

Chapter 3: Rights Of Citizens In An Islamic State

We have discussed the human rights in general. Now we would like to take up the question of rights of the citizens in an Islamic State. As these rights are more extensive than the general human rights which have been described earlier, they need separate treatment.

The Security of Life and Property

In the address which the Prophet delivered on the occasion of the Farewell Hajj, he said: "Your lives and properties are forbidden to one another till you meet your Lord on the Day of Resurrection." God Almighty has laid down in the Holy Quran:

"Anyone 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" (4:93).

The Prophet has also said about the dhimmis (the non-Muslim citizens of the Muslim State): "One who kills a man under covenant (i.e. a dhimmi) will not even smell the fragrance of Paradise" (al-Bukhari and Abu Dawud). Islam prohibits homicide but allows only one exception, that the killing is done in the due process of law which the Quran refers to as *bi al-haqq* (with the truth). Therefore a man can be killed only when the law demands it, and it is obvious that only a court of law can decide whether the execution is being carried out with justice or without justification.

In case of war or insurrection a just and righteous government alone, which follows the Shari'ah or the Islamic Law, can decide whether a war is just or unjust, whether taking of a life is justified or not; and whether a person is a rebel or not and who can be sentenced to death as a punishment. These weighty decisions cannot be left in the hands of a court which has become heedless to God and is under the influence of the administration. A judiciary like this may miscarry justice.

Nor can the crimes of state be justified on the authority of the Holy Quran or Traditions (hadith) when the state murders its citizens openly and secretly without any hesitation or on the slightest pretext, because they are opposed to its unjust policies and actions or criticize it for its misdeed, and also provides

protection to its hired assassins who have been guilty of the heinous crime of murder of an innocent person resulting in the fact, that neither the police take any action against such criminals nor can any proof or witnesses against these criminals be produced in the courts of law. The very existence of such a government is a crime and none of the killings carried out by them can be called "execution for the sake of justice" in the phraseology of the Holy Quran.

Along with security of life, Islam has with equal clarity and definiteness conferred the right of security of ownership of property, as mentioned earlier with reference to the address of the Farewell Hajj. On the other hand, the Holy Quran goes so far as to declare that the taking of people's possessions or property is completely prohibited unless they are acquired by lawful means as permitted in the Laws of God. The Law of God categorically declares

"Do not devour one another's wealth by false and illegal means" (2: 188).

The Protection of Honour

The second important right is the right of the citizens to the protection of their honour. In the address delivered on the occasion of the Farewell Hajj, to which I have referred earlier, the Prophet did not only prohibit the life and property of the Muslims to one another, but also any encroachment upon their honour, respect and chastity were forbidden to one another. The Holy Quran clearly lays down:

(a) "You who believe, do not let one (set of) people make fun of another set.

(b) Do not defame one another.

(c) Do not insult by using nicknames.

(d) And do not backbite or speak ill of one another" (49: 11-12).

This is the law of Islam for the protection of honour which is indeed much superior to and better than the Western Law of Defamation. According to the Islamic Law if it is proved that someone has attacked the honour of another person, then irrespective of the fact whether or not the victim is able to prove himself a respectable and honourable person the culprit will in any case get his due punishment. But the interesting fact about the Western Law of Defamation is that the person who files suit for defamation has first to prove that he is a man of honour and public esteem and during the interrogation he is subjected to the scurrilous attacks, accusations and innuendoes of the defence council to such an extent that he earns more disgrace than the attack on his reputation against which he had knocked the door of the court of law.

On top of it he has also to produce such witnesses as would testify in the court that due to the defamatory accusations of the culprit, the accused stands disgraced in their eyes. Good Gracious! What a subtle point of law, and what an adherence to the spirit of Law! How can this unfair and unjust law be

compared to the Divine law?

Islam declared blasphemy as a crime irrespective of the fact whether the accused is a man of honour or not, and whether the words used for blasphemy have actually disgraced the victim and harmed his reputation in the eyes of the public or not. According to the Islamic Law the mere proof of the fact that the accused said things which according to common sense could have damaged the reputation and honour of the plaintiff, is enough for the accused to be declared guilty of defamation.

The Sanctity and Security of Private Life

Islam recognizes the right of every citizen of its state that there should be no undue interference or encroachment on the privacy of his life. The Holy Quran has laid down the injunction:

"Do not spy on one another" (49:12).

