

# Islamic View Of Human Rights ;A Comparitive Study

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## Abstract

*The present paper discussing the human rights on the light of islamic thoughts.It is a comparison of the islamic perspective of human rights and other relevant human right declarations in history particularly, How the islamic declarations stand out as compared to the articles of Universal Human Rights Declaration(UHRD) of United Nations on 1948,And the aim of the paper is to document The islamic concept of human right is all time relevant and feasible unlike other human right declarations in history. The concept of human rights came to indo-greek-roman civilizations from the babilonian cultural history.and the west adopted these concepts from Greece. After the 5th century, conclusions about human rights were discussed only in 11th century, It means The 600 years which ignored by historians was islamic era. All the important human right declarations were only timely significant,those were accordingly the occurrences of that era. The magna carta(1215) a mile stone of human rights history was when the king embraced the rule of england. The petition of rights(1628) took place when the king is prohibited from infringing.American bill of rights was the independence announcement of united States emancipating of the british imperialist yoke by emphasizing civil rights and revolutionary freedom.And finally ,the universal declaration of human rights of united nations was after the emergence of experiences of world war 2 , However these declarations failed to provide any elaborated existing system of human rights unlike islam. These are quite different from the islamic human right declarations, islamic concept of human rights is as old as the human history, Let us have a cursory glance over the declarations of human rights of prophet muhammed which proclaimed at hajjathul vida(the last serimon),the day of fath makka(great makkah victory),and in madina chapter (the first written constitution of the world). The serimon of hajjathul wida was a complete charter of human rights,he has done the ultimate declaration of humanity by his words "people, just as your regard this month ,this day ,and this city as sacred ,So regard the life and property of everyone as sacred trust".It was the complete proclamation of human rights,he guarantee protection to all the mankind and their properties. He said briefly but vastly about the universal equality". All mankind is from Adam and Eve, An Arab has no superiority over a non-Arab nor a non-Arab has any superiority over an Arab; also a white has no superiority over black nor a black has any superiority over white. The west waited centuries years such like proclamation against colour and region discrimination, till the UHRD mentioned about it in article. Islam secured the article 19 of UHRD, right to believe, before centuries by the Quranic words "for you your religion and for me my religion "(109:6) The other important thing regarding which prophet muhammed spoke during his last serimon was rights to women.according to his words "although men have rights over women however they have rights on men as well". The quran and prohetic teachings noticed about workers rights a number of time,islam commands that the workers must be considered well,and will be given their wages before dry their sweats.Like this islam secured the consumers rights ,according to' soorah muthaffifeen "' woe(hell) to those who give less than due(83:1),Moreover The wide perspective of islam contain divine rights to all mankind like neighbours,relatives,and even to the*

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*hunger ones. inshort,The Islamic views of human rights are not mere superficial,but it is a unique universal declaration of co existing and brotherhood and is against all Unitarian monarchy .*

### **Human Rights: Concept And Origin**

The definition of human rights in terms of theory and function has been broad and varied. Human rights can simply be defined as Inalienable fundamental rights to which a person is inherently entitled simply for being human. Those are a set of principles concerned with equality and fairness. They recognise our freedom to make choices about our lives and to develop our potential as human beings. They are about living a life free from fear, harassment or discrimination.

Human rights can broadly be defined as a number of basic rights that people from around the world have agreed are essential. These include the right to life, the right to a fair trial, freedom from torture and other cruel and inhuman treatment, freedom of speech, freedom of religion, and the rights to health, education and an adequate standard of living. Human rights are not a recent invention.

Throughout history, concepts of ethical behaviour, justice and human dignity have been important in the development of human societies. These ideas can be traced back to the ancient civilisations of Babylon, China and India. They contributed to the laws of Greek and Roman society and are central to Buddhist, Christian, Confucian, Hindu, Islamic and Jewish teachings.

Concepts of ethics, justice and dignity were also important in societies which have not left written records, but consist of oral histories such as those of Aboriginal and other indigenous societies elsewhere.

The concept of Human Rights dates back to the very dawn of human civilization, and quite often appears clearly, enshrined in all the great religions of the world, whether it is one's duty towards a neighbour. The concept of universal brotherhood and fraternity of mankind coupled with a sense of compassion towards one's fellowmen, has its origins in several religious beliefs both before and after the Christ. Therefore, the human rights in no means is a concept of modern times, though it appears so, the roots of human rights ,in fact, are found very deep in the eternity.The world's all major religions have a humanist perspective that supports human rights, despite the difference in the contents .Human rights are also rooted in ancient thought and in the philosophical concepts of 'natural law' and 'natural rights'.

