

Individual Rights In Islam

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Freedom is too broad a concept to claim definition, the truth of which can be best perceived by human conscience and soul. The most limited definition for freedom is not being in a state of slavery and the broadest one is not remaining in chains of servitude.¹ This article is concerned with the definition of freedom particular to man in general and the explanation of individual freedoms in particular.

The use of the word freedom, which has traveled from the realm of philosophy and law to that of politics, is paradoxically used in different connotations, and sometimes lacks a stable political status. Hence, this spiritual definition of freedom is used as a political weapon.

One of the most important points of our discussion is to study the exact definition of words. One of the difficulties of encountering the clashes between ideas and opinions is the ambiguity one may encounter in case of undefined words. In addition, these lexical common points can lead to logical fallacy and sophistry.

Words such as right, human being and human rights, freedom, justice and tens of other words are of this sort which are frequently talked about and for which there are no certain definitions. That is why instead of solving the problem, they only intensify it.

At this juncture, a fundamental question comes up: Who is this human person? And where is he for whom rights are considered?

In some of the cultures and civilizations – either in the past or in the present – man was defined in very limited terms, which only included a certain nation or a certain ethnic group or followers of a certain religion excluded other human beings. Instances of this are the idea of the Greek people about the non-Athenians (calling them Berbers) and the idea of the Romans about the non-Romans and the idea of Semite contemporary Western countries about the non-Europeans or the non-whites or the Semite tribes, this being implicitly stated in their holy book, the Talmud, that regard the non-Jews as having

human dignity.

Hence, when discussing freedom or when interpreting the Universal Declaration of Human Rights and other international documents of the United Nations or the international compacts and agreements, the concept of human rights should be first clarified by the two parties and the signers or the users of this word should agree upon an exact definition for this concept.

To complete our discussion here on the Cairo Declaration of Human Rights in Islam on freedom, we need to mention that *man* in Qur'an and in Islam is used to mean man without regard to any limitation such as race or color or religion or culture. The word *nas* (which means people) in Qur'an includes all people in the world and it is not important whether they are Muslims or whether they have a certain race or not.

The holy Prophet always stated, "All people are the descendents of Adam and of one family and race. Adam was from dust and pride does not become of the children of Adam and in practice, he did not make any distinction between the Arabs and the non-Arabs, between Muslims and non-Muslims and treat everyone equally."

Freedom at First Glance

Every living creature is endowed with a natural yearning for freedom. Plants need freedom to take in light and heat in order that they may have their roots take in food and grow although there are natural impediments which prevent them from earning this freedom or even from reaching natural growth.

Every creature struggles for breath, food, water, mate and an arena for a comfortable life, regarding itself rightful to provide these things and struggle towards this end. In addition, according to the natural law or the laws of jungle he fights the rivals or tries to remove the obstacles. And ultimately due to the last resort which is force and domination, right is distinguished from wrong and justice from injustice and one reaches one's natural freedom and others lose it and reconcile oneself to limited freedom.

Man has the same instincts as well like any creature obeying natural laws. If there were no humane elements such as conscience, religion, and tradition, he would pursue his animalistic desires and follow the law of force for survival.

Hence, it is natural that all creatures share a yearning for freedom. Therefore, freedom is an important principle in nature although it is rarely found.

Freedom within Man's Realm

At a deeper level, man is supreme compared to other creatures. Besides his carnal and vegetable desires, (or in philosophical term, animal and vegetable self) he has the rational soul, reason, power of distinction, and most importantly, the willpower for organizing his human desires and the power of choice

for choosing the best and the most rational things.

In other words, the willpower logically leads us to the existence of the inherent freedom in man, for freedom must have inherent roots. Moreover, if freedom is not inherent in man, it is meaningless to grant him willpower.

In short, man is a creature endowed with special dignity and rational soul and voluntary power of choice. Hence, it should be said that man is the only creature on earth that has two kinds of natural and inherent freedoms:

First: the same instinct for freedom, which exists in all creatures just as the instincts for eating, sleeping, passions, and rage. The child is an instance of this whose behaviors like animals are all based on instinct and without the interference of will power² or based on natural or conditional reflexes.

Second: the freedom particular to man which due to his inherent dignity and respect for his reason and this power and divine gift in the Holy Qur'an is described as heart and from this power man is bound to revelation and religion and deserves the title of being addressed: that is why all human beings and animals have rights but assignment is particular to man.³

The interesting point is that in Islam and in most traditions and customs, the freedoms of the second group (human freedoms) are juxtaposed with the first group freedoms (wild freedoms), putting them aside or limiting them. From this one can realize that in human and social communities, the limiting of wild freedoms (the freedoms shared by man and animals) is in fact to the gain of man. Since the beginning of civilization wherever there is a society, which considers the general welfare, the animalistic freedoms are limited and laws have taken the place of force and domination.

