

Human Rights in the Qur'anic Perspective

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To many Muslims the Qur'an is *the* Magna Carta of human rights and a large part of its concern is to free human beings from the bondage of traditionalism, authoritarianism (religious, political, economic, or any other), tribalism, racism, sexism, slavery, or anything else that prohibits or inhibits human beings from actualizing the Qur'anic vision of human destiny embodied in the classic proclamation: "Towards Allah is thy limit" (Qur'an 53:42).

In the section entitled "General Rights," which follows, an account is given of the Qur'an's affirmation of 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 did; they were created, as people were, by God so that human potential could be actualized. Rights created or given by God cannot be abolished by any temporal ruler or human agency. Eternal and immutable, they ought to be exercised because everything that God does is for "a just purpose."²

1. See Iqbal 1971, 57.

2. For instance, see Surah 15: *Al-Hijr*:85; Surah 16: *An-Nabl*:3; Surah 44: *Ad-Dukhan*:39; Surah 45: *Al-Jathiyah*:22; Surah 46: *Al-Ahqaf*:3.

General Rights

Right to Life

The Qur'an upholds the sanctity and absolute value of human life (e.g., Qur'an 6:151) and points out that, in essence, the life of each individual is comparable to that of an entire community and, therefore, should be treated with the utmost care (e.g. Qur'an 5:32).

Right to Respect

The Qur'an deems all human beings to be worthy of respect (e.g., Qur'an 17:70) because of all creation they alone chose to accept the "trust" of freedom of the will (Qur'an 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 (e.g., Qur'an 2:30-34). Although human beings can become "the lowest of the lowest," the Qur'an declares that they have been made "in the best of molds" (Qur'an 2:30-34), having the ability to think, to have knowledge of right and wrong, to do good, and to avoid the evil. Thus, because of the promise that 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 to be an end in itself.

Right to Justice

The Qur'an puts great emphasis on the right to seek justice and the duty to do justice³. In the context of justice the Qur'an uses two concepts: *'adl* and *ihsan*. Both are enjoined and both are related to the idea of "balance," but they are not identical in meaning.

'Adl is defined by A. A. A. Fyzee, a well-known scholar of Islam, as "to be equal, neither more nor less." Explaining this concept, Fyzee wrote: "in a Court of Justice the claims of the two parties must be considered evenly, without undue stress being laid upon one side or the other. Justice introduces the balance in the form of scales that are evenly balanced" (Fyzee 1978, 17). *'Adl* was described in similar terms by Abu'l Kalam Azad, a famous translator of the Qur'an and a noted writer, who stated: "What is justice but the avoiding of excess? There should be neither too much nor too little; hence the use of scales as the emblems of justice" (Fyzee 1978, 17). Lest anyone try to do too much or too little, the Qur'an points

3. For instance, see Surah 5: *Al-Ma'idah*:8; and Surah 4: *An-Nisa'*:136.

out that no human being can carry another's burden or attain anything without striving for it (Qur'an 53:38-39).

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, which consists of both right "belief" (*iman*) and just "action" (*'amal*) (Qur'an 2:177). Further, the Qur'an distinguishes between passive believers and those who strive in the cause of God, pointing out that although all believers are promised good by God, the latter will be exalted above the former (Qur'an 4:95-96).

Just as it is in the spirit of *'adl* that special merit be considered in the matter of rewards, so also special circumstances are to be considered in the matter of punishments. For instance, for crimes of unchastity the Qur'an prescribes identical punishments for a man or a woman who is proved guilty (Qur'an 24:2), 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 (Qur'an 4:25, 33:30). In making such a distinction the Qur'an, while upholding high moral standards, particularly in the case of the Prophet's wives whose actions have a normative significance for the community, reflects God's compassion for women slaves who were socially disadvantaged.

