

# Islam and Human Rights

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Human Rights are, by definition, accorded to people on the basis that they have these rights in their capacity as humans. They are such a creation that, to play their role in life, to fulfil their naturally-endowed aspirations, they stand in utter and dire need of these rights. If Islam acknowledges and grants human rights then it must do so with reference to all human beings. And this is what Islam does. Chapter 4 of the Quran opens with a verse addressing all human beings and saying:

“O people, keep your duty to your Lord, Who created you from a single being and created its mate of the same (kind), and spread from the two of them many men and women. And keep your duty to Allah, by Whom you demand one of another (your rights), and (to) the ties of relationship.” (4:1)

(The creation from a “single” being and to its mate does not necessarily refer to Adam and Eve, but that is a separate matter of discussion.) The words relevant to the topic are: “And keep your duty to Allah, by Whom you demand one of another (your rights), and (to) the ties of relationship.”

This covers both rights and responsibilities. While a human being can and should “demand” his or her rights from others, yet at the same time the said person should:

- (1) keep his duty to God, meaning that the rights are to be demanded justly and not dishonestly or selfishly, and they are to be exercised to bring about moral good and not to be exploited.
- (2) keep his duty to “the ties of relationship”, in other words, the said person must fulfil his duty of observing the rights of others, rights which they possess due to ties of relationship with him. As this verse is read out at the Islamic marriage ceremony, this is understood as meaning that a person must observe the rights of his spouse, offspring and other blood and marriage relations. However, it is stated here that all humans are created from a single being, *so a person’s ties of relationship extend to all humans with whom he/she had any dealings.*

In another passage in the Quran, referring to the birth of human beings, it is indicated as to why human beings need rights and what is the most basic right of a human:

“Then He made his progeny of an extract, of worthless seeming water. Then He made him complete and breathed into him of His spirit, and gave you hearing and sight and hearts; little thanks you give!” (32:8-9)

Every human, man or woman, has this Divine spirit breathed into him, and the purpose of his life is to develop that potential, and to manifest godly qualities in his life, to be, if I may put it this way, a small scale-model of God. And to achieve that, he has been given his senses of hearing and sight to gather information, and a brain and mind to process it and reach a conclusion. So that is the most basic human right in Islam: the right to use his **own** senses and to make up his **own** mind.

Not to use their natural faculties of intelligent observation and thinking reduces human to cattle, as the Quran says (7:179).

A human right could be under threat from an external authority, or it could be that some people themselves may not be exercising it because they are unaware of it or have been kept in ignorance of it. So the Quran makes people aware of their own responsibility to exercise their God-endowed rights.

### **Freedom of religion**

Chapter 76 of the Quran, after speaking of the creation of a human being in the womb, says:

“We have shown him the way, he may be thankful or ungrateful” (76:3).

It is also declared in the Quran:

“The Truth is from your Lord; so let him who please believe, and let him who please disbelieve.” (18:29).

The Prophet Muhammad is told in the Quran:

“Your duty (O Prophet) is only the delivery of the message, and Ours (God's) is to call (people) to account.” (13:40)

“And you (O Prophet) are not one to compel them.” (50:45).

And, of course, there is the well-known statement in the Quran:

“There is no compulsion in religion.” (2:256)

Islam recognises complete freedom of religion and belief for every human being, and consistently with this principle, it does not prescribe any punishment whatsoever for a person who leaves the religion of Islam to adopt some other faith. The Quran says:

“O you who believe, should anyone of you turn back from his religion, then Allah will bring a people, whom He loves and who love Him, ...” (5:54)

The Quran mentions the person who turns back from Islam and “he dies while an unbeliever” (2:217). Thus a person who would leave the fold of Islam would spend his life and then die a natural death.

The Prophet Muhammad signed the treaty at Hudaibiya with his opponents, according to which if a Muslim wished to recant and join the opponents of Islam he would be free to go and join them, and could not be forcibly retained by the Muslims.

### **Freedom of preaching by other religions**

The Quran several times challenges proponents of other religions as follows:

“Bring your proof, if you are truthful” (27:64)

“Have you any knowledge (i.e. in support of your beliefs) so you would bring it forth to us?” (6:148)

How can then Islamic law *ban* other religions from arguing for their beliefs when the Quran is challenging them to adduce and put forward proof and knowledge in support of their religions?