"Do not enter any houses except your own homes unless you are sure of their occupants' consent" (24:27).

The Prophet has gone to the extent of instructing his followers that a man should not enter even his own house suddenly or surreptitiously. He should somehow or other inform or indicate to the dwellers of the house that he is entering the house, so that he may not see his mother, sister or daughter in a condition in which they would not like to be seen, nor would he himself like to see them in that condition. Peering into the houses of other people has also been strictly prohibited, so much so that there is the saying of the Prophet that if a man finds another person secretly peering into his house, and he blinds his eye or eyes as a punishment then he cannot be called to question nor will he be liable to prosecution.

The Prophet has even prohibited people from reading the letters of others, so much so that if a man is reading his letter and another man casts sidelong glances at it and tries to read it, his conduct becomes reprehensible. This is the sanctity of privacy that Islam grants to individuals.

On the other hand in the modern civilized world we find that not only the letters of other people are read and their correspondence censored, but even their photostat copies are retained for future use or blackmail. Even bugging devices are secretly fixed in the houses of the people so that one can hear and tape from a distance the conversation taking place behind closed doors. In other words it means that there is no such thing as privacy and to all practical purposes the private life of an individual does not exist.

This espionage on the life of the individual cannot be justified on moral grounds by the government saying that it is necessary to know the secrets of the dangerous persons. Though, to all intents and purposes, the basis of this policy is the fear and suspicion with which modern governments look at their citizens who are intelligent and dissatisfied with the official policies of the government. This is exactly what Islam has called as the root cause of mischief in politics. The injunction of the Prophet is: "When

the ruler begins to search for the causes of dissatisfaction amongst his people, he spoils them" (Abu Dawud). The Amir Mu'awiyah has said that he himself heard the Prophet saying: "If you try to find out the secrets of the people, then you will definitely spoil them or at least you will bring them to the verge of ruin."

The meaning of the phrase 'spoil them' is that when spies (C.I.D. or F.B.I. agents) are spread all around the country to find out the affairs of men, then the people begin to look at one another with suspicion, so much so that people are afraid of talking freely in their houses lest some word should escape from the lips of their wives and children which may put them in embarrassing situations. In this manner it becomes difficult for a common citizen to speak freely, even in his own house and society begins to suffer from a state of general distrust and suspicion.

The Security of Personal Freedom

Islam has also laid down the principle that no citizen can be imprisoned unless his guilt has been proved in an open court. To arrest a man only on the basis of suspicion and to throw him into a prison without proper court proceedings and without providing him a reason- able opportunity to produce his defence is not permissible in Islam. It is related in the hadith that once the Prophet was delivering a lecture in the mosque, when a man rose during the lecture and said: "O Prophet of God, for what crime have my neighbours been arrested?"

The Prophet heard the question and continued his speech. The man rose once again and repeated the same question. The Prophet again did not answer and continued his speech. The man rose for a third time and repeated the same question. Then the Prophet ordered that the man's neighbours be released.

The reason why the Prophet had kept quiet when the question was repeated twice earlier was that the police officer was present in the mosque and if there were proper reasons for the arrest of the neighbours of this man, he would have got up to explain his position. Since the police officer gave no reasons for these arrests the Prophet ordered that the arrested persons should be released. The police officer was aware of the Islamic law and therefore he did not get up to say: "the administration is aware of the charges against the arrested men, but they cannot be disclosed in public. If the Prophet would inquire about their guilt in camera I would enlighten him."

If the police officer had made such a statement, he would have been dismissed then and there. The fact that the police officer did not give any reasons for the arrests in the open court was sufficient reason for the Prophet to give immediate orders for the release of the arrested men. The injunction of the Holy Quran is very clear on this point.

"Whenever you judge between people, you should judge with (a sense of) justice" (4:58).

And the Prophet has also been asked by God: "I have been ordered to dispense justice between you."

This was the reason why the Caliph 'Umar said: "In Islam no one can be imprisoned except in pursuance of justice." The words used here clearly indicate that justice means due process of law. What has been prohibited and condemned is that a man be arrested and imprisoned without proof of his guilt in an open court and without providing him an opportunity to defend himself against those charges.

