

The Basic Human Rights in the Light of The Qura'n

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Purely on the basis that humankind belongs to the species of Human being, it has certain basic rights, according to the Qura'n. These rights are not in any way dependent upon an understanding or promise nor are they a reward for righteous deeds. Every Human Being is entitled to these with no conditions attached; reward, discrimination on the basis of religion, sect, community, language, colour of skin, race and citizenship. Let us see what these rights are which all Human Beings can demand in a Qura'nic social system.

1. Dignity of Humankind

Every human child, at birth, has the right of dignity. '*WE have created all humankind as worthy of dignity*' (17-70). Hence, differences between humankind of birth (status, genealogy, race, family etc), wealth, trade and profession are against these basic birth rights. In short, gradation of for any reason is an abrogation of Human Rights. "Dignity of humankind" without any conditions attached is the first and basic law of the Qura'n.

2. Gender Equality

According to the Qur'an, gender difference is neither the means of lowering nor raising of status. That is, neither the male on the basis of being male is better nor is the female on the basis of being female worst off. The genesis of life is from the 'one self (4-1)'. Qura'n says "every human child, weather boy or a girl has a part in it of male and female" (49-13).

Therefore the male is neither a special being nor is the female a different specie. Both genders are of one being and are partners in the one status as human being. There is no aspect which has its door open for one and closed for the other. Biologically the difference that exists between man and woman is from natural inheritance. On human level there is no difference. On this level the field of action is the same for both and the reaction in the law of nature is the same (3-194). 'None of you will have your actions wasted whether you are a male or female'---What is the meaning of male and female (*thafis*).....? 'you are part of each other'---'You share equally in all aspects of life'. 'You are part of the same group of people'. Have a look at verses 33-35 and 9-71. How does the Qura'n make man and woman stand shoulder to shoulder in matters of lie.

Gender Equality is the basic right of humanity and cannot be usurped in any way. The Qura'nic social system is responsible for maintaining that equality.

3. The Standard of Deeds as Higher Status

Following the issue of Dignity, the varying status of Humankind comes to the fore. The rule for it is as follows:

46-19 The status and position of every body is dependent upon their actions. That is the dignity of humankind on the basis of human being will be followed by taking into account the personal character and actions of the individual, and the society as a whole will establish their status and position accordingly. The person of higher capabilities will have the right to higher position in society (49-13). From the highest to the lowest all positions will be open to every body, who according to their capabilities will be able to claim for themselves. This right of status cannot be usurped by any body nor will any other standard be adopted for it.

4. Right of Freedom

You must have heard this slogan many a times “ Freedom is every body’s birth right” yet its true meaning has seldom been obvious. The place from whence you might have heard this slogan proclaimed, would be the same place from where rules are proclaimed putting all sorts of restrictions on rights of the people. So, one is at a loss to understand that if Freedom is a basic right then why are these restrictions imposed. The answer given is that these restrictions are imposed according to the Law and as such these do not restrict humankind’s freedom; and if these laws were not there then nothing would be safe. ---hence for freedom these laws are imperative.

It is true that for the safety of individuals these restrictions are necessary, but it is also obvious that those given the authority to enact these laws perpetrate transgressions, behind the veil of authority that assertion of lawlessness is of no value. The lawlessness (anarchy) is an open revolt but their transgressions take place behind legal curtains. These people in authority first go through the ritual of law-making and then this knife ‘blown upon with *Bismillah* from Shah Madar’ is used to cut the throat of whoever, thus making the slaughter as *halal*. (i) This is a very important question which has not been answered yet, as to how can the preservation of Right and the necessity of making Laws be reconciled that both remain intact. The solution is given by the Qura’n. It first explained in 3-78/79 ‘No human being, even though Allah may have given him/her a code of laws or the power to enforce it or even prophethood- has the right to say to others: “you should obey me rather than God” Qura’n has established the constitution of human right at such a high level that humankind could not even envisage. (ii) This is the reality of Human Rights. Now look at Law making. In the same verse by saying *min dunillaah* it explained that though it is necessary to enact laws they cannot be man-made laws. Only God has that right. Now the question arises as to how are these divine laws to be enacted? Will it be theocracy which in God’s name the clergy will do as it pleases? Qura’n says ‘NO’, theocracy is the worst example of transgression. That is why Qura’n has juxta positioned Haman who was the representative of the clergy, with Pharaoh as an equal criminal. With regard to restriction imposed by law it says in 3-78,79 ‘no body has the right to tamper with these restrictions or impose others’. This is the practical meaning of *laailaahaa illallaah* that none has the power and authority to subjugate (let alone enslave) any other person. Now it raises the question as to how to practically implement these limits and restrictions given in the Book of God. It is clearly explained that this right is not given to any particular group or community but that it is the collective responsibility of all the individuals of the society and these matters will be “addressed in consultation” (42-38). These rights of consultation are also included in the list. The practical machinery for consultation will be constructed according to the conditions then prevailing.

