Human Rights in Islamic Perspectives

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If we want to talk about human rights in the Islamic perspective, we have to talk first about human responsibilities, simply because human rights in Islam are derived from human responsibilities. In Islam, a human is the creature of God and human beings are defined in their .relation to God

In my lecture I will cover the following points:

I. Relations between human beings and God.

II. The purpose of our being created

III. Responsibilities of the human being.

IV. Rights of the human being.

V. Rights of the individuals versus those of God and society.

VI. Concept of Freedom in Islam.

VII. Political and social freedom.

VIII. Contemporary Muslim responses to the issues of freedom and human rights.

.IX. Human condition and the role of Islam

I. Relations Between Human Being and God

In Islam, Human beings are defined in their relation to God and both their responsibilities and rights derive from that relationship.

Islam believes that God Has created the human being and breathed His spirit into him. God has chosen the human being to be His vicegerent (khalifah) on earth, as well as His servant (3abd).

As “Servants” human beings must submit to God and remain in perfect receptivity before what their Creator wills for them. Islam, in arabic, means submission to God. As “Vicegerents” human beings must be active in the world to do God’s will here on earth.

These two characteristics constitute the Islamic conception of man (Insān). But God has also given men free will; this means that they can rebel against their own primordial nature and become active against their Creator and passive to their own lower nature and the world of senses, so in this way not all the human creatures remain God’s servants and vicegerents.

Nevertheless, all human beings possess dignity, and their lives are sacred because of that

primordial nature, which all the progeny of Adam and Eve carry deep within themselves. One basic element with which all believers agree is that God is our creator, or, to use the philosophical vocabulary, is the ontological cause of our existence. It is therefore we, who owe everything to Him and our rights derive from fulfilling our responsibilities toward Him and obeying His will.

II. The Purpose of Our Creation

In order to understand our relation to God, we have to know what God expects from us. The Quran states clearly that:

"I have not created jinn and humanity except to worship me"[51:56]

The word worship (3ibadah) in Arabic means also service and includes: services ranging from ordinary acts of worship, loving and knowing God, total submission, active and passive, to the will of our Creator and fulfilling our responsibilities toward God and his Creation. So the purpose of human existence is considered by Islam to be the worship and service of God, and only in carrying out the aim and purpose of our existence are we fully human. Otherwise, although we carry the human reality within ourselves, we fall short of it and live beneath the fully human state.

The very word for servant (3abd) of God is related to the word of worship and service (3ibadah). To be God's servant and to represent him in this world, to be his "khalifah" his vicegerent, means above all, to worship and serve Him. All the rights we enjoy issue from the fulfilling of our responsibilities, and in the Islamic perspective responsibilities always precede rights. Even in practice, responsibilities precede rights: One has to be a responsible driver before he is given the right to drive on public roads. But everyone now speaks of human rights and only few speak of human responsibilities. In Islam, the relationship between human rights and human responsibilities is a basic issue which dominates the cultural and intellectual landscape.

III. Responsibilities of Human Beings

We have responsibilities not only toward God, but also toward His creation. Traditional religious texts delineate a hierarchy of responsibilities for human beings. On top are our responsibilities and duties toward God through obedience to His Law.

Then there is the responsibility one has toward oneself. Since human life is sacred and is not created by us, we are responsible for trying to keep our bodies healthy and not causing

ourselves spiritual or physical harm. The modern idea that “This is my body and I can do whatever I want with it” is totally absent from the Islamic perspective. Islam states: “My body is not mine for I did not create it, it belongs to God”.

Responsibility to ourselves involves also our soul and mind. Our greatest responsibility to ourselves is to try to save our soul by being good, and by introducing virtue and goodness into the ambience in which we live. Responsibility to our minds is to seek knowledge and truth to the extend possible.

Next in the hierarchy, come the responsibilities toward society. They range all the way from working honestly to support ourselves and our families, to performing acts of charity, to respecting others and strengthening community bonds, to supporting and sustaining all that is positively creative in human society.

Furthermore, our responsibilities go beyond the human sphere, towards animals and plants and even the inanimate parts of nature such as water, air and soil or what is called now the environmental ethics.

Our rights on all different levels derive from the acceptance of our responsibilities, which precede our rights in a principal manner. To flout responsibilities in the name of inalienable rights is not at all within the Islamic perspective and is considered putting the cart before the horse.

One would ask, what about those who do not fulfill their responsibilities? Do they have rights? Every day life in society provides us with the answer. If we do not fulfill our responsibilities at work, we will be fired and have no right to receive a salary. The same applies to our driving license, if we have too many traffic violations, our license and right to drive will be taken away. This is due to our irresponsible behavior. But when we refer to the first category of duties and responsibilities toward God the equation becomes more difficult. In modern society, the rights of citizens do not change whether those citizens fulfill their responsibilities toward God or even believe in God at all.