If the Government suspects that a particular individual has committed a crime or he is likely to commit an offence in the near future then they should give reasons for their suspicion before a court of law and the culprit or the suspect should be allowed to produce his defence in an open court, so that the court may decide whether the suspicion against him is based on sound grounds or not and if there is good reason for suspicion, then he should be informed of how long he will be in preventive detention.

This decision should be taken under all circumstances in an open court, so that the public may hear the charges brought by the government, as well as the defence made by the accused and see that the due process of law is being applied to him and he is not being victimized.

The correct method of dealing with such cases in Islam is exemplified in the famous decision of the Prophet which took place before the conquest of Makkah. The Prophet was making preparations for the attack on Makkah, when one of his Companions, Hatib ibn Abi Balta'ah sent a letter through a woman to the authorities in Makkah informing them about the impending attack. The Prophet came to know of this through a Divine inspiration. He ordered 'Ali and Zubayr: "Go quickly on the route to Makkah, at such and such a place, you will find a woman carrying a letter. Recover the letter from her and bring it to me." So they went and found the woman exactly where the Prophet had said. They recovered the letter from her and brought it to the Prophet. This was indeed a clear case of treachery.

To inform the enemy about a secret of an army and that too at the time of a war is a very serious offence tantamount to treachery. In fact one cannot think of a more serious crime during war than giving out a military secret to one's enemy. What could have been a more suitable case for a secret hearing; a military secret had been betrayed and common sense demanded that he should be tried in camera. But the Prophet summoned Hatib to the open court of the Mosque of the Prophet and in the presence of hundreds of people asked him to explain his position with regard to his letter addressed to the leaders of Quraysh which had been intercepted on its way.

The accused said: "O God's Messenger (may God's blessings be on you) I have not revolted against Islam, nor have I done this with the intention of betraying a military secret. The truth of the matter is that my wife and children are living in Makkah and I do not have my tribe to protect them there. I had written this letter so that the leaders of Quraysh may be indebted to me and may protect my wife and children out of gratitude." 'Umar rose and respectfully submitted: "O Prophet, please permit me to put this traitor to the sword." The Prophet replied: "He is one of those people who had participated in the Battle of Badr, and the explanation he has advanced in his defence would seem to be correct."

Let us look at this decision of the Prophet in perspective. It was a clear case of treachery and betrayal of

military secrets. But the Prophet acquitted Hatib on two counts. Firstly, that his past records were very clean and showed that he could not have betrayed the cause of Islam, since on the occasion of the Battle of Badr when there were heavy odds against the Muslims, he had risked his life for them. Secondly, his family was in fact in danger at Makkah.

Therefore, if he had shown some human weakness for his children and written this letter, then this punishment was quite sufficient for him that his secret offence was divulged in public and he had been disgraced and humiliated in the eyes of the believers. God has referred to this offence of Hatib in the Holy Quran but did not propose any punishment for him except rebuke and admonition.

The attitude and activities of the Kharijis in the days of the Caliph 'Ali are well-known to the students of Muslim history. They used to abuse the Caliph openly, and threaten him with murder. But whenever they were arrested for these offences, 'Ali would set them free and tell his officers "As long as they do not actually perpetrate offences against the State, the mere use of abusive language or the threat of use of force are not such offences for which they can be imprisoned."

The imam Abu Hanifah has recorded the following saying of the Caliph 'Ali (A): "As long as they do not set out on armed rebellion, the Caliph of the Faithful will not interfere with them." On another occasion 'Ali was delivering a lecture in the mosque when the Kharijis raised their special slogan there. 'Ali said: "We will not deny you the right to come to the mosques to worship God, nor will we stop to give your share from the wealth of the State, as long as you are with us (and support us in our wars with the unbelievers) and we shall never take military action against you as long as you do not fight with us."

One can visualize the opposition which 'Ali was facing; more violent and vituperative opposition cannot even be imagined in a present-day democratic State; but the freedom that he had allowed to the opposition was such that no government has ever been able to give to its opposition. He did not arrest even those who threatened him with murder nor did he imprison them.

[The Right to Protest Against Tyranny](#)

Amongst the rights that Islam has conferred on human beings is the right to protest against government's tyranny. Referring to it the Quran says:

"God does not love evil talk in public unless it is by someone who has been injured thereby" (4: 148).

