

ON HUMAN RIGHTS AND THE QUR'ANIC PERSPECTIVE

Riffat Hassan

It has been very fashionable for some time to use the term "human rights" rather glibly and to assume that everyone knows what human rights are and from whence they came. It is also commonly assumed that human beings do, in fact, possess human rights. There are two objections to this supposition: one practical, the other philosophical. If most human beings living on this earth today possessed what we call "human rights," we would not be having tens of thousands of persons in virtually every place in the world struggling, either openly or surreptitiously, to secure their "human rights." On the philosophical plane one might argue that "human rights" do exist, even though they are not being exercised by all or even most human beings.

This argument may lead to the question: If human rights exist even though they are not being exercised by all or most human beings (many of whom would be truly astonished to know that they had any such rights), then in what sense do these human rights "exist"? It is a historical fact that human rights have never been, nor are they now, the universal possession of humankind, although it is thirty-three years since the United Nations adopted the International Bill of Human Rights containing the Universal Declaration of Human Rights. It may also be argued that, even though all or most human beings do not exercise their human rights, these human rights remain intact since human beings always can exercise these human rights if and when they choose to do so, because these human rights are universally recognized and enforceable by courts of law. In answer to this argument (having remembered how costly it is to go to a court of law and how right Shakespeare was to bemoan the delays of justice), I cite the words of an eminent Muslim jurist:

It would be pointless to detail the progressive erosion of human rights in so many contemporary constitutions around the world. Against the rising tide of governmental interference and despotism, they are proving like dykes of straw. Under the guise of creating a "welfare state" or "an egalitarian society", most rights have been deprived of all meaning or significance. In some parts of the world they are directly suspendable and often remain suspended. In states that claim socialist objectives, many of these rights are deprived of enforceability through independent courts; in some constitutions they have been made subject to so many constitutionally authorised inroads as to become devoid of all reality. Even in countries where

Riffat Hassan (Muslim) chairs the Religious Studies Program at the University of Louisville. She received her Ph.D. in Arts from the University of Durham in England. A native of Pakistan, she has published many articles, as well as two books on Iqbal Muhammad; she is currently focusing on the position of women in Islam.

they do not suffer from any of the above limitations, judicial interpretation has, in deference to the idea of State activism and the welfare of the people, severely limited their scope. Perhaps never before has man enjoyed so great a capacity for good and for bad as today; yet never before has an individual felt, as now, so helpless in confrontation with the power and weight of faceless governmental agencies. Power like wealth accrues in the hands of those who wield it. The constitutional limitations of the free world appear to provide little safeguard or guarantee against the continuation of this trend.¹

When Muslims speak of human rights, they generally speak of a multitude of rights, some of which are derived from a reading of the Qur'an, the Hadith, and the Sunnah, and the rest largely from a study of Islamic history and Islamic law. Most Muslims who speak of human rights also assume that these rights do, in fact, exist and are enforceable by courts of law. A survey of the present-day Muslim world (where each day more and more "human rights" are being eliminated as chastisement for "crimes against God") would hardly provide much evidence to support this assumption. All a Muslim can say today, with any measure of honesty, is that *if* an ideal Islamic society existed, *then* the human rights of those who were part of that society would be recognized and would be enforceable by law.

In an article on "Islam and Human Rights," A. K. Brohi, another eminent jurist and a Federal Minister in the Pakistan government, made an observation (also made in slightly varying terms by several other Muslim writers writing about Islam and the Western world) which contained a serious allegation and a serious claim. He wrote:

There is a fundamental difference in the perspectives from which Islam and the West each view the matter of human rights. The Western perspective may by and large be called anthropocentric in the sense that man is regarded as constituting the measure of everything since he is the starting point of all thinking and action. The perspective of Islam on the other hand is theocentric—God-conscious. Here the Absolute is paramount and man exists only to serve his Maker, the Supreme Power and Presence which alone sustains his moral, mental and spiritual make-up, secures the realisation of his aspirations and makes possible his transcendence. . . . [In the West] the rights of man are seen in a setting which has no reference to his relationship to God, but are posited as his inalienable birthright. The student of growth of Western civilization and culture notices throughout that the emphasis is on human rights within an "anthropocentric" perspective of human destiny. Each time the assertion of human rights is made it is done only to secure their recognition from some secular authority such as the state itself or its ruling power. In

