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The Foundations of Human Rights in Islam

In order to understand the foundations of human rights in Islam it is necessary for us to study a series of principles upon which Islamic law relies. The most important parts of such principles are as follows:

1-The Principle of Monotheism

Monotheism, meaning the singleness of God, is one of the fundamental beliefs and one of the reasonable factors that mankind has set basis for action in his life. Basing its belief on monotheism and singleness Islam fought with idol worship and fanaticism which the ignorant Arabs were suffering, and called for unity and solidarity among all communities regardless of color, race and nations and commanded people to abstain from discord and separation.

A belief in monotheism is the best platform and the most fundamental basis for reaching and achieving the principle of equality and brotherhood and unity among all individuals in a community and unity among all communities. It is the most important barrier against the domination of despotic governments, arrogant rulers and tyrants.

Monotheism is the basis for the liberation of man from slavery and enslaving others and is a mechanism for the salvation and liberty of mankind. The Prophet (S) says¹:

قولو لا اله الا الله تفلحو

By relying on this principle Islam destroyed all the seeds of separation and hostility as well as ethnic privileges, idols, pride and profiteering and laid the foundation of equality and brotherhood on the basis of monotheism (worshiping one God only)².

2- The Principle of Equality and Cancellation of Relative supremacy

After the setting up the principle of monotheism by introducing the principle of equality Islam abolished privileges of the age of ignorance which not only Arab communities but other communities suffered from it, and annulled the ugly custom of the Arabs who during the age of ignorance were proud of their ethnic identity and ethnic superiority. In his last sermon addressing the pilgrims the Prophet (S) reminded the pilgrims that the Muslims were equal.³

The created ones too are different from the materialistic and spiritual point of view. By rejecting such false differences which led to discrimination and lack of equality Islam expressly believed and underlined that all people were equal in the extent of their rights and duties they discharge and believed people were equal in:

- a. In humanity.
- b. Rights and duties.
- c. Judgment and enforcement of regulations⁴

The Prophet (S) rejected the theory that some people were descended from God's higher attributes and some were from God's inferior attributes and expressly declared that all the people regardless of their race and color have been born of single parents. "O people! Beware of those who claim to have descended from God and claim that ancestors are from God."

From the point of view of Islam the difference of people related to race, color and tongue, wealth and profession and political and religious ideas which are the result of different factors in their environment and nature in no way must allow for creating a system of racial discrimination and class difference.

On the contrary such differences first of all are cited to recognize a mighty creator:

وَمِنْ آيَاتِهِ خَلْقُ السَّمَاوَاتِ وَالْأَرْضِ وَاخْتِلَافُ أَلْسِنَتِكُمْ وَأَلْوَانِكُمْ إِنَّ فِي ذَلِكَ لَآيَاتٍ لِّلْعَالَمِينَ

And his signs are the creation of heavens and earth and the diversity of your tongues and colors. Surely, there are signs in this for all the worlds(30:22)

Secondly in order to distinguish and understand people from each other the Quran says:

يَا أَيُّهَا النَّاسُ إِنَّا خَلَقْنَاكُمْ مِّن ذَكَرٍ وَأُنثَىٰ وَجَعَلْنَاكُمْ شُعُوبًا وَقَبَائِلَ لِتَعَارَفُوا إِنَّ أَكْرَمَكُمْ عِندَ اللَّهِ أَتَقَاكُمْ إِنَّ اللَّهَ عَلِيمٌ خَبِيرٌ

O you men! surely we have created you of a male and a female, and made you tribes and families that you may know each other; surely the most honorable of you with Allah is the one among you most careful (of his duty); surely Allah is knowing, aware(49: 13)

In this manner Islam nullified any sort of racial discrimination and class difference and instill the spirit of equality and brotherhood in the Islamic community and in this manner Islam declared its 'declaration of equal rights of mankind'. In fact the most fundamental rights of man which now is being coveted and studied throughout the world was announced by Islam in the teaching of that religion by the Prophet of Islam (S) more than fourteen centuries ago. Moreover it was not the first time that the Prophet (S) spoke about human rights.

Before that a revelation came from Heaven that Almighty God had charged the Prophet (S) to communicate such commandment to mankind in which all the principles of human rights are clearly spelled out⁵.

Not only in his sermons but in his behavior too the Prophet of Islam (S) clearly showed that he was for the elimination of racial discrimination and class difference.

For example he managed to marry Zeinab, the daughter of his aunt to Zeid (a newly liberated slave) by appointing Zeid and Asameh (her child) as the commander of the army of Islam in their battle against the Romans, and by appointing the black Belal as the propagator of Islam, and a hundred similar acts towards that end he proved that he was against such ills.

Also by accepting Salman Farsi (an Iranian citizen)⁶ as a member of his family he practically annihilated racial and ethnic privilege (which stemmed from the different geographical locations of the tribes). Also Islam nullified the boasting about wealth and method of life and quest for supremacy on the basis of wealth and announced that:

وَقَالُوا نَحْنُ أَكْثَرُ أَمْوَالًا وَ أَوْلَادًا وَ مَا نَحْنُ بِمُعَذَّبِينَ . قُلْ إِنَّ رَبِّي يَبْسُطُ الرِّزْقَ لِمَن يَشَاءُ وَ يَقْدِرُ وَ لَكِنَّ أَكْثَرَ النَّاسِ لَا يَعْلَمُونَ وَ مَا أَمْوَالُكُمْ وَ لَا أَوْلَادُكُمْ بِأَلْتِي تُقْرَبُكُمْ عِنْدَنَا زُلْفَى إِلَّا مَنَ أَمَنَ وَ عَمِلَ صَالِحًا

And they say: we have more wealth and children, and we shall not be punished. Say: surely my lord amplifies the means of subsistence for whom he pleases and straitens (for whom he pleases), but most men do not know. (34:37)

By cancelling racial discrimination and class difference Islam replaced the unity of the Umma with them and in this connection the Prophet (S) said, "People are like blades of a single comb." ⁷

3-The Principle of Virtue based on Belief and Piety

Since human faith and trust is the most important factor which leads to humans perfection and happiness believing in a religion which nullifies virtue and superiority on a tribal basis, power, color, race or family relation and guiding man towards brotherhood and superiority and propagates justice, Islam destroys corruption and helps man to leave the age of ignorance and superstition and the age of light and justice.