This means that God strongly disapproves of abusive language or strong words of condemnation, but the person who has been the victim of injustice or tyranny, God gives him the right to openly protest against the injury that has been done to him. This right is not limited only to individuals. The words of the verse are general. Therefore if an individual or a group of people or a party usurps power, and after assuming the reins of authority begins to tyrannize individuals or groups of men or the entire population

of the country, then to raise the voice of protest against it openly is the God-given right of man and no one has the authority to usurp or deny this right.

If anyone tries to usurp this right of citizens then he rebels against God. The talisman of Section 1444 may protect such a tyrant in this world, but it cannot save him from the hell-fire in the Hereafter.

Freedom of Expression

Islam gives the right of freedom of thought and expression to all citizens of the Islamic State on the condition that it should be used for the propagation of virtue and truth and not for spreading evil and wickedness. This Islamic concept of freedom of expression is much superior to the concept prevalent in the West. Under no circumstances would Islam allow evil and wickedness to be propagated. It also does not give anybody the right to use abusive or offensive language in the name of criticism.

The right to freedom of expression for the sake of propagating virtue and righteousness is not only a right in Islam but an obligation. One who tries to deny this right to his people is openly at war with God, the All-Powerful. And the same thing applies to the attempt to stop people from evil. Whether this evil is perpetrated by an individual or by a group of people or the government of one's own country, or the government of some other country; it is the right of a Muslim and it is also his obligation that he should warn and reprimand the evil-doer and try to stop him from doing it. Over and above, he should openly and publicly condemn it and show the course of righteousness which that individual, nation or government should adopt.

The Holy Quran has described this quality of the Faithful in the following words:

"They enjoin what is proper and forbid what is improper" (9:71).

In contrast, describing the qualities of a hypocrite, the Quran mentions:

"They bid what is improper and forbid what is proper" (9:67).

The main purpose of an Islamic Government has been defined by God in the Quran as follows:

"If we give authority to these men on earth they will keep up prayers, and offer poor-due, bid what is proper and forbid what is improper" (22:41).

The Prophet has said: "If any one of you comes across an evil, he should try to stop it with his hand (using force), if he is not in a position to stop it with his hand then he should try to stop it by means of his tongue (meaning he should speak against it). If he is not even able to use his tongue then he should at least condemn it in his heart. This is the weakest degree of faith" (Muslim).

This obligation of inviting people to righteousness and forbidding them to adopt the paths of evil is incumbent on all true Muslims. If any government deprives its citizens of this right, and prevents them

from performing this duty, then it is in direct conflict with the injunction of God. The government is not in conflict with its people, but is in conflict with God. In this way it is at war with God and is trying to usurp that right of its people which God has conferred not only as a right but as an obligation. As far as the government which itself propagates evil, wickedness and obscenity and interferes with those who are inviting people to virtue and righteousness is concerned, according to the Holy Quran it is the government of the hypocrites.

Freedom of Association

Islam has also given people the right to freedom of association and formation of parties or organizations. This right is also subject to certain general rules. It should be exercised for propagating virtue and righteousness and should never be used for spreading evil and mischief. We have not only been given this right for spreading righteousness and virtue, but have been ordered to exercise this right. Addressing the Muslims, the Holy Quran declares:

“You are the best community which has been brought forth for mankind. You command what is proper and forbid what is improper and you believe in God ... (3: 110)

This means that it is the obligation and duty of the entire Muslim community that it should invite and enjoin people to righteousness and virtue and forbid them from doing evil. If the entire Muslim community is not able to perform this duty then

“let there be a community among you who will invite (people) to (do) good, command what is proper and forbid what is improper, those will be prosperous” (3: 104).

This clearly indicates that if the entire Muslim nation collectively begins to neglect its obligation to invite people to goodness and forbid them from doing evil then it is absolutely essential that it should contain at least a group of people which may perform this obligation. As has been said before this is not only a right but an obligation and on the fulfilment of which depends success and prosperity here as well as in the Hereafter. It is an irony with the religion of God that in a Muslim country the assembly and association that is formed for the purposes of spreading evil and mischief should have the right to rule over the country and the association and party which has been formed for propagating righteousness and virtue should live in perpetual fear of harassment and of being declared illegal.