¹K. M. Ishaque, "Islamic Law—Its Ideals and Principles," in A. Gauher, ed., *The Challenge of Islam* (London: The Islamic Council of Europe, 1980), p. 157.

marked contrast to this approach the strategy of Islam is to emphasize the supreme importance of our respect for human rights and fundamental freedom as an aspect of the quality of religious consciousness that it claims to foster in the heart, mind and soul of its followers. The perspective is "theocentric" through and through. . . . It seems at first sight, therefore, that there are no human rights or freedoms admissible to man in the sense in which modern man's thought, belief and practice understand them; in essence, the believer has only obligations or duties to God since he is called upon to obey the Divine Law, and such human rights as he is made to acknowledge stem from his primary duty to obey God. Yet paradoxically, in these duties lie all the rights and freedoms. Man acknowledges the rights of his fellow men because this is a duty imposed on him by the religious law to obey God and the Prophet and those who are constituted as authority to conduct the affairs of state. In every thing that a believer does his primary nexus is with His Maker, and it is through Him that he acknowledges his relationship with the rest of his fellowmen as even with the rest of the creation. In the words of the Qur'an, "Man has been created only to serve God!"²

It is very characteristic of Muslim apologetics to make statements such as the above. For that reason alone, it is important to point out certain fallacies in what Brohi is saying. First, what he represented as "Western" and described as an "anthropocentric" perspective on human rights is only the perspective of those who either deny the existence of God or regard it as unrelated to human affairs. No one who is properly described as a "Jew" or a "Christian" shares this "anthropocentric" perspective, and—since Jews and Christians form a significant segment of the Western world—it is unwarranted to make such sweeping generalizations regarding the Western perspective. Second, even though many charters of human rights originating in the Western world do not make a direct reference to God, it does not necessarily follow that God-centered or God-related concepts and laws are excluded from them. Reference to God does not necessarily make sacred, nor does nonreference to God necessarily make profane, any human document. To me it seems truly remarkable that an organization such as the United Nations, where every word of every declaration is fought over in an attempt by each country and bloc to protect its vested interest, could arrive at a document such as the Universal Declaration of Human Rights which, though "secular" in terminology, seems to me to be more "religious" in essence than many "*fatwas*" given by Muslim and other religious authorities and agencies. Third, I am not at all sure that the Islamic perspective may correctly be described as "theocentric" in the way in which Brohi appears to be using this term. Certainly, modern Islam's most outstanding thinker, Muhammad Iqbal, who spent his whole life teaching Muslims how to develop their selfhood and who believed that "art, religion and ethics must be judged from the standpoint

²A. K. Brohi, "Islam and Human Rights," in Gauhar, *Challenge*, pp. 179-181.

of personality,”³ would have great hesitation in accepting that the highest human morality consisted either in obedience to a law which was externally imposed or in doing one’s duty to one’s fellow human beings only from a sense of religious constraint. In Iqbal’s own words, “There are many who love God and wander in the wilderness, /I will follow the one who loves the persons made by God.”⁴

For hundreds of years now, Muslims have been taught that they were created to serve God by obeying those in authority over them and by enduring with patience whatever God willed for them. For hundreds of years, Muslim masses have patiently endured the grinding poverty and oppression imposed on them by those in authority. Not to be enslaved by foreign invaders whose every attempt to subjugate them was met with resistance, Muslim masses were enslaved by Muslims in the name of God and the Prophet, made to believe that they had no rights, only responsibilities; that God was the God of Retribution, not of Love; that Islam was an ethic of suffering, not of joyous living; that they were determined by “*Qismat*,” not masters of their own fate. The heroic spirit of Muslim thinkers such as Syed Ahmad Khan and Iqbal, who were born in India in the last century—products not only of a pluralistic society but also of an East-West synthesis—brought about a Renaissance in the Muslim world and liberated Muslims from political bondage. Their work, however, was not completed, since the traditionalism which has eaten away the heart of Islam continues to hold sway over most of the Muslim world. What we are witnessing today in the Muslim world is of extreme interest and importance, for we are living in an age of both revolutions and involutions, of both progression and retrogression, of both great light and great darkness. It is imperative that Muslims rethink their position on all vital issues, since we can no longer afford the luxury of consoling ourselves for our present miseries and misfortunes by an uncritical adulation of a romanticized past. History has brought us to a point where rhetoric will not rescue us from reality and where the discrepancies between Islamic theory and Muslim practice will have to be accounted for.

