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Some Basic Human Rights in Islam: The Quranic Perspective

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Abstract

In Islam, the Qur'an is the ideal code for the human life and human dignity. It is largely concerned with the freedom of human beings from the bondage of harmful and manmade systems that prohibits human beings from actualizing the Quranic vision of human destiny embodied in the classic proclamation which is "Towards Allah is thy limit" (Qur'an 53:42). Islamic Shari'ah focuses upon the interests of the society will prevail over the interest of the individual. In this section an account is given of the Qur'an's recognition of the few fundamental rights that 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 people human. From the perspective of the Qur'an, these rights came into existence when people were created by Almighty Allah, so that human potential could be actualized. Rights created or given by Almighty Allah can not be abolished by any temporal ruler or human agency. Wheter eternal and immutable, they ought to be exercised because everything that Almighty Allah, does is for a just purpose. Over the past few decades, the issue of basic human rights has been an area of interest among scholars and is situated at the intersections of human rights, i.e., right to life, security, justice, religion, expression, gender discrimination, punishment, etc. The present paper will highlight two basic human rights in the light of Quranic teachings (as the primary source in Islam for understanding the basic rules) which are guaranteed by Almighty Allah.

Keywords: code, bondage, slavery, Quranic Vision, tantamount, eternal and immutable.

Introduction

Present day we live in an age that is striking in its unprecedented technological sophistication in which the number of problems emerges. Unfortunately, the prejudices and inequities that have plagued the human race historically, continue to exist, and are responsible for untold human suffering. It is in this context, that the subject of human rights is especially pertinent. Islam provides solutions to all these problems and issues but the need is to implement the Islamic Shari'ah. One problem is that the people in the west in one side, have the habit of attributing every good thing to themselves and trying to prove that it is because of them that the world got all blessings, otherwise it was steeped in ignorance, completely unaware of the same and in another way they present and spread the image of Islam in negative sense. Louis Henkin has said, "Human rights are an idea of our time."¹ This is the general view of almost all the scholars of the western world on human rights. But this generally followed idea is wrong, infact human rights is not an idea of our time. The western scholars who do not have an idea about Islam, or who are ideologically opposed to Islam, forged the contribution made by Islam to the development of the concept of human rights and fundamental freedoms in international spheres. They loudly and vociferously claimed that the world got the concept of basic human rights from the Magna Carta of Britain (thirteenth century); though it came into existence six hundred years after the advent of Islam. To recognise the good aspect and rich culture and Civilization of Islam, the west took the notion of misconception and misunderstanding as well as biased approach towards Islam and they made negative stereotypes of Islam and Muslims abound. Another problem is that some non-Muslim scholars claim that the Islamic Shari'ah is restrictive of essential liberties and incompetent-able to the advanced civilizations of the world with modern concepts of human rights. These western scholars present the image of Islam as a non-developing religion which is incompatible to the advanced civilization of world, which presents super service for the human needs. It is in this context that the subject of human rights is especially pertinent. In Islam there are various sources regarding the guidance for mankind how to live a successful life and among them the most important source is the *Qur'an* which is regarded by Muslims in general as the primary, and most authoritative, source of normative Islam.

The *Qur'an* made repeated references to rights of the different sections of the people of society. These rights are also extended to the non-Muslims in an Islamic state. In other words, Islam has granted a full-fledged 'bill of rights' for both the Muslims and non-Muslims. It is an idea which took a positive shape fourteen hundred years earlier under Islamic law as found in the *Qur'an* as well as in Sunnah and these human rights took an international character first in Islam then took by western culture in later. Islam guaranteed some fundamental rights and freedoms which found themselves expressed in the international law of our time.

Given the centrality of the *Qur'an* to the lives of the Muslims in the world, then a question arises in our minds is of critical significance: Although *Qur'an* guides all human kinds in every aspect of life, does *Qur'an* says anything about the human rights as well? Here, 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 essentially when we did; they were created, as we were, by God in order that our human potential could be actualized. These rights not only provide us with opportunity to develop all our inner resources, but they also hold before us a vision of what God would like us to be: what God wants us to strive for and live for and die for?. We will discuss here two basic human rights i.e. right to life and right to justice, which affirmed and guaranteed by Allah in the *Qur'an* and which are the basics of Islamic political structure for a living society and state.

