Unit No.1: Concept of Ethics in Islam

Ethics :- Meaning and Definition?

Literal Meaning :- In literal sense the word “Ethics” means character, nature and disposition.

Technical Meaning :- Ethics is the area of study concerned with what is morally good and what is morally bad.

Ethics means “Science of Morals or “Ilm al- Akhlaq”. Besides this, we can say that ethics is a set of certain rules or a particular code of conduct which is being provided by a society or a religion. Here we are dealing with Islamic Ethics, so we can say that Islamic ethics is a set of norms which are guiding a common Muslim so that he may live good and civilized life.

Islamic Ethics or “Ilm al- Akhlaq” is a science which deals with the ways to maintain virtues at their optimum level, i.e, to avoid wrong doing and to do what is right desirable. The scope of Islamic ethics is numerous, far reaching and comprehensive because Islamic Ethics deals with relationship between man and God, man and his fellow men, and other creatures of the universe, and man with his innermost self.

Islamic Ethics not only provide the man with knowledge to distinguish good from bad, justice from injustice or courage from cowardice theoretically but also acquaints him with practical knowledge and to him an executer of good morals and an abstainer from bad ones. This ethical system is not based on worldly customs and wages but derived from the two main sources of Islam Viz. Quran (Devine
Revelation) and Sunnah, therefore making it universal, perfect and above all valid for all the times.

**Ethical Teachings in the Qu’ran:**

The Ethical Teachings in the Qur’an are:

1. **Worship only Allah**: And your Lord has decreed that you worship none but Him (17:23).

2. **Be Kind, humble and honorable to one’s parents**: And that you be kind (Dutiful) to one’s parents if one of or both of them attain old age in your life, say not to them a word of disrespect, nor shout at them but address them in terms of honor (17:23/4:36).

3. **Be Neither miserly nor wasteful in one’s expenditure**: And spend not wastefully (your wealth) in the manner of a spendthrift. Verily, spendthrift are brothers of the devils (Shyatin) (17:26-27).

4. **Do not engage in mercy killings for fear of starvation**: And kill not your children for fear of poverty (starvation). We shall provide for them as well as for you. Surely, the killing of them is a grave sin (17:31).

5. **Do not commit adultery**: And come not near to the unlawful sex. Verily, it is a Fahishah (grave sin) and an evil way (17:32).

6. **Do not kill unjustly**: And don’t kill anyone whose killing Allah has forbidden, expect for just cause (17:33).

7. **Care for orphaned children**: And come not near to the orphan’s property expect to improve it, until he attains the age of strength (17:34).

8. **Fulfill promises**: And fulfill (every) covenant. Verily! The covenant will be questioned about (17:34).
9. Be honest and fair in one's interactions:- And give full measure when you measure and weigh with a balance that is straight. That is good (advantageous) and better in the end (17:35).

10. Do not walk on earth arrogantly:- And walk not on earth with conceit and arrogance. Verily! You can neither rend nor penetrate the earth, nor can you attain a stature like the mountains in height (17:37/31:18).

11. Fear Allah and speak truth:- O you who believe! Keep your duty to Allah and fear him, and speak (always) the truth (33:70).

12. Remain away from intoxicants and gambling:- O you who believe! Intoxicants (all kind of alcoholic drinks), gambling, Al-Ansab and Al-Azlam (arrows for seeking luck or decision) are an abomination of Satan’s handiwork. So, avoid (strictly all) that (abomination) in order that you may be successful (5:90).

13. Be good and kind towards relatives and neighbours:- And do good to kinsfolk (relatives), orphans, the poor, the neighbor who is near of kin, the neighbor who is a stranger, the company by your side, the wayfarer (you meet) (4:36)

Significance of Ethics:

The significance of ethics can be explained and understood by the following points:-

1. Realization of creator and creation:- Ethics helps in realization of our creator, Allah. It is because of ethics a man gets acquainted with the purpose of creation also.

2. Elevation and Purification of Souls:- Man’s soul gets elevated by the ethics. It also gets Med and begins to realize the purpose of life on earth.
3. **Abolishment of discrimination:** Ethics plays a pivotal role in promoting equality and abolishes discrimination on various grounds such as class, creed, caste, color, sex, language, nationality, religion etc.

4. **Civilization of human beings:** Ethics frees human beings from beastly instincts and civilizes them.

5. **Man gets pleasure, goodwill and nearness of God:** It is the quality of ethics by which man gets pleasure, goodwill and nearness to his creator.

6. **Executer of good morals and Abstainer of bad morals:** Ethics helps a man in the execution of good morals and at the same time he himself abstains from bad morals.

7. **Selfishness ends:** A selfless behavior and attitude develops in people because of ethics. Simplicity, honesty, love, sympathy, piety, justice, truthfulness and modesty become the virtues of people.

**Concept of Farai’dh (Duties)**

1. **Definition:** Fardh or Farai’dh is an Islamic term which denotes a religious duty commanded by Allah such as Salah, Zakah, Sawm, Hajj, Jihad etc.

**FARADH ARE OF TWO TYPES**

1. **Fardh al-‘Ayn:** It is the Fardh that is compulsory duty on every single Muslim to perform, like Salah, Sawm, Zakah, Hajj, Jihad etc.

2. **Fardh al-Kifayah:** It is a duty which is imposed on the whole community of believers (Ummah), like Funeral Prayer (Janazah).

**Huquq al-Allah (Duties to Allah or rights of Allah upon men)**

1. Realization and recognition of Allah.
2. Worship and follow his commandants only.
3. Do not commit shrik.
4. Fear Allah at every moment of life.
5. Belief in the existence of Allah.

**Huquq al-‘Ibad (Duties of men towards other men)**

1. First duty of man towards other men is to enjoy good and forbid evil.
2. To return the greetings.
3. To visit the sick,
4. To attend funeral prayers.
5. To respond to the sneezer.
6. To accept an invitation.
7. To assist a person in distress.
8. To say nothing but good about men after death.
9. Be kind and honourable to other men.
10. Try to make good relations with parents, brothers, sisters, neighbours, relatives, Muslims, Non-Muslims.
11. Care of orphans, poor, needy, widows, slaves, lunatics and so on.
12. Promote brotherhood, equality, honesty, truthfulness, peace, love, sympathy, justice etc.
13. Participate in the sorrows and joys of other human beings.
UNIT-II

Islam Ethical System

Relation between Religion and Ethics

The religions of world are having a proper code of conduct for its followers so that they may follow it and lead their life accordingly. Like other religions Islam is having its own code of conduct or moral teachings which are complete and universal because by these moral teachings Allah wants to produce a good and civilized society. Islam has given us such a moral system in that it not only defines morality (what is good and what is bad) but also guides the human beings how to achieve it at both an individual well as collective levels. The Islamic moral system stems from its basic system of belief in one God as the creator and sustainer of the universe. Islam considers the human race to be a part of God’s creation and his subjects.

From Islamic perspective the purpose of human life is to worship one God by leading this worldly life in harmony with the Divine Will and thereby achieve peace in this world and everlasting success in the life of the hereafter. For us the glorious Qur’an and traditions of Prophet (S.A.W) are our moral guides. As Allah says in the Qur’an.

*It is not righteousness that you turn your faces towards East or West, but it is righteousness to believe in Allah and the Last Day and the Angels and the Books, and the Messengers; to spend of your substance, out of love for Him, for your kin, for orphans, for the needy, for the wayfarer, for those who ask and the ransom of slaves, to be steadfast in prayer and practice regular to fulfill the contracts which you have made and to be firm and patient, in pain and adversity and throughout all*
periods of panic. Such are the people of truth, the Allah-fearing. (Surah al-Baqra).

This verse underscores the Islamic belief that righteousness and piety is based, before all else on a true and sincere faith. This also shows how much stress Islam lays on moral teachings. The love and continuous awareness of God and the day of judgement enables man to be good in conduct and sincere in intentions with devotions with devotions and dedication.

