

HUMAN RIGHTS IN ISLAM

The CSS Point Notes Series

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Since God is the absolute and the sole master of men and the universe, and since He has given each man human dignity and honor, and breathed into him of His own spirit, it follows that men are essentially the same. In fact, the only differences between them are such artificial ones as nationality, color, or race. Thus, all human beings are equal and form one universal community that is united in its submission and obedience to God. And at the center of this universal brotherhood is the Islamic confession of the oneness of God that, by extension, includes the oneness and brotherhood of humanity

An Islamic state may be established anywhere. While the state is geographically limited, the human rights and privileges granted to humanity by God are not. The Qur'an states that these are universal and fundamental, and that all individuals are to enjoy and observe them under all circumstances-including war-regardless of whether he is living in the geographical confines of an Islamic state or not:

O believers, tee you securers of justice, witness for God. Let not detestation for a people move you not to be equitable; be equitable-that is nearer to God-fearing. (5:8)

Human blood is sacred in any case and cannot be spilled without justification. Violating this rule is equivalent to killing all of humanity:

Whose slays a soul not to retaliate for a soul slain, nor for corruption done in the land, should be as if he had slain mankind altogether.

It is not permissible to oppress women, children, old people, the sick or the wounded. Women's honor and chastity are to be respected under all circumstances. The hungry must be fed, the naked clothed, and the wounded or diseased given medical treatment regardless of their pro- or anti-Muslim sentiments and activities.

In Islam, human rights are granted by God, not by kings or legislative assemblies, and therefore they can never be taken away

or changed, even temporarily, for any reason. They are meant to be put into practice and lived, not to stay on paper or in the realm of unenforceable philosophical concepts or United Nation declarations. Every Muslim is required to accept them and recognize the people's right to have them enforced and obeyed. The Qur'an states that: Those who do not judge by what God has sent down are the disbelievers (5:44).

Human Rights in an Islamic State

The Security of Life and Property:

In the Prophet's address during his final pilgrimage, he said: "Your lives and properties are forbidden to one another till you meet your Lord on the Day of Resurrection." He also said: "One who kills a man under covenant (i.e., a non Muslim citizen of a Muslim land) will not even smell the fragrance of Paradise."

The Protection of Honor:

The Qur'an does not allow one's personal honor to be abused: O You who believe, do not let one set of people make fun of another set. Do not defame one another Do not insult by using nicknames. Do not backbite or spear? ill of one another (49: 1 1-121).

Sanctity and Security of Private Life:

The Qur'an guarantees privacy Do not spy on one another and Do not enter any houses unless you are sure of their occupant's consent.

The Security of Personal Freedom:

Islam prohibits the imprisonment of any individual before his guilt has been proven before a public court. This means that the accused has the right to defend himself and to expect fair and impartial treatment from the court.

The Right to Protest against Tyranny:

This is mentioned clearly in the Qur'an: God does not love evil talk in public unless it is by some one who has been injured thereby. In Islam, as has been stated earlier, an individual's power and authority is a trust from God. This is an awesome responsibility for a person,

for he must use this trust in a way that is acceptable to God or else suffer the consequences. This was acknowledged by Abu Bakr, who said in his very first address: "Cooperate with me when I am right, and 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."

Freedom of Expression:

Islam allows complete freedom of thought and expression, provided that it does not involve spreading that which is harmful to individuals and the society at large. For example, the use of abusive or offensive language in the name of criticism is not allowed. In the days of the Prophet, the Muslims used to ask him about certain matters. If he had received no revelation on that particular issue, they were free to express their personal opinions.

Freedom of Association:

The formation of associations, parties, and organizations is allowed, on the understanding that they abide by certain general rules.

Freedom of Conscience and Conviction:

The Qur'an states: There should be no coercion in the matter of faith. Totalitarian societies of all ages have tried to deprive individuals of their freedom by subordinating them to state authority. This condition is equivalent to slavery, the only difference being that physical slavery has been replaced by mechanisms of control that allow the individual no freedom of choice. Islam forbids such a practice.

Protection of Religious Sentiments:

Along with the freedom of conviction and freedom of conscience, Islam guarantees to the individual that his religious sentiments will be given due respect and the nothing will be said or done which may encroach upon his right.

Protection from Arbitrary Imprisonment:

Islam states that each individual is responsible only for his own actions. Therefore, he cannot be arrested and imprisoned for the offenses of someone else. We read in the Qur'an: No bearer of burdens shall be made to bear the burden of another.

The Right to Basic Necessities of Life:

Islam recognizes the right of the needy to demand help from those who are more fortunate: And in their wealth there is acknowledge right for the needy and the destitute.

Equality Before the Law:

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

Rulers Are Not Above the Law:

According to the Islamic concept of justice, absolutely no one is above the law, for all men are equal. This point was made in a very dramatic fashion by the Prophet himself. One day, a woman belonging to a high and noble family was arrested in connection with a theft. The case was brought to the Prophet with the recommendation that she be spared the mandated punishment for theft (amputation of the hand). The Prophet replied: "The nations that lived before you were destroyed by God because they punished the common man for their offenses and let their dignitaries go unpunished for their crimes. I swear by Him Who holds my life in His hand that even if Fatima, the daughter of Muhammad, had committed this crime, I would have amputated her hand."

The Right to Participate in the Affairs of State:

In the Qur'an, we find the statement And their business is (conducted) through consultation among themselves (42:38). This procedure is known as shura, which is usually translated as "consultation." In practice, it means that the executive head of the government and the members of the assembly should be elected by free and independent choice of the people. However, the leader is not bound to follow the decision that results from this deliberation.

Lastly, Islam seeks to achieve the above-mentioned human rights and many others through the provision of certain legal safeguards, but primarily through calling upon individuals to transcend their lower animal-like instincts so that they can go beyond mere ties fostered by the kinship of blood, racial superiority, linguistic arrogance, and economic privilege Islam urges man to move on to a plane of existence where, by reason of his inner excellence, he can realize the ideal of the brotherhood of man.