So the Qura’n has given the laws which must be followed or has established those limits within which the community will consult to change them as required. No one has the right to transgress these limits or to implement others instead, because this will equate to means of usurping the Human freedom and no body can be given that permission. Qura’n equates this to Shirk. Sura Shuaraa 42-41 says ‘have these people got other partners who enact such rules for which they have no permission from God?’ Thus the Qura’n gives no permission to enact such laws for the society.

This is the method by which the Qura’n prevents assault on any Human Rights so that lawlessness does not spread in the society. This collection of distributed right is the unique quality of the Quran.

5. **Rights of Labour**

Qura’n’s pronouncement is that ‘every one will get the full reward for their work’ (39-70).

No body will usurp the rewards of his/her effort, nor reduce its return. In this respect it said at other place ‘except those who are incapacitated to work (which will be discussed later) no body will gain without endeavour’. That is to say that in such a society parasites who sponge off others and live a life of comfort and luxury will have no place. It is therefore obvious that in such a society where ones endeavours will not be exploited, will obtain their rights of just reward. Under this rule the roots of capitalism’s are cut off. Its very existence depends upon the exploitation of labour.

Remember that those who, in spite of the capacity to work, sponge off others labour, are in fact beggars however rich they may be.

6. **Justice and Fairness**

This is what is meant by “Justice”- That every body receives a fair share. According to the Qura’n Justice is a very composite expression in which all rights are preserved. Legal right is the same thing in that its purpose is to restore through the courts the rights of a person whose share has been usurped. On this issue the Qura’n is so careful as to warn: “watch out that in the matter of justice you do not differentiate between a friend and a foe’ and ‘lest it may happen that as a result of an enemy-nation’s behaviour towards you, it may induce you to injustice. You should always treat them with justice, for justice is not a tit-for tat issue. On the basis of humanity it is their right and your obligation” (5-8).

Legal justice means that quarrels and disputes are resolved within the framework of the limits of God’s laws. Since Qura’n has not given the power to rule to mankind it means that it has not given the right to enact laws to any person or a group either. Justice is the name given to the establishment of God’s laws. If the State’s law happens to be against that of Qura’n, every citizen has the right to demand change in it and the State is obliged to change it.

But Qura’n just does not stop at Justice. It goes beyond (as has been said before). Justice means that whatever is due to people, is given. But what if that is not enough for their necessities? Qura’n says that in that case the society makes up for the shortfall in order to maintain the balance (*ehsaan*) of the social system (16-90). This *ehsaan* is also included in the basic rights. The world encourages ‘charity’ in such cases. But charity tramples humanity and it is obvious how it destroys self respect of the receiver of charity! That is why Qura’n does not refer to *ehsaan* as charity but says that to demand the topping up of this shortfall is a Right. (70-24) Those who’s endeavours are not enough or those who are incapable to provide for themselves have a share in the wealth of those who have more than their requirement. This right is not under cover or secret but is transparent to the Qura’nic social system. To make up for the shortfall of people as a basic right will not be found in any other document except the Quran.

7. **The Right of Sustenance**

The life source of humanity (indeed of all living things) is the provision of sustenance. The world has decreed that every individual fulfils his responsibility to provide for all their needs and that of their children. But Qura’n in this respect differs from the world. It says ‘ there is no living being in this world, the responsibility of whose providing for its provision is not on Allah11-6’.

It has to be understood that those responsibilities that Allah has taken upon Himself are to be fulfilled by the State that runs on Qura’nic system. Hence it is the responsibility of any State that runs on Qura’nic system, to ensure that it establishes a system wherein no living creature lacks the necessities of life and declares to all its citizens ‘we are responsible to provide for your and your progeny’s basic necessities too 6-152’. The provision of basic necessities of life is a right of every human being and he can demand it from a system based on Qura’nic principles. This right is not written in any other Charter in the world.