For an individual as well as society morality is one of the fundamental sources of strength, just as immorality is one of the causes of decline. While respecting the rights of others Islam is also concerned with the moral health of society. Morality in Islam addresses every aspect of a Muslim’s life, from greetings to international relations. It is universal in its scope and applicability. A Muslim is expected to not only be virtuous but also to enjoy virtue. He must not only refrain from evil and vice but must be actively engaged in asking people to refrain from it.

In short we can say that ethics and religion are interrelated and interdependent with each other, we cannot separate them. Religion without ethics is like a soulless body or a bird without wings. They are having connect goal like to connect a creation with his creator, promotion of good qualities and establishment of a civilized and peaceful society.

**Prophet Muhammad (s.a.w) as perfect model of human conduct:**

**Uswah Hasanah:** It means the noble character, the best example or the perfect model of human conduct. In Islam it means the best and perfect model and ideal to be followed by the Muslims is Prophet Muhammad
(s.a.w) as Quran mentions “you have an excellent example (uswah Hasanah) in the messanger of Allah.” So prophet Muhammad (s.a.w) is the best example for humankind as he had lived the practical life of the best and perfect model of human conduct.

This Uswah Hasanah guides and wants us to live a morally upright life and to be God’s humble servant and does not indulge into the false practices like robbery, theft, forgery, cheating, interest etc. according to Shariah one has to live fire in which he does not violate the rules of Islam and does not harm the rights of other humans and this can be achieved only when the Uswah Hasanah of the prophet Muhammad (s.a.w) is followed in true letter and spirit. He has practically materialized the teachings of the holy Quran and has guided us in all aspects of our life it be it economy or polity, society or culture, whether it is the life of a husband or father business man, or a leader. In short Prophet Muhammad (s.a.w) is perfect model for mankind.

Uswah Hasanah is a goal towards which every Muslim should strive in order to form a just tolerant and perfect model society. As Quran declares:

“Verily, there has been an excellent pattern for you in the Messenger of Allah” (33:21)

The prophets from Prophet Adam (a.s.) to Prophet ‘Isa (a.s) were sent for a particular region and nation and for a particular period of time but Prophet Muhammad (s.a.w) was sent for all the worlds and for all times. The holy Quran instructs like as:

“And we have not sent you but as a mercy for all the worlds” (21:107)

The Doctrine of Golden Mean (Ummat-i-Wasata):
Arabic word Ummah means to Muslim COMMUNITY AND Wasata mean the chosen ones or justly balanced people or moderate nation in Quran Allah says that, “thus Muslims to whom Allah is referring as he had commanded the Muslims to be Moderate and just in all affairs of life whatever economic, social, political etc.

He had also commanded us to choose the midway between the two extremes of high or low between excess and deficiency. Our Holy Prophet (s.a.w) has lived the practical life of justice, moderation and balance and has enjoyed his followers to be sane and to be examples for others to follow.

Doctrine of golden mean is the English version of the teaching of Ummat-I-Wasata as laid down by Islam. Golden mean is the philosophy meaning following the midway between the extremes of excess and deficiency. Thus philosophy was also laid down by Greek philosopher Aristotle.

Umma-I-Wasata or the doctrine of Golden mean can be applied in every aspect of life, but is mostly applied in the aspects of life in Islam where the ruler is subjected to rule by following the middle course. Economically this doctrine or teaching tells us not to be extravagant or Miser while spending for yourself or for the family, only follow the path of justice or balance. By this Doctrine Islam also tells us to balance your life as this world in neither to be loved nor to be hated, a true believer just needs to live in this world the life of moderation and to avoid extremism and also tells us to follow the prophet (s.a.w) of Islam and to be Ummat-I-Wasata or the balanced nation on the earth.
Ummat-I-Wasata is a collective goal for the whole Muslim nation to be achieved by following the principles of Quran and Hadith. Doctrine of golden means is a political philosophy meaning following the midway in raising a state.

About the moderation of this Ummah (Ummat-i-Musmah), Allah Says in the Holy Quran:

“And of those whom we have created there is a community who guides (others) with truth and establishes justice therewith” (07:181)

Thus Islam has chosen moderation for us a guiding principle and which shall never change as it is a Divine Law, not to be modified or changed. To follow the path of moderation in every respect i.e. Iman (Faith), worship or in morality as has been commanded and ordained by Allah. Some of the verses from the Holy Quran are given which clear to us the concept of moderation.

**Social Duties of family:**

**Definition of family:-** Family refers to a group consisting of one or two parents and their children.

**Duties of Husband towards his Wife:-**

1. The first duty of husband to his Wife, is to love and honor her.

2. A husband should provide financial support to his wife.

3. To ask her to do something which commanded by Islam eg., Salah, Sawm, Pardah, Justice, Truth etc.

4. Provide the things of sustenance to her such as: adequate food, suitable clothes, comfortable home Etc.
5. To beat up his wife without her committing a most serve crime.

6. If the Wife falls sick, the husband should dedicatedly look after her. 7. Satisfy her all needs e.g., physical needs.

8. Should not confine her Within the four walls of house at every moment of life.

9. Husband should also help his wife in domestic chores.

10. He should behave his wife in a disciplined and proper way.

Duties of Wife towards her Husband:

1. Wife should be obedient, dutiful and loyal to her husband.

2. She should not leave the house unless the husband permits it.

3. She should also guard his property.

4. To serve and run his house in a reasonable fashion.

5. not let anyone into the house unless he permits it.

6. Satisfy sexual desires of her husband.

7. Respect and love her husband.

8. Be subject to her husband and also submit leadership to him.

9. To provide him emotional support in both happiness and sadness.

10. To keep his secrets and forgive his small mistakes.

Parents Duties Towards Children:

1. First of all parents should give right to life to their children.

2. Give a nice and appropriate name to them.
3. Give them a good education, training and discipline.
4. Maintain equality and justice between their children.
5. Showing love and sympathy towards children.
6. Parents should teach their children all about Islam and show them how to worship Allah with no compulsion or force.
7. Marrying them when they are old enough to get marry.
8. Protect them from unlawful things such as: lying, ill-speaking, theft, wine-drinking, gambling, backbiting, injustice, dishonest, corruption, barbarism, killing, beating anyone etc.
9. They should give them a proper share in their property.
10. Provide children food, clothes and shelter.
11. Financially support your children.

**Duties of children towards parents:**

1. Being dutiful to parents and obeying them.
2. Showing humility, gratitude and compassion towards parents.
3. Love and respect them
4. Do not marry without their consent/permission.
5. Do not quarrel with them.
6. Do not call them by their names, nor walk in front of them or sit down alongside with them.
7. Also, look after them.

**SOCIAL DUTIES TOWARDS RELATIVES:**

1. One should enjoy justice, generosity and kind treatment with relatives (16:90).
2. One should not violate the rights of relatives a Prophet (s.a.w) said, “whoever violates the rights of the relatives shall not go to paradise”.

3. Man should put himself away from disregard and oppression to relatives because H. Abu Bakr (R.A) said, “there are two sins which warrant punishment in Here and hereafter: one is oppression and the other is disregard kinship.

4. Prophet Muhammad (s.a.w) said, the one who keeps giving charity and continue to extend love and care to relatives, Allah gives hi, a long healthy life, protects him from a bad end and shields him from calamities and hardships.