Although in fact human rights are not universally recognized, universally exercised, or universally enforceable, they are, nonetheless, supremely important; even though many human beings do not understand or enforce them, these are rights which all human beings *ought* to have. These rights 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. 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 an 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

³M. Iqbal, quoted by R. A. Nicholson in the Introduction to *The Secrets of the Self*, translation of *Asrar-e-Khudi* (Farsi) (Lahore: Shaikh Muhammad Ashraf, 1964), p. xxii.

⁴M. Iqbal, *Bang-e-Dara* (Urdu) (Lahore: Shaikh Ghulam Ali and Sons, 1962), p. 151.

strive for and live for and die for. Rights given to us by God are rights which ought to be exercised, since everything that God does is for “a just purpose” (Sura 15:85; 16:3; 44:39; 45:22; 46:3), and renunciation of a God-given right is as virtuous a deed as nonutilization of a God-given talent. Others may or may not recognize our human rights and may or may not facilitate our exercise of these rights, but, as human beings who have a covenantal relationship with God, we must strive under all circumstances to secure and to guard those rights which we believe have been given to us by God and which, therefore, no one else has the right to take away.

Not regarding human rights as a human invention, I do not look for their origin or essence in books of law or history but in those books of scripture which contain God’s eternal message and guidance to humankind. By stating, “Towards God is thy limit” (Sura 53:43),⁵ the Qur’an—which to me as to other Muslims is the repository par excellence of divine wisdom—gives its readers an infinite worldview embracing every aspect of life. Consequently, it contains references to more “rights” than can be enumerated here. I will, therefore, exercise the prerogative of being selective and mention only those rights which, in my judgment, figure importantly in the Qur’an.

I. General Rights

A. Right to Life

The sanctity and absolute value of human life is upheld by the Qur’an, which states: “Take not life, which God / Hath made sacred, except / By way of justice and law” (Sura 6:151).⁶ In Sura 5:35, the Qur’an points out graphically that in essence the life of each individual is comparable to that of an entire community and, therefore, should be treated with great care: “We ordained / For the Children of Israel / That if any one slew / A person—unless it be / For murder or for spreading / Mischief in the land— / It would be as if / He slew the whole people: / And if any one saved a life, / It would be as if he saved / The life of the whole people.”

B. Right to Respect

In Sura 17:70, the Qur’an says, “Verily, We have honored every human being.” Human beings are deemed worthy of esteem because they are human.

⁵Translated by M. Iqbal, *The Reconstruction of Religious Thought in Islam* (Lahore: Shaikh Muhammad Ashraf, 1971), p. 57.

⁶Unless otherwise noted, passages from the Qur’an cited here in verse form are taken from A. Y. Ali, *The Holy Qur’an* (Smythtown, NY: McGreggor and Werner, Inc., 1946). Those in prose are taken from G. A. Parwez, *Islam: A Challenge to Religion* (Lahore: Idara-e-Tulu’-e-Islam, 1968).

Being human means, according to the Qur'anic perspective, that human beings alone of all creation chose to accept the "trust" of freedom of the will (Sura 33:72). Human beings can exercise freedom of the will because they possess the rational faculty, which is what distinguishes them from all other creatures (Sura 2:30-34). Because human beings are made "in the best of moulds," though they can abase themselves to be "the lowest of the low" (Sura 95:4-6), and can think, and can have knowledge of right and wrong, and are able to strive to do the good and avoid the evil, they have the potential to be God's vicegerents on earth. On account of the promise that is contained in being human, the humanness of all human beings is to be respected and regarded—to use a Kantian expression—as an end in itself.

C. Right to Justice

In the Qur'an, tremendous emphasis is put on the right to seek justice and the duty to do justice: "O ye who believe! be steadfast witnesses for Allah in equity; and not let enmity of any people seduce you that ye deal not justly. Deal justly, that is nearer to your duty. Observe your duty to Allah" (Sura 5:9). Likewise, "O ye who believe! Be ye staunch in justice; witnesses for Allah, even though it be against your own selves, or your parents, or your kindred, whether (the case be of) a rich man or a poor man, for Allah is nearer unto both (than ye are). So follow not passion lest ye lapse (from truth), nor ye distort truth or turn aside; verily God is well informed of what ye do" (Sura 4:135).