Conditions here are just the reverse of what has been prescribed by God. The claim is that we are Muslims and this is an Islamic State but the work that is being done is directed to spreading evil, to corrupt and morally degrade and debase the people while there is an active and effective check on the work being carried out for reforming society and inviting people to righteousness. Moreover the life of those who are engaged in spreading righteousness and checking the spread of evil and wickedness is made intolerable and hard to bear.

Freedom of Conscience and Conviction

Islam also gives the right to freedom of conscience and conviction to its citizens in an Islamic State. The Holy Quran has laid down the injunction:

"There should be no coercion in the matter of faith" (2:256).

Though there is no truth and virtue greater than the religion of Truth–Islam, and Muslims are enjoined to invite people to embrace Islam and advance arguments in favour of it, they are not asked to enforce this faith on them. No force will be applied in order to compel them to accept Islam. Whoever accepts it he does so by his own choice. Muslims will welcome such a convert to Islam with open arms and admit him to their community with equal rights and privileges. But if somebody does not 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.

Protection of Religious Sentiments

Along with the freedom of conviction and freedom of conscience, Islam has given the right to the individual that his religious sentiments will be given due respect and nothing will be said or done which may encroach upon this right. It has been ordained by God in the Holy Quran:

"Do not abuse those they appeal to instead of God" (6: 108).

These instructions are not only limited to idols and deities, but they also apply to the leaders or national heroes of the people. If a group of people holds a conviction which according to you is wrong, and holds certain persons in high esteem which according to you is not deserved by them, then it will not be justified in Islam that you use abusive language for them and thus injure their feelings. Islam does not prohibit people from holding debate and discussion on religious matters, but it wants that these discussions should be conducted in decency.

"Do not argue with the people of the Book unless it is in the politest manner" (29:46)

says the Quran. This order is not merely limited to the people of the Scriptures, but applies with equal force to those following other faiths.

Protection from Arbitrary Imprisonment

Islam also recognizes the right of the individual that he will not be arrested or imprisoned for the offences of others. The Holy Quran has laid down this principle clearly:

"No bearer of burdens shall be made to bear the burden of another" (6: 164).

Islam believes in personal responsibility. We ourselves are responsible for our acts, and the consequence of our actions cannot be transferred to someone else. In other words this means that every man is responsible for his actions. If another man has not shared this action then he cannot be held responsible for it, nor can he be arrested. It is a matter of great regret and shame that we are seeing this just and equitable principle which has not been framed by any human being, but by the Creator and Nourisher of the entire universe, being flouted and violated before our eyes. So much so that a man is guilty of a crime or he is a suspect, but his wife being arrested for his crime. Things have gone so far that innocent people are being punished for the crimes of others.

To give a recent example, in Karachi (Pakistan), a man was suspected of being involved in a bomb throwing incident. In the course of police investigation he was subjected to horrible torture in order to extract a confession from him. When he insisted on his innocence, then the police arrested his mother, his wife, daughter and sister and brought them to the police station. They were all stripped naked in his presence and he was stripped naked of all his clothes before their eyes so that a confession of the crime could be extracted from him. It appears as if for the sake of investigation of crime it has become proper and legal in our country to strip the innocent women folk of the household in order to bring pressure on the suspect. This is indeed very outrageous and shameful.

This is the height of meanness and depravity. This is not a mere hearsay which I am repeating here, but I have full information about this case and can prove my allegations in any court of law. I would here like to ask what right such tyrants who perpetrate these crimes against mankind have to tell us that they are Muslims or that they are conducting the affairs of the state according to the teachings of Islam and their state is an Islamic State. They are breaching and flouting a clear law of the Holy Quran. They are stripping men and women naked which is strictly forbidden in Islam. They disgrace and humiliate humanity and then they claim that they are Muslims.

The Right to Basic Necessities of Life

Islam has recognized the right of the needy people that help and assistance will be provided for them.

"And in their wealth there is acknowledged right for the needy and the destitute" (51:19).

In this verse, the Quran has not only conferred a right on every man who asks for assistance in the wealth of the Muslims, but has also laid down that if a Muslim comes to know that a certain man is without the basic necessities of life, then irrespective of the fact whether he asks for assistance or not, it is his duty to reach him and give all the help that he can extend. For this purpose Islam has not depended only on the help and charity that is given voluntarily, but has made compulsory charity, zakat as the third pillar of Islam, next only to profession of faith and worship of God through holding regular prayers.