5. One should provide monetary assistance to one’s relatives when it is needed.

6. Devoting a part of time and energy to their services.

7. At the time of marriage first preference must be given to relatives.

8. Share their sorrows and increase their joys.

9. Help them in every aspect of life e.g. marriage, death, decision making etc.

**Social duties towards Neighbours:**

1. One should help one’s neighbor with money.

2. To visit him frequently, if he becomes ill.

3. If he dies attend his funeral.

4. Try utmost to share his sorrows and increase his joys.

5. Send some cooked food and fruits to him.

6. If the neighbor throws dust and rubbish before your door you should not mend it but advise him not to do so.

7. The smoke and smell from your kitchen should not disturb your neighbor.

8. Do not make your house higher than your neighbours.

9. Satisfy his needs if he becomes poor, needy, orphan etc.
10. To congratulate him if he meets with good fortune.
11. Also, exchange your gifts with your neighbor to make a good relation.
12. To respect and regard your neighbor.
13. Remain away from ill-speaking, theft, barbarism, harm and backbiting to one’s neighbor.
1. **Human Rights: Meaning and Significance**

**Meaning and nature**

Human beings are rational beings. They by virtue of their being human possess certain basic and inalienable rights, which are commonly known as Human Rights. According to the New International Webster’s Comprehensive Dictionary of the English Language, literally the word “right” means anything done in accordance with or conformable to truth or fact, correct, true, accurate, not mistaken, conformable to a standard of propriety, fit, suitable and the word “human” means pertaining to characterising man or mankind. However, Human rights being a generic term embrace civil rights, civil liberties, social, economic and cultural rights. It is therefore difficult to give a precise definition of the term Human Rights. As such, it can be said that the rights that all people have by virtue of human existence are human rights. Since these rights belonged to them because of their very existence, they become operative with their birth. Human Rights being the birth right are therefore, inherent in all the individuals, Irrespective of their caste, creed, religion, sex, nationality. These rights are essential for all the individuals as they are consonant with their freedom and dignity and are conductive to physical, moral, social and spiritual welfare, they are also necessary as they provide suitable conditions for the material and moral uplift of the people. Because of their immense significance to human beings; Human Rights are also sometimes referred to fundamental rights, basic rights inherent rights, natural rights and birth rights.

2.
3. As for as the nature of Human Rights is concerned, two main approaches were adopted to explain the nature of Human Rights from time to time. The approaches are philosophical approach and pragmatic approach.

4. The Philosophical or theoretical approach:

5. The Philosophical or theoretical approach has been categorized in five more theories to explain the rights of man. These are

6. a) The Natural Rights Theory: According to this theory the Human Rights are inherent in the very nature of human being. Human person possesses these rights because of the very fact that it is a person, a whole, a master, a master of itself and of its acts by natural law. Therefore, the growth of concept of the ‘Rights of Man’ has been closely associated with the traditional natural law theories, as a matter of fact the notion of individual rights has never been projected as a special feature in these theories, and Law as such implies both duties and rights. As such, duties and rights are co-related with each other. D.D.Raphael has rightly observed that, “The rights are rights against other people, and the duties are duties to other people. Thus a system of natural law, a system of duties which all men have to others, is at the same time a system of rights which all men have against others.

7. The legal right Theory:

8. The natural rights theory has been criticized by many scholars, and in turn advocates in favour of the legal rights theory. According to this theory, the rights are the creation of state. As such, they are neither absolute nor inherent in the nature of man. All rights such as right to life, liberty or property are artificially created by the law of the land. These fundamental rights are the right of self preservation, which can be protected by state only in better manner than by any other means. This theory extended that
these rights can be recognized by the state only for its enforcement, and if state cannot recognize it, it cannot be enforced.

The concept of Human Rights dated 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, have their origins in several religious beliefs both before and after Christ. Therefore, the Human Rights in no means are a concept of Modern times, though it appears so, the roots of Human Rights are found very deep in the eternity. In the ancient and ancient most cultures which have been rooted out by passage of times and rule of human atrocities or barbarianism of certain tribes. 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’. A few Greek and Roman Philosophers recognized the idea of natural rights. Plato (427-348 B.C) was one of the earliest writers to advocate a Universal standard of ethical conduct. In recorded history and ancient scriptures, there have been references, on the basic human rights, though they were not referred to by that name. Modern Historians credit to by that concept of Magna Carta A.D 1215. However, All Human rights derive from dignity and worth inherent in the human person and that the human person is the central subject of Human rights and fundamental freedoms, in simple terms, whatever adds, to the dignified and free existence of a human being should be regarded as human rights evolution and crystallization of the concept took a long term. Initially there
was confusion between the Natural rights propounded by political philosophers in the bygone ages and the concept of Human Rights. The later is an all-encompassing one. In order to understand the term ‘Human Rights’, conceptually may be fitness of things to take stock of the different concepts given in both west and in the rest of the world.:-

3. Western view of Human Rights
Human rights in the West do not enjoy a permanent position. They have no eternal source criteria of a cosmic order. The entire sources are either imaginary or like the Habeas Corpus, Magna Carta, the Bill of rights, the French Charter of Human Rights and the ten amendments to the American constitution, are documents of a regional nature and are the product of the peculiar political and social conditions existing in Britain, France and America. There the concept of the fundamental rights has developed along with human consciousness. And these rights have been born one by one out of the agreements during the protracted struggle between the people and the kind or other rulers, for the division of powers, the decision of the parliament, charter declarations and the theories put up by the political thinkers. As this struggle advanced, the sphere of rights became wider. That is to say, what are being termed as ‘fundamental rights’ today were not there till yesterday, and if it all they were, they were no more that more yearnings which had no sanction at their back. Every one of these rights became a right in the true sense of the word only when the law of land and the constitution recognizing it conferred validity on it. However, in the Western countries by and large, the real purpose of these rights is to offer protection to the individual against the state. So in the West these rights are given higher position than the common laws framed by the state. By incorporating them in the
constitution the legislative powers of the state are limited, and the judiciary is entrusted with enforcement of the fundamental rights.

2. ISLAMIC CONCEPT OF HUMAN RIGHTS: Meaning and Sources

Over the years the concept of Human Rights has assumed importance globally, as a matter of fact that the respect for Human Rights only makes freedom meaningful and really effective. There is a popular belief that struggle for Universal Human Rights is a modern concept and were attributed as a Western concept or ideology. Though Islam was among the first institution to advocate and implement Human Rights as a Universal equality. History is itself witnessed that Islam promoted the universality of the human experiences over 1400 years before the United Nation declared it to exist. Unfortunately the ignorant critics of Islam have totally neglected the concept of Human Right in Islam and its practical application to Human beings.

In order to understand the nature and position of Human Rights in Islam and the safeguards which it provided against their violation in the perspective of modern international approached and the conceptual pitfalls and practical hurdles in the way of their comprehension and implementation, it is necessary to study the Islamic concept of State, its political frame work, its model obtaining during the days of the Noble Prophet and the Pious Caliphas together with the sources of an Islamic Constitution.

The Human Rights in Islam means, the rights, which “have been granted by God (Allah); they have not been granted by any kind or by any legislative assembly.
The rights granted by the kings or legislative assemblies, can also be withdrawn in the same manner in which they are conferred. The same is the case with the rights accepted and recognized by the dictators. They confer them when they please and withdraw them when they wish; and they can openly violate them when they like. But since in Islam, Human Rights have been conferred by God (Allah), no legislative assembly in the world, or any government on earth has the rights or authority to make any amendment or change in the rights conferred by God (Allah). No one has the right to abrogate them or withdrawn them. Nor are they the basic Human Rights which are conferred on paper for the sake of show and exhibition and denied in actual life when the show is over. Nor are they like philosophical concepts which have no sanctions behind them”.

Thus, above verse clearly indicates the Islamic point of view, where” Allah is the creator of this Universe. He is the sole Master, Ruler, Director and Administrator. Sovereignty of the Universe is vested in Him and no one else has a rights and capacity to share it. In physical sphere, the Sovereignty of Allah is established by itself. Each and every thing is regulated by the laws of nature. In that sector of his life man too is bound by the Divine law regardless of the fact whether he submits to it or not. All the organs of his body are governed by the inexorable laws of nature”.According to the Qu’ranic verse, “Those who do not judge by what (God) Allah has sent down are the disbelievers (Kafriun), Al-Quran (5:44)”.