### **Human Rights ;Islamic Teachings And Universal Declaration Of Human Rights (Udhr)**

The **Universal Declaration of Human Rights(UDHR)** is a historic document that was adopted by the United Nations General Assembly at its third session on 10 December 1948 as Resolution 217 at the Palais de Chaillot in Paris, France. Of the then 58 members of the United Nations, 48 voted in favor, none against, eight abstained, and two did not vote. The Declaration consists of 30 articles affirming an individual's rights which, although not legally binding in themselves, have been elaborated in subsequent international treaties, economic transfers, regional human rights instruments, national constitutions, and other laws. The Declaration was the first step in the process of formulating the International Bill of Human Rights, which was completed in 1966, and came into force in 1976, after a sufficient number of countries had ratified them.

In this century ,the universal declaration of human rights evaluated as the complete human rights document , in fact, the prophet of the world muhammed (PBUH)has done all these declarations in arabia,before centuries ,and here I would like to compare Islamic perspective of human rights and udhr. The emergence of Islam in 610 A.D. not only was the milestone but was a golden and perpetual chapter in the human history. Because of the contents of its teachings, particularly in the human

rights, it was welcomed and accepted by the oppressed people in a vast part of the globe and found many followers.

Islam, the divine religion in its origin, lays iron foundation and found a pride of place in theocracy of all ages. The Islamic practices strengthen the concept of human rights being granted by Allah's Himself. The world has not been able to produce more just and equitable laws than those given 1400 years ago. As such, one could advocate the hypothesis that no religion, ideology, ism advocated the in human treatment meted out to the members of the society and the basic source of human rights in ail times and at all ages is the religion itself.

According to historian John Esposito, Prophet Muhammad condemned female infanticide, exploitation of poor, usury, murder, false contracts and theft. He also incorporated Arabic and Mosaic laws and customs of the time into his divine revelations. The Constitution of Medina (Charter of Medina) established the security of the community, freedom of religion, security of women.

**The first two articles (ARTICLE 1 & 2)** of universal declaration of human rights established the basic concepts of dignity, liberty, equality, and brotherhood among the people. Article one says that we are all born free and equal. We have our thoughts and ideas, we should be treated in the same way. In the second article, united nations ban the discriminations by any criteria such as race colour or nation. In the concept of Islam, The message of Islam is for the entire human race not mere Muslims. According to Islam, Allah (SWT) is the God of the entire world and the Prophet Muhammad (saw) is a messenger for the whole of mankind. Islam unites the entire human race under one banner without any kind of discrimination. Let us take a look to the Quranic verses for the same concepts. There are many verses in Quran that point to the dignity, equality, and brotherhood of humankind. Furthermore, God makes it clear that rights and freedoms are granted to all, regardless of race, gender, social origin, nationality, language, colour, or status. Allah says *"O mankind! We have created you from a male and a female, and made you into nations and tribes, that you may know one another. Verily, the most honourable of you with God is that (believer) who has God consciousness (including piety and righteousness). Verily, God is All Knowing, All-Aware."* (49;13) God created humankind to act as vicegerent upon the earth; human beings were set above the animals, birds, and fish and given a task of great responsibility. According to the teachings of Islam, all mankind is from Adam and Eve; an Arab has no superiority over a non-Arab, nor a non-Arab has any superiority over an Arab; also a white has no superiority over a black, nor does a black have any superiority over white except by piety and good action. Learn that every Muslim is the brother of another Muslim, and that Muslims constitute one brotherhood and one humanity. There are many hadith and Quranic verses that justify the equality of Islam. It includes the freedom of religion security of women and etc. It will be discussed on upcoming paragraphs.

**Next two articles (ARTICLE 3 & 4)** sanction the right to life and ban the slavery. It says that Everyone has the right to life, liberty and security of person. Let us start from the right to life in Islam.