Thus piety is the only basis for the superiority of people compared to each other. Islam is a religion in which superiority is only based on efficiency and personal acts. As the most important source of Islamic rights says:

إِنَّ أَكْرَمَكُمْ عِنْدَ اللَّهِ أَتَقَاهُمْ

Surely the most honorable of you with Allah is the one among you most careful (of his duty)(49: 13)

The Prophet of Islam too has implicitly said, "*Only the works of the righteous man is the basis for superiority and not his health, family connection and living conditions*"⁸. Islam's belief began with monotheism and worshiping a single God and brotherhood and the pious Muslims were banned from worshiping idols, tyranny and committing ugly deeds, and with the strength of faith they resisted vehemently about the blasphemy and tyranny and destroyed the idols and superstition and felt whole heartedly in love with the Prophet

The Prophet (S) also said it was lawful for them to be pure and banished impurities, and rescued them from the fetters of ignorance which had been fastened on their hands and legs⁹. Belief has become the basis of human piety because it is the platform for unity and solidarity of the community. The Quran says:

واعتصموا بحبل الله جميعاً ولا تفرقوا. فاذكروا نعمة الله عليكم اذ كنتم اعداءً فألف بين قلوبهم فاصبحتهم بنعمة
"اخوان"

Therefore, in an Islamic community divine rule presides over a united Umma in which are all equal and there is no quest for profit¹⁰.

The Prophet (S)) says, "A believer is mild tempered." ¹¹"A believer needs less." ¹²

"A believer is a person upon which people entrust their life and money." ¹³

"A believer suffers from the suffering of other people, like a body which becomes sick from headache." ¹⁴

"A believer is noble and benevolent and a dissolute (lewd) person is a cheat and base."[15](#)

It is because of the believer's noble attributes that Islam regards 'belief' as a measure and basis for human virtue.

To believe and abstain from sin, transgression, and evil deeds help man to achieve the rank of piety and perfection and virtue. According to the Quran, "Virtue is like a good dress worn by a man who helps a man superior and more virtuous than others."[16](#)

And he has promised a happy fate for a virtuous person who is not looking for superiority, corruption and tyranny on earth[17](#).

4. Unity is the Ultimate Goal

One of the main principles of the social policy of Islam is the formation of a 'unique Umma or nation'. This principle lays the foundation and basis of society in Islam. According to this principle regardless of their race, color of skin, nationality, and economical condition and beliefs, the people are regarded as the members of Islamic political organization (i.e. a unique Islamic Umma).

In constructing such institutes discriminating factors such as tribe, family, clan and wealth has no role at all. The Quran says:

إِنَّ هَذِهِ أُمَّتُكُمْ أُمَّةً وَاحِدَةً وَأَنَا رَبُّكُمْ فَاعْبُدُونِ .

Surely this Islam is your religion, one religion (only), and I am your lord, therefore serve me. (21:92)

The ultimate goal of Islam for creating a unique Umma besides its spiritual values such as quest for human happiness and perfection covers monetary matters (such as common ends, and more exertions to attain the means of comfort and social welfare, bringing security and peace under the auspices of an Islamic community).

In fact it is the policy of the Islam to attend to both materialistic and spiritual life or terrestrial and celestial life. Moreover Islam which believes human life is objective it encourages man towards lead an objective life and exerts toward physical and spiritual perfection.[18](#)

With such policy and logic which is lasting and unchangeable Islam focuses on the establishment and consolidation of the foundation of 'unity of Islamic umma' and proposes the formation of 'political system of Islam, which remains united because of their belief and love of Islam.

Islamic umma is composed of a community whose members have common belief and the rules of the

Quran (as the code of life) and a divine commandment prevails. Such a community is known as the land of justice (Dar al-Adl).

Quran introduces an exemplary umma in the following terms, “*You are the best umma who have risen for the sake of people. You enjoin people do virtuous things and prevent them from doing evil and you believe in God.*”¹

Therefore, in an Islamic community divine rule presides over a united umma in which are all equal and there is no quest for profit.

A perfect example of such government is the government was nationality and other limiting factors. Even those who migrate from ‘Dar ul-Islam’ or the Government of Islam and settle in another country do not lose their membership of that community and continue to be a member of the ‘Islamic umma.’¹⁹

A united Umma is a moderate community which is considered as an example and proof for all people and communities as testified by Quran which says:

كَذَلِكَ جَعَلْنَاكُمْ أُمَّةً وَسَطًا لِتَكُونُوا شُهَدَاءَ عَلَى النَّاسِ

And thus we have made you a medium (just) nation that you may be the bearers of witness to the people. (2:143)

The Quran has described the special features of ‘unique Umma’ in its various chapters and verses and refers to ‘Islamic Umma’ as a source inviting folk for good thing and charity.

وَلْتَكُنْ مِنْكُمْ أُمَّةٌ يَدْعُونَ إِلَى الْخَيْرِ وَيَأْمُرُونَ بِالْمَعْرُوفِ وَيَنْهَوْنَ عَنِ الْمُنْكَرِ وَأُولَئِكَ هُمُ الْمُفْلِحُونَ

And from among you there should be a party who invite to good and enjoin what is right and forbid the wrong, and these it is that shall be successful .(3:104)

The ultimate social end and result of unity of Islamic nations and the formation of ‘unique Islamic Umma’ is that the Muslims of different countries approach each other and Islamic governments adopt such policies which renders the formation of a political, economical and cultural ties among Muslim as its prime target and endeavors to consolidate the foundations of a unique Islamic nation.²⁰

5 – The Principle of Adjustment of Wealth and Means in the Community

Contrary to that which sometimes the ignorant and biased ones attribute to Islam one of the social principles of Islam is to fight severely with poverty and class difference in the Islamic community as well

as dividing individuals in a community into poor and wealthy sections and allowing wealthy ones to dominate the poor.