The clarification of this can be found in my book “Nizam-e-Rabubiyat”.

With respect to the provision for the progeny, it also includes the provision of resources for their education and training. ‘Do not murder your children due to the lack of resources 6-152’. Here the word ‘murder’ does not only mean to kill. It also means to destroy by denying education and training (soul destroying). Hence it is the obligation of the Qura’nic system to provide for the best education and training of children. As a result every child can demand best education and training as a right in a Quranic system of State and no body can deny them this right.

8. **Sanctity of Life**

But before the provision of necessities of life, the protection of life becomes an issue. The Qura’n has clearly expounded ‘God has declared the sanctity of life, hence no body can be given the permission to take life, except when Right demands it (6-152)’. Qura’n explains in another context what this demand is. If one murders another unjustly then the former can be sentenced to death in response, or if one causes disruption in the justice and social system and cannot be refrained from it after repeated

attempts, a death sentence can be given. Outside these conditions if one is to take life for no reason, it would be construed as if the whole of humanity is murdered. On the other hand if one saves one life it is equated to the saving of the whole of humanity. (5-32). Have you noted that under which special conditions has Qura'n allowed taking of a life (that is taking of a life legally)? That too is for the purposes of universal protection of life. That is what it calls *bil haq*.

9. **Sanctity of Wealth**

Along with the sanctity of life, the sanctity of wealth which remains for the individuals use, is also included in the basic rights. No body is allowed to usurp what others have for their legitimate use. For it says that you should not usurp each others wealth (4-29). Wealth is a compound word and includes possessions of every kind and its protection is a basic right.

One aspect of this comes to fore here. If ones place is burgled, the universal legal justice punishes the thief, but the one who's wealth was stolen, has no redress to his/her loss. If the theft was not due to their negligence or lack of care, then they have a right to redress the loss. This rule applies within limits to other losses too.

10. **Protection of Residence**

Following the protection of life and wealth the Qura'n also provides the right to safety of residence. The allegations Qura'n lays at the feet of Jews is this 'You are the people who unjustly murder and drive out people from their homes 2-85'. Hence to provide roof over the head is also an obligation of the State and to deny it is an abrogation of the individual's basic right.

11. **Sanctity of Honour**

Human honour is invaluable commodity. This thing of the highest standard is not found in the animal kingdom and is only a human speciality. Sexual urge is common among both animals and human, but the sense of honour is only found in the domain of humanity. Hence Qura'n gives the protection of honour a permanent value of Right. Therefore it has ordained the flouting of honour as a major crime and has prescribed a heavy penalty. Adulterer, 'be it male or female, punish them with hundred lashes.24-2'.

Not only in adultery but to cast unproven aspersions on the honour of a respectable woman is to be punished with eighty lashes 24-4. It is so because this is also an assault on her honour.

To accost and tease respectable women, to pass derogatory and incite-full comments upon them is even greater crime. In this respect it says that such people should be exiled. Such people should be stripped of their citizenship. If they do not recant, they should be taken in custody and on proof of their guilt executed, 33-60. This is that divine rule about which it says 'this is the law that was given to the previous nations and it is of such permanent value that there can be no change made to it.22-61. The maintenance of all these laws is the State's responsibility.

12. **Right of Choice in Marriage**

With respect to married couples, Qura'n has ordained that the choice of a spouse is a basic human right. It addressed men 'you marry women according to your choice 4-3' and on the other hand has protected the right of choice of women in addressing men 'you can not be their master by force 4-19'. Marriage is a contract for which the agreement of the two parties is the basic condition.

In this context it must be emphasised that after the 'contract of marriage' the responsibilities of husband and wife according to Qura'n are equal in all spheres of life. There is only one exception to the rule. In the situation of divorce or widow-hood, the woman is not allowed to remarry during the period known as *iddat*. There is no such *iddat* for man and its rationale is obvious. The period establishes if the woman is pregnant. This rule is for the protection of the child's right, in order to establish the biological father of the child. In Surah Baqara it said 'the women have similar rights

commensurate with their responsibilities. There is only one aspect where the men have an advantage in that they do not have to wait for the passing of the *iddat* 2-228'.

