerant view towards other faiths. Tolerance was unheard of in the rest of Europe. But in Muslim Spain, thousands of Jews and Christians lived in peace and harmony with their Muslim over lords."¹

Divine justice can never be for Muslims only. It secures the rights of all human beings, whatever their beliefs may be. It is especially protective of the rights of belief and practicing one's belief... "Let there be no coercion in matters of faith".² Defending all houses of worship is legitimate and urged...for if God had not enabled people to defend themselves against one another, [all] monasteries and churches and synagogues and mosques in [all of] which God's name is abundantly exalted - would surely have been destroyed (ere now), and God will most certainly support one who supports His cause....³

Muslims are taught by the Qur'an to build their relations with others on kindness, while the minimum obligation which should be strictly observed is justice (Quran 60:8). They should always have in mind that no hostility stays permanently, and that if they follow God's guidance, their behavior may turn an enemy into a close friend: Yet God may develop affection between you and those of

¹-Burke, 1985, p. 38

²-Quran 2:256

³-Quran 22:40

them you felt were enemies, for God is All Powerful, Much Forgiving and Most Gracious.¹

(VII) The Right to a Basic Standard of Life.

A basic standard of life includes the minimum essentials necessary for survival, such as food, clothing, shelter, and medical attention. Anyone suffering from deprivation of these economic necessities is entitled to receive aid in order to meet

their needs. It is the duty of every Muslim with adequate means to give from their wealth, in order to eradicate poverty from society.

The Holy Qur'an says: "And in their wealth the beggar and the outcast had due share."²

Conclusion:

Islam's contribution to human rights can be appreciated when compared against the backdrop of world history as well as the realities of modern times. Social, racial, gender, and religious inequities have always existed. Economic and social disparities have resulted in oppression of the lower classes; racial prejudices have been the cause of subjugation and enslavement of people with darker skin; women have been weighed down by chauvinistic attitudes, and pervasive attitudes of religious superiority have led to widespread persecution of people with different beliefs. When considering the question of human rights and Islam, it is important to remember the distinction between textually prescribed rights,

¹-Quran 60:7

²-Qur'an 51:19

and their misapplication and misinterpretation by imperfect human beings. Just as Western societies still fight against racism and discrimination, Muslim societies struggle to fully implement Islamic human rights.

From the foregoing discussion, it is clear that Islamic law has divinely mandated rights for individuals in their specific roles as spouse, parent, child, relative, neighbor, friend, and even foe. In its distribution of rights and responsibilities, Islam has addressed the social, racial, gender, and sectarian issues plaguing the world. Although much of the world, including Muslim nations, have yet to fully implement it, the model of rights and mutual responsibilities enshrined in Islam, has a tremendous potential for individual and social reform.

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