In Islamic approach, life is a divine gift and bestowment to every individual. It has priority and is heading all the human rights. It would be useless and meaningless to talk about any rights before this right has been provided for a society's individuals. As the Prophet (PBUH) said, *"He, who gives somebody a chance to live (in his blood) and then kills him, he will be subjected to the fire of hell."*

Of course it should not be misunderstood that sanctity of a man's life is exclusively for Muslims, that Islam has not drawn a line for a non-Muslim's life. A non-Muslim's life is honorable and respectable, too, as long as he refrains from involving in opposition or conspiracy against Muslims or an Islamic government because prophet didn't discriminate the Muslims and non Muslims even his words. The holy Prophet (PBUH) in his farewell sermon in the last year of his life in Mena, before a crowd of Muslims, while emphasizing on the right of individuals and sanctity for their blood, said: *"O people, you have to respect each other's life until the Resurrection Day". That means everyone must respect his brother and treat him well, let him leave as himself.* Moreover, in another occasion, talking about the significance of regarding the human life, he has said, *"Before God, murdering a believer is worse than destroying the whole world."*

In the Islamic legal system right to life is not just a right for man, but since a life is a divine bestowment, it creates the right to enjoy this gift for a man. On the other hand it makes him responsible to provide necessary means to safeguard this right and also to keep under consideration (health, feeding, etc) as the essential means that makes this right last.

Thus, the right to life is a divine trusteeship entrusted into the human hands and he must shoulder the responsibility of safeguarding it. That is why it is forbidden for a man to commit suicide (deprive oneself of life) or to damage his body or spirit

And islam has also very clear and great concept about slavery .some of the critisizers accused islam that islam that islam encourage the slavery system,but it is absolutely wrong.,in Islamic concept the slavery system was allowed dut islam did never encourage it , as a religious part ,that is why the shareeah of islam made the releasing of a slave as a penalty of crime and islam guarantee more reward on it

**ARTICLE 5** stands against torture, it compels that no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.Torture in Islam is considered a major violation to the fundamental rights of someone or of some living being .It is not lawful for Muslims to torture people or inflict any pain upon criminals beyond the limits prescribed by Allah. A number of prophetic teaching and Quranic lessons about the seriousness of torture can be found .Prophet Muhammad (PBUH) was sent as "*Rahmatul-lil Aalameen*" or as a mercy for all that exists. ,in islamic view, if anyone torture a creature (human being or not)he will be in the hell,let us see some instances from the quran and hadith. Hisham ibn Hakim passed by some people in Syria who had been made to stand in the sun and had oil poured over their heads. He asked, "What is this?" It was said, "They are being punished for not paying taxes." Hisham said: I heard the Messenger of Allah, peace and blessings be upon him, say:

*Verily, Allah will torture those who torture people in this world.*

Islamic views against torture is wider than the declarations of universal declaration of humanrights because islam says that every livebeing also not be tortured by men. Ibn Umar reported: The Messenger of Allah, peace and blessings be upon him, said:

*A woman was punished because of a cat she had imprisoned until it died; thus, she entered Hellfire because of it. She did not give it food or water while it was imprisoned, neither did she set it free to eat from the vermin of the earth.*

The lessons about banning torture in islam will not be limited here, but it is much wider than concept of UDHR .many of times prophet warn his companions from torturing birds ,animals and even nature, like that he promised with great rewards to who treat the surroundings with mercy **ARTICLE 6-11** refer to the fundamental legality of human rights with specific remedies cited for their defence when violated.

These articles contains the declarations to enjoy a man his recognition before the judiciary and the equality for justice.These articles guarantee that All are equal before the law and are entitled without any discrimination to equal protection of the law , All are entitled to equal protection against any discrimination.

It says No one shall be subjected to arbitrary arrest, detention or exile. Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him. No one shall be held guilty of any penal offence on account of any act or omission which did not constitute a penal offence.

When we study about the islamic view about these articles,we can see that Equality before the law is one of the basic principles of the Islamic Justice System. Allah's Messenger (PBUH) was in fact the first and the foremost to show complete submission and commitment to the Divine Law.

And allah commands again in holy quran in chapter maidha *do not let the hatred of a people prevent you from being just. Be just; that is nearer to righteousness* .and he says *Indeed, Allah commands you to render trusts to whom they are due and when you judge between people to judge with justice. Excellent is that which Allah instructs you. Indeed, Allah is ever Hearing and Seeing.* the Quranic Term 'Adl' is impartiality, unbiasedness, equity, fairness and equal treatment without any inclination to anyone in preference to another. Solid and verifiable evidence is an integral element of divine justice. There are so many criterias from the islamic side for a man to be a witness.it is also justifying that how the islamic justice is stand out from other major relevant judicial system in the world. There are many other model in of prophetic teaching that prove the prophet muhammed(PBUH) was a sincere judge among all.he said that his daughter will be punished if she rob .

**Next six articles(ARTICLE 12-17)**established the rights of the individual towards the community (including such things as freedom of movement,privacy,asylum and nationality )  
In the Quran, God says:

*It is He Who made the Earth submit to you, so traverse its surface and eat of its sustenance and to Him is your return.*it means the whole earth is for mankind ,they can use it and travel throughout the earth

In Islamic concept,No one should be prohibited from movement except for an overriding consideration of the general welfare.