Historically, the concept of Human rights is as old as Islam itself. The creator of mankind has not only bestowed man with basic necessities of life, viz, Air, water, food, light and other commodities and at the same time, He guided to how to dealt in his social sphere, through divine revolution for this purpose. Allah has sent His Prophets to guide the making and spread the message of Almighty Allah on the surface of earth from Hazrat Adam (A.S) to the last Messenger of Allah
Hazrat Muhammad ﷺ, “with these Qu’ranic verses and traditions of the Prophet, the message of Islam has been sealed and completed. Therefore, there will be no message after the message of Muhammad ﷺ and there will be no Apostle afterwards, the religion of Islam has been perfected and the favour of Allah has been completed upon His servants in terms of faith. This shariah is based on faith, conviction and righteous deed; a luminous Islamic shariah with civilized, integrated and comprehensive approach that is valid for every place and time”.

Qur’an says, “O ye who believe! Violate not the Sanctity of the symbols of God, Nor of the Sacred Month, nor of the animals brought for sacrifice, nor the garlands that mark out neither such animals, nor the people resorting to the Sacred House seeking the bounty and good pleasure of the Lord… fear God: for God is strict in punishment”.

Comparatively, “while the world was roaming in ignorance and darkness, ruled by force and hegemony, lacking logic and justice, the message of Islam was revealed to synthesize the worldly matters of man and to organize his relations with his Lord and his mates. It’s also establishes the principles of the political, social, cultural and civil rights, of man Islam has honoured man by granting him freedom of thought, freedom of religion, as well as political freedom. Also, Islam has established some rights that have not been recognized so far by the twentieth century legislatures. These principles laid down by Islam for the protection of human dignity and his human rights are still beyond the reach of human reason”.

Thus, “Islam aims at restoring rights to their rightful owners and removing sorrow and distress from those who are deprived of their rights and suffer from all sorts of injustices and oppression. The Qur’an respects mankind and declares
man as the noblest creature. Men and women have been created from one and the same soul… and enjoy the same status”.

Qur’an Says, “O mankind! Reverence Your Guardian. Lord, Who created you from a single person, created, of like nature, His mate, and from them twain scattered (like sees) countless men and women, Reverence God, through whom ye demand your mutual (rights), and (reverence) the wombs, (that bore you): for God Ever watches over you”, Al-Quran. (IV: 1).

In Islam, rights and duties, prohibitions and restrictions are of a religious nature. At first, reciprocal relations must be clearly defined since the revealed law is supposed to arbitrate under all circumstances, however, Muslim law conceives of man on the individual and collective level, in two senses, which, though not different, are dissimilar, thus, the swing of the pendulum between individual rights and necessity of common property is not absent but will be present in a particularly Islamic perspective, and should consequently find its equilibrium through the exact application of the revealed law”. As Kawther M. Al-Minwi puts it in the similar way, and writes,” Human Rights in Islam are unseparable part of the Islamic belief and the general look to the relations between man and his Lord, man and himself, man and other people, and man the Universe. Human Rights in Islam are divine gift from Allah, the Almighty to all people. They are divine revelation, not a result to certain urgent circumstances or some people’s demands. The Islamic Human Rights are general and universal to all the Children of Adam, not limited to a nation, a race, a colour, a group or a city. It is rather to all mankind, in all times and all place. They are practical behavior in addition to being a divine law”.
The Sources of Human Rights in Islam:

The Human Rights in Islam are composed of four primary sources.

I. Since the Qur’an is the primary and first source of Shariah and Human Rights, it ordains general provisions which are immutable and invar. Thus is permanent and sacred Constitution that is not subject to alternation and suspension. The provision of Holy Qur’an should be the base for any judgment and reasoning, whatever the basis is.

II. The second source of Islamic teachings and Human Rights is the Prophet Muhammad’s Sunnah. Sunnah means the verbal, practical, implicit judgment, and approvals of the Prophet as interpretation of Holy Qur’an. Sunnah is the valid source of Islamic legislation after Holy Qur’an.

III. Ijma is a third source of Islamic law, and Human Rights. The word Ijma is derived from Jam’a which means collecting or gathering together and Ijma carries the double significance of composing and settling a thing which has been unsettled and hence determining and resolving upon an affair, and also agreeing or uniting in opinion. In the terminology of the Muslim Jurists. Ijma means a consensus of opinion of the Companions of the Prophet only, while some maintain that it is an agreement of the Muslim jurists of a particular age on a point of law. So, Ijma, (consensus) can be defined as the unanimous opinion or judgment by the Islamic Scholars at a given time based on the Injunctions and rules of the Qur’an and Sunnah and their detailed implementations.

IV. Reasoning: is the fourth source of Islamic law and Human Rights. Reasoning or analogy (Qiyas) or opinion is the individual judgment proclaimed by Muslim Scholars at different places and times, and must be derived from the general objectives of Qur’an and Sunnah, as well as Consensus including the detailed details provide there in.

Although Islam gave to mankind an ideal code of human rights fourteen centuries ago. These rights aim at conferring honour and dignity on mankind and eliminating exploitation, oppression and injustice. Nevertheless, eminent Muslim scholars, jurists and representatives of Islamic movements and thought compiled a bill of rights known as, The Universal Islamic Declaration of Human Rights (UIDHR) based on the injunctions of holy Qur'an and the Sunnah of the Prophet 📜. The preamble of the declaration ends with the statement that, “as servants of Allah and as members of the Universal Brotherhood of Islam, at the beginning of the Fifteenth Century of the Islamic Era, affirm our commitment to uphold the following inviolable and inalienable human rights that we consider are enjoined by Islam, “Universal Islamic Declaration of Human Rights, 21 Dhul Qaidah 1401, 19 September 1981”.