In the Islamic world, a Muslim who falls into religious and intellectual doubt even about God’s existence, his right to the protection of his life and property by his society still remains as long as he does not try to impose his views on others or acts against social norms and laws. Even if he holds philosophical discussions on such matters, his basic rights cannot be removed. But mocking at or making fun of the religion would be differently considered.

It is true that throughout Islamic history some have been imprisoned or occasionally even put to death for theological and religious reasons, but usually their situation has involved political dimension. In any case such occurrences have been much rarer in Islamic history than in the

Western history (Galileo and Leonardo Bruno).

As for performing acts of worship, that is between each individual and God, and Islamic society cannot force anyone to carry out any act of worship. But everyone is expected to observe the laws in public and as it concerns others, and not to break religious injunctions publicly.

IV. Rights of Human Beings

It is only in the light of this understanding of human responsibilities that the question of human rights in Islam is considered.

In Arabic, the basic term for right is “haqq”, which is first of all a name of God, who is Al-Haqq. That is Truth and Reality. The term haqq means also “duty” as well as “right”, obligation as well as claim, law as well as justice. It means also what is due to each thing, what gives reality to a thing, what makes a thing be true. The word Haqq, which is one of the richest in Arabic, involves God, the Quran (which is also called Al-Haqq), law, our responsibilities before God and His law, as well as our rights and just claims.

Everything by virtue of the fact that it exists has its “haqq”, which means both responsibilities and rights. Each thing has its due by virtue of the nature with which it has been created. So, with this understanding, rights do not belong to human beings alone, but also to all creatures. And because human rights have been given more importance than the rights of other creatures, we are rapidly destroying the natural environment that is an enormous violation to human rights.

In the deepest sense “rights”, in Islam, means to give each being, including ourselves as human beings, its due (haqq).

We are now coming to the more specific question of human rights as currently understood in the West. In Islam, human beings have rights directly related to their responsibilities as God’s servant and vicegerents on earth. These rights range from the religious and personal rights to the legal, social and political rights.

The first rights of human beings concern their immortal souls. Every one, men and women, have the right to seek the salvation of their souls. This rights means the freedom of conscience in religious matters. God himself does not compel his creatures to believe in Him, but wants them to do so on the basis of their own free will and conscience. To obey the law of society is one thing, to be coerced to have faith is quite another. The Quran says: “No coercion in Religion”[2:256].

Islam, while emphasizing our duties to God, also emphasizes our right to engage in the great drama of every human being to accept or reject the call of God. This right to practice one’s

religion or not, as long as it does not destroy social norms and laws, is essential in the Islamic understanding of human rights.

Next are personal rights pertaining to one's life, property and personal choices as their personal way of living in such matters, as what form of livelihood to engage in, whom to marry, how to raise their family, where to live, etc…

Of course in every society there are external constraints, economical and social, that do not always allow these rights to be fulfilled according to one's wishes, but the principles are there. Islam does not only give rights to perform this or that act, but it wants human beings to lead a good life in every possible way. If certain "personal rights", such as sexual promiscuity, have been taken away in Islam, it has been done according to what religion considers being the attainment of the Good that is the goal of human existence and the purpose of human rights. Religiously speaking, rights follow obligations and are conditioned by various: "thou shall nots" in order to guarantee the rights of others and also the rights of our immortal soul to be protected against the tendencies toward evil that each of us bears.

As for legal rights, which include the right to equality before the law and the right to a trial and self-defense, they are defined and in principle defended by Islamic law itself.

In traditional Islamic society, where the divine law was widely applied, these matters were handled according to extensive procedures developed by Islamic jurists.

Since the nineteenth century in Islamic countries, most of the laws as well as court procedures have come to be based on European models, while the judiciary has at the same time lost much of its independence. Unfortunately, tyrannical governments have prevented the legal rights of many from being upheld. In various Islamic societies, Muslims are striving to live according to the rule of law and to have the legal rights of all members of society respected.

Political rights are much more problematic than legal rights in the Islamic world today. Today's political rights in their current western understanding are a modern idea neither understood nor applied in other parts of the world in the same way as they are in countries that are culturally European. The whole array of historical processes, democracy rebelling against dictatorship, freedom of the individual versus tyranny, transformation from the England of George III to the America of Washington and Jefferson, the third Reich and present day Germany, the Gulag and Yeltsin's Russia, belong to western history and do not have their equivalents in the Islamic world, which has had its own distinct struggles in the colonial and post-colonial periods.