Islam believes that propagation of poverty is one of the reasons for the corruption and destruction of man and paves the way for irreligion and disbelief in the society and for this reason Islam fights such evils. The Quran has expressly declared that:

الشَّيْطَانُ يَعِدُكُمُ الْفَقْرَ وَيَأْمُرُكُم بِالْفَحْشَاءِ وَاللَّهُ يَعِدُكُم مَّغْفِرَةً مِنْهُ وَفَضلاً وَاللَّهُ وَاسِعٌ عَلِيمٌ

Shaitan threatens you with poverty and enjoins you to be niggardly, and Allah promises you forgiveness from himself and abundance; and Allah is ample-giving, knowing.(2:268)

With regard to the impact of poverty the Prophet of Islam (S) has said:

كاد الفقران يكون كفرةً

It is reasonable to assume that poverty can end in blasphemy and faithlessness.[21](#)

In the meantime Islam strongly urges people to earn money through lawful means and refraining from violating other people's rights. It insists that people must earn money through lawful and correct means.

Quran commands people in the following terms:

وَلَا تَأْكُلُوا أَمْوَالَكُم بَيْنَكُم بِالْبَاطِلِ وَتُدْلُوا بِهَا إِلَى الْحُكَّامِ لِتَأْكُلُوا فَرِيقًا مِّنْ أَمْوَالِ النَّاسِ بِالْإِثْمِ وَأَنتُمْ تَعْلَمُونَ

And do not swallow up your property among yourselves by false means; neither seeks to gain access thereby to the judges, so that you may swallow up a part of the property of men wrongfully while you know.(2: 188)

The Quran also commands people:

يَا أَيُّهَا الَّذِينَ آمَنُوا لَا تَأْكُلُوا أَمْوَالَكُم بَيْنَكُم بِالْبَاطِلِ إِلَّا أَنْ تَكُونَ تِجَارَةً عَنْ تَرَاضٍ مِّنْكُمْ

O you who believe! Do not devour your property among yourselves falsely, except that it is trading by your mutual consent. (4:29)

In order to eradicate poverty in the Islamic community Islam has set up a series of provisions such as donation, kindness, payment of one fifth of one's surplus income minus his expenses, alms, combating gathering of wealth, tax, tax paid by heathens and penalty fee. Each of these financial facilities leaves

special impact on the eradication of poverty.

Islam has repeatedly been underlined and encourages all Muslims to donate. In the Quran God has described the reward for donators in the following terms:

مثل الذين ينفقون اموالكم في سبيل الله كمثل حبة انبتت سبع سنابل في كل سنبلة مئة حبة ماله يضاعف لمن يشاء والله واسع عليم.

The parable of those who spend their property in the way of Allah is as the parable of a grain growing seven ears (with) a hundred grains in every ear; and Allah multiplies for whom he pleases; and Allah is ample-giving, knowing. (2:263)

God has urged mankind to be kind and charitable and makes them to pledge themselves to help and be kind to their fathers and mothers, relatives, the orphans and poor, miserable ones and prisoners and refrain not from offering them financial assistance.

لَيْسَ الْبِرَّ أَنْ تُوَلُّوا وُجُوهَكُمْ قِبَلَ الْمَشْرِقِ وَالْمَغْرِبِ وَلَكِنَّ الْبِرَّ مَنْ آمَنَ بِاللَّهِ وَالْيَوْمِ الْآخِرِ وَالْمَلَائِكَةِ وَالْكِتَابِ وَالنَّبِيِّينَ وَآتَى الْمَالَ عَلَى حُبِّهِ ذَوِي الْقُرْبَى وَالْيَتَامَى وَالْمَسَاكِينَ وَابْنَ السَّبِيلِ وَالسَّائِلِينَ وَفِي الرِّقَابِ وَأَقَامَ الصَّلَاةَ وَآتَى الزَّكَاةَ.

It is not righteousness that you turn your faces towards the east and the west, but righteousness is this that one should believe in Allah and the last day and the angels and the book and the prophets, and give away wealth out of love for him to the near of kin and the orphans and the needy and the wayfarer and the beggars and for (the emancipation of) the captives, and keep up prayer and pay the poor-rate. (2: 177)

The money donated in the form of *Khoms* is compulsory in Islam and Muslims are required to pay one fifth of his surplus income minus his expenses to the Islamic judge/governor to spend for charitable purposes (including the poor, the orphans and miserable people) and in with this method by transferring a portion of the property of the wealthy to the needy and poor to reduce poverty in the Islamic community. The Quran has commanded as follows:

..... واعلموا انما غنتم من شيء فان لله خمسه و للرسول ولذي القربا و اليتامي و المساكين و ابن اسبيل

And know that whatever thing you gain, a fifth of it is for Allah and for the messenger and for the near of kin and the orphans and the needy and the wayfarer.....(8:40)

Also every year Muslims are bound to pay a certain amount of their property (such as camels, cows, sheep, gold, silver and corn) under the name of *zakat* (donation) to the Islamic ruler so that the

government can give them to the poor, the helpless and for freeing people from jail, to offer loans and the poor non-Muslims even.

Quran ordains that:

الَّذِينَ إِن مَّكَّنَّاهُمْ فِي الْأَرْضِ أَقَامُوا الصَّلَاةَ وَآتَوُا الزَّكَاةَ وَأَمَرُوا بِالْمَعْرُوفِ وَنَهَوْا عَنِ الْمُنْكَرِ وَلِلَّهِ عَاقِبَةُ الْأُمُورِ

Those who, should we establish them in the land, will keep up prayer and pay the poor-rate and enjoin good and forbid evil; and Allah's is the end of affairs . (22:41)

Binding and encouragement of Islam to pay *khoms* , pittance , donations , and charity besides their impact in the eradication of poverty in the society narrows the economic gap between the people, and leads to solidarity and unity and eradicates the roots of poverty in the society, and above all, encourages cooperation among individuals and various classes in the society.

The extent of attention paid by Islam for eradication of poverty in the society is such that gives a right to the poor to share the property of wealthy people. The Quran says:

والذين في اموالهم حقٌّ معلومٌ للسائله المحروم

And those in whose wealth there is a fixed portion for him who begs and for him who is denied (good) (70:24–25)

Imam Ali (S), the successor of the Prophet (S), says, “*God has compelled the wealthy people to help the poor and the needy. In that case a poor person shall not remain hungry unless a wealthy person has refused to give him food and such (wealthy) people will be questioned by God on the day of resurrection.*” [22](#)

Tax and toll which is in fact a tax imposed on land was received from those who had a considerable amount of produce and part of their produce or the value of the produce was extracted from them and was spent for the improvement of the condition of other people who needed financial aid, especially farmers, laborers and others producers who needed such help.