Article 1 of the Declaration says that, Human life is sacred and inviolable and every effort shall be made to protect it. In particular no one shall be exposed to injury or death, except under the authority of the Law. Just as in life, so also after death, the sanctity of a person's body shall be inviolable. It is the obligation of believers to see that a deceased person's body is handled with due solemnity. Man is born free. No inroads shall be made on his right to liberty except under the authority and in due process of the Law. Every individual and every people has the inalienable right to freedom in all its forms- physical, cultural, economic and political — and shall be entitled to struggle by all available means against any infringement or abrogation of this right; and every oppressed individual or people has a legitimate claim to the support of other individuals and/or peoples in such a struggle ( Article II). All persons are equal before the Law and are
entitled to equal opportunities and protection of the Law. All persons shall be entitled to equal wage for equal work. No person shall be denied the opportunity to work or be discriminated against in any manner or exposed to greater physical risk by reason of religious belief, colour, race, origin, sex or language (Article III). Every person has the right to be treated in accordance with the Law, and only in accordance with the Law. Every person has not only the right but also the obligation to protest against injustice; to recourse to remedies provided by the Law in respect of any unwarranted personal injury or loss; to self-defense against any charges that are preferred against him and to obtain fair adjudication before an independent judicial tribunal in any dispute with public authorities or any other person. It is the right and duty of every person to defend the rights of any other person and the community in general (Hisbah). No person shall be discriminated against while seeking to defend private and public rights. It is the right and duty of every Muslim to refuse to obey any command which is contrary to the Law, no matter by whom it may be issued (Article IV). No person shall be adjudged guilty of an offence and made liable to punishment except after proof of his guilt before an independent judicial tribunal. No person shall be adjudged guilty except after a fair trial and after reasonable opportunity for defense has been provided to him. Punishment shall be awarded in accordance with the Law, in proportion to the seriousness of the offence and with due consideration of the circumstances under which it was committed. No act shall be considered a crime unless it is stipulated as such in the clear wording of the Law. Every individual is responsible for his actions. Responsibility for a crime cannot be vicariously extended to other members of his family or group, who are not otherwise directly or indirectly involved in the commission of the crime in question (Article V). Every person has the right to protection against harassment by official agencies. He is not liable to account for himself except for making a defense to the charges
made against him or where he is found in a situation where in a question regarding suspicion of his involvement in a crime could be reasonably raised (Article VI). No person shall be subjected to torture in mind or body, or degraded, or threatened with injury either to himself or to anyone related to or held dear by him, or forcibly made to confess to the commission of a crime, or forced to consent to an act which is injurious to his interests (Article VII). Every person has the right to protect his honour and reputation against calumnies, groundless charges or deliberate attempts at defamation and blackmail (Article VIII). Every persecuted or oppressed person has the right to seek refuge and asylum. This right is guaranteed to every human being irrespective of race, religion, colour and sex. Al Masjid Al Haram (the sacred house of Allah) in Mekkah is a sanctuary for all Muslims (Article IX). The Qur'anic principle "There is no compulsion in religion" shall govern the religious rights of non-Muslim minorities. In a Muslim country religious minorities shall have the choice to be governed in respect of their civil and personal matters by Islamic Law, or by their own laws (Article X). Subject to the Law, every individual in the community (Ummah) is entitled to assume public office. Process of free consultation (Shura) is the basis of the administrative relationship between the government and the people. People also have the right to choose and remove their rulers in accordance with this principle (Article XI). Every person has the right to express his thoughts and beliefs so long as he remains within the limits prescribed by the Law. No one, however, is entitled to disseminate falsehood or to circulate reports which may outrage public decency, or to indulge in slander, innuendo or to cast defamatory aspersions on other persons. Pursuit of knowledge and search after truth is not only a right but a duty of every Muslim. It is the right and duty of every Muslim to protest and strive (within the limits set out by the Law) against oppression even if it involves challenging the highest authority in the state. There
shall be no bar on the dissemination of information provided it does not endanger the security of the society or the state and is confined within the limits imposed by the Law. No one shall hold in contempt or ridicule the religious beliefs of others or incite public hostility against them; respect for the religious feelings of others is obligatory on all Muslims (Article XII). Every person has the right to freedom of conscience and worship in accordance with his religious beliefs (Article XIII). Every person is entitled to participate individually and collectively in the religious, social, cultural and political life of his community and to establish institutions and agencies meant to enjoin what is right (ma’roof) and to prevent what is wrong (munkar). Every person is entitled to strive for the establishment of institutions where under an enjoyment of these rights would be made possible. Collectively, the community is obliged to establish conditions so as to allow its members full development of their personalities (Article XIV). In their economic pursuits, all persons are entitled to the full benefits of nature and all its resources. These are blessings bestowed by God for the benefit of mankind as a whole. All human beings are entitled to earn their living according to the Law. Every person is entitled to own property individually or in association with others. State ownership of certain economic resources in the public interest is legitimate. The poor have the right to a prescribed share in the wealth of the rich, as fixed by Zakah, levied and collected in accordance with the Law. All means of production shall be utilized in the interest of the community (Ummah) as a whole, and may not be neglected or misused. In order to promote the development of a balanced economy and to protect society from exploitation, Islamic Law forbids monopolies, unreasonable restrictive trade practices, usury, the use of coercion in the making of contracts and the publication of misleading advertisements. All economic activities are permitted provided they are not detrimental to the interests of the community (Ummah) and do not violate Islamic laws and values.
(Article XV). No property may be expropriated except in the public interest and on payment of fair and adequate compensation (Article XVI). Islam honours work and the worker and enjoins Muslims not only to treat the worker justly but also generously. He is not only to be paid his earned wages promptly, but is also entitled to adequate rest and leisure (Article XVII). Every person has the right to food, shelter, clothing, education and medical care consistent with the resources of the community. This obligation of the community extends in particular to all individuals who cannot take care of themselves due to some temporary or permanent disability (Article XVIII). Every person is entitled to marry, to found a family and to bring up children in conformity with his religion, traditions and culture. Every spouse is entitled to such rights and privileges and carries such obligations as are stipulated by the Law. Each of the partners in a marriage is entitled to respect and consideration from the other. Every husband is obligated to maintain his wife and children according to his means. Every child has the right to be maintained and properly brought up by its parents, it being forbidden that children are made to work at an early age or that any burden is put on them which would arrest or harm their natural development. If parents are for some reason unable to discharge their obligations towards a child it becomes the responsibility of the community to fulfill these obligations at public expense. Every person is entitled to material support, as well as care and protection, from his family during his childhood, old age or incapacity. Parents are entitled to material support as well as care and protection from their children. Motherhood is entitled to special respect, care and assistance on the part of the family and the public organs of the community (Ummah). Within the family, men and women are to share in their obligations and responsibilities according to their sex, their natural endowments, talents and inclinations, bearing in mind their common responsibilities toward their progeny and their relatives. No person may be
married against his or her will, or lose or suffer diminution of legal personality on account of marriage (Article XIX). Every married woman is entitled to: live in the house in which her husband lives; receive the means necessary for maintaining a standard of living which is not inferior to that of her spouse, and, in the event of divorce, receive during the statutory period of waiting (iddah) means of maintenance commensurate with her husband's resources, for herself as well as for the children she nurses or keeps, irrespective of her own financial status, earnings, or property that she may hold in her own rights; seek and obtain dissolution of marriage (Khul'a) in accordance with the terms of the Law. This right is in addition to her right to seek divorce through the courts. Inherit from her husband, her parents, her children and other relatives according to the Law; strict confidentiality from her spouse, or ex-spouse if divorced, with regard to any information that he may have obtained about her, the disclosure of which could prove detrimental to her interests. A similar responsibility rests upon her in respect of her spouse or ex-spouse (Article XX). Every person is entitled to receive education in accordance with his natural capabilities. Every person is entitled to a free choice of profession and career and to the opportunity for the full development of his natural endowments (Article XXI). Every person is entitled to the protection of his privacy (Article XXII). In view of the fact that the World of Islam is veritably Ummah Islamia, every Muslim shall have the right to freely move in and out of any Muslim country. No one shall be forced to leave the country of his residence, or be arbitrarily deported there from without recourse to due process of Law (Article XXIII).

Explanatory Notes: the term 'person' refers to both the male and female sexes. The term 'Law' denotes the Shari'ah, i.e. the totality of ordinances derived from the Qur'an and the Sunnah and any other laws that are deduced from these two sources by methods considered valid in Islamic jurisprudence. Each one of the
Human Rights enunciated in this declaration carries a corresponding duty. In the exercise and enjoyment of the rights referred to above every person shall be subject only to such limitations as are enjoined by the Law for the purpose of securing the due recognition of, and respect for, the rights and the freedom of others and of meeting the just requirements of morality, public order and the general welfare of the Community (Ummah).
UNIT IV

ADDITIONAL HUMAN RIGHTS

1. BASIC HUMAN RIGHTS:
   RIGHT TO LIFE

Right to life is the most important and sacred human right. Therefore Islam has taken the responsibility to protect it. The human blood is impermissible, and no body dares shed it. Life is venerated and guarded that no one is allowed to neither cut it short nor threaten it. Qur’an says, “… that if anyone killed a person not in retaliation of murder, or (and) to spread mischief in the land - it would be as if he killed all mankind, and if anyone saved a life, it would be as if he saved the life of all mankind….., Al-Qur’an, Al-Maida : 32.