It is important to never forget the differences in the historical experiences of Islam and the modern west. We shall focus on the classical Islamic ideal of political rights which serves as a

background for all that is going on today in this domain in various Islamic countries. Traditionally, Muslims were to be consulted in matters of rule, and each person had the right to live in justice, and had the right and duty to fight against injustice and oppression. In the West, tyranny of worldly rulers was identified with tyranny of religion, as seen clearly in the French Revolution. It has never been the case in the Islamic world and the present situation in the Islamic world should not be confused with what occurred historically in the West.

The Islamic world today has many dictatorial regimes, usually supported by the West if they happen to have a pro-Western stance and preserve Western interests. Few of them were supported by the now defunct Soviet Union.

One of the appeals of so-called fundamentalism is this Islamic view of the role of religion in protecting the people from tyranny. Anyways, under no condition should the lack of political rights in many Islamic countries today be confused with the Islamic understanding of this matter.

The consequences of the colonial period, the destruction of many traditional institutions and the establishment of governments not based on the culture and religion of their peoples are the reasons of the political turmoil in today's Islamic world. The Western civilization still dominates much of the Islamic world and makes it impossible for authentic structures and norms to be born from within Islamic society itself. If there were really free elections in the Islamic world today, there would be less Western oriented regimes, not necessarily anti-western, but it would place the interests of Islamic society itself above everything else.

Many in the West now consider human rights to be universal; they do not realize that the cultural values of each society determine to a large extent its understanding of this term. The Western understanding of this term has itself changed over time.

Not only that, but over the years, Western powers have often used this issue for political gain and sometimes with hypocrisy, which has amazed not only non-Westerners, but also the sincere ones in the West.

In addition, the issue of human rights has become central in the struggle between forces of globalization and forces seeking to preserve local cultures, economies and ways of life.

These issues and the different understandings that various cultures and civilizations, including the Islamic, have of human rights on the basis of their understanding of what it means to be human, impose themselves when human rights on a global scale are discussed.

V. Rights of Individuals Versus Those of God and Society

From the secular point of view, the human being is a purely earthly creature and what matters

most is the rights of the individual as a purely earthly being. If somewhere in the West somebody curses God or Christ on the street nothing will happen legally, but if one insults an individual, one can be arrested or sued. Clearly, the rights of the individual stand above those of God and those of faith as a social and public reality. In the Islamic world the priorities are reversed and the rights of God stand above the rights of human beings.

For a person to insult the religion of others is not considered a right at all, even if the prevention of such an act decreases one's individual rights.

The same holds true for questions of morality, including sexual morality and the issue of "freedom of speech" as individual right versus the rights of the public.

This difference in priorities came out a few years ago in the Salman Rouchdie's affair. This writer of Islamic Indian background living in England wrote a book denigrating and destroying a central part of Islamic sacred history. The publication of the book led to riots with several deaths and to his condemnation to death by Ayatollah Khomeini. Western writers had a severe reaction, especially the secularists. One side argued that what was most important was the right of the individual to free speech; the other was defending the right of a society to preserve its sacred history. By the way, blasphemy laws are still in the books in Great Britain, but not blasphemy against Islam. It was difficult in the Rushdie's affair for either side to understand the intensity of the indignation of the other, for each was operating from within a different worldview and with a different set of priorities.

This difference of priorities is visible in the women's issue. A Westerner can object that the Muslim women do not enjoy all their rights. Muslim women would object that Western children have few rights; their most basic right, that of having a full time mother has been taken away by a new economical system that allows the mother to spend only few hours every day with their children after a full day's work and in a state of fatigue. These children are deprived from another basic right, that of having two parents. This right is taken away from nearly half of the Western children by complex socio-economic factors and the prevalent "morality", which places the desires of the individual above responsibility in marriage to one's spouse and children.

Anything less than mutual respect in understanding the other side makes a sham of the question of human rights. And when the Western powers use the human rights issue as a tool for policy, they tend to nullify the efforts of those in the West, who are seeking sincerely and with good intention, to help others all over the globe to preserve the dignity of human life.

VI. The Concept of Freedom in Islam

The attitude of Islam toward freedom is based upon this idea that religion is to enable us to gain freedom from the self and not to abet the freedom of the self. Like other traditional religions, Islam sees its role as that of helping human beings to overcome the clutches of the power of their lower souls and thereby to be able to gain real freedom, rather than to foster an individualism that, in the guise of freedom, only strengthen the bounds of slavery of our immortal soul to that powerful slave master within it that is the agent of rebellion, passion, concupiscence and ultimately bondage.