Jaziyeh is a sort of tax which Islam imposes non-Muslim who live under the Islamic government and by paying the *jaziyeh* their lives, property, honor and women are protected by the Islamic government, and they are permitted to live peacefully with Muslims in a single community and benefit from the support and protection of the Islamic government.

Such a tax is normally levied is far less that the money that Muslims must pay in the form of *zakat* and *khoms* to the Islamic government.[23](#) Islam has foreseen penalty fee even for such sins which do not

offend the public or violate the rights of the others to be spent for the needy and the poor, or is to feed the poor and free prisoners from jail. The Quran says:

لَا يُؤَاخِذُكُمُ اللَّهُ بِاللَّغْوِ فِي أَيْمَانِكُمْ وَلَكِنْ يُؤَاخِذُكُمْ بِمَا عَقَدْتُمُ الْاَيْمَانَ فَكَفَّارَتُهُ إِطْعَامُ عَشْرَةِ مَسَاكِينَ مِنْ أَوْسَطِ مَا تُطْعَمُونَ أَهْلِيكُمْ أَوْ كِسْوَتُهُمْ أَوْ تَحْرِيرُ رَقَبَةٍ.

Does not call you to account for what is vain in your oaths, but he calls you to account for the making of deliberate oaths; so its expiation is the feeding of ten poor men out of the middling (food) you feed your families with, or their clothing, or the freeing of a neck. (5:89)

As a result by setting up suitable financial institutions and foreseeing an organization called ‘the state exchequer’ has reserved money to pay for the needy people.

On the other hand Islam has made payment of *zakat* (charitable tax) compulsory so that the government can collect such money from the rich to pay for the poor, and in this way has instilled the spirit of equality and brotherhood, cooperation and instituting economical cooperation and minimum means of sustenance for the needy in the society.

Meaning to encourage people to help the needy the Prophet (S) said, “*I cannot accept anyone among you to go to bed in the evening satiated with food while his neighbor is hungry.*”²⁴ With regard to the significance of taking care of orphans the Prophet (S) said, “*One who takes the custody of an orphan and provides for his substance and myself will be in the Paradise together.*”²⁵

As a whole the reason for imposing different sorts of taxes in Islam is to collect huge amount of money from the rich and distribute them among the poor and the needy and weaker class of the community and to invest in funds for the purpose of public welfare and to instill monetary balance and justice and enforcing social justice.²⁶

6 – The Principle of the Respecting Human Life

From the point of view of Islam respecting the life of mankind is the most important thing which has been emphatically underlined, and Islam ensures that this principle must be carried out. In Islamic theological books people have been reminded repeatedly that depriving the life of a person without lawful permission is like killing the entire mankind. For example, God says in the Quran:

مَنْ قَتَلَ نَفْسًا بِغَيْرِ نَفْسٍ أَوْ فَسَادٍ فِي الْعَرْضِ فَكَأَنَّمَا قَتَلَ النَّاسَ جَمِيعًا.

This code ensures and protects the life of others in the community, protecting one’s own safety and health and forbids acts such as committing suicide, harming his/her body, refraining from observing the

customs of the age of ignorance (such as burying the girls alive or kill children from fear of poverty and hunger).

This code not only calls for respecting the physical of the individuals in the community but also their spiritual and mental life and covers transgressions that prevent the individual's rights of the living. With regard to the significance of the right of living and respecting people's rights we will speak in detail in another chapter.

7 – Granting Political Liberties

Since Islamic law respects the people who possess the power of thinking and meditation above other creatures, as a consequence Islam always urges him to think, meditate and look for an efficient way of living, and exhorts people to base their beliefs upon contemplation and investigation.

It also exhorts the Muslim to base his belief upon contemplation and investigation, and not only allows people to express their thoughts and beliefs but God address the Prophet ((S)) in the following terms:

"فبشر عباد الَّذِينَ يَسْتَمِعُونَ الْقَوْلَ فَيَتَّبِعُونَ أَحْسَنَهُ أُولَئِكَ الَّذِينَ هَدَاهُمُ اللَّهُ وَأُولَئِكَ هُمْ أُولُوا الْأَلْبَابِ"

Those who listen to the word then follow the best of it; those are they whom Allah has guided, and those it is who are the men of understanding (39: 18)

Freedom of writing and speech and respecting the value of mental and ideological freedom is one of the characteristics of Islam which we will discuss in detail in another chapter, but the difference between the freedoms granted by Islam which that which is known as liberties in West is in that Muslims must not mislead others and use his pen and tongue for the sake of development of the community.

And do not use his pen and tongue with ill will. It is with this theory in mind that God swears upon the virtue of written and oral exhortations and expressions as vehicles for the propagation of science and philosophy when God says, "*I swear by the pen and that which is written (68: 1)*"

The principle of granting fundamental liberties in Islam covers different sorts of ideas and expressions, allowing people to participate in permissible associations related to expression of opinion and the press. Moreover it covers the codes for treating religious minorities too. Islam emphasizes that Muslims must treat believers of other faiths with moderation and respect unless with such non-Muslims who treat Muslims with tyranny. In this case the Quran says:

ولا تجادلوا أهل الكتاب إلا بالتي هي أحسن إلا الذين ظلموا منهم

And do not dispute with the followers of the Book except by what is best, except those of them who act unjustly, and say: We believe in that which has been revealed to us and revealed to you, and our Allah and your Allah is One, and to Him do we submit. (29:46)

8– The Principle of Absolute Right of Divine Domination

The sublime theory of Islam in granting absolute right of rule to God and in the meantime allowing people to decide their own fates and, subsequently, the right of their nations, are theories which give special meaning to the term 'government'. On one hand Islam says that God only has the absolute right of government. Quran stipulates that:

.....أَنَّ الْحُكْمَ إِلَّا لِلَّهِ

The God is only ruler of the world. (12:40)

On the other hand man has been appointed as the vicegerent and successor of God on earth. Almighty God says:

وَاذْ قَال رَبُّكَ لِلْمَلَائِكَةِ إِنِّي جَاعِلٌ فِي الْأَرْضِ خَلِيفَةً

And when your lord said to the angels, i am going to place in the earth a khalif, (2:30)

Almighty God also has permitted man to decide his fate and under the rule of God decide the course of his life. As a consequence the government is the representative and symbol of people's political will and the source of the formation of the government, the people power and source of domination.

