

The Sources of Universal Human Rights in Islam

Are there genuine sources for human rights in Islam or have these codes been adopted by jurists and Moslem scholars?

We need to have in mind that the universal codes of human rights are best understood in the context of revealed religions, as they depict the most universal picture of humanity. As one can readily see in original Islamic sources, these universal rights of humanity have been explicitly underlined.

Among the interesting points that have to be taken into earnest consideration is the fact that Islam has addressed two groups in its discussions of rights and obligations:

The first group consists of believers and Moslems.

The second group includes all human beings. When Islam speaks of "mankind", "children of Adam", "Allah's servants", "the believers", "the seed of Adam" and "humanity," the latter group is intended. In all these cases, the rights and obligations that Islam has spoken of are applicable to all human societies.

A historical piece of evidence in regard to this issue is the fact that when Moslem governments were at the helm, the stronger the Islamic element of those governments was, the happier the people consequently were.

Moreover, they respected the beliefs and ideals of people and their holy places and also paid enough attention to their economic and legal issues. Gustav Le Bon's *La Civilization de Islam et Arab* is quite informing in this regard. This French sociologist has honestly written:

Islam treated human beings living in the lands conquered by Muslims with fairness and affection and in accordance with the basic principles of humanity.

The agents of Islamic administration were so unflinching in their pact and treated the people so graciously that they chose Islam and Arabic with open arms. I should reiterate again that such achievements cannot be ever obtained by the force of the sword, and the conquerors who have entered Egypt never could have scored such successes.

Moreover, there are other impartial and objective books, such as Jurji Zaydan's 5-volume *Tarikh al-Tamaddun al-Islami* ("The History of Islamic Civilization"), which have endorsed this historical fact.

As the Holy Quran states:

Say: O followers of the book! Come to an equitable proposition between us and you that we shall not serve any but Allah and (that) we shall not associate aught with him, and (that) some of us shall not take others for lords besides Allah; but if they turn back, then say: bear witness that we are Muslims. (The House of Imran 3:64)

As you see, even when the Prophet (PBUH) was on the verge of a victory, he still sought to distance himself from aggression. In other words, this verse announces in a clear voice that all human beings can come together as a united collectivity based on their belief in God. It also states that all human individuals are equal before the law and the truth and no one is the lord of the other. The only Lord is God. This can be a genuine basis for human rights.

Some might ask that this verse addresses only the followers of Book, so what should the rest of humanity do then? The answer is that all verses which have somehow indicated mankind have also determined a set of rights and obligations that apply to all human individuals. Here I shall mention some of them:

I) Surely Allah is affectionate and merciful to all human beings.

(The Cow 2:143)

II) Most surely Allah is gracious to people.

(The Cow 2:243)

Now some might say that although God is affectionate, merciful and gracious to all human individuals, he still prefers some to others in basic rights! No, never.

1- All human beings' primordial nature is based on purity and divine religion:

Then set your face upright for religion in the right state the nature made by Allah in which he has made men.

(Rome 30:30)

2- God has honored all human beings and created them as honorable creatures:

And surely we have honored the children of Adam.

(The Night Journey 17:70)

3- The most honorable as seen by God are those who are most pious and morally integrated:

O you men! Surely we have created you of a male and a female, and made you tribes and families that you may know each other; surely the most honorable of you with Allah is the one among you most careful (of his duty).

(The Apartments 49:13)

4- God accepts repentance from all of His servants:

Do they not know that Allah accepts repentance from his servants and takes the alms, and that Allah is the oft-returning (to mercy), the merciful?

(Repentance 9:104)

5- *God answers the prayer of the suppliant when he calls on Him, so they should answer His call and believe in Him.*

(The Cow 2: 186)

6- *God has created lawful and good things on earth for all people to eat.*

(The Cow 2:168)

7- *All means of comfort and profit on earth are signs of Divine Essence.*
(The Cow 2:164)

8- *God makes his signs clear for all human beings.* (The Cow 2:187)

9- The common obligations for all men are as follows:

I) *O men! Serve your Lord, who created you and those before you so that you may guard (against evil).*
(The Cow 2:21)

II) *Who break the covenant of Allah after its confirmation and cut asunder what Allah has ordered to be joined, and make mischief in the land; these it is that are the losers.*
(The Cow 2:27)

III) For the management and guidance of human beings in the course of intelligible life, God has determined two leaders, directors or teachers:

➤ The first leader is an inner compass that exists in all human individuals, i.e. sane sense or pure conscience. There are several verses in the Holy Quran of sane sense such as,

So we said: 'Strike the (dead body) with part of the (sacrificed cow),' thus Allah brings the dead to life, and He shows you his signs so that you may understand.
(The Cow 2:73)

Moreover, there are about forty seven other verses that have expressed the authority of reason for human beings.

But as to pure conscience, which exists in all human individuals, we have also verses in the Quran such as:

Nay! Man is evidence against himself. (Resurrection 75:14)

Also,

Now surely by Allah's remembrance are the hearts set at rest.
(Thunder 13:28)

➤ The second teacher or leader is the divine prophets,

And certainly we sent before you messengers to their people.
(Rome 30:47)

There is also another verse that reads:

And when His lord tried Ibrahim with certain words, he fulfilled them. He said: 'Surely I will make you an Imam of men.' Ibrahim said, 'And of my offspring?' 'My covenant does not include the unjust,' said He.