But Islam believes also that human beings should possess the freedom to live in dignity in this world and to practice their duty toward God as His servants and toward His creatures as His vicegerents.

For a person of faith, whether Jew, Christian or Muslim, to love God and obey His commandments is not considered a loss of freedom. In contrast, those who have no faith regard that submission itself as a loss of freedom, and freedom OF religion came to be freedom FROM religion.

Obviously, the Islamic World has not shared the secularizing experience of the West, and most Muslims still live in the world of faith, in which submission to God is not seen as curtailing one's freedom but as the gateway to the gaining of real freedom.

It is simply meaningless for secularized Western intellectuals, seeking to flee religion in order to gain certain "freedom", to try to apply their existential plight to Muslims who still live in the world of faith.

VII. Political and Social Freedom in Islam

The love of God and surrender to His will do not mean at all that Muslims have no interest in political and social freedom. Throughout their history Muslims have shown as much desire for freedom for themselves and their society as anyone else. Bear witness for that all the courageous wars of independence fought against the British, the French, and the Russians, etc…

But, paradoxically, most Muslim societies after all these struggles came to be saddled with governments that have provided less freedom than before. This is due not only to the modern technology, which makes the state more powerful than before but it is also due to the loss of many traditional institutions.

Muslim people definitely want freedom, but one which does not mean freedom from religion and from God. Freedom for them also means freedom to understand what they mean by freedom. They want freedom not to be imposed on them as an ideology by a more powerful

West that thinks he knows better what is good for them. Muslims want the freedom to confront their own problems and find their solutions.

The Western civilization talks about freedom but had placed numerous constraints on the Islamic World in the name of protecting its own interests; constraints which can be as great obstacles to freedom of action as any coming from within Islamic society itself.

Under such pressure, most Islamic states turned to Western liberalism, some to Marxism, and others to politicized forms of Islam. But none of these movements has been free of the external constraints the West did not have to face while creating his new institutions and norms.

The Muslim World wants from the powerful West, always preaching freedom, to be given his own freedom so that he can respond to the challenges of the present day world on the basis of its own inner dynamics. But the majority of Muslims realize that this will not going to happen and that the West's geopolitical and economic interest in the Islamic world is taking precedence over the question of real freedom.

Muslims know that they have to struggle for freedom, for the rule of law and human rights Islamically understood. They have to do that under unprecedented external and internal constraints and without sacrificing their spiritual freedom. Muslims have to act correctly despite these constraints and not to blame their own lack of initiative and drive or inability on outside forces.

VIII. Contemporary Muslim Responses to the Issue of Freedom and Human Rights

During the past few decades, there have been discussions among Muslim theologians, philosophers and jurist, including some eminent traditional authorities on the question of freedom and human rights with the theoretical and practical engagement involved. In most Islamic countries there are now human rights groups, diversely oriented and more or less accepted by both governments and public.

With the beginning of the fifteenth century of the Islamic calendar, corresponding to the early 1980's, many deliberations, conferences and debates led to the publication of an Islamic declaration of human rights supported by many traditional Muslim authorities and many organizations.

Based totally on the Quran and Sunnah, the rights enumerated in this document include the right to life, freedom, equality and prohibition against impermissible discrimination; the right to justice, fair trial, protection of honor and reputation, and asylum; the rights of minorities, the rights of belief, thought and speech; freedom of religion, free association, freedom to pursue

what concerns the economic order, protection of property, social security, and founding a family and related matters; the rights of married women; and the right to education; privacy and freedom of movement and residence; the right of participation in the conduct and management of public affairs, etc…

Yes, they are similar to the Western concepts of human rights. Every one of these rights is supported by Quranic and Hadith references. Surely what constitutes the content of human rights is not specifically modern, but exists in one way or another in moral and spiritual teachings of various religions and the writings of moral philosophers, Chinese, French, and Muslim, etc…

These are the Islamic ideals, not all of them are realized in the Islamic World today, but quite a lot of them. In fact no society lives up to such ideals. Nor does the West itself completely as one sees in the continuous presence of racism in America. To be fair, one would have to say that some of these ideals are more fully realized in the West and some in the Islamic World, if the full gamut of human rights in relation to our duties to God and His creation are taken into consideration.

The Islamic thought agrees with the Western one on the substance of human rights and the necessity of their implementation. Where there is difference is on the relation between human rights and human responsibilities and also on our rights vis-à-vis God's rights over us and the rest of the creation.

On the practical level, despite numerous political and social obstacles, several Islamic countries, in recent years, have seen developments toward greater respect for the law and the rights and freedom guaranteed therein.