Therefore, the nation must act within the framework of divine rule and religious codes, and the government officials too must respect the public power (the power entrusted to government by the people).

According to Islam the real government belongs to God and the object of government must be divine government, but it is the people who execute and enforce the government. In other words in the political system of Islam the constitution is divine, but the people have a perfect right to adjust these codes to various prevailing conditions to the benefit of the Islamic Umma.[27](#)

Islam believes the government belongs to God and it must be enforced for a divine purpose, but must be executed by the people. Therefore, the rule of the people does not conflict with the divine rule because besides the fact that divine rule does not resemble people's government because divine rule is real and people's government is temporary.

These two sorts of governments are not comparable to each other and do not conflict with each other at all. In the same way that the source of any other power must be sought from the divine power above the essence of government too originates from a source higher than human willpower and its outward shape depends upon time and place, and depends on the will of the nation.

As a result terrestrial government and domination originate from the will of nations and is something created by mankind.

On the other hand with regard to the divine source of government the people's government has a restricting nature. In other words as is popular in all systems in the world in order to stop the power to tempt the government to revolt (against people) and prevent the democracy to be changed and misrepresented to different types of despotic systems, from the very beginning the people have been compelled to limit the power of the governments and have introduced a series of international mechanisms such as the Human Rights Charter, covenants and declarations and conventions in order to enforce the people's power.

Meanwhile the history of democracy has shown that national power has never been without restrictions and preconditions. In an Islamic system also the government which is a divine institution entrusted to people temporarily, the enforcement of such government has never been without preconditions and limitations.

A government chosen by public will has no right to evade from divine codes and inherent rules. It is because of such need that St. Thomas, a philosopher of the 13th century AD, expressly used to say that, "a government which devises codes contrary to divine law is considered a usurper and the individuals in the nation have a right to fight such arrogant governments."[28](#)

In an Islamic government the superficial governor is the representative of the true divine ruler and is compelled to work within the framework of the divine law. If so obeying such government is like obeying God and everyone is bound to obey such government.

If otherwise, not only the people are not bound to obey such government but the Muslims have the right to struggle with the despotic and cruel governor. In this manner the divine nature of government is a mechanism to prevent the governors from revolting and going astray.[29](#)

Islam believes that government belongs to God and aims for a divine purpose, based on which the government entrusted by God to people must be manned by people for the sake of people's wellbeing. Therefore, the absolute right of divine rule never means that no one must set up a government on earth by people.

On the contrary divine government is established and enforced by people within a set framework. And in the same way that the ownership of God does not differ with the ownership of a man the government of God also does not conflict with the government of people and is considered the source of popular

government.

As a consequence government is a divine gift bestowed on people so that they can decide their fates within that framework. Based on the theory of government in Islam public power belongs to the people and is entrusted to the government temporarily and on trust and must regard as a divine and public gift and must not be regarded as the unquestionable property of the governor, and should not allow the governor to gather despotic power³⁰

9 – The Principle of Public Participation

One of the important and fundamental principles related to the Islamic community is the public participation in the community to decide their fate and enforce democracy and freedom of election in its correct and natural sense. The question of the possibility of participation of people in the Islamic community is a symbol of the respect shown by Islam on individual mentality and the evolution of the human personality and worth of human rank.

This fact becomes really obvious at a time that we understand that Almighty God has assigned his Messenger, who is the perfect example of wisdom and intelligence (and sound thinking), and has had the duty to convey God's message, has been charged to consult with his companions, and chose such codes and rules he deems right to enforce.

This divine commandment to the Prophet (S) has been described in the Quran in the following words:

فَاعْفُ عَنْهُمْ وَاسْتَغْفِرْ لَهُمْ وَشَاوِرْهُمْ فِي الْأَمْرِ فَإِذَا عَزَمْتَ فَتَوَكَّلْ عَلَى اللَّهِ

Deal with them gently; pardon them therefore and ask pardon for them, and take counsel with them in the affair; so when you have decided, then place your trust in Allah. (3: 159)

Also in describing the qualities and features of the members of the Islamic community in the Holy Quran says:

والذين استجابوا لربهم و أقاموا الصلاة و أمرهم شورا بينهم

And those who respond to their lord and keep up prayer, and their rule is to take counsel among themselves, and who spend out of what we have given them. (42:37)

Such sayings and expressions clearly testifies that as a whole the question of the interference and participation of the people in deciding their fate and affairs is not only is an option but is a religious and ideological duty has been carefully taken into account in Islam, and is considered as an unquestionable and unchangeable code of the social and political policy of Islam, to the extent that the Quran expressly

declares:

إِنَّ اللَّهَ لَا يُغَيِّرُ مَا بِقَوْمٍ حَتَّىٰ يُغَيِّرُوا مَا بِأَنفُسِهِمْ

Surely Allah does not change the condition of a people until they change their own condition.

(13:11)

The emphasis laid in Islam on the important question of consultation and seeking public participation and protecting the individuals in the nation in political and social fields is a proof that the Islamic law has been based upon the natural rights of man, and has allowed individuals freedom to benefit from their natural and instinctive talents, opinions and thoughts.[31](#)

At the beginning of Islam too we can see the system of councils and public participation in all social, political, economic and religious matter. Not double one of the noblest and fundamental achievements of Islam was the abolition of the inhuman custom of slavery which prevailed in all tribes and nations.

History can serve as reliable and true evidence that more than other religions Islam has severely objected these unacceptable and inhuman customs and has always fought such social evils. By declaring the equality of mankind in its principle of humanity and banning the trading of slaves and encouraging people to free their slaves, has taken a big and righteous steps to break the chain of tyranny among mankind which had annoyed mankind for centuries – to the extent that it says freeing slaves is a sign for people to give up worldly desires and attachment.