“Any one who kills a believer deliberately will receive as his reward (a sentence) to live in Hell for ever. God will be angry with him and curse him, and prepare dreadful torment for him, Al-Quran, An-Nisa : 93.” However, taking retaliation for murder or any other offences can only be decided by a competent court of law. Qur’an says, “…and kill not anyone whom Allah has forbidden, except for a just cause (according to Islamic law). This He has commanded you that you may understand, Al-Quran, Al-Anaam : 151

Thus in any case, the destruction of human life has been regarded as a great sin. And is considered endangering to the all mankind. The Prophet  declared “homicide is only next to the polytheism”, “the greatest sins are to associate some thing with God (Allah) and to kill human beings.” Prophet  emphasized the sacredness of the right of life, “Your blood and property are the holy and sacred, the same way as this day of yours, in this month of yours, and in this town of yours…” Islam gives the right to life even to the child in the womb of its mother,
that is, “if a person ends the continuity of baby’s life by inflicting such a damage on its mother that the baby’s conception is aborted in either of the three forms, (sperm, embryo, and fetus), he has to pay a specific blood money and compensation as per the Islamic regulations, as the baby has died. This blood money will be paid to its parents; if one of its parents causes the miscarriage, the blood money is received by the other.” If the father dies while the sperm is in the mother’s womb and if father has other children who are the sisters and brothers of that baby and these sister and brother claims their inheritance of father’s legacy, the verdict of Islam steps forth to defend human rights and proclaims: either the brother and sisters should wait till the baby is born and its share is determined on the basis of whether it is male or female, and whether it is a single baby or twins, or to be on a safer side, protecting the rights of the oppressed, they should assume this sperm of unknown identity as two son’s. They should set aside these two one’s shares and divide the balance among themselves according to a renowned scholar Hujjatu-ul-Islam Muhammad Taqi Misbah Yezdi. The Qur’an says “And kill not your children for fear of poverty. We provide for them and for you. Surely, the killing of them is a great sin, Al-Qura’an, Al-Israa: 31”.

At the time of the emergence of Islam in seventh century, female infants were killed by parents themselves, and the same history is being repeated today with scientific tools and techniques. Today, the laws like pre-natal diagnostic technique (P.N.D.T Act) are being enacted to stop, such in-human practice. However, Islam has imposed a total ban on such barbarous practices and laid down that female child had the right to live and grow in the same way as the male infants. Qura’an Says, “And when the female (infant) buried alive (as the pagan Arabs used to do) shall be Questioned, For what sin she was killed ( Al-
Quran, Al-Takwir: 8-9): Once the Holy Prophet is reported to have said, “One who has two daughters, and no son, and spends his life in their proper upbringing and education, will be close to me in the Heaven (Hadith).”

As such, these commandments of the Quran and the Prophet, read together, accorded full protection to human life, neither an individual would be allowed to take away the life of another individual, nor shall the state destroy any human life except in either case, when the law so requires or permits, all forms of – manslaughter, homicide, infanticide, etc, are therefore, regarded in Islam as heinous crime.”

THE RIGHT TO EQUALITY

Islam is the religion of justice and equality and as such gives its citizens the right to absolute and complete equality in front of the justice. The superiority of one man over another is only on the basis of God-Consciousness, purity of character and high morals, and not colour, race, language or nationality. Quran 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 honorable of you with Allah is that (believer) who has piety (At-Taqwa). Verily, Allah is All-Knowing, All-Aware, Al-Quran, Al-Hujrat: 13.”

People are therefore not justified in assuming airs of superiority over other human beings. Nor do the righteous have any special privileges over others”. Therefore, Islam regards all human beings to be equal and descendants of common ancestors. The Prophet Muhammad has declared in his speech on
Hujat-ul-Wida (Farewell Hajj), No Arab does not have any superiority over a non-Arab, nor does a non-Arab have any superiority over an Arab. Nor does a white man any superiority over a black man, or the black man has any superiority on the white man, you are all children of Adam and Adam was created from clay Al-hadith, *Muslim Sharief, Kitab-ul-Hajj.*

The right to equality is a practical reality, and represents the spirit of Islamic law as is evident from, some historical incidents. During the Caliphate of *Hazrat Umar* (R.A), the son of Egyptian Governor *Amr –Ibn- Aas*, hit an Egyptian during a horse race. He traveled to *Madinah* to complaint to the Caliph. *Umar* (R.A) ordered *Amr* and his son to come to *Madinah*. They all stood in front of the Caliph, who commanded the Egyptian to hit *Amr’s* son until he was satisfied. Then he commanded him to hit the remained strips on *Amr*- The Governor of Egypt himself, because his position encouraged his son to hit the Egyptian, *Umar* uttered his great saying: “How do you enslave free born people.”

The history of Islam is full of such example, and this fact was admired by the non-Muslims as well.” Malcomy, the leader of African Negroes in America, once launched a bitter struggle against the white people of America in order to win civil rights for his black compatriots. But when he went to perform the *Hajj*, he after seeing Muslims from around the globe chanting with one voice, wearing similar clothes without any discrimination realized that this was the solution to the problem of colour and race, and not what he had been trying to seek or achieve in America. Today, a number of non-Muslim thinkers’ openly admit that no other religion has solved this problem with the same degree of success as Islam did, quoted *Nayyar Shamsi* in his book Human Rights and Islam. The history bears testimony to the fact that Islam transcended the men of low ranks to
the most honorable and enviable position. The Arab’s had no regard for the people of Habasah (Ethiopia) but Bilal (R.A) was appointed to the dignified position of Muzzin. The slaves were treated like beast and had no respect. The Prophet ﷺ appointed his slave Zaid-bin-Harith (R.A) as commander-in-chief of the army in the Battle of Mut’a.

By this spirit of general equality, Islam could invade the hearts before the minds, and people began to embrace Islam in groups. In Islam they saw their ideal and dream realized practically and materially in front of their eyes. Islam not only recognizes right of equality among men but also between men and women, Qur’an in this context says, “And from women, are rights over men similar to those for men over women.” Therefore, Islam has given man this right of equality as a birth right, irrespective of colour, creed, caste, sex or birth.

**RIGHT TO RELIGION / FAITH OR CONSCIOUSNESS**

Islam recognizes and ensures right to freedom of consciousness and conviction to all human beings. Muslims can invite non-Muslims to Islam but they can’t compel them to embrace Islam and can’t enforce their faith on them. Qur’an says, “There is no compulsion in religion. Verily, the Right Path has become distinct from the wrong path. Whoever disbelieves in Tâghût and believes in Allâh, then he has grasped the most trustworthy handhold that will never break. And Allâh is All-Hearer, All-Knower, Al-Quran, Al-Baqara: 256.” And again Quran says, “Say (O Muhammad ﷺ to these Mushrikûn and Kâfirûn): O Al-Kâfirûn disbelievers in Allâh, in His Oneness, to you be your religion, and to me my religion (Islamic Monotheism), Al-Qur’an, Al-Kafirun: 109.”

No force will be applied in order to compel them to accept Islam. Whoever accepts it he does so by his own choice. Muslim ought to welcome such a convert
to Islam with open arms and admit him to their community with equal rights and
privileges. However, if someone doesn’t accept Islam, Muslims will have to
recognize and respect his decision, and no moral, social or political pressure will
be put on him to change his mind. Islam also forbids using of abusive language
against the deities and other religions. Qur’an says, “Do not abuse those they
appeal to instead of God, Al-Qur’an, Al-Inam: 108.”

Moreover, no Islamic government can ban propagation of any other religion on
its territory. The followers of other religions are also entitled to construct their
places of worship and Muslims cannot interfere with them. Islam does not
prohibit people holding debate and discussions to be conducted in decency. The
Holy Qur’an describes, “Do not argue with the people unless it is in the politest
manner, Al-Qur’an, Al-Anqabut: 46”.