In the context of justice, the Qur'an uses two concepts: "*adl*" and "*ihsan*." Both are enjoined (Sura 16:91), and both are related to the idea of "balance," but they are not identical in meaning. A. A. A. Fyzee, a well-known scholar of Islamic law, defined "*adl*" as "to be equal, neither more nor less," and 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."⁷ Abu'l Kalam Azad, a famous translator of the Qur'an and a noted writer, described "*adl*" in similar terms: "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."⁸ Lest anyone try to do too much or too little, the Qur'an states that no human being can carry another's burden (Sura 53:38) or have anything without striving for it (Sura 53:39).

It is important to note here that, according to the Qur'anic perspective, justice is not to be interpreted as absolute equality of treatment, since human beings are not equal as far as their human potential or their human situation is concerned. Thus, while upholding the principle that the humanness of all human beings is to be respected, the Qur'an maintains that the recognition of individual

⁷A. A. A. Fyzee, *A Modern Approach to Islam* (Lahore: Universal Books, 1978), p. 17.

⁸*Ibid.*

“merit” is also a fundamental human right. The Qur’an teaches that merit is not determined by lineage or sex or wealth or worldly success or religion—but by “righteousness.” Righteousness consists not only of “just belief” (“*iman*”) but also of “just action” (“*amal*”) as pointed out with clarity in Sura 2:177: “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 of 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 ransoms of slaves; / To be steadfast in prayer, / And practice regular charity; / To fulfill 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.” Sura 49:13 tells us that “the most honored of you in the sight of God is the most righteous of you,” and Sura 4:95 says: “Not equal are those / Believers who sit (at home) / And receive no hurt, / And those who strive / And fight in the cause / Of God with their goods / And their persons. / God hath granted / A grade higher to those / Who strive and fight / With their goods and persons / Than to those who sit (at home). / Unto all (in Faith) / Hath God promised good: / But those who strive and fight / Hath He distinguished / Above those who sit (at home) / By a special reward.”

Just as it is in the spirit of “*adl*” that special merit be considered in the matter of rewards, so also special circumstances must be considered in the matter of punishments. In the case of punishment for crimes of “unchastity,” for instance, the Qur’an, being non-sexist, prescribes identical punishments for a man or a woman who is proved guilty (Sura 2:2), 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 (Sura 4:25; 33:30). Making such a distinction shows compassion for the morally “disadvantaged,” while upholding high moral standards for others, particularly those whose actions have a normative significance.

While constantly enjoining “*adl*,” the Qur’an goes beyond this concept to “*ihsan*,” literally “restoring the balance by making up a loss or deficiency.”⁹ In order to understand this concept, it is necessary to understand the nature of the ideal community or society (“*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 “*Rahman*” and “*Rahim*,” both of which are derived from the root “*rahm*,” meaning “womb.” The ideal “*ummah*” cares about all of its members as an ideal mother cares about all of her children, knowing that all are not equal and that each has different needs. While encouraging any one of her children to be parasitical would be injurious and unjust, not

⁹G. A. Parwez, *Tabweeb-ul-Qur’an* (Urdu) (Lahore: Idara-e-Tulu’-e-Islam, 1977), vol. 1, p. 78.

only to her other children but also to the one who betrays its human promise and lives—in Iqbal’s terminology—by “begging,” she feels that she has the right to make up the deficiency of a child who, despite its best efforts, still cannot meet the requirements of life. “*Ihsan*” is that which secures what even “*adl*” cannot; it shows the Qur’an’s sympathy for the downtrodden, oppressed, or weak classes of human beings (such as women, slaves, orphans, the poor and infirm, and minorities).

D. Right to Freedom

There is much in the Qur’an to suggest that it would support Jean Jacques Rousseau’s famous statement, “Man is born free, and everywhere he is in chains.” A large part of the Qur’an’s concern is to free human beings from the chains which bind them: traditionalism, authoritarianism (religious, political, economic), tribalism, racism, sexism, and slavery.