The protection of these rights is a State's responsibility.

13. **Aesthetic Right**

The Qura'n respects an individual's aesthetic taste and does not allow any body to deprive the person of this right. It emphasises 'who is it that can deny the aesthetic resources that HE has provided for HIS servants and make unlawful for them to enjoy it 7-32.' It is every body's basic right to enjoy them while staying within the divine limits. No body can deny them of the right. As a rule it must be understood that what God has not forbidden, no one can declare it as forbidden. This is equal to usurping the basic rights which nobody has the authority. It must also be understood that Qura'n does not restrict the manner of food consumption and people's life style. Instead it has given the right of choice to all according to ones taste. It says that you are free to eat and drink at any body's house including that of your relatives and friends, wether you eat separately or together 24-61. Similarly it does not place any restrictions on style and type of dress and encourages every body's sense of aesthetics. It also says that in addition to covering ones modesty, the dress is also for decoration 7-26. Gold ornaments, silver and glass utensils, soft and smooth silk clothes, and even high class furniture (76-13to 15 and 18-31) and similar objects are manifestation of *jannah*. Although it is necessary to realise that the whole society is in a position to afford such a standard. It is never said that this heavenly life is a prerogative of only a select group and others will go without. The heavenly life that an individual can afford must be available to all the members of the society.

14. **Religious Freedom**

The Qura'n gives full freedom of religion. It maintains that the *Iman* (belief) is the name of accepting the truth with the application of higher intellect, contemplation and vision. 'Tell them that Truth has come in Qura'n from your Sustainer, you should contemplate on it and then whoever wishes to accept it, do so and who ever wishes to reject it, do so18-29.' It has also emphasised that the difference between the other creations of universe and mankind is that every thing in the universe is obliged to obey the rule that has been set for it, but humankind is created to exercise a choice. It has been shown the path and left alone to it own choice to either follow the path or digress from it. If it follows the shown path it will lead a pleasant life; if not, it will be at a loss. If it was God's wish to force it to follow a certain path it would have been created similar to other objects in the universe but it is not so. It has been created with power of exercising choice. It would be against the divine will that humankind should be compelled to follow a certain path. Qura'n has addressed humankind 'if it was in your Lord's programme that humankind was to be compelled to follow the path of *iman*, then there was nothing to stop HIM, but HE has not created humankind so; it has been given a choice in this matter, so would you compel it to believe? That would be against Divine will. Your duty is only to pass on the message, you are not expected to do more10-99'. The right and wrong has been made evident by the Qura'n. 'After this there is no compulsion in the matter of Deen2-256'.

The reality is that Islam is not a Religion (mazhab). This word is not in the Qura'n. So it does not accept other religions of the world as its worthy opponent. It is a Code for life or a system of government. It cannot allow that those of other religions should set up a different system of government within its borders. This would be equivalent to setting up a State-with-in-a-State which is not allowed anywhere else either. But it does not oppose that people who live within its State boundaries chose their religion. It gives them the freedom to do so. It takes upon itself the responsibility of the security of their houses of worship in the same manner as it does for the mosques. Qura'n establishes the reason for an Islamic State thus-'if God were not to have controlled through humankind the rebellious elements in society then certainly the monk's monasteries, Christian churches, other houses of worship and mosques, where God's name is taken in abundance, would be demolished 22-40'. Hence the security of all houses of worship rests with the States operating on Qura'nic system of government where all non Muslims can demand security as their basic right.

Not only that but it has stressed upon the community of believers that –you should not swear at their Gods lest the non-believers, in their ignorance swear at Allah.

As you would be offended, they too are offended by your disrespect to their idols. The fact is that every body loves and respects their own object of worship 6-109. You should convey to them the truth. When, with vision and understanding they are able to differentiate between right and wrong they will discard their false Gods and adopt the right path to lead their life. You will not be able to compel them to do so.

Hence the Qura'an not only gives humankind the freedom but gives assurance that their religion is protected from abuse.

At this stage I apologise for digressing a bit. Although God has given total freedom to humankind in respect of religion, the Muslim sharia leadership allows non-Muslims to choose and change their religion but a Muslim has no right to do so. If a Muslim converts he/she is put to death. The death penalty is applicable not only in respect of conversion but if a Muslim expresses opinion different to theirs and they declare the person *murtad* (blasphemer), the death penalty applies there too.