This order is not limited to the people of the scriptures, but applies with equal
force those following other faiths. “Regarding religious rights of non-Muslims,
Islam is very liberal and extends to them full freedom to observe their respective
religions. It ensures all types of social rights to non-Muslims. Non-Muslims enjoy
full security of their lives and properties, and enjoy full rights of educational
facilities and political rights. Although, Islamic state is an ideological state. It
classifies its citizens in the light of their adherence to the ideology of the state. The
people are divided into two groups: that is Muslims (who believe in the ideology
of the state) and non-Muslims (who do not believe in the ideology). As such,
along with the freedom of religion and freedom of consciousness Islam has given
full protection to the non-Muslim citizens in an Islamic state.
RIGHT TO PROPERTY

Islam with equal intelligibility and definiteness conferred the right of security of ownership of property. As Qur’an clear it as, “O ye who believe! Eat not up your property among yourselves in vanities, Al-Qur’an, An-Nisa: 29.” Almighty Allah in the Qur’an clearly declares that the taking of people possession or property is completely prohibited unless they are acquired by lawful means as permitted in the laws of God (Allah). The law of God (Allah) categorically declares, “Don’t devour one another’s wealth by false and illegal means, Al-Qur’an, Al-Hood: 188.” Islam has thus contented with this critical, social and economic problem. This is also evident from the Islamic rule as well. The specific guideline lay down by the Qur’an about the accusation and the use of property. During the Caliphate of Hazrat Umar (RA), once a Syrian cultivator complained that the army had trampled down his crops. Hazrat Umar ordered the payment of ten thousand dirham to him as compensation out of the public treasury.” A famous Hanafite jurist Amin Ahsan Islahi, in his book Islamic Riyasat, at Vol.4, page no.12. declares, “Government cannot acquire the property of its subjects unlawfully.”

When the central mosque of Kufa was constructed during the Caliphate of Hazrat Umar (RA), using the remains of some old forts which happened to be situated on the land of the Zimmis the amount of compensation to be paid by the state was adjusted in the account of their Jazya quotes Moin-ud-din Nadvi, in his book Deen-e-Rahmat. Islam determines the lawful ways for appropriation of property and how to develop it. It doesn’t recognize or protect whatever property that has been a product of illegal means, such as the growth that yielded from usury, sale of alcoholic drinks, narcotics and gambling. Islam also makes it mandatory on private property that a certain part must be given to the needy, such as Zakat and other charities. In addition Islam does not allow individuals to make a will that
exceeds one third of the total property in order to safeguard the rights of the heirs.

RIGHT TO PROGENY

Islam pays special attention to the reproduction of offspring’s and their maintenance. Every person in Islam is entitled to marry, to found a family and to bring up children in conformity with his religion, traditions or cultures, within the family, men and women are to share to their gender, there natural talent and inclinations, bearing in mind their common responsibilities towards their progeny and their relatives. Humankind is entrusted with the guardianship of the entire earth and the representation of divine wisdom to serve as the vicegerent of the Almighty Allah. Therefore, stopping the reproduction process by any means, ceasing it in any form or tampering with it in any way or cause to reduce it, for no legitimate reason, is an unlawful practice according to Islam. Islam prohibits abortion. However under a valid legal reason it is permissible. Thus children should be given their right to live. It is the obligation of the parents to rear and bring up their children. Allah says in the Holly Quran: “kill not your children for fear of want: We shall provide sustenance for them as well as for you. Verily the killing of them is a great sin, Al-Qur’an, Al-Isra: 31.” Many statements of Prophet ﷺ are reported in this regard concerning the urge to have a normal reproduction of the human race, the maintenance of the human race and to increase the rate of reproduction, if possible. The prophet ﷺ said, “Marry a loving, kind and reproducing female as I will take a special pride by you on the Day of Judgment”.
2. State and social Justice

The characteristic attitude of Islam towards worldly life and the Hereafter is stated in the Qur’an, “Our Lord, grant us good in this world as well as good in the world to come, Al-Baqra: 201. Islam seeks well in both the worlds, here and Hereafter. On the one hand it deals with spiritual institutions like prayers, fasts and pilgrimage, and on the other it makes Zakah, a purely financial institution, a fundamental article of faith. The system of administration he established lasted for centuries and remains a source of inspiration for mankind.

a. The Islamic conception of life being a co-ordination between the body and the soul. It was natural that a very close relationship should have been established between the religion and politics, between the mosque and the citadel. In its social conception Islam is “Communal”. It prefers a social life, demands worship in collectivity and congregation. In which everyone turns towards the same centre (the Ka’bah), fasting together at the same time in all parts of the world, and visiting the House of Allah (the Ka’bah) as one of the principal duties of all Muslims, men and women. It lay emphasis on strictly personal responsibility, and does not forget the development of the individual, and yet organized all individuals in a single whole, the world Muslim community.

b. The Qur’an has rejected all superiority on account of language, colour of skin or other ineluctable incidence of nature, and recognizes the only superiority of individuals as that based on piety. A common ideology is the basis of “nationality” among the Muslims, and Islam is this Ideology.

c. The first Muslim state was founded and governed by the Prophet . It was the city-state of Medina, a confederacy of autonomous villages,
inhabited by Muslims, Jews, pagan Arabs, and possibly a handful of Christians. The very nature of the State demanded a religious tolerance, which was formally recognized in the constitution of this State, which documents had come down to us.

d. To conclude we can say, that the object and the reformative character of the Islamic state is that such a state can be run only by those who have believed in the prescriptions of Divine Law; whose whole life is spent in the observance and enforcement of the Law, who not only agree with its reformatory programme and fully believe in it but thoroughly comprehend it spirit and are acquainted with its details.

b) Social justice in Islam

Islam believes in one Allah, who is not only the Creator of all, but also the Sustainer, the Sine qua non of the very existence of the Universe. He is not “place on the retired list” after having created what He has created. Islam believes that Allah is transcendent and beyond all physical perception of man, and that He is omnipresent, omnipotent, just and merciful. Moreover, in His great mercy, He has given man not only reason but also guides, chosen from among men themselves, instructed in the directions which are most wise and most useful to human society.

Allah is perfect and eternal, among men; on the contrary, there is constant evolution. Allah does not change His opinions, but He exacts from men only that which accords with their capacities. In legislative matters, the latest law abrogates and replaces all the former ones; the same is true of Divine revelations.

Muslim law began as the law of the State and of a ruling community and served the purpose of the community when the Muslim rule grew in dimension and extended from the Atlantic to the pacific. It had an inherent
capacity to develop and adapt itself to the exigencies of time and clime. It has not lost its dynamism even today, in fact, it is obtaining more and more recognition as an agency for good, by Muslim countries which were formerly under foreign political and therefore juridical domination, and are trying to reintroduce the *Shariah* in all walks of life.

In Islam the judiciary has been made entirely independent of the executive. The task of the judge is to implement and enforce Allah’s law among His servants. He does not sit on the seat of justice in the capacity of a representative of the Caliph or the Ameer but as representative of Allah, Almighty. Therefore, even the Caliph does not have any special significance before the judge in a law-court. No one is entitled, by virtue of his personality, family connections, or office to be exempted from appearing before the court. A petty labourer, a poor peasant and a destitute beggar all have the right to lodge a suit in the Qazi’s court against the highest person, even the Caliph himself. The Qazi, on the other hand, is fully to have justice on his side.

### 3. Rights of Women in Islam

Islam granted the women such rights of which she had been deprived of since distant past. These rights are not given to her because she was fighting for their acquisition or because the individuals and organizations were advocating their validity, rather Islam granted these rights to her simply because they were her natural rights and deserved them.

A woman is recognized by Islam as a full and equal partner of man in the procreation of humankind. He is the father, she is the mother, and both are essential for life. Her role is no less vital than his. By this partnership she has an equal share in every aspect; she is entitled to equal rights; she undertake equal
responsibilities, and in her there are many qualities and as much humanity as there are in her partner.

Islam grant women equal rights to contract, to enterprise, to earn and to possess independently. Her life, her property, her honour are as sacred as those of man. If she commits any offense, her penalty is no less or more than a man’s in a similar case. If she is wronged or harmed, she gets due compensation equal to what a man in her position would get, Al-Qur’an, Al-Baqua: 178.