It is obvious that God alone is completely free and not subject to any constraint. The human condition necessitates that limits be set to what human beings may or may not do, so that liberty does not degenerate into license. Recognizing the human propensity toward dictatorship and despotism, the Qur’an says with startling clarity and emphasis: “It is not right for man that God should give him the Book of Law, power to judge and (even) Prophethood, and he should say to his fellow-beings to obey his orders rather than those of God. He should rather say: Be ye faithful servants of God by virtue of your constant teaching of the Book and your constant study of it” (Sura 3:79).

The institution of human slavery is, of course, extremely important in the context of human freedom. Slavery was widely prevalent in Arabia at the time of the advent of Islam, and the Arab economy was based on it. The insistence in the Qur’an that slaves be treated in a just and humane way¹⁰ (e.g., Sura 4:36) is generally recognized, as is the effort made by the Qur’an toward the emancipation of slaves (Sura 24:33; 4:92; 5:89; 9:60; 58:3; 2:177). But a number of writers, including well-known Muslim writers such as Abu’l Ala Maududi¹¹ and Muhammad Qutb,¹² are of the opinion that, though early Islam did much to alleviate the suffering and uplift the status of slaves, slavery was not abolished by the Qur’an. G. A. Parwez, who has spent over fifty years in Qur’anic scholarship, does not agree with this opinion (which, unfortunately, would appear to be the majority opinion) and says:

In every conceivable way, the Qur’an discouraged slavery and improved the lot of the slaves. The Muslims were urged to be kind and

¹⁰R. Roberts, *The Social Laws of the Qur’an* (Lahore: Sang-e-Meel Publications, 1978), p. 56.

¹¹See, e.g., A. A. Maududi, *Human Rights in Islam* (Lahore: Islamic Publications, 1977), pp. 18-19.

¹²See, e.g., M. Qutb, *Islam: The Misunderstood Religion* (Lahore: Islamic Publications, 1972), pp. 24-52.

considerate to their slaves. They were told that to emancipate a slave was a meritorious act. They could atone for some of their offences by setting a slave free. Thus the number of slaves was gradually reduced and society was made less dependent on slave labor. The words “whom your right hand possessed” occurring in the Qur’an are in the past tense and refer to those who had already been enslaved. When they were emancipated through a gradual process, slavery died a natural death. The main source of slaves—men and women—was prisoners in war. The Qur’an laid down that they should be set free either for a ransom or as a favor (Sura 47:4). The door for future slavery was thus closed by the Qur’an forever. Whatever happened in subsequent history was the responsibility of the Muslims and not of the Qur’an.¹³

Keeping in mind the great emphasis which the Qur’an places on human dignity and human freedom, it seems to me inconceivable that any other reading of Sura 47:4 is possible. That so few Muslims have accepted the idea that slavery was, indeed, abolished by the Qur’an indicates how reluctant the others have been to let go of the worst possible kind of power-obsession: to seek to own another human being made by God. It is interesting to reflect on the method and morality of how the majority of Muslims have understood the spirit of Qur’anic ethics. On the basis of two statements related to the drinking of alcohol—“They ask thee / Concerning wine and gambling. Say: ‘In them is great sin, / And some profit, for men; / But the sin is greater / Than the profit’” (Sura 2:219); and “O ye who believe! / Intoxicants and gambling, / (Dedication of) stones, / And (divination by) arrows, / Are an abomination— / Eschew such (abomination), / That ye may prosper”—the Muslims have universally concluded that the drinking of alcohol is absolutely prohibited by the Qur’an. On the basis of a much larger and no less emphatic statement reflecting a deep concern with the problem of slavery, Muslims have not similarly concluded that slavery was prohibited by the Qur’an. Because the Qur’an does not state explicitly that slavery is abolished, it does not follow that it is to be continued, particularly in view of the numerous ways in which the Qur’an seeks to eliminate this absolute evil. 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, but this argument does not appeal to those Muslims who hypocritically follow the letter and not the spirit of the law of God.

The greatest guarantee of personal freedom for a Muslim lies in the Qur’anic decree that no one other than God can limit human freedom (Sura 42:21) and in the statement that “Judgment is only Allah’s” (Sura 12:40).¹⁴ As pointed out by K. M. Ishaque,

¹³Parwez, *Islam*, p. 346.