It should be realised that one has the basic right to either adopt the *Deen* and live within an Islamic system or exercise the choice to live outside it, but it is not allowed that a person would accept the system superficially and then select those codes that suit him/her and reject the others. This sort of freedom is not available in any system.

All rule of the State have to be obeyed. But if the person converts to other religion and still wishes to live in the Islamic State then there are choices that he/she stays there as a non-Muslim Dhimmi or goes some where else to live.

After this digression I come back to the main theme. According to Qura'n the next right is that of the right to speak the truth.

15. **The Right to Speak the Truth**

Qura'n has not only given us the Right to speak the Truth, but has ordained upon us to practice it. There is no choice given in it. It has ordained that wherever there is the necessity, speak out truthfully. Let us see how far Qura'n goes in this respect. 'oh you the people of belief, it is obligatory upon you to maintain justice in the world'. It is imperative in order to maintain justice that truth should be told without fear or favour'. 'When called upon to give witness you should not consider as to which party or group you are speaking against, you should think that you are a witness to God and tell the truth even if it is against your own self' (see how Qura'n elevates the position of humankind). 'even if it goes against your parents or relatives', 'whether rich or poor', for 'Allah's right is bigger than theirs'. 'Remember that your vested interests, the relationship of relatives and friends and the fear of reprisal from the rich and influential, can stand in the way'. 'But you should not consider these issues and stand firm in your resolve'. 'Nor should you speak with forked tongue nor should you avoid the truth, you may be able to fool people but you can't fool Allah, HE knows all' 4-135. Speak the truth openly.

Having given the above edict, it warns the society that it should implement such a system that the witness suffers no reprisals on giving witness 2-282.

16. **Freedom of Expression**

To express ones opinion also fall in this area. One of the differences between animal kingdom and humankind, according to Qura'n is that the former do not have the capacity to express its consciences. humankind has been given this capability. God has created humankind and has given it the capacity to express itself 55-4, and at other place it says that HE has given humankind the capacity to express itself 'with the pen 96-4'.

Humankind has the right to express its opinion with the help of a tongue (language) and with pen as well.

It must be understood that expression of opinion or the use of any other God-given faculty in contravention of HIS laws is a crime and worthy of punishment. It is different thing to restrict or curtail

these God given capacities. The wrong use of these capacities can be rendered as crime but the right to use them cannot be usurped. To do so would be akin to turn humankind into an animal.

17. The right of protection of privacy

Qura'n prevents us from unnecessarily scrutinising individual's privacy 49-12. It means that it gives the individual the assurance that their privacy will not be encroached upon. (In the matter of crime investigation it becomes a different issue). The protection of the content of letters and correspondence falls in this category. It thus gives the right of privacy to an individual when it says 'except in your own, you should not enter into others houses without the resident's permission 24-27.

18. Protection against Slander

Qura'an provides for protection against slander. It says 'Allah does not like that a persons weakness be propagated maliciously 4-148'. If correction is intended then it should be under taken quietly, then it says 'a group or party should not belittle another 49-11. No derogatory names be given. One must not be teased, just on the basis of rumour 49-12. This explains why one should be presumed innocent till proved guilty and no talk behind the back be indulged into 24-12 and 24-16. Back-biting is strictly forbidden in Qura'n 49-12. With these given warnings, Qura'n protects individuals privacy.

19. Assurance of Peace

Qura'n steps further after giving all the above rights. 'These people will have no fear and stress 2-38'. Fear is an anxiety caused by the external dangers. Hence this society will be protected from external dangers by the State. Stress is the name given to the trauma caused by these anxieties. Thus in a system where the State has taken the responsibility of protecting the people from external dangers, it is also its responsibility to remove the causes of anxieties. The protection from fear and stress is such a composite statement that it conjures up the concept of total bliss. In this protection also lies the idea 'no body who can a carry a burden will carry the burden of another 6-165'. It will not happen that one will take the action but some one else will reap the reward. That the responsibility should be of some one but some one else would fulfil the responsibility. Some one should commit a crime but some one else would suffer the consequences. This is the security with which all will get true contentment. The acquisition of it is the basic right of every individual.

These are the basic right that Quran accepts as the Human Rights, and their sanctity is given by the Quranic System.