The Holy Quran says:

وَمَا أَدْرَاكَ مَا الْعَقَبَةُ فَكُّ رَقَبَةٍ

And what will make you comprehend what the uphill road is (it is) the setting free of a slave.

(90:12-13)

Also recognizing the rights of the slaves like other persons in the community is one of the first steps which played a big impact and remarkable role in the abolition of slavery. The Prophet of Islam said, “The slaves are your brothers that God has placed under your command.

Give them to eat and wear whatever you eat and wear. Do not ask them to perform duties which are beyond their power and help them discharge their duties.[32](#)

In addition to the above in order to combat and abolish slavery Islam has foreseen and enforced various methods for the freedom of the slaves. One of the important injunctions of Islamic law is the emphasis on freedom of individuals. As to the regard to methods of liberation of slaves we shall briefly describe

elsewhere.[33](#)

History says that when the first Islamic government was established by the Prophet of Islam (S) he would consult with his companions in many affairs and would listen to the opinions of various people and had much respect for the opinions of experts.

His respect was so serious that in order to follow this important principle at times he would dispense with his own opinion and would enforce the opinion of the majority of his companions. He did this to teach his companions to consult with each other and seek the cooperation of others on social matters and to stabilize the need for respecting other people's verdict about social affairs. An obvious and practical example of such method is the story of the Battle of Badr.

It is clearly recorded in the history that the Prophet summoned his friends in an assembly and consulted their opinion about method of fighting the enemy. When the two companions expressed contrary opinion about the strategy the Prophet (S) accepted the verdict the opinion of the Ansar Group which differed with his own.[34](#)

Also during the Battle of Ohod as well the Prophet (S) consulted with his companions and citizens of Medina about the place of resistance and combating the enemy, and although he did not think it was wise to leave Medina he respected the majority opinion of his companions and agreed to move out of Medina.[35](#)

The reason for seeking the opinion of the majority and the rules of council and public participation is because from the point of view of Islam despotism and arrogance debases and misleads the community and consultation help the society not to slip from the right path.

In conformity with such injunction Imam Ali (S) the successor of the Prophet, says, "*He who insists to enforce his opinion arrogantly will be killed and he consults with senior and reputable persons will share their wisdom*".[36](#)

10 – Abolition of Slavery

Means and methods of liberating slaves have been foreseen in the following ways in Islam:

Participation

Taking into account the attention paid by the Quran and the senior theologians of Islam and their exhortation about understating the virtue of good and method of approaching God, an owner has the choice to free a slave or to do it after making a vow or making a pledge to buy slaves and free them for any other reason. This method is in keeping with the recommendation of the Quran.

Correspondence

In this method a contract is concluded between the owner of the slave and the slave so that upon payment of certain sum the slave would be liberated from slavery.

In this connection the Holy Quran says:

"والذين يبتغون الكتاب مما ملكت أيمانكم فكاتبوهم"

And (as for) those who ask for a writing from among those whom your right hands possess, give them the writing. (24:33)

Prudence

Prudence means drawing a will and testament by the owner allowing his slave to be free after his death.

Leaving an Impact

In case a slave is owned by more than one owner the partial liberation of the slave can lead to his complete liberty. In such a case liberator and

Moreover according to the provisions of Islam in case the owner of the slave tortures him so brutally that causes one of his organs to be separated from his body or beat him so severely that wounds him he is bound must to free the slave.

Except the above methods which have been cited in the Islamic law, in other cases such as payment for penalties³⁷, payment of debts³⁸ and in inheritance ³⁹ two ways have been foreseen for the liberation of slaves.

The enemies of Islam or the ignorant ones cast a doubt about Islam by saying, "Why did not Islam at once liberate slaves upon its appearance and even continued to recommend methods of treatment of slaves, and recommended a series of regulations about slavery and implicitly approved slavery and made it permissible?"

Or allowed the warriors to seize slaves during wars and allowed them to continue to keep prisoners as slaves. The truth is that the history of slavery must be studied from the time of birth of man. This deplorable custom had such a deep root in the history which for centuries prevailed among almost all tribes and nations and was practiced in a few centuries ago until the ratification of the Declaration of Human Rights⁴⁰.

Even after the grand revolution in France the custom of slavery was not abolished and after the ratification of the above Declaration slavery has continued in other forms in many countries in the

Under such historical conditions and selfish desires and economic profits surely there were a series of opposition and resistance against the liberation from slavery especially in the beginning of Islam, and it was impossible for Islam to suddenly abolish this detestable custom. But Islam never approved the customs of the ignorant Arabs about slavery and trading slaves.

On the contrary Islam tried to take gradual and practical measures to abolish all the privileges between slaves and the others and to prevent ways and means for capturing slaves by plunder and warring with other countries and by exhorting and encouraging Muslims to avoid slavery to put an end to such an abhorring practice and social ill. Truly to say we must confess that Islam was successful in its efforts towards that end.

One of the definite reasons for the objection of slavery in Islam is the well-known tradition from the Prophet of Islam (S) which says, “*The bad man is one who trades slaves.*”⁴² Surely without a comprehensive and continued solution Islam had no other choice to combat slavery.

11 – Granting Rights to Women

One of the laudable and remarkable provisions of the Islamic law towards the consolidation of social foundation is its focus on woman and recognizing her rights in the society. Earlier we said that during the birth of Islam women were living in very miserable and debasing conditions to the extent that if a woman gave birth to a girl her husband’s face would blacken from regret and shame and would leave his tribe from disgrace and humiliation. The Quran describes such a condition in the following manner:

وَإِذَا بُشِّرَ أَحَدُهُم بِالْأُنثَىٰ ظَلَّ وَجْهُهُ مُسْوَدًّا وَهُوَ كَظِيمٌ يَتَوَارَىٰ مِنَ الْقَوْمِ مِنْ سُوءِ مَا بُشِّرَ بِهِ أَيُمْسِكُهُ عَلَىٰ هُونٍ أَمْ يَدُسُّهُ فِي التُّرَابِ أَلَا سَاءَ مَا يَحْكُمُونَ

And when a daughter is announced to one of them his face becomes black and he is full of wrath He hides himself from the people because of the evil of that which is announced to him. Shall he keep it with disgrace or bury it (alive) in the dust? Now surely evil is what they judge (16:58–59)

The behavior of the Arab during the Era of Ignorance versus women was even worse than the way they treated their cattle. Burying the girls and maidservants alive from the fear of shame and debasement or from the excessive poverty was not regarded as an ugly and unpleasant practice⁴³. But with the birth of Islam while declaring the equality of men and women among mankind the Prophet said:

هُوَ الَّذِي خَلَقَكُمْ مِنْ نَفْسٍ وَاحِدَةٍ وَجَعَلَ مِنْهَا زَوْجَهَا لِيَسْكُنَ إِلَيْهَا.