While constantly enjoining *'adl*, the Qur'an goes beyond this concept to *ihsan*, which literally means, "restoring the balance by making up a loss or deficiency" (Parwez 1977, 78). 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. Although showing undue favor 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 is exemplifying the spirit of *ihsan* by helping to make up the deficiency of a child who needs special assistance in meeting the requirements of life. *Ihsan*, thus, shows God's sympathy for the disadvantaged segments of human society (such as women, orphans, slaves, the poor, the infirm, and the minorities)

Right to Freedom

As stated earlier, the Qur'an is deeply concerned about liberating human beings from every kind of bondage. Recognizing the human tendency toward

dictatorship and despotism, the Qur'an says with clarity and emphasis in Surah 3: *Al-Imran*:79 ('Ali 1994):

It is not (possible)
That a man, to whom
Is given the Book,
and Wisdom,
And the Prophetic Office,
Should say to people:
"Be ye my worshippers
Rather than Allah's"
On the contrary
(He would say):
"Be ye worshippers
Of Him Who is truly
The Cherisher of all."

The institution of human slavery is, of course, extremely important in the context of human freedom. Slavery was widely prevalent in Arabia at the advent of Islam, and the Arab economy was based on it. Not only did the Qur'an insist that slaves be treated in a just and humane way (Qur'an 4:36), but it continually urged the freeing of slaves.⁴ By laying down, in Surah 47: *Muhammad*:4, that prisoners of war were to be set free, "either by an act of grace or against ransom" (Asad 1980, 778), the Qur'an nearly abolished slavery because "the major source of slaves—men and women—was prisoners of war" (Parwez 1986, 346). 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 that does not give a king or a prophet the right to command absolute obedience from another human being could not possibly sanction slavery in any sense of the word.

The greatest guarantee of personal freedom for a Muslim lies in the Qur'anic decree that no one other than God can limit human freedom (Qur'an 42:21) and in the statement that "judgment (as to what is right and what is wrong) rests with God alone" (Qur'an 12:40). As pointed out by Khalid M. Ishaque, an eminent Pakistani jurist:

The Qur'an gives to responsible dissent the status of a fundamental right. In exercise of their powers, therefore, neither the legislature nor the

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

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." (Gauher 1980, 157)

Because the principle of mutual consultation (*shura*) is mandatory (Qur'an 42:38), it is a Muslim's fundamental right and responsibility to participate in as many aspects of the community's life as possible. The Qur'anic proclamation in Surah 2: *Al-Baqarah*:256, "There shall be no coercion in matters of faith" (Asad 1980, 57) guarantees freedom of religion and worship. This guarantee means that, according to Qur'anic teaching, non-Muslims living in Muslim territories should have the freedom to follow their own faith traditions without fear or harassment. A number of Qur'anic passages state clearly that the responsibility of the Prophet Muhammad is to communicate the message of God and not to compel anyone to believe.⁵ The right to exercise free choice in matters of belief is unambiguously endorsed by the Qur'an (Qur'an 18:29), which also states clearly that God will judge human beings not on the basis of what they profess but on the basis of their belief and righteous conduct (6:108), as indicated by Surah 2: *Al-Baqarah*:62 which says:

Those who believe (in the Qur'an);
And the Christians and the Sabians,
Any who believe in God
And the Last Day
And work righteousness,
Shall have their reward
With the Lord: on them
Shall be no fear, nor shall they grieve. ('Ali 1994)

The Qur'an recognizes the right to religious freedom not only in the case of other believers in God but also in the case of non-believers in God (if they are not aggressing upon Muslims) (Qur'an 6:108).

In the context of the human right to exercise religious freedom, it is important to mention that the Qur'anic dictum, "Let there be no compulsion in religion" (Qur'an 2:25) applies not only to non-Muslims but also to Muslims. Although those who renounced Islam after professing it and then engaged in "acts

5. For instance, see Surah 6: *Al-An'am*:107; Surah 10: *Yunus*:99; Surah 16: *An-Nahl*:82; Surah 42: *Ash-Shura*:48.

of war" against Muslims were to be treated as enemies and aggressors, the Qur'an does not prescribe any punishment for nonprofession or renunciation of faith. The decision regarding a person's ultimate destiny in the hereafter rests with God.