The first thing Islam did was to declare absolute equality between men and women. Qur’an says “Women have the same rights over men as the men have over women, Al-Qur’an Al-Baqara:228.”

**Right to life:**

Islam granted women the right to life and proclaimed that anyone who snatches this right from her will be accountable for it on the Day of Judgment and will be severely punished for this brutal act. The Holly Qur’an says: “When the female buried alive, is questioned- for what crime she was killed, Al-Qur’an Al-Takwir:8-9”. The Holy Prophet ﷺ said: One who has a female child, and he neither bury her nor treat her badly nor prefer a male child over her, Allah will surely allow such a person to enter the Paradise.

**Equality in Status:**

The status of women in Islam is unique and novel, something that has no similarity in any other civilization. In order to under the status of women in Islam, one important distinction is to be kept in mind. That the rights and responsibilities of women are equal to those of men. Islam provides women equal status. Some rights are as under.
A woman enjoys the same status as that of man. The Qur’an says, “Humankind, fear your Lord who created you from one soul and created man’s mate from the same soul, from these two scattering on earth many men and women, Al-Qur’an, An-Nissa:01. According to the verse of the Holy Qur’an, a woman is recognized as a full and equal partner of man in the procreation of humankind. He is the father, she is the mother, and both are essential for life. Both have been created from the same substance.

- She is equal to man in bearing personal and common responsibilities and in receiving rewards for her deeds.
- She has equal right to be educated and knowledgeable because seeking knowledge is obligatory for every Muslim women and man in Islam.

Women, like men, are given a share of inheritance. The Qur’an says, “Allah thus directs you as regards your children’s (inheritance). To the male a portion equal to that of two females, Al-Qur’an, An-Nissa:07”. Women are given freedom in marriage. They can choose the right husband.

**Right to Freedom of Expression**

In Islam women has got the right to study, practice and preach religion. She has the right, even, to check and criticize the head of the state.

History bears witness that in the early period of Islam women realized the importance of this responsibility. They showed their utmost enthusiasm to perform this duty of “Amr bil Ma’ruf wa Nahi ‘Anil Munkar” which includes criticism and checking of the corrupt officials, preaching and propagating of the Islamic teachings, reforming of the community etc.
Right to sustenance (Bread, Clothing, Shelter etc.)

According to the Islamic law it is incumbent upon the husband to provide the wife with sustenance (bread, clothing and shelter etc), regardless of the fact whether the wife herself is economically sound or weak. It is the responsibility of the father/parents to rear and look after the daughter until her marriage or in case of divorce or widowhood and after marriage this responsibility shifts from father to her husband.

It is the right of wives upon you to provide them with bread, clothing and shelter according to what is reasonable, addressed by Prophet ﷺ in the Farewell Pilgrimage.

Freedom of Marriage

Islam looks upon marriage as a social institution and considers it to be one of the sacred duties of a Muslim. Marriage is a relation based on kindness, equality, love and politeness. It is a decent human companionship, authorized and supervised by Allah. It is a sign of His blessings and abundant mercy as He says in the Qur'an, “And among His signs is this, that He created for you mates from among yourselves, that you may dwell in tranquility with them, and He has put love and mercy between your (hearts): Verily in that are signs for those who reflect, Al-Qur'an, Al-Rum: 21.”

In Islam the role of guardian (wali) of a woman in matters of marriage (and in other matters) is great, but it (Islam) also teaches that permission must be sought from her; without her permission and consent the marriage is invalid. If she is a divorced or a widow then her permission must be plain and unequivocal and in case of virgin her silence will be considered her permission. With regard to marriage when her natural guardian as wali (father or grandfather) gave her into
marriage with an adult or infant husband, after the girl has attained maturity, she has an option either to confirm the previous *nikah* or to refuse to accept it.

**Right to Mahr (Dower)**

Mahr is a sum of money given by groom to bride at the time of marriage. It can be presented to bride in two ways. First, by handing it over immediately at the time of marriage. Such a practice is known as *mahr-i- mu’jjal* (dower immediately paid). This is the most favoured practice and had reference in the Sunnah of the Prophet and his Companions. Second, by handing it over after a certain period of specified time and not immediately at the time of marriage. It is called *mahr-i- muwajjal* (deferred dower). It is not ranked equal in merit with the first one but is an option.

In Islam, men are commanded to pay the Mahr (Dower) compulsorily to their wives. Without *mahr* the marriage, in Islam is incorrect. However, it may be prompt or deferred, but this is something obligatory on a husband to pay the dower in life time or get remission before dying, from his wife. The woman becomes the sole proprietor of the *mahr* paid to her by her husband. The Holy Qur’an gives the commandment regarding *mahr* in plain word in this Ayah: “And give the women (on Marriage) their dower as a free gift, Al-Qur’an, An-Nissa:04.”

**Mutual Rights between Man and Woman**

Man and women are so closely related to one another that they are called in the Qur’an as each other’s garments, Al-Qur’an, Al-Baqara: 187.

The garments are closest possible things to a human being. They are meant not only for cover, but also for protection, care and have to work like garments to one another.
Prophet Muhammad ﷺ said, “The women are the other half of men”. That is, they are equal halves of one another and on the basis of this equality man and women have many mutual rights. They both have right to equal status and have equitable right of inheritance. They have right of freedom in marriage, and can select or reject their prospective spouse according to their sound will.

Both women and men are equal in their spiritual status and they will be rewarded according to their deeds, without the discrimination of sex. The Qur’an holds, “I will not let go waste the deed of a worker amongst you male or female, you are members of one of another, Al-Qur’an, Al-Imran:195”. So, both have right to spiritual elevation and social status.

**Right to Run a Business and Freedom of Activity**

Islam allows women to take part in economic activities. If she wills she can take part in *Halal* (lawful) business and trading activities. However Islam has set some instructions the fulfillment of which is obligatory.

A woman is the administrator of the home; so her attention should always remain her home. She should not be put in such a condition where she becomes incapable of performing her main and natural duties and her attention diverts from looking after home- her natural field of activity.

She is subordinate to her husband. She can do any job only after the permission of her husband. It is because if she be allowed to do outdoor jobs by her own will without husband’s permission the family system be halted the survival.

In addition to the above mentioned rights, Islam has also given to the women the right to education, the right to proper rearing and upbringing, right to own wealth and property, right to safety of honour, dignity and chastity, right to give evidence, right to inheritance and others.
4. Right of Non-Muslims in Islam

Islam has also laid down certain rights for non-Muslims who may be living within the boundaries of an Islamic State and these rights must necessarily form part of the Islamic constitution. There is no concept of majority or minority in the Islamic political system. According to Islamic terminology non-Muslims which are living within the boundaries of an Islamic state are called *Dhimminis* (the covenanted), mean that Islamic state has entered into a covenant with them and guaranteed their protection. It is the responsibility of the Islamic state to protect, respect, the life, property and honour of a dhimmi exactly like that of a Muslim citizen. They will have full freedom of conscience and belief and will be at liberty to perform their religious rites and ceremonies in their own way. The non-Muslims cannot be deprived of them unless they renounce the covenant which grants them citizenship. Caliph Ali R.A. elaborates their rights like, “they have accepted our protection only because their lives may be like our lives and their properties like our properties”. In other words we can say that their lives and properties are as sacred as the lives and properties of the Muslims. Prophet Muhammad ﷺ instructed the believers to give a noble treatment to non-Muslims and abstain from abusing them or treating them as second class citizens. Again Prophet Muhammad ﷺ said, “He who harms a person under covenant, or charged him more than he can, I will argue against him on the Day of Judgment”.

To sum up, Islam seeks to establish a world community, with complete equality among peoples, without distinction of race, class or country. It seeks to convert by persuasion, allowing no compulsion in religious beliefs, every individual being personally responsible to Allah. To Islam, government signifies a trust, a service, in which the functionaries are the servants of the people.