The Prophet has clearly instructed in this respect that: "It will be taken from their rich and given to those

in the community in need" (al-Bukhari and Muslim). In addition to this, it has also been declared that the Islamic State should support those who have nobody to support them. The Prophet has said: "The Head of state is the guardian of him, who has nobody to support him" (Abu Dawud, al-Tirmidhi).

The word *wali* which has been used by the Prophet is a very comprehensive word and has a wide range of meanings. If there is an orphan or an aged man, if there is a crippled or unemployed person, if one is invalid or poor and has no one else to support him or help him, then it is the duty and the responsibility of the state to support and assist him. If a dead man has no guardian or heir, then it is the duty of the state to arrange for his proper burial. In short the state has been entrusted with the duty and responsibility of looking after all those who need help and assistance. A truly Islamic State is therefore a truly welfare state which will be the guardian and protector of all those in need.

Equality Before Law

Islam gives its citizens the right to absolute and complete equality in the eyes of the law. As far as the Muslims are concerned, there are clear instructions in the Holy Quran and hadith that in their rights and obligations they are all equal:

"The believers are brothers (to each other)" (49: 10).

"If they (disbelievers) repent and keep up prayer and pay the lpoor-due, they are your brothers in faith" (9: 11).

The Prophet has said that: "The life and blood of Muslims are equally precious" (Abu Dawud; Ibn Majjah). In another hadith he has said: "The protection given by all Muslims is equal. Even an ordinary man of them can grant protection to any man" (al-Bukhari; Muslim; Abu Dawud). In another more detailed Tradition of the Prophet, it has been said that those who accept the Oneness of God, believe in the Prophet- hood of His Messenger, give up primitive prejudices and join the Muslim community and brotherhood, "then they have the same rights and obligations as other Muslims have" (al-Bukhari; al-Nisa'i).

Thus there is absolute equality between the new converts to Islam and the old followers of the Faith.

This religious brotherhood and the uniformity of their rights and obligations is the foundation of equality in Islamic society, in which the rights and obligations of any person are neither greater nor lesser in any way than the rights and obligations of other people. As far as the non- Muslim citizens of the Islamic State are concerned, the rule of Islamic Shari'ah (law) about them has been very well expressed by the Caliph 'Ali in these words: "They have accepted our protection only because their lives may be like our lives and their properties like our properties" (Abu Dawud).

In other words, their (of the dhimmis) lives and properties are as sacred as the lives and properties of the Muslims. Discrimination of people into different classes was one of the greatest crimes that,

according to the Quran, Pharaoh used to indulge in:

"He had divided his people into different classes," ... "And he suppressed one group of them (at the cost of others)" (28:4).

Rulers Not Above the Law

Islam clearly insists and demands that all officials of the Islamic State, whether he be the head or an ordinary employee, are equal in the eyes of the law. None of them is above the law or can claim immunity. Even an ordinary citizen in Islam has the right to put forward a claim or file a legal complaint against the highest executive of the country. The Caliph 'Umar said, "I have myself seen the Prophet, may God's blessings be on him, taking revenge against himself (penalizing himself for some shortcoming or failing)."

On the occasion of the Battle of Badr, when the Prophet was straightening the rows of the Muslim army he hit the belly of a soldier in an attempt to push him back in line. The soldier complained "O Prophet, you have hurt me with your stick." The Prophet immediately bared his belly and said: "I am very sorry, you can revenge by doing the same to me." The soldier came forward and kissed the abdomen of the Prophet and said that this was all that he wanted.

A woman belonging to a high and noble family was arrested in connection with a theft. The case was brought to the Prophet, and it was recommended that she may be spared the punishment of theft. The Prophet replied: "The nations that lived before you were destroyed by God because they punished the common men for their offences and let their dignitaries go unpunished for their crimes; I swear by Him (God) who holds my life in His hand that even if Fatimah, the daughter of Muhammad, has committed this crime then I would have amputated her hand."