The *Qur'an's* Concept of the Basic Human Rights

Islam, as the last and perfect message from Allah to mankind, aims to establish by its principles, a legal framework, a code of ethics, and an ideal society with a balance between protecting the rights of the individual and the rights of the society collectively. One way of achieving this goal is by providing the essential necessities that ensure for the individuals their full rights without damage to the public good. If all members of the society enjoy their legal rights to peace, tranquillity, freedom, and the general availability of all the basic human requirements, balanced with public welfare, they will all have the opportunity to live a fruitful life of fulfilment and contentment. We will highlight here two basic human rights i.e. the right to life and the right to justice in the light of Quranic text (*NASUS*) as the primary source in Islam for understanding the basic rules which are guaranteed by Allah.

1. Right to Life

The most basic right of a human being is the right to life. Human life is as sacred in Islam as the most sacrosanct (sac-ro-sanct) aspects of the faith itself. Right to life is the supreme human right and a base for other human rights, as none of the other rights would have any value or utility without it. If there is no life there is nothing left to human dignity. Only when life exists can we be concerned with how to make it worth living and prevent it from being undermined by various acts and omissions that endanger it. The protection of life is therefore, an essential pre-requisite to the full enjoyment of all other human rights. In short, the protection of human rights cannot be achieved without respect for the right to life and the dignity of a person. In other words we can say that the term 'life' does not mean only the right of animal existence. It has many dimensions including the right to the safety of life, right to a basic standard of life. This may also cover the right not to be injured or degraded, the right to his privacy, the right not to treat unjustly or with cruelty; all this depends on the existence of rights. Every person has right to survive, which means right to live, i.e., every person has the right to have home for shelter, food to eat, approach to all basic necessities of life and protection to one's life. Life is among the biggest bounty granted by Allah. The existence of life itself is a trust for every human being to utilize it, and it is the basis of rights and duties, for there is no liability born by a dead body or thing. That is why life is so much regarded and protected from being interrupted or discontinued by human intervention.

The *Qur'an* upholds the sanctity and absolute value of human life and states:

...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.²

Stressing upon the value of human life *al-Qur'an* says:

He who so kills a believer of set purpose, his reward is hell for ever. Allah has wrath (rath) against him and curses him and prepares for him an awful doom.³

Al-Qur'an introduced the system of compensation for committing murder wrongfully. Thus it saved the society from the curse of blood-feuds and revengeful murders. *Al-Qur'an* says:

If anyone is slain wrongfully, We have given his heir authority to demand, Qisas or to forgive, But let him not exceed bounds in the matter of taking life/as a retaliation.⁴

These above commandments of the Holy *Qur'an*, accords the full protection to human life that neither an individual would be allowed to take away the life of another individual, nor shall the state destroy any human life-except, in either case, when the law so requires or permits that. All forms of human-slaughter- homicide, infanticide, etc- are, therefore, regarded in Islam as heinous crimes.

In *Al-Ma'idah: 32*, the *Qur'an* 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:

Whoever kills a human being without due reason- not in retaliation for murder or corruption on earth- it is as though he had killed all of mankind and he who so kills a believer of set purpose, his reward is hell for ever. Allah has wrath against him and curses him and prepares for him as awful doom.⁵

Qur'an'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. Not only do human beings have the right not to be harmed, they have the right to be safeguarded from harm- physical or other miseries because man is an obedient of Almighty Allah and He conferred dignity to human beings. The *Qur'an* says:

Now, indeed, We have conferred dignity on the children of Adam.⁶

Human beings are deemed worthy of esteem because of all creation they alone chose to accept the "trust" of freedom of the will.⁷ Human beings can exercise freedom of the will because they possess the rational faculty, which is what distinguishes them from all other creatures.⁸ Though human beings can become "the lowest of the low," the *Qur'an* declares that they have been made "in the best of moulds,"⁹ 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, the humanness of all human beings is to be respected and considered an end in itself.

In all these above mentioned verses of the *Qur'an*, the word 'Soul' (*nafs*) has been used in general terms without any distinction or particularisation (par-tic-u-lar-ri-zi-sion) which might have lent itself to the elucidation (elu-ci-da-tion) that the persons belonging to one's nation, the citizens of one's country, the people of a particular race or religion should not be killed. The injunction applies to all human beings and the destruction of human life in itself has been prohibited.