The right to freedom includes the right to be free to tell the truth. The Qur'anic term for truth is *haqq*, which is also one of God's most important attributes. Standing up for the truth is a right and a responsibility that a Muslim may not disclaim even in the face of the greatest danger or difficulty (Qur'an 4:135). While the Qur'an commands believers to testify to the truth, it also instructs society not to harm persons so testifying (see Parwez 1981, 34–35).

Right to Acquire Knowledge

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

Asking rhetorically if those without knowledge can be equal to those with knowledge (Qur'an 39:9), the Qur'an exhorts believers to pray for advancement in knowledge (Qur'an 20:114). The famous prayer of the Prophet Muhammad was "Allah grant me Knowledge of the ultimate nature of things," and one of the best known of all traditions (*ahadith*) is "Seek knowledge even though it be in China."

According to Qur'anic perspective, knowledge is a prerequisite for the creation of a just world in which authentic peace can prevail. The Qur'an emphasizes the importance of the pursuit of learning even at the time, and in the midst, of war (Qur'an 9:122).

Right to Sustenance

As pointed out in Surah 11: *Hud*:6, every living creature depends for its sustenance upon God. A cardinal concept in the Qur'an, which underlies the socio-economic-political system of Islam, is that the ownership of everything belongs not to any person but to God. Because God is the universal creator, every creature has the right to partake of what belongs to God (Qur'an 6:165, 67:15). This means that every human being has the right to a means of living and that those who hold economic or political power do not have the right to deprive others of the basic necessities of life by misappropriating or misusing resources that have been created by God for the benefit of humanity in general.

Right to Work

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

[T]o men
Is allotted what they earn,
And to women what they earn.
(‘Ali 1994).

Right to Privacy

The Qur'an recognizes the need for privacy as a human right and lays down rules for protecting an individual's life in the home from undue intrusion from within or without (Qur'an 24:27–28, 58; 33:53; 49:12).

Right to Protection from Slander, Backbiting, and Ridicule

The Qur'an recognizes the right of human beings to be protected from defamation, sarcasm, offensive nicknames, and backbiting (Qur'an 49:11–12). It also states that no person is to be maligned on grounds of assumed guilt and that those who engage in malicious scandal-mongering will be grievously punished in both this world and the next (Qur'an 24:16–19; 4:148–49).

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

As pointed out by Muhammad Asad, "By declaring that all good and beautiful things of life [i.e., those that are not expressly prohibited] are lawful to the believers," the *Qur'an* condemns, by implication, all forms of life-denying asceticism, world-renunciation and self-mortification (Asad 1980, 207). In fact, it can be stated that the right to develop one's aesthetic sensibilities so that one can appreciate beauty in all its forms, and the right to enjoy what God has provided for the nurture of humankind are rooted in the life-affirming vision of the Qur'an (7:32).

Right to Leave One's Homeland under Oppressive Conditions

According to Qur'anic teaching, a Muslim's ultimate loyalty must be to God and not to any territory. To fulfill his Prophetic mission the Prophet Muhammad decided to leave his place of birth, Mecca, and emigrated to Medina. This event (*Hijrah*) has great historical and spiritual significance for Muslims who are called upon to move away from their place of origin if it becomes an abode of evil and oppression where they cannot fulfill their obligations to God or establish justice (Qur'an 4:97-100).

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 all the earlier-mentioned human rights may be exercised without difficulty. In such a society other basic rights, such as the right to a secure place of residence, the right to the protection of one's personal possessions, the right to protection of one's covenants, the right to move freely, the right to social and judicial autonomy for minorities, the right to the protection of one's holy places, and the right to return to one's spiritual center also exist.⁶

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

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