### **Right of all religions to have their places of worship free and protected**

The Quran requires Muslims to fight a war, if necessary, to ensure freedom of religious worship and protection of places of worship of other religions. When it allowed Muslims to fight in self-defence, the Quran told them:

“And if Allah did not repel some people by means of other people, then cloisters, and churches, and synagogues, and mosques in which Allah’s name is much remembered, would have been pulled down.” (22:40).

### **Right given to every religion to prove it is best in doing good works**

“For everyone of you We appointed a law and a way. And if Allah had pleased He would have made you a single people, but that He might try you in what He gave you. *So vie with one another in virtuous deeds.* To Allah you will all return, so He will inform you of that wherein you differed.” (5:48)

So under Islam, Christians can say: 'we are the best in doing good, just look at our work', Jews can say: 'we are the best in doing good, look at our work'.

Islam gives the followers of every religion the right to prove that their religion is the best both in doctrines and in leading its followers to do good.

**Right to ask questions about Islam:**

"And if anyone of the idolaters seek your protection, protect him till he hears the word of Allah, then convey him to his place of safety. This is because they are a people who know not." (The Quran, 9:6)

An opponent of Islam, whose people were fighting against Muslims, had the right to seek shelter with Muslims in order to learn about Islam. After that, he was free to go back to his people if he did not wish to accept Islam.

**Right of non-Muslims not to be subjected to offence:**

Muslims are given the following instruction in the Quran:

"abuse not those whom they call upon besides Allah, lest, exceeding the limits, they abuse Allah through ignorance" (6:108)

On the other hand, if **non-Muslims** offend Muslims, then Muslims are required by the Quran to exercise self-control and how patience:

"you will certainly hear from those who have been given the Book before you and from the idolaters much abuse. And if you are patient and keep your duty, surely this is an affair of great resolution." (3:186)

"Bear patiently what they say, and withdraw from them in a seemly manner." (73:10)

Regarding the Prophet Muhammad and his companions it is recorded in Bukhari:

"The Messenger of Allah and his Companions used to forgive the idolaters and the followers of previous books, as Allah had commanded them, and they used to show patience on hearing hurtful words."

And the Prophet advised Muslims as follows:

"The Muslim who mixes with the people and bears patiently their hurtful words, is better than one who does not mix with people and does not show patience under their abuse."

**Right to express national and racial identity:**

Again addressing all human beings, God says in the Quran:

“O mankind, surely We have created you from a male and a female, and made you tribes and families that you may know each other. Surely the noblest of you with Allah is the most dutiful of you.” (49:13)

This verse gives every national and ethnic group the right to identify itself, so that others may know who they are. Therefore there can be no genocide against any group. But that right to national identity is not to be used to claim superiority for oneself and inferiority for others on the basis of race or ethnicity, as the “best” nation is the one which is most conscientious in fulfilling its obligations.

The Quran also speaks of diversity:

“And of His signs is the creation of the heavens and the earth and the diversity of your tongues and colours. Surely there are signs in this for the learned.” (30:22)

Again, this gives one the right to hold to one’s language and culture, and to preserve your heritage. But it is the *diversity itself* which is a sign of God, and not the belonging to a particular race or culture.

**Individual responsibility**

This repeated teaching given in the Quran means that it is the individual's right to question what he is required to do by someone (e.g. by the state, by the society, by the family), as this will place a burden on him to bear. You cannot be ordered to do something by another on the basis that he will bear responsibility for your actions:

“And no bearer of a burden can bear the burden of another.” (17:15)

**Blind following condemned: of leaders, or of tradition**

Some people will present the following excuse before God:

“Our Lord, we only obeyed our leaders and our great men, so they led us astray from the path.” (33:67)

This will not be accepted by God as an excuse.

About some people it is stated in the Quran:

“And when it is said to them, Follow what Allah has revealed, they say: Nay, we follow that wherein we found our fathers. What! Even though their fathers had no sense at all, nor did they follow the right way.” (2:170)

A person thus has the right, indeed the duty, to think for himself, and he or she cannot be required to obey anyone **blindly**, without being given adequate reason.