The Islamic World today is in the process of responding to the challenges posed by modernism. And since this process is carried out under conditions in which there is no complete freedom either from within or from outside, we see sometimes extreme forms of action manifested with tragic consequences. These tragic eruptions are signs that something more basic is happening. What is happening is the response to the difficult challenges of the modern world faced by a major world civilization, which, despite its current military and political weakness, has the spiritual resources to emphasize the significance of human dignity and the rights that God had bestowed upon human beings. The Islamic civilization emphasizes also the main concept that all our rights issue from the fulfillment of our responsibilities to God and His creation. Without accepting our responsibilities emphasis upon our rights alone can turn us into an endangered and endangering species.

IX. The Human Condition and the Role of Islam

A number of leading figures in the West have been seeking, since the 1990's, to create a universal declaration of human responsibilities to complement the one on human rights declared by the United Nations in 1948. They have realized that the rapid destruction of both the natural environment and the social fabric of the most industrialized societies cannot but end in total disaster for the whole of humanity.

Muslim thinkers have an important and even crucial role in bringing out the primacy of responsibilities over rights in accordance with its vision of the human being as a theomorphic being and its emphasis on the ontological reliance of human beings upon God.

Islam can also be a major force in opposing the process of desacrilization of both human beings and nature, which is at the center of the monumental crisis the world is facing now.

Muslim thinkers should address themselves to the ever-greater understanding of human rights on the basis of the Islamic conception of the nature of the human beings. Muslim thinkers should reformulate these Islamic human rights in a contemporary context in such a way as to be able to respond to modern Western challenges and to the current situation within Islamic societies. It should be done, in a clear and convincing manner for the present generation of Muslims, drawing from the most authentic sources of the Islamic tradition. Here are some of the questions that are self-imposing: Why must there be respect for human life and in fact for all kinds of life? If all Muslims are equal before the law, why is this not actually the case in so many muslim societies? What about non-Muslims, believing or not in God? What is the foundation of the freedom of religion and worship? To what extent is personal life sacrosanct and what is the limit of state intrusion upon personal life?

It is not necessary to the Islamic understanding of human rights to be identical to the current Western interpretation of it. But it is important that the Islamic response be authentic and rooted in the heart of Islam.

What is more important for Islam is to accept the challenge of the reality of the issues involved and then provide Islamic responses, which may in fact be of interest to certain western thinkers grappling with the pertinence of these issues on a global scale.

Islamic thought must also challenge the current Western notion that the present day Western understanding of human rights is universal and global. Islamic thinkers must point out that there are human values that are global, such as respect for human life or opposition to torture, but other human rights are dependent upon the worldview of the various civilizations that compose humanity. Some of these would include: the rights of human beings and those of God, human rights without human responsibilities, are political rights superior to economic

rights? Do the rights of the individual have priority over those of the community? If the issue of human rights is not a form of cultural and political coercion in the name of the love of humanity, the answer given to such questions by various religions cultures and civilizations must be respected whatever their current strength in the world.

The Muslims as members of a major world civilization have to answer such questions in all honesty from the Islamic point of view. They must insist upon mutual respect between civilizations and upon the values they bear instead of accepting one-sided imposition. They have also to cooperate actively with Westerners and members of other cultures and civilizations to point to those cherished values that must be respected by everyone on a globe on which there seems now to be no other choice but to live in mutual respect with compassion and love for others or to perish together.

Muslims must be vigilant as never before about all that goes on concerning them and about all those who use the name of Islam for various purposes, including deviant ones.

On the basis of the traditional teachings of Islam, Muslims have to be as critical of what goes on among themselves in the form of bigotry and fanaticism as they are of the shortcomings of modern Western societies.

Muslims must fulfill their responsibilities before God and His creation as taught in Islam, responsibilities for which they were created as human beings and on the basis of these responsibilities they must seek to exercise the rights God has given them while respecting the rights of others.

In a world where human beings are elevated to the level of God, and where the “kingdom of man” has replaced the “Kingdom of God”, Muslims have to proclaim the primacy of the sacred, the necessity of sacred laws as foundations for social morality, the ultimate goal of human life beyond the earthly, the centrality of justice in human society and the importance of seeking peace inwardly and outwardly.

I am concluding with these words of Seyyed Hossein Nasr whose writings are inspiring and illuminating the way to a good understanding and practice of the heart of Islamic teachings: “Only in remaining true to itself, clinging to the firm cable mentioned in the Quran and the message it has been destined to bear in this world, will the Islamic community fulfill its duties before God and the rest of humanity and contribute as the “middle people” to the creation of harmony between religions, peoples and civilization” (The Heart of Islam, New York, 2002, p. .(306