

Religious Human Rights in the Qur'an

by Riffat Hassan

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Given the centrality of the Qur'an to the lives of the majority of the more than one billion Muslims of the world, the critical question is: What, if anything, does the Qur'an say about human rights? I believe that the Qur'an is the Magna Carta of human rights and that 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" (Surah 53: An-Najm: 42).

I offer an account 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 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 strive for and live for and die for. Rights created or given by God cannot be abolished by any temporal ruler or human agency. Eternal and immutable, they ought to be exercised since everything that God does is for "a just purpose."

Right to Life

The Qur'an upholds the sanctity and absolute value of human life and states in Surah 6: Al-An'am: 151:
...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.

In Surah 5: 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: "*We ordained for the Children of Israel that if anyone 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.*"

Right to Respect

In Surah 17: Al-Isra':70, the Qur'an says: "*Now, indeed, We have conferred dignity on the children of Adam.*" Human beings are deemed worthy of esteem because of all creation they alone chose to accept the "trust" of freedom of the will (Surah 33: Al-Ahzab: 72). Human beings can exercise freedom of the will because they possess the rational faculty, which is what distinguishes them from all other creatures (Surah 2: Al-Baqarah: 30-34). Though human beings can become "the lowest of the lowest," the Qur'an declares that they have been made "in the best of moulds" (Surah 95: At-Tin: 4-6), 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 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 justice. In Surah 5: Al-Ma'idah: 8, it tells 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.

And again, in Surah 4: An-Nisa': 13f, the Qur'an emphasizes the

importance of upholding justice:

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 be (against) rich or poor: for Allah can best protect both. Follow not the lusts (of your hearts), lest ye serve, and if ye distort (justice) or decline to do justice, verily Allah is well-acquainted with all that ye do.

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 introducing the balance in the form of scales that are evenly balanced." "*Adl*" was described in similar terms by Abu'l Kalam Azad, a famous translator of the Qur'an and 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." Lest any one 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 (Surah 53: An-Najm: 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. Righteousness consists of both right "belief" ("*iman*") and just "action" ("*amal*") as clearly indicated by Surah 2: 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 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.

Surah 49: Al-Hujurat: 13 tells us: "*The most honoured of you in the sight of Allah is (he who is) the most righteous of you.*" While Surah 4: An-Nisa': 95 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 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 (Surah 24: An-Nur: 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 (Surah 4: An-Nisa': 25; Surah 33: Al-Ahzab: 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." 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 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 exemplifying the spirit of "*ihsan*" by helping to make up the deficiency of a child who is unable to meet the requirements of life. Thus "*ihsan*" 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

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:

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 time of 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 (Surah 4: An-Nisa': 36), but it continually urged the freeing of slaves. 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," the Qur'an virtually abolished slavery since most slaves were prisoners of war. 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. 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 (Surah 42: Ash-Shura: 21), and in the statement that "Judgment (as to what is right and what is wrong) rests with God alone" (Surah 12: Yusuf: 40). Since the principle of mutual consultation ("shura") is mandatory (Surah 42: Ash-Shura: 38), it is a Muslim's fundamental right, as well as 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*" guarantees freedom of religion and worship. This 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. The right to exercise free choice in matters of belief is unambiguously endorsed by the Qur'an in Surah 18: Al-Kahf: 29, which states: "*The Truth is from your Lord: Let him who will believe, and let him who will, reject (it).*"

The Qur'an also makes clear that God will judge human beings not on the basis of what they profess but on the basis of their belief and righteous conduct, as indicated by Surah 2:

Al-Baqarah: 62 which states: "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 saith the Lord; on them shall be no fear, nor shall they grieve."

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 aggressive toward Muslims). For instance, Surah 6: Al-An'am: 108 states:

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.

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*" (Surah 2: Al-Baqarah: 256) applies not only to non-Muslims but also to Muslims. While those who renounced Islam after professing it and then engaged in "acts of war" against Muslims were to be treated as enemies and aggressors, the Qur'an does not prescribe any punishment for non-profession or renunciation of faith. The decision regarding a person's ultimate destiny in the hereafter rests with God.

This 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 which a Muslim may not disclaim even in the face of the greatest danger or difficulty (Surah 4: An-Nisa': 135). While the Qur'an commands believers to testify to the truth, it also instructs society not to harm persons so testifying (Surah 2: Al-Baqarah: 282).

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.

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 (Surah 49: Al-Hujurat: 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 (Surah 24: An-Nur:

16-19). Urging throughout that human beings should treat others with sensitivity and compassion, the Qur'an points out in Surah 4: An-Nisa': 148-149:

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).

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 world view from the very beginning is attested to by Surah 96: Al-'Alaq: 1-5, which Muslims believe to be the first revelation received by the Prophet Muhammad. This passage reads:

Proclaim! (or Read) in the name of thy Lord and Cherisher, who created, created man, out of a (mere) clot of congealed blood. Proclaim! And the Lord is Most Bountiful He who taught (the use of) the pen taught man that which he knew not.