### **Principle of electing decision-makers**

The Quran instructs Muslims:

“Surely Allah commands you to make over trusts to those **worthy of them**, and that when you judge between people, you **judge with justice**. Surely Allah admonishes you with what is excellent.” (4:58)

‘Trusts’ (*amanat*) here mean positions of authority. Muslims have the **right** to choose their leaders and the **responsibility** to ensure that they choose those who are best suited to the task, i.e. trustworthy and competent.

The Prophet Muhammad, using the same word for ‘trust’ as in this verse, said:

“When the trust is wasted, wait for *the hour* (of doom). It was said, How will the trust be wasted, O Messenger of Allah? He said, When Government (*amr*) is entrusted to those unworthy of it, then wait for the doom.” (Bukhari).

The prime duty of the authorities is do justice between all the people under their charge.

### **National decisions by consultation**

“... and those who respond to their Lord and keep up prayer, and **whose affairs (*amr*) are by counsel among themselves**, and who spend (on good works) out of what We have given them” (42:38)

In this verse of the Quran, between the two most fundamental injunctions of Islam — to keep up prayer and spend in charity — the instruction is given to Muslims that they must determine their governing affairs by mutual consultation. This shows the importance of this teaching.

### **Principle of consultation not to be abandoned**

The majority decision can sometimes be the wrong one. But this principle cannot be set aside because of that possibility.

On one occasion when the majority decision of his followers proved to be wrong — and the Holy Prophet had agreed to it despite favouring the minority view — the Quran told him to forgive them and continue adhering to the principle of consultation:

“So pardon them and ask God’s forgiveness for them, and consult them in (important) matters.” (3:159)

### **Accountability of those in authority**

The first requirement of accountability is that those in authority **are subject to the same law as the general public**. The Prophet Muhammad declared through the Quran:

“Surely I fear, if I disobey my Lord, the chastisement of a grievous day.” (6:15)

“I am the first of those who submit.” (6:163)

He was the first and foremost of all to submit to the commandments of God. Of prophet Joseph, whose life is a lesson in the Quran for Muslims, it is said:

“And thus did We give to Joseph power in the land — he had mastery in it wherever he liked.” (12:56)

Yet despite having this power:

“He could not take his brother under the king’s law, unless Allah pleased.” (12:76)

The law of the land of Egypt did not permit him to let his brother stay in the country. Joseph obeyed that law.

The following incident shows that the Prophet Muhammad regarded himself as accountable to his followers:

He was walking with his wife Safiya one night when two Muslims passed by them, looked at the Prophet and went by. The Holy Prophet called them back saying: ‘Come here, She is my wife Safiya!’ Those two men said: ‘*Subhan Allah!*’ (meaning, we dare not think that you were doing something wrong). The Holy Prophet said: ‘Satan circulates in the human body as blood does and I was afraid lest Satan might insert an evil thought in your minds’. (Bukhari)

The prophet Joseph was imprisoned on a false charge. From prison he interpreted a dream of the king of Egypt. The king was pleased and said: “Bring him to me.” Joseph sent back the message: First investigate the charge against me, otherwise I will not leave prison. Only when the accusers exonerated him did he agree to leave prison. (12:50–53).

During the times of the early khalifas, the public had full freedom openly to hold the ruler’s actions to account.

Members of the public had the **right** to challenge any proposed law and to call officials to account for their actions.

Abu Bakr, on becoming the first khalifa, addressed people saying:

“Help me if I am in the right, and set me right if I am in the wrong.”

Umar, the second khalifa, used to say:

"The person whom I love most is the one who lets me know of my faults".

Once while Umar was about to deliver the Friday sermon, a young man stood up and asked for an explanation of the following:

"The other day each one of us obtained a piece of cloth from the Public Treasury. Today I find two pieces of cloth on the person of the Caliph. I want to know what right had the Caliph to get a share twice the share of an ordinary Muslim?"

Umar's son Abdullah gave the explanation:

"Like every other person my father and myself obtained a piece of cloth each. My father is so tall that the piece of cloth that he got did not suffice him. So I gave him my piece of the cloth."

Once Umar was unwell. People advised him to take honey for his complaint. There was a bowl full of honey in the national treasury. Umar said to people: "If you allow me to use it then I will take it; otherwise it is unlawful for me." So people allowed him to take it for his use.