He it is who created you from a single being, and of the same (kind) did he make his mate (7:189)

Meanwhile the Prophet warned the ignorant masses that on the day of resurrection they would be interrogated and punished for having buried their daughters alive.

و اذا الموودة سئلت باي ذنب قتلت

And when the female infant buried alive is asked for what sin she was killed, (81:9)

The Quran has revived the right of women and the opponents of Islam at least confess that during the age that the Quran was revealed Islam took big steps towards the benefit of women and her humanitarian values, but the Quran never referred to the revival or confirmation of woman's rights as a partner of man. In other words Quran has looked at the woman in the same way that she lived in nature.

As a consequence there is perfect cooperation among the commandments in the Quran and the rules of nature. In Quran a woman is looking at the way she looks and lives in nature. These two great divine books (i.e. Quran and nature) conform well to each other. Islam has its own specific philosophy verses the family and the rights of woman and man which differ with that which happened during the last fourteen centuries ago and that which is happening now.

In every case Islam has not prescribed the same rights, duties and penalties for woman and man. It believes part of such regulation conforms to the rights, duties and punishment of men and other codes suit the woman. As a consequence in some cases the same penalty has been prescribed for both man and woman and in other cases it has prescribed rules which are not similar.[44](#) In various verses the Holy Quran expressly says that God has created woman from the same substance as that of man.[45](#)

As to the creation of Adam Quran says, *"I have created all of you from a single father and the wife of Adam was made out of Adam's clay and mold."*[46](#)

And about all people Quran says:

ثم جعل منها زوجها

Thus the Quran rejects the idea that the woman was created from an essence lower than man which was the prevailing belief before the birth of Islam. Islam does not say that the woman is the source of sin or is a minor devil.

It has also rejected the theory that the woman cannot approach .Almighty God and attain spiritual rank, and along with every noble man Islam has mentioned a great and virtuous woman and has praised and respected Adam's wife, Abraham's wife and the mothers of Moses and Jesus Christ.

If Islam refers to the wives of Noah and Lot as wicked women it treats Pharaoh's wife as a noble lady who was enslaved by a base man. Even during the narration of historical stories Islam strikes a balance and does not limit the heroes in the history to men only. That which we can gather from Islam about the value of man and woman is that both are human beings and must enjoy equal rights.

The word 'equal rights' which is popular in the West and is ascribed to the achievements of the West is a fabricated and false term. In the West the people try to create similar conditions for men and women from the point of view of regulations, rights and duties, but overlook their instinctive natural difference. Here is the difference between the Islamic law and the Western codes.[47](#)

Before the closure of the twentieth century in Europe practically and from legal viewpoint a woman had no human rights.

She had neither equal right compared to men nor was regarded in the same plane compared to man. During a hasty movement in the name of womanhood and for the sake of woman which began less than a century ago in Europe on the surface the woman was granted rights which formerly belonged to man only.

But due to woman's nature and physical and spiritual needs in fact the woman has never received equal rights compared to men. According to Islam because of natural difference between man and woman they do not possess the same rights (or privileges).

It is because Islam accepts the principle of equal rights for man and woman but does not accept similar rights in every field and condition and considers it contrary to the nature and physical and spiritual needs of man and woman to treat them in the same manner. According to Islamist jurists the natural and fundamental duties of man and woman are different.

Being a husband calls for special duties and rights and being a woman calls for other duties and rights, and the same is true with regard to fathers and children. The theory of lack of equality between the woman's and man's family rights in Islam is based on this philosophy and logic.[48](#)

12 – The Principle of Social Rights for People

Besides the individual and political rights and liberties according to Islam the individuals in the Islam community enjoy different types of social rights among which the following are the more significant: the right of choosing one's place of dwelling, the right of changing the house and immigration, the right of enjoying security in private life, the right of forming a family and choosing a spouse, the right of fixing a profession or choosing a suitable job and the right of receiving education, and other social rights, which are necessary to enable people to lead a better life and to grow and achieve perfection in the society.

Although we shall study the above rights in detail in a separate chapter, we will mention the Islamic perspective towards some of these rights below.

The Right of Choosing a Place to Live and Immigrate

According to the Islamic Law not only the people have the right to choose their dwelling or migrate to other countries but as a general rule it believes that people are allowed to travel in order to escape from tyranny, better understand historical events and learn lessons from events and find a suitable country to dwell and move from one place to another place:

وَمَنْ يَهَاجِرْ فِي سَبِيلِ اللَّهِ يَجِدْ فِي الْأَرْضِ مُرَآغَمًا كَثِيرًا وَسَعَةً

And who travel over flies in Allah's way, he will find in the earth many a place of refuge and abundant resources. (4: 100)

Respecting Private and Personal Life

In the Islam the private and personal homes of individuals are very much respected and all individuals in the community are bound to respect the privacy of others. Islam does not allow anyone to unlawfully search and interfere in the life and the personal affairs of people. The Quran forbids the believers from suspecting others and treats such behavior and intention as a sin.

Quran expressly commands people to abstain from searching people's homes and interfering in the business of the people.⁴⁹ Also in order to provide for the welfare of the individuals in the community Islam prohibits people from entering a without receiving the owner's permission beforehand.