(The Cow 2: 124)

We also have this verse in regard to the delegation of the Prophet Muhammad (PBUH):

Say: O people! Surely I am the messenger of Allah to you all, of Him whose is the kingdom of the heavens and the earth there is no God but He.

(The Heights 7:158)

10- All divine prophets have been delegated for the promotion of unity, justice, intelligible freedom and wisdom:

I) *Certainly We sent Our messengers with clear arguments, and sent down with them the book and the balance that men may conduct themselves with equity; and We have made the iron, wherein is great violence and advantages to men, and that Allah may know who helps Him and His messengers in the secret; surely Allah is strong, mighty.* (Iron 57:25)

II) *(All) people are a single nation; so Allah raised prophets as bearers of good news and as warners, and He revealed with them the book with truth, that it might judge between people in that in which they differed; and none but the very people who were given it differed about it after clear arguments had come to them, revolting among themselves; so Allah has guided by His will those who believe to the truth about which they differed and Allah guides whom He pleases to the right path.* (The Cow 2: 213)

III) *Those who follow the messenger-prophet, the unlettered, whom they find written down with them in the Torah and the Gospel (who) enjoins them good and forbids them evil, and makes lawful to them the good things and makes unlawful to them impure things, and removes from them their burden and the shackles which were upon them; so (as for) those who believe in him and honor him and help him, and follow the light which has been sent down with him, these it is that are the successful.*

(The Heights 7:157)

IV) *Surely Allah commands you to make over trusts to their owners and that when you judge between people you judge with justice; surely Allah admonishes you with what is excellent; surely Allah is seeing, hearing.*

(Women 4:58)

V) *Surely (as for) those who disbelieve in the communications of Allah and slay the prophets unjustly and slay those among men who enjoin justice, announce to them a painful chastisement.* (The House of Imran 3:21)

VI) *Those who spend (benevolently) in ease as well as in straitness, and those who restrain (their) anger and pardon men; and Allah loves the doers of good (to others).* (The House of Imran 3:134)

11- Betraying people is prohibited in all its forms,

I) *And their taking usury though indeed they were forbidden it and their devouring the property of people falsely.* (Women 4:161)

II) *Who, then, is more unjust than he who forges a lie against Allah that he should lead astray men without knowledge? Surely Allah does not guide the unjust people.* (The Cattle 6:144)

III) *Therefore give full measure and weight and do not diminish to men their things, and do not make mischief in the land after its reform; this is better for you if you are believers.* (The Heights 7:85)

12- The transcendent unity of humanity and equality beyond all laws and rules,

For this reason did we prescribe to the children of Israel that whoever slays a soul, unless it be for manslaughter or for mischief in the land, it is as though he slew all men; and whoever keeps it alive, it is as though he kept alive all men; and certainly our messengers came to them with clear arguments, but even after that many of them certainly act extravagantly in the land. (The Table Spread 5:32)

The same theme has been repeated in another point of the Quran,

O people! be careful of (your duty to) your Lord, who created you from a single being and created its mate of the same (kind) and spread from these two, many men and women; and be careful of (your duty to) Allah, by whom you demand one of another (your rights), and (to) the ties of relationship; surely Allah ever watches over you. (Women 4:1)

13- Universal laws for all people,

But when he delivers them, lo! They are unjustly rebellious in the earth. O men! Your rebellion is against your own souls – provision (only) of this world's life – then to us shall be your return, so we will inform you of what you did. (Jonah 10:23)

He sends down water from the cloud, then watercourses flow (with water) according to their measure, and the torrent bears along the swelling foam, and from what they melt in the fire for the sake of making ornaments or apparatus arises a scum like it; thus does Allah compare truth and falsehood; then as for the scum, it passes away as a worthless thing; and as for that which profits the people, it tarries in the earth; thus does Allah set forth parables. (Thunder 13:17)

Surely Allah does not change the condition of a people until they change their own condition. (Ibid: 11)

Corruption has appeared in the land and the sea on account of what the hands of men have wrought, that he may make them taste a part of that which they have done, so that they may return. (Rome 30:41)

You shall speak to men good words. (The Cow 2:83)

Since all human individuals have the rights to inherent dignity, decent life and committed freedom, then they should use the best words and actions in their communications.

There are also two prophetic narrations in Muhammad ibn Yaqub Kulayni's *Usul Al-Kafi* that directly address the human global stature and their universal rights. The first narration reads as

follows:

All people are members of Allah's family, and their most blessed one with the Lord, is the one who is most beneficial for the members of Allah's family.

The second narration from the Holy Prophet Muhammad (PBUH) reads:

Anyone who hears the shout of a man for help and does not answer it is indeed not a Moslem.

Having said these, you may ask that if there are such potential foundations for universal human rights in Islam, why I didn't publish them before 1948 when the UN Declaration was adopted and incited the Moslem scholars to pitch in and search for an alternative discourse. This question is often asked by the intellectuals of Moslem communities. They say that there are no human rights in Islam and we have made them ourselves!

Firstly, I have published a book on universal human rights, where I have researched comparatively on the UN and Cairo Declarations of Human Rights. There, I have shown that all the adopted codes of human rights have been extrapolated from the Holy Quran either directly or through jurisprudential efforts.

Secondly, would the tyrant governors of Moslem societies allow them to perform their rules? Would those tyrants ever allow the Islamic law to be performed in their societies? Of course not, for they thought that the application of these rules would cost them their rule. As a result, they boycotted it in a systematic way, let alone allow Moslems to think of universal human rights.

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