Asking rhetorically if those without knowledge can be equal to those with knowledge (Surah 39: Az-Zumar: 9), the Qur'an exhorts believers to pray for advancement in knowledge (Surah 20: Ta-Ha: 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 the 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, as indicated by Surah 9: At-Tawbah: 122, which states:

With all this, it is not desirable that all of the believers take the field (in time of war). From within every group in their midst some shall refrain from going to war, and shall devote themselves (instead) to acquiring a deeper knowledge of the Faith, and (thus be able to) teach their home-coming brethren, so that these (too) might guard themselves against evil.

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. In a powerful passage in Surah 4: An-Nisa': 97-100, the Qur'an states:

When angels take the souls of those who die in sin against their souls, they say: "In what (plight) were ye?" They reply: "Weak and oppressed were we in the earth." They say: "Was not the earth of Allah spacious enough for you to move yourselves away (from evil)?" Such men will find their abode in Hell -- What an evil refuge! -- except those who are (really) weak and oppressed -- men, women, and children who have no means in their power, nor (a guide post) to direct their way. For these, there is hope that Allah will forgive for Allah doth blot out (sins) and forgive again and again. He who forsakes his home in the cause of Allah, finds in the earth many a refuge, wide and spacious: Should he die as a refugee from home from Allah and His Messenger, his reward becomes due and sure with Allah: And Allah is Oft-Forgiving, Most Merciful.

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 which 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." There is a great difference between the spirit of classical Greece with its contempt for sense-perception and the Qur'an which regards physical phenomena as "Signs of God." Some of the most memorable passages in the Qur'an point to the insight and wisdom which can be gained by reflecting on the myriad manifestations of God's creative activity all around us. The Qur'an tells Muslims that monasticism was not prescribed by God (Surah 57: Al-Hadid: 27). Though they are to remember that the hereafter is more important than the life on earth, Muslims are told to reject the negative view that it is wrong to enjoy the beauty and bounty of God's creation. In Surah 7: Al-A'raf: 32, the Qur'an states:

Say: "Who is there to forbid the beauty which God has brought forth for His creatures, and the good things from among the means of sustenance?"

Say: "They are (lawful) in the life of this world unto all who have attained to faith -- to be theirs alone on Resurrection Day."

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, thus, rooted in the life-affirming vision of the Qur'an.

Right to Sustenance

As pointed out by 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. Since God is the universal creator, every creature has the right to partake of what belongs to God (Surah 6: Al-An'am: 165; Surah 67: Al-Mulk: 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 which 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: An-Nisa': 32 states: "to men is allotted what they earn, and to women what they earn."

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, and the right to move freely, also exist (see Surah 2: Al-Baqarah: 229; Surah: Al-'Imran: 17,77; Surah 5: Al-Ma'idah: 1; Surah 17: Al-Isra': 34; Surah 67: Al-Mulk: 15).

Other Rights

Since Qur'anic teaching embraces every aspect of human life, it contains references to more human rights than can be mentioned in this short summary. Reference has been made in the foregoing account to the human rights which figure most importantly in the Qur'an and which continue to be of on-going interest and importance in contemporary Muslim societies. In addition to the rights mentioned in the foregoing, reference may also be made to the following: (1) the right to social and judicial autonomy for minorities; (2) the right to protection of one's holy places; and (3) the right to return to one's spiritual center. According to Surah 3: Al-'Imran: 96, Surah 5: Al-Ma'idah: 97, and Surah 22: Al-Hajj: 25, the "Ka'ba" in Mecca is the spiritual center of all humankind. It was here that the Prophet Ibrahim proclaimed the pilgrimage to all humankind, as pointed out by Surah 2: Al-Baqarah: 125, Surah 3: Al-'Imran: 96, and Surah 22: Al-Hajj: 26.

There are indications from across the world of Islam that an increasing number of Muslims are beginning to reflect seriously upon these teachings of the Qur'an as they become disenchanted with capitalism, communism, and Western democracy. As this reflection deepens, it is likely to lead to the realization that the supreme task entrusted to human beings by God, of being God's deputies on earth, can only be accomplished by establishing justice which the Qur'an regards as a prerequisite for authentic peace. Without the elimination of the inequities, inequalities, and injustices that pervade the personal and collective lives of human beings, it is not possible to talk about peace in Qur'anic terms. It is important to note that there is more Qur'anic legislation pertaining to the establishment of justice in the context of family relationships than on any other subject. This points to the assumption implicit in much Qur'anic legislation, namely, that if human beings can learn to order their homes justly so that the human rights of all within its jurisdiction -- children, women, and men -- are safeguarded, then they can also order their society and the world at large, justly. In other words, the Qur'an regards the home as a microcosm of the "ummah" and the world community, and emphasizes the importance of making it "the abode of peace" through just living.