¹⁴Translated by K. A. Hakim, *Fundamental Human Rights* (Lahore: Institute of Islamic Culture, 1975), p. 15.

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" (Sura 3:159).¹⁵

Since the principle of mutual consultation ("*shura*") is mandatory (Sura 42:38), it is a Muslim's fundamental right to participate in as many aspects of the community's life as possible.

Muslims generally agree that the Qur'anic proclamation in Sura 2:256 ("Let there be no compulsion / In religion: Truth stands out / Clear from Error: whoever / Rejects Evil and believes / In God hath grasped / The most trustworthy / Hand-hold, that never breaks") means that non-Muslims are not to be coerced into professing Islam and that it is the human right of non-Muslims living in territories governed by Muslims that they should have the freedom to follow their own faith-traditions without fear or harassment. But the impulse to proselytize has always been strong in Muslims—as in Christians—even though a number of Qur'anic passages state quite clearly that the mission of the Prophet (and the Muslims) to non-Muslims consists only of a faithful transmission of the message of God and that the Prophet (and the Muslims) ought not to feel responsible for the religious or moral choices made by other Muslims or by non-Muslims after they have received the message of God. For instance, "If it had been God's Plan / 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" (Sura 6:107).¹⁶ The Qur'an, regarding its own truth as clear and self-evident, does not require the zeal of Muslims to prove it.

It is interesting and important to observe that professing Islam does not, in and by itself, give a Muslim any kind of advantage over any other believer: "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 their Lord" (Sura 2:62). On the basis of this verse, all who believe in God and the hereafter and work righteousness can claim not only religious freedom but also religious equality. However, many Muslims—disregarding this and similar verses and the Qur'anic statement that God is "*rabb-a'-alamin*," God of all peoples, whose mercy extends to all creatures (Sura 7:156)—would vigorously dispute the right of non-Muslims to claim religious equality with them. Iqbal was an exceptional Muslim, in that he could go so far as to say: "The infidel with a wakeful heart

¹⁵Ishaque, "Islamic Law," pp. 167-169.

¹⁶See also Sura 10:99; 16:82; 18:29; 42:48.

praying to an idol is better than a Muslim who is sleeping in the mosque.”¹⁷

The Qur’an recognizes the human right of religious freedom, not only in the case of other believers in God, but also in the case of pagans (if they are not aggressing upon the Muslims). For instance: “If one amongst the Pagans / Ask thee for asylum, / Grant it to him, / So that he may hear the word / Of God; and then escort him / To where he can be secure” (Sura 9:6); and “Revile not ye / Those whom they call upon / Besides God, lest / They out of spite / Revile God / In their ignorance. / Thus have We made / Alluring to each people / Its own doings. / In the end will they / Return to their Lord, / And We shall then / Tell them the truth / Of all that they did” (Sura 6:108).

In the context of the human right to religious freedom, it is necessary to mention that, according to traditional Islam, the punishment for apostasy is death. In other words, a person who is born a Muslim or who becomes a Muslim is to be put to death if he or she later chooses to renounce Islam. There is nothing in the Qur’an which suggests any punishment at all, let alone the punishment of death, for a Muslim who renounces Islam. There is absolutely no reason to assume that the Qur’anic dictum, “Let there be no compulsion in religion” (Sura 2:256), which modern Muslims apply with such magnanimity to non-Muslims does not or should not apply to Muslims also. (I believe that the death penalty was not meant to be a punishment for apostasy alone but for apostasy accompanied by “acts of war” against the Muslims. Muslim legists, however, obliterated the distinction between the exercise of a human right and the violation of others’ human rights in order to terrify the “wavering” Muslims into remaining in the fold of Islam.)

The right to freedom includes the right to be free to tell the truth, without which a just society cannot be established. The Qur’anic term for truth is “*Haqq*,” 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 (Sura 4:135). While the Qur’an commands believers to testify to the truth, it also instructs the society not to harm the person so testifying (Sura 2:282).¹⁸

E. Right to Privacy

The Qur’an recognizes the need for privacy as a human right and lays down rules for how the individual’s life in the home may be protected from undue intrusion from within or without (Sura 24:27-28; 33:53; 24:58; 49:12).