2. Right to Justice

The *Qur'an* upholds the right of the human being not 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 Quranic teaching, justice is a prerequisite for peace, and peace is a prerequisite for human development. In the context of justice, the *Qur'an* uses two concepts: "adl" and "Ehsan." Both are enjoined and both are related to the idea of "balance," but they are not identical (exactly the same) in meaning.

Recognizing individual merit is a part of "adl." The *Qur'an* teaches that merit is not determined by lineage, sex, wealth, worldly success or religion, but by righteousness. Righteousness consists of both right "belief" (*Iman*) and just "action" (*Amal*) as clearly indicated by *Al-Baqarah*: 177, which states:

It is not righteousness that ye turn your faces towards East or West; But it is righteousness – To believe in God and the Last Day, And the Angels, And the Book, And the Messengers; To spend your substance, Out of love for Him, For your kin, For orphans, For the needy, For the wayfarer, For those who ask, And for the ransom of slaves; To be steadfast in prayer, And practice regular charity; To fulfil the contracts Which ye have made; And to be firm and patient, In pain (or suffering) And adversity, And throughout All periods of panic. Such are the people of truth, the God-fearing.

The *Qur'an* puts great emphasis on the right to seek justice and the duty to do justice. In *Al-Quran* Almighty Allah tells to the believers:

*O you who have attained to faith! Be ever steadfast in your devotion to God, bearing witness to the truth in all equity; and never let hatred of any one lead you into the sin of deviating from justice. Be just: this is the closest to being God-conscious.*¹⁰

And again, the *Qur'an* emphasizes the importance of upholding justice in following verse:

*O ye who believe! Stand out firmly for justice, as witnesses to Allah, even as against yourselves, or your parents, or your kin, and whether it is (against) rich or poor; For Allah can best protect both, follow not the lusts (of your hearts), lest you swerve, and if you distort (justice) or decline to do justice, verily Allah is well-acquainted with all that you do.*¹¹

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.*¹²

Allah is Just so He likes just and right persons and so He honoured and respected the just individual and the just community. Almighty Allah says:

*The most honoured of you in the sight of Allah is (he who is) the most Righteous of you.*¹³

While *An-Nisa'* distinguishes clearly between passive believers and those who strive in the cause of God. Such of the believers as remain passive- other than the disabled - cannot be deemed equal to those who strive hard in God's cause with their possessions and their lives. God has exalted those who strive hard with their possessions and their lives far above those who remain passive. Although God has promised the ultimate good unto all (believers), yet has God exalted those who strive hard above those who remain passive by (promising them) a mighty reward - (many) degrees thereof - and forgiveness of sins, and His grace: for God is indeed much-forgiving, a dispenser of grace.

Just as it is in the spirit of "*adl*," that special merit is considered in the matter of rewards so also special circumstances are considered in the matter of punishments. For instance, for crimes of unchastely the *Qur'an* prescribes identical punishments for a man or a woman who is proved guilty,¹⁴ 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.¹⁵ 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 "*Ehsan*," which literally means, "restoring the balance by making up a loss or deficiency." In order to understand this concept, it is necessary to understand the nature of the ideal society 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 "*Ehsan*" by helping to make up the deficiency of a child who is unable to meet the requirements of life. "*Ehsan*," thus, shows God's sympathy for the "disadvantaged" segments of human society (such as women, orphans, slaves, the poor, the infirm, and the minorities).

How justice can be implemented in His earth Almighty Allah said:

*We sent a foretime our apostles with Clear Signs and sent down with them the Book and the Balance (of right and wrong), that men may stand forth in justice.*¹⁶

The major themes of the *Qur'an* include God-consciousness, fairness, equity, justice, equality and balance in all our dealings. It stresses the doing of what is right because it is the truth and the Truth represents one of the ninety-nine "beautiful names" of God. As a reflection of His attributes of *Al-'Adl* (The Just One) and *Al-Muqsit* (The Upholder of Equity), we are urged to establish justice and deal with

all in a manner that assures equity, fairness and balance and safeguards the rights, property, honor and dignity of all people. God assures us that even though He is All-Powerful and none can challenge His Authority, He deals with all with truth, kindness, justice, and the rights of none will be transgressed on the Day of Judgment.