Prophet muhammed(PBUH) said: *"Avoid sitting in the roadways."* His Companions responded: *"O Messenger of God, we have no recourse but to sit in these places."* He said: *"If this is the case, then give the road its rights."* They said: *"What are the rights of the road, O Messenger of God?"* He said: *"Lowering the gaze, abstaining from abuse, returning the greeting of peace, enjoining what is right, and forbidding what is wrong."*

Right to privacy defined as No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation. Everyone has the right to the protection of the law against such interference or attacks. It is the ability of an individual or group to keep their lives and personal affairs out of public view

Allah says:

*"O Believers, do not enter other houses than your own until you have the approval of the inmates and have wished them peace; this is the best way for you: it is expected that you will observe it "*

'right of privacy' was not merely confined to the question of entry in the houses, but it was declared as a common right according to which it is forbidden to peep into a house, glance from outside, or even read the other person's letter without his permission. Huzail bin Shurahbil has reported that a man came to see the Holy Prophet and sought permission for entry while standing just in front of the door. The Holy Prophet said to him: "Stand aside: the object of the Commandment for seeking permission is to prevent casting of looks inside the house.

The practice of the Holy Prophet was that whenever he went to see somebody, he would stand aside, to the right or the left of the door, and seek permission as it was not then usual to hang curtains on the doors.

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According to 'Abdullah bin 'Abbas, the Holy Prophet said: *"Whoever glances through the letter of his brother without his permission, glances into fire."*

So the privacy system in Islam does not allow anyone to interrupt in the private life of other person. in fact one cannot enter or look into the window of other person without permission or without the willingness of other person.

In the address which the Prophet delivered on the occasion of the Farewell Hajj, he said: "Your lives and properties are forbidden to one another till you meet your Lord on the Day of Resurrection. Another important right refered in these articles is rights about wealth

Ownership and right to property is the inherent right of a man to exercise his rights over property which he possesses and control with obligations connected therewith in the property acquired, such as to use for his own pleasure, to transfer and to extinguish his right by way of transfer if he chooses.

Indication that everything is owned by Allah (God) and that property in the absolute sense belongs to Him, and to Him alone. However, the right of ownership vests in God alone does not mean that we as human beings do not have the right to own property, it simply puts this individual right of ownership within a broader context. Ownership is basically our responsibility as trustees of God on earth. It is clear in the Quran that there is no objection on the individual right of property. For instance, God tells the Prophet:

*"Take from their property charity".*

**ARTICLE 18-21** sanctioned the so-called "constitutional liberties", and with spiritual, public, and political freedoms, such as freedom of thought, opinion, religion and conscience, word, and peaceful association of the individual.

Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance. in fact, these articles make a man a real part of a nation and give him a manner lives

Freedom of religion is a controversial subject, even in the twenty-first century, and it usually generates a lot of heated discussions. The view of Islam in this regard is evident from the Quran, which says what means:

*{Say, 'The truth is from your Lord': Let him who will, believe, and let him who will, reject [it]}  
(Al-Kahf 18:29)*

in another chapter alalh himself said

*Let there be no compulsion in religion: Truth stands out clear from Error...(Al-Baqarah 2:256)*

They accept Islam, then indeed they follow the right way; and if they turn back, your duty (O Prophet) is only to deliver the message." — 3:20 that means the compulsory is not a part of Islamic propagation. The Prophet would peacefully call people to the religion with beautiful preaching and sound arguments. Anas ibn Malik reported: The Messenger of Allah, peace and blessings be upon him, said to a man:

*Embrace Islam.*

The man said, "I find that I dislike it." The Prophet said:

*Even if you dislike it.*

In this tradition, the Prophet did not call the man to Islam using threats or intimidation, but rather by telling him that Islam is good for him even if he disliked it.

Prophet never forced anyone into Islam and neither would he fight them because they followed a different religion. He only fought people who declared war against the Muslim community or violated people's rights. Ibn Al-Qayyim writes:

The Prophet never forced the religion upon anyone, but rather he only fought those who waged war against him and fought him first. As for those who made peace with him or conducted a truce, then he never fought them and he never compelled them to enter his religion.