¹⁷M. Iqbal, *Javid Nama* (Farsi) (Lahore: Shaikh Mubarak Ali, 1947), p. 40.

¹⁸G. A. Parwez, “Bunyadi Haquq-e-Insaniyat (Fundamental Human Rights)” (Urdu), *Tulu’-e-Islam* (Lahore), November, 1981, pp. 34-35.

F. Right to Protection from Slander, Backbiting, and Ridicule

The Qur'an acknowledges the right of human beings to be protected from defamation, sarcasm, offensive nicknames, and backbiting (Sura 49:11-12). It also points out 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 (Sura 24:16-19). The Qur'an also protects the right of a human being to be treated with sensitivity and compassion. It states with solemn simplicity: "God loves not that evil / Should be noised abroad / In public speech, except / Where injustice hath been / Done; for God / Is He who heareth / And knoweth all things. / Whether ye publish / A good deed or conceal it / Or cover evil with pardon, / Verily God doth blot out / (Sins) and hath power / (In the judgment of values)" (Sura 4:148-149).

G. Right to "The Good Life"

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 Qur'anic teaching, justice is a prerequisite for peace, and peace is a prerequisite for human development. In a just society the human rights mentioned earlier may be exercised without difficulty.

H. Other Rights.

In addition to those rights, there are several others which are important and should be mentioned in passing: (1) the right to a secure place of residence (Sura 2:85); (2) the right to a means of living (Sura 11:6; 6:156); (3) the right to protection of one's personal possessions (Sura 2:29); (4) the right to seek knowledge (which is emphasized perhaps more than any other right by the Qur'an); (5) the right to develop one's aesthetic sensibilities and enjoy the bounties created by God (Sura 7:32); (6) the right to protection of one's covenants (Sura 17:34; 5:1; 3:177); (7) the right to move freely (Sura 67:15); (8) the right to seek asylum if one is living under oppression (Sura 4:97-100); (9) the right to social and judicial autonomy for minorities (Sura 5:42-48); and (10) the right to protection of one's holy places (Sura 9:17) and the right to return to one's "spiritual center." (According to the Qur'anic teaching—Sura 3:96; 5:97; 22:25—the *Ka'ba* is the spiritual center of all humankind. However, the government of Saudi Arabia does not permit any non-Muslim to enter Mecca or to perform the pilgrimage which was proclaimed to all humankind by Abraham, as pointed out by Sura 3:96; 22:26; 2:125.)

II. Rights of Man, Woman, and Child

According to the Qur'an, God created man and woman from a single life-cell or spirit (Sura 4:1; 7:189; 16:72; 30:21). Both man and woman have male and female components (Sura 49:13), and both—together—constitute the human species. It is a clear teaching of the Qur'an that man and woman are equal in the sight of God (Sura 3:195; 4:124; 9:71-72; 16:97; 33:35; 40:40). Being equal before God who is the ultimate source of life and the ultimate standard of value, man and woman cannot become unequal to each other in essence. In fact, however, they are extremely unequal in almost all Muslim societies, where the superiority of man over woman is taken to be self-evident. Having spent seven years in study of the Qur'anic passages relating to women, I am convinced that the Qur'an is not biased against women and does not discriminate against them. On the contrary, because of its protective attitude toward all downtrodden and oppressed classes, it appears to be weighted in many ways in favor of women. But the interpretations of the Qur'an by men (women to this day have never had the right to interpret the Qur'an) have distorted the truth almost beyond recognition and have made the Qur'an a means of keeping women in bondage, physically and spiritually. Many Muslims, when they speak of human rights, either do not speak of women's rights at all¹⁹ or are mainly concerned with the question of how a woman's chastity may be protected.²⁰ (They are apparently not very worried about men's "chastity.") The most gross violation of human rights in Muslim societies is that of the rights of women, who for centuries have been deprived of the right to be fully human. Muslims say with great pride that Islam abolished female infanticide; true, but it must also be mentioned that one of the most common crimes in many Muslim countries (e.g., Pakistan) is the murder of a woman by her husband. These so-called "honor-killings" are actually extremely dishonorable and are frequently used to camouflage other kinds of crimes.