During the caliphate of 'Umar, Muhammad the son of 'Amr ibn al-'As the Governor of Egypt, whipped an Egyptian. The Egyptian went to Medina and lodged his complaint with the Righteous Caliph, who immediately summoned the Governor and his son to Medina. When they appeared before him in Medina, the Caliph handed a whip to the Egyptian complainant and asked him to whip the son of the Governor in his presence. After taking his revenge when the Egyptian was about to hand over the whip to 'Umar, he said to the Egyptian: "Give one stroke of the whip to the Honourable Governor as well. His son would certainly have not beaten you were it not for the false pride that he had in his father's high office."

The plaintiff submitted: "The person who had beaten me, I have already avenged myself on him." 'Umar said: "By God, if you had beaten him (the Governor) I would not have checked you from doing so. You have spared him of your own free will." Then he ('Umar) angrily turned to 'Amr ibn al-'As and said: "O 'Amr, when did you start to enslave the people, though they were born free of their mothers?"

When the Islamic State was flourishing in its pristine glory and splendour, the common people could equally lodge complaints against the caliph of the time in the court and the caliph had to appear before the qadi to answer the charges. And if the caliph had any complaint against any citizen, he could not use his administrative powers and authority to set the matter right, but had to refer the case to the court of law for proper adjudication.

The Right to Avoid Sin

Islam also confers this right on every citizen that he will not be ordered to commit a sin, a crime or an offence; and if any government, or the administrator, or the head of department orders an individual to do a wrong, then he has the right to refuse to comply with the order. His refusal to carry out such crime or unjust instructions would not be regarded as an offence in the eyes of the Islamic law. On the contrary giving orders to one's subordinates to commit a sin or do a wrong is itself an offence and such a serious offence that the officer who gives this sinful order whatever his rank and position may be, is liable to be summarily dismissed.

These clear instructions of the Prophet are summarized in the following hadith: "It is not permissible to disobey God in obedience to the orders of any human being" (Musnad of Ibn Hanbal).

In other words, no one has the right to order his subordinates to do anything against the laws of God. If such an order is given, the subordinate has the right to ignore it or openly refuse to carry out such instructions. According to this rule no offender will be able to prove his innocence or escape punishment by saying that this offence was committed on the orders of the government or superior officers.

If such a situation arises then the person who commits the offence and the person who orders that such an offence be committed, will both be liable to face criminal proceedings against them. And if an officer takes any improper and unjust measures against a subordinate who refuses to carry out illegal orders, then the subordinate has the right to go to the court of law for the protection of his rights, and he can demand that the officer be punished for his wrong or unjust orders.

The Right to Participate in the Affairs of State

According to Islam, governments in this world are actually representatives (khulafa¹) of the Creator of the universe, and this responsibility is not entrusted to any individual or family or a particular class or group of people but to the entire Muslim nation. The Holy Quran says:

"God has promised to appoint those of you who believe and do good deeds as (His) representatives on earth" (24:55).

This clearly indicates that khilafah is a collective gift of God in which the right of every individual Muslim is neither more nor less than the right of any other person. The correct method recommended by the

Holy Quran for running the affairs of the state is as follows:

"And their business is (conducted) through consultation among themselves" (42:38).

According to this principle it is the right of every Muslim that either he should have a direct say in the affairs of the state or a representative chosen by him and other Muslims should participate in the consultation of the state. Islam, under no circumstance, permits or tolerates that an individual or a group or party of individuals may deprive the common Muslims of their rights, and usurp powers of the state.

Similarly, Islam does not regard it right and proper that an individual may put up a false show of setting up a legislative assembly and by means of underhand tactics such as fraud, persecution, bribery, etc., gets himself and men of his choice elected in the assembly.

This is not only a treachery against the people whose rights are usurped by illegal and unfair means, but against the Creator Who has entrusted the Muslims to rule on this earth on His behalf, and has prescribed the procedure of an assembly for exercising these powers. The shura or the legislative assembly has no other meaning except that:

- (1) The executive head of the government and the members of the assembly should be elected by free and independent choice of the people.
- (2) The people and their representatives should have the right to criticize and freely express their opinions.
- (3) The real conditions of the country should be brought before the people without suppressing any fact so that they may be able to form their opinion about whether the government is working properly or not.
- (4) There should be adequate guarantee that only those people who have the support of the masses should rule over the country and those who fail to win this support should be removed from their position of authority.

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