Freedom of religion is the general rule in the Quran established through numerous verses and the practice of the Prophet. Nowhere in the Quran is the death penalty prescribed for apostates. Freedom of expression is an important and fundamental human right in Islam. Quran discusses it briefly. There are many verses of Quran which describe freedom of expression its importance and principles. The basic principle of Quranic conversation is good talking. As Allah says in the Holy Quran: "And speak fairly to the People." A common theory about Islam is that Islam bans the freedom of expression. This is a totally wrong theory. Freedom of consultation is also the other and important right grant un to the people through the articles : Freedom of consultation is an important right of a person in an Islamic society. The Holy Quran grants this essential human right. Even the prophet (PBUH) also consulted upon his opinions. According to the Glorious Quran: "And consult them in affairs. Allah tells about the approaches of the Holy Muhammad (PBUH) and his companions in collective matters in Quran that they consulted their collective matters. As Allah says in the Holy Quran: Who (conduct) their affairs by mutual Consultation". Even the Prophet (PBUH) himself consulted the important matters to his companions. As we read in the Hadith of prophet (PBUH). Hazrat Abu Hurairah narrates: "I have not seen any one to more diligent in consulting the companions then the prophet (PBUH) himself. Being one of salient principle of the Government prescribed in the Quran, Shura requires the Head of state and Government leaders to conduct community affairs through consultations with community members."

**ARTICLE 22-28** sanctioned an individual's economic, social and cultural rights, including healthcare. Article 25 states: "Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services." It also makes additional accommodations for security in case of physical debilitation or disability, and makes special mention of care given to those in motherhood or childhood.

Islamic social security refers to the independence of the whole community it includes the duties to every members of our community like parents, family members, friends and even neighbours and guests allah says in holy quran

*"Worship Allah and associate nothing with Him, and to parents do good, and to relatives, orphans, the needy, the near neighbor, the neighbor farther away, the companion at your side, the traveler, and those whom your right hands possess. Indeed, Allah does not like those who are self-deluding and boastful."*

The above mentioned Quranic verse demonstrates that apart from having complete conviction in Oneness of the Almighty, one has to fulfill privileges of one's family members like parents and relatives, take care of orphans and the poor in surroundings, both close to and distant neighbors, and travelers etc. So, this one Ayah contains the comprehensive plan of executing ones responsibilities in any social order which start from one's own family and is spread across the whole community.

These articles also discussing about the workers rights and islam says about it before centuries very seriously .Islamic law allows all human beings the right to enter upon any lawful profession or occupation and to conduct any lawful trade or business. The workers should be treated with dignity and honor. No work is menial or degrading. Our Prophet (peace and blessings be upon him) spoke very highly of those who labor over against those who sit idle or go begging. Islam teaches that workers should be treated with kindness. Workers should not be given work beyond their capacity. They should have a humane and safe environment for work. They should be compensated if they are injured on the job. They should have time for work and time for themselves and their families. Children or minors should not be used for labor.

And islam grant both men and women equal consideration So many of the human rights violations are committed against women in this world. Under the laws of Islam, women have the right to own property and businesses, engage in financial transactions, vote, receive inheritance, obtain an education and participate in legal and political affairs. The fact that some Muslim societies do not always accord women all these liberties is an example of how human beings can fall short of fully implementing the Divine Will.

Both men and women have responsibilities towards their families and societies as is clear from the following verse: *"The Believers, men and women, are protectors one of another: they enjoy what is just, and forbid what is evil: they observe regular prayers, practice regular charity, and obey Allah and His Messenger. On them will Allah pour His mercy: for Allah is Exalted in power, Wise"* (Quran, 9:71).

A basic standard of life includes the minimum essentials necessary for survival, such as food, clothing, shelter and medical attention. Anyone deprived of these necessities is entitled to receive aid in order to meet their needs. It is the duty of every Muslim with adequate means to give from their wealth, in order to eradicate poverty from society. Describing the righteous believers in the Quran, God reminds that they are those who give a *"rightful share of their wealth to the beggar and the deprived"* (51:19). The Islamic state is also obligated to spend from its treasury to support the poor and disadvantaged. Next three articles of universal declaration of human right establishe the general ways of using these rights ,these areas in which these rights of the individual can not be applied ,and they can not be overcome against the individual .

### Conclusion

To conclude it can be said that the Islamic view of human rights is divine and complete.it has relevance over every human right documents in history .particularly When the Islamic declarations discussed as compared as universal declarations of human right that done by united nation in 1948 it can be seen that there is many demerits and draw backs in udhr. Unfortunately, Islamic concept of humanrights has been severely misconstrued and misinterpreted by some modernist Muslims as well as by the enemies of Islam. The lack of understanding of this basic concept of human rights has given rise to many confusions and misunderstandings in the contemporary world.



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