Female children are discriminated against from the moment of birth, for it is customary in Muslim societies to celebrate the birth of a son and to bemoan the birth of a daughter. Many, if not most, girls are married when they are still minors, even though marriage in Islam is a contract and presupposes that the contracting parties are both consenting adults. Even though so much Qur'anic legislation is aimed at protecting the rights of women in the context of marriage (e.g., Sura 4:19; 24:33; 2:187; 9:71; 7:189; 30:21; 4:4), women can never claim equality with their husbands. The husband, in fact, is regarded as his wife's gateway to heaven or hell and the arbiter of her final destiny. That such an idea can exist within the framework of Islam—which totally rejects the idea of redemption, of any intermediary between a believer and the Creator—represents both a profound irony and a great tragedy.

¹⁹E.g., R. A. Jullundhri, "Human Rights in Islam," in A. D. Falconer, ed., *Understanding Human Rights* (Dublin: Irish School of Ecumenics, 1980).

²⁰E.g., Maududi, *Human Rights*.

Although the Qur'an presents the idea of what we today call a "no-fault divorce" and does not make any adverse judgments about divorce (e.g., Sura 2:231; 2:241), Muslim societies have made divorce for women extremely difficult, both legally and through social penalties. Although the Qur'an states clearly that the divorced parents of a minor child must decide by mutual consultation how the child is to be raised and that they must not use the child to hurt or exploit each other (Sura 2:233), in most Muslim societies women are deprived of both their sons (generally at age seven) and their daughters (generally at age twelve), thus being subjected to unutterable cruelty. Although polygamy was intended by the Qur'an to be for the protection of orphans and widows (Sura 4:2-3), in practice Muslims have made it a dreadful and dehumanizing instrument for the brutalizing of women's sensibilities. Although the Qur'an made it possible for women to receive not only an inheritance upon the death of a close relative but also other bequests or gifts during the lifetime of a benevolent caretaker, Muslim societies have disapproved greatly of the idea of giving wealth to a woman in preference to a man, even when her need or circumstances warrant it. Although the purpose of the Qur'anic legislation dealing with women's dress and conduct (Sura 24:30-31; 33:59) was to make it safe for women to go about their daily business (since they have the right to earn money, as witnessed by Sura 4:32) without fear of sexual harassment, Muslim societies have put many of them behind veils and locked doors on the pretext of protecting their chastity, forgetting that according to the Qur'an (Sura 4:15) confinement to their homes was not the normal way of life for chaste women but a punishment for "unchastity."

A few words need to be said about the human rights of (minor) children according to Qur'anic teaching. Children have a right to life (Sura 81:8-9; 16:57-59; 17:31); a right to proper nurture and education (Sura 17:31; 2:233); a right to be maintained financially by the father or his heir(s) (Sura 24:61), but to be brought up according to the wishes of both parents (Sura 2:233); and a right to have their interests protected by the Islamic society in which they live, should they become orphaned (Sura 4:2-3 and numerous other references). Anyone reading the Qur'an is deeply touched by its concern for the welfare of orphans and particularly by its reminder to the Prophet, "And He found thee / In need, and made / Thee independent / Therefore treat not / The orphan with harshness, / Nor repulse the petitioner / (Unheard); / But the Bounty / Of thy Lord— / Rehearse and proclaim" (Sura 93:8-11).

III. In the End

In my judgment, the Qur'an is a very liberating document which holds before us a sublime vision of our human potential, our destiny, and our relationship with God and God's creatures. If Muslims were to exercise all the human rights granted to humankind by God, they would create a Paradise on earth and

have no need to spend their time and energy dreaming about the “*hur*” promised in the afterlife. Unfortunately, at this time the spectrum before us appears very bleak, as more and more human rights disappear under the pressure of mounting fanaticism and traditionalism in many areas of the Muslim world. I am particularly concerned about serious violations of human rights pertaining to the rights of women, the rights of minorities, the right of the accused to due process of law, and the right of the Muslim masses to be free of dictatorships. In the end we have what seems to be an irreconcilable gulf between Qur’anic ideals and the realities of Muslim living. Can this gulf be bridged? To me, the answer is immaterial, because those of us who believe that human rights cannot be abandoned, even when they are being denied and aborted, will continue to strive and hope and pray for the securing of these rights—regardless of the chances of success or failure.

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