The narrow dictionary equivalents for Justice and Equity are the words *Insaaf*, '*Adl* and *Qist*. The first of these, *Insaaf*, is commonly used in the meaning of Justice in Persian, Urdu, Turkish and other Muslim languages that have borrowed heavily from Arabic. But the word *Insaaf* has its root in the concept of dividing equally in halves. This is not always Just or Equitable. The *Qur'an*, therefore, does not use this word in the sense of Justice or Equity. The words '*Adl* and *Qist* are more comprehensive, represent two of God's ninety-nine Beautiful Names and are extensively used in the *Qur'an*. The words '*Adl* and *Qist*, in their various forms, are used in the *Qur'an* about twenty seven times each. The root meanings of the word '*Adl* include the sense of Justice, Equity, Fairness, Non- Discrimination, Counter-Balance, to Rectify, Put in Order, Evenness, Proportion and the like.

When Prophet Muhammad ﷺ, said "help the oppressor and the oppressed," he was stressing this same concept. The Companions responded that they understood what "helping the oppressed" meant, but what did he mean by "helping the oppressor"? He replied, "By preventing the oppressor from oppressing others." The root meanings of the word *Qist* include Equity, Fairness, Justice, Fair Distribution, Correctness, Balance, and Scale.

A comprehensive approach to justice requires rights and obligations to be integrated into the essence of justice. The *Qur'an's* Unitarian approach is to view rights and obligations as naturally integral to justice while subsidiary to the essence of justice. The *Quran's* approach to balancing the right of God and the right of the individual is objective in the sense that it seeks to protect the interests of both the individual and the community under the umbrella 'concept of justice. The *Qur'an* wants to create a society based on a deep sense of moral responsibility and justice in order to preserve human dignity accorded to man by Allah. No distinctions in dignity and fundamental rights between one man and another as race, sex, blood relations or wealth. The *Qur'an* also stresses that it is the fundamental duty of the Messengers of Allah to protect the rights of all people and to establish a society in which the rights of all people are guaranteed on the basis of equity and justice. Islam legislates that no one may be wrongfully arrested or detained or imprisoned unless his guilt is proved in an open court. Islam does not permit to arrest a person or put into a prison only on the basis of suspicion and without proper court proceedings and without providing the accused a reasonable opportunity of defence. *Qur'an* also prohibits all punishments which are injurious to the dignity of man, like any physical or moral damage to the prisoner, any attempt to use him as an object of commercial transaction, or of any form of experiment.

Conclusion

The *Qur'an*, is the primary and most authoritative source in Islam by which the Muslim scholars can articulate the new laws and theories for the up-gradation of the society. As has been illustrated in the foregoing pages, the *Qur'an* strongly affirms and upholds fundamental human rights. It follows, therefore, that these rights must be acknowledged and protected in all Muslim societies and communities for the human dignity. For Muslims, the greatest source of empowerment and self actualisation lies within the teachings of the *Qur'an*. By understanding and implementing these teachings, they can, indeed, vindicate the trust of being God's vicegerent ("*khalifah*") upon the Earth, and transform this world from its present sorry state into a virtual paradise where man, woman and child, and all peoples of the world, live together in justice and peace.

Footnotes

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- 2 *Al-Qur'an, Al-An'am*: 151
- 3 *Al-Quran, An-Nisa*: 93
- 4 *Al-Quran, An-Nahl*: 33
- 5 *Al-Quran, Al-Maidah*: 32; *An-Nisa*: 93
- 6 *Al-Quran Al-Isra'*: 70
- 7 *Al-Quran Al-Ahzab*: 72
- 8 *Al-Quran, Al-Baqarah*: 30-34
- 9 *Al-Quran, At-Tin*: 4-6
- 10 *Al-Quran, Al-Ma'idah*: 8
- 11 *Al-Quran, Al-Nisa*: 136
- 12 *Al-Quran, An-Najm*: 38-39
- 13 *Al-Quran, AL-Hujurat*: 13
- 14 *Al-Quran, Al-Baqarah*: 2
- 15 *Al-Quran, An-Nisa'*: 25; *Al-Ahzab*: 30
- 16 *Al-Quran, Al-Hadid*: 25.

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