### **Accessibility to the public**

"The Prophet passed by a woman who was weeping beside a grave. He told her to be patient. She said to him, 'Go away, for you have not been afflicted with a calamity like mine'. And she did not recognize him. Later she was informed that he was the Prophet. So she went to the house of the Prophet **and there she did not find any guard**. Then she said to him, 'I did not recognize you'. He said, 'Surely, patience is at the first stroke of a calamity'." (Bukhari)

Umar's gave the following instructions to his governors:

"... you shall not eat bread made of fine flour; you shall not wear fine clothes; and you shall not shut your doors against the needs of the people. If you do any of these things, punishment (from Allah) shall descend on you."

### **Freedom of speech**

In Prophet Muhammad's time Muslims had freedom to express their opinions openly. For example, Umar expressed misgivings at the signing of the treaty of Hudaibiyya. Sometimes some people even said hurtful things. A man said about an action of the Prophet that Muhammad by this action "did not intend to please Allah". When this was reported to the Prophet, although he was angry yet he said:

"May Allah bestow His mercy on Moses, for he was hurt with more than this, yet he remained patient."

Non-Muslims also had the freedom of raising objections against Islam and the Prophet. The Quran teaches Muslims to behave as follows: "Bear patiently what they say" (20:130).

**Right to differ with your own community and oppose its actions:**

The Quran tells Muslims:

“...help one another in righteousness and piety, and help not one another in sin and aggression” (5:2).

This means that they should co-operate with one another, in a group, only in good things, but not in wrong-doing. This gives a Muslim the right not to support community actions he regards as wrongful.

**Right of justice**

Everyone has the right to ask for and to receive justice, since the Muslim authorities are told:

“Allah commands you that ... when you judge between people, you judge with justice” (4:58).

According to the Quran, judgments must be based on truthful evidence, given by witnesses without regard to their personal prejudices for or against other parties:

“O you who believe, be maintainers of justice, bearers of witness for Allah, even though it [your evidence] be against your own selves or parents or relatives, or rich or poor” (4:135)

“Do not conceal testimony. Whoever conceals it, his heart is surely sinful.” (2:283).

**Right to justice without national/religious prejudice:**

The Quran requires Muslims to set aside all national or religious prejudices in doing justice:

“Let not hatred of a people incite you not to act equitably. Be just; that is nearer to godliness.” (5:8)

Once, in a case between a Muslim and a Jew before the Prophet Muhammad, the Muslim was the guilty party and his tribe approached the Prophet to give the decision in his favour or risk antagonising that whole tribe. God revealed to the Prophet in this connection:

“Be not one pleading the cause of the dishonest ... contend not on behalf of those who act unfaithfully to their souls.” (4:105,107)

**Freedom from vigilante justice and privately-executed punishments**

The law is above all persons and parties. Vigilante justice and privately-executed punishments are illegal in Islam. In the Prophet Muhammad’s time a husband once accused his wife of adultery. The Prophet told him:

“Either you bring forth proof or you will receive the legal punishment for slander”.

The man said:

“O Allah’s Messenger, if anyone of us saw a man with his wife, would he go to seek after witnesses?”

But the Prophet kept on repeating: Bring your proof or you will receive the legal punishment for slander.

Without evidence presented through due legal process, which is challenged and tested, no one can be convicted or punished.

### **Right to demand rights**

The most ordinary of people has the right to approach authorities with complaint and demand their rights, and to point out if the law disadvantages them. The Quran records that a woman complained to the Prophet about her husband “putting her away”, depriving her of her conjugal rights. There is a chapter of the Quran named after her act of complaining, entitled ‘The Woman Who Pleads’ (ch. 58). It begins:

“**Allah indeed has heard** the plea of her who pleads with you about her husband and complains to Allah; and Allah hears the contentions of both of you.”

Allah revealed to the Prophet a severe disapproval for such husbands and a punishment akin to what is known today as community service.

Lastly, the Quran speaks as follows of people who make a default in their duty to others:

“Woe to the cheaters, who, when they take the measure (of their dues) from people, take it fully, but when they measure out to others or weigh out for them, they give less than is due!” (83: 1-3)

These are people who demand and take their rights from others in full, but when they have to give others their due rights they give less than what is due. This happens between individuals as well as between the state and the individual. The state demands observance of law but is usually reluctant to give the rights that it commits itself to giving.

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