The Quran explicitly says:

يَا أَيُّهَا الَّذِينَ آمَنُوا لَا تَدْخُلُوا بُيُوتًا غَيْرَ بُيُوتِكُمْ حَتَّى تَسْتَأْذِنُوا وَتُسَلِّمُوا عَلَى أَهْلِهَا ذَلِكَ خَيْرٌ لَكُمْ لَعَلَّكُمْ تَتَّقُونَ

O you who believe! Do not enter houses other than your own houses until you have asked permission and saluted their inmates; this is better for you, that you may be mindful. (24:27)

The Right of Forming Family and Choosing a Wife

Islam has laid much emphasize upon the right of forming a family. Perhaps no other religion and faith has underlined and emphasized this subject like Islam. Islam is so serious about this right that the Prophet (S) mixes it with piety and says, "He who marries protects and keeps half of his religion."⁵⁰

From the point of view of Islam the man and woman are free to choose their spouse, and besides the fact that there is no limit from the point of view of race, nationality, color of skin and or such matters which prevents them from marrying each other. According to Islam what is important in choosing a spouse and forming a family is the agreement of the parties. In this way Islam enhances the dignity and

honor of men and women.

[The Right of Choosing a Profession and Rights Derived from Working](#)

According to Islam all individuals are free to choose their profession and no one has the right to compel a person to do a specific job. Islam considers imposing arbitrary jobs as the tyranny and violation of human dignity. Toward this end Imam Ali (S) the successor of the Prophet (S), has said, *“I do not believe it is right for me to compel a person to do a job which he does not like and assign him to a compulsory business.”*⁵¹

With regard to the rights emanating from working surely Islam gives special respect to the workers' efforts and is foremost among other religions in this respect because the Prophet of Islam (S) kissed the hand of a laborer which was covered by callus.⁵² He instructs as follows, *“Pay the worker's wage before his sweat dries up”*⁵³

Of course we must not forget that while allowing people the right to choose a profession in the society Islam bans people from engaging in such professions which damages the society and prevents it from leading a healthy life. Islam forbids a series of jobs as unlawful (such as receiving interest for money, gambling, making wine and trading wine, etc.),³ all of which corrupts the individual's mind and body in in the society.

As a whole we can conclude from the foregoing that while observing the natural rights of people to choose their jobs Islam has predicted and identified all jobs which are necessary for a happy and pious life by taking into account the principle of the perfection of man – not only as a theory and suggestion but by a practical program along with the practical guarantee of success, so that such jobs can bring happiness and welfare to the individuals in the society. Meanwhile in a future chapter we will define some of the social rights of people in detail.

¹ . Najul Fasahe

² . Political Thoughts on Islam and Iran, Dr. Asker Hoquqi, p. 48

³ . Sirat ul-Rasool ,Ibne Hosham, p.969

⁴ . Islam and Human Rights ,Zeinolabedin Qorbani, p139

⁵ . Human Rights in Islamic Law, p33

⁶ . Ibid,P.35

⁷ . Assar-ul-Sadeqin ,Ehsanbakhsh, vol. 4, p436; A Survey of the Prophet's Character ,Martyr Motahari, p288

⁸ . Human Rights in Islamic Law

⁹ . Quran, Hujarat Chapter, Verse 13

¹⁰ . Nahj ul-Fasahe, Tradition No. 3098

¹¹ . Ibid, Tradition No. 3097

¹² . Ibid, Tradition No. 3090

¹³ . Ibid, Tradition No. 3085

¹⁴ . Ibid, Tradition No. 3106

¹⁵ . Ibid, Tradition No. 3087

¹⁶ . Quran, Aaraf Chapter, Verse 25

- [17.](#) . Ibid, Qessas Chapter, Verse 83 and Aaraf Chapter, Verse 25
- [18.](#) . Political Thoughts on Islam and Iran
- [19.](#) . Ibid.104
- [20.](#) . Human Rights and Social Institutes,Jalal Madani,p.59
- [21.](#) . Political Thoughts in Islam and Iran,p.74
- [22.](#) . Nahj ul-balaqa ,Feiz-ul-Islam, Wisdom, 328
- [23.](#) . The history of Islamic thoughts in Islam and Iran, p.82
- [24.](#) . Human Rights in Islamic Law, p. 40.
- [25.](#) . Asar-ul-Sadeqin (Ehsanbakhsh), vol. 30, p58, Tradition no. 42015
- [26.](#) . Monetary Order in the Financial System of Islam (Muhammad Mahdi Assefi), pp38, 39
- [27.](#) . Islam and the Natural Rights of Man, Elhami, p.56
- [28.](#) . Journal of Islamic Thought, numbers 4 and 5, an article from Dr. Nasser Katoozian
- [29.](#) . Islam and the Natural Rights of Man, p58
- [30.](#) . The Political Philosophy of Islam, Askar Hoquqi, p.80
- [31.](#) . Islam and the Natural Right of Man, p16
- [32.](#) . The History of Islamic Civilization during the Fourth Century A.H.
- [33.](#) . Islam and Ownership compared to Western Economical Systems, p241.
- [34.](#) . Sireye, ibne Hosham, vol. 1, p.61.
- [35.](#) . Rasool ul-Qaed, p.160.
- [36.](#) . Nahj ul-balaqa ,Feiz-ul-Islam,, wisdom, 161.
- [37.](#) . Quran, Maida Chapter, Verse. 89
- [38.](#) . Ibid, Nisa Chapter, Verse .92
- [39.](#) . Islam and Ownership compared to Western Economic Systems, p.343.
- [40.](#) . History of Political Thoughts in Islam and in Iran, p.85
- [41.](#) . Islam and Ownership compared to Western Economic Systems, p327.
- [42.](#) . History of Islamic Civilization in the Fourth Century A.H.
- [43.](#) . History of Islam, Ali Davani, p.43
- [44.](#) . The System of Woman's Rights in Islam, Motahari, p. 109
- [45.](#) . Quran, Nisa Chapter, Verse .1 and A'raf Chapter, Verse. 189, and Room Chapter, Verse. 20
- [46.](#) . Ibid, Zumar Chapter, Verse .60
- [47.](#) . The System of Woman's Rights in Islam, pp121,122
- [48.](#) . Ibid, pp152 and 153
- [49.](#) . Ibid, Hujarat
- [50.](#) . Asar-ul-Sadeqin, vol. 7, p.449, Tradition no. 10568
- [51.](#) . Al-Emam-ul-Ali, Sot-ul-Edalat ul-Ensaniat, George Jordache, vol. 1, p.208.
- [52.](#) . Monetary Order in Islamic Financial System, p. 113
- [53.](#) . Ibid, p. 115

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