Man's Freedom in Islam

According to Islam, the second group freedom, which is particular to man, is the main basis of social, political and even individual life of the human person. In addition, the Divine laws (known as Shari'ah) are fixed based on this external reality for man. A perfect man is he who transcends the realm of animal life, uses his inexhaustible power and attains worldly and spiritual bliss or in philosophical terms, the second inherent perfection and the second nature of the creation of Adam.

All manners and traits of man must emanate from his basic natural dignity; in other words, man should have the commendable traits he is expected to have. ·

In the story of the creation of Adam in the Qur'an, when God tells the angels, "I am setting in the earth a viceroy." The angels reply, "What, wilt Thou set therein one who will do corruption there, and shed blood, while we proclaim Thy praise and call Thee holy?" Then God answered, "Assuredly, I know that you know not."⁴

In other words, Adam is distinctive from other creatures because God is setting in the earth Adam and his descendents as his viceroys; it is manifest that in Islamic and Qur'anic sense, Adam is a creature endowed with a faculty and aptitude to be God's viceroy and not a wild one. In addition, the goal of Islam is to build the very same chosen man, not an animal one.

Islam and Man's Instincts

Islam agrees to the first group freedom and the rights relative to it to a large extent, for it is the selfsame gift granted by the Lord to man: however, as I said earlier, Islam limits it to individual and social welfare; for instance, if it says, "Eat and drink" it also enjoins extravagance in these acts.

The nature of animals is such that they do not know extravagance and unlike man, they act on their unconscious nature, which is harmonious with their welfare and real needs, and the general system of nature.

This limitation exists even in the realm of liberalism and absolute liberalistic freedom is a clear matter, for with regard to the common freedom of animals and the special freedom of man, they mix it with civil and penal laws of each society and inevitably limit it.

Hence, the limitation of freedoms is not particular to Islam or to other religions inasmuch as anywhere any society is established based on a social convention, freedoms are limited.

Limitations and Boundaries

This freedom is generally limited or confined in two ways; first, by the traditions and habits of the people of the society, even in the farthest and wildest regions or in the oldest human societies. Thus, a kind of limitation has existed differently in every society in each age.

In sociology, these traditions and habits are referred as being social norms. And the binding guarantee of abnormalities in any society or social group is the penal behaviour of people (or the majority of people) towards abnormal person. Secondly, the limitation of nature by law namely the same laws made by people as deriving from experience, thought, culture, traditions and habits of that society.

In no society, especially in the civilized ones, individual or individuals have the right to freely take whatever their instincts covet.

The right to private property or the respect for the family unit and other civil and human rights, exist in fact to limit the reckless animalistic freedoms and man's wild instincts. Man has constantly regarded this limitation as prevention from invasion and violation and social welfare and an emblem of his urbanity.

The result of these two freedoms is the freedom that makes Islam meritorious of man. Indeed, instinct is the innate programming characteristic of man, enabling him to respond appropriately to particular stimuli;

the wisdom and the rational soul check and guide it. In addition, a well appropriated combination of these freedoms arising from these two forces in man guide man and his actions, enabling him to perform his humane-divine acts.

Backgrounds of Freedom

Theoretically speaking, the freedoms of man can be catalogued under six categories, each one of which is observant of one aspect of his freedom and a manifestation of that freedom.

One-Freedom Vis-A-Vis Others

In this kind of freedom, people do not have the right to hurt the physical health of their wives and children, and others' properties, secrets or personal affairs. Civil rights and parts of the penal rights are relevant to this kind of freedom.

Two-Freedom Vis-A-Vis The Society

This kind of freedom constitutes great respect for the life, property, family, dignity of people in the society, giving each individual freedom of residence, movement, religion, opinion and expression and the right to participate in the government towards his own destiny.

Three-Freedom Vis-A-Vis The State

Although in an equitable humane and religious system, the State is the representative of people, due to the authorities of the State and the political and legal authority it exerts on the individuals, the individual and social freedoms of people should be studied in isolation and ensured. As we shall see, the basis of the Universal Declaration of Human Rights is laid on these relations.

Besides the rights noted above, we should include the right to the choice of administrative and political representation, the right to comment on the political approach, the right to participate in public supervision, the right to protest against the vices of the authorities and the likes.

Four-Freedom Vis-A-Vis The International Community

Every nation is entitled to the enjoyment of public rights such as independence, leadership, natural resources, defense against the enemy or any form of invasion or retaliation against the enemy, the instituting of relations with nations or other nations or private rights such as the right of movement, the seeking of asylum, and complaint in judiciary centers.

These four rights are recognized by Islam and the common rights in use; however, there are two other rights in Islam, which form the fifth and the sixth category.

Five-Freedom Vis-A-Vis The Almighty

Although man, due to inherent poverty in his essence and in his acquisition of natural qualifications and in his real relations is dependent on the Almighty, this man due to his power of choice is entitled to choose his destiny and accept or reject the divine religion⁵ and no one shall be compelled to accept Islam; even after the acceptance of Islam and all the commitments imposed by it, man finds himself in the horizon of allowed freedoms.

Sixth-Freedom Vis-A-Vis Oneself

As man is made of different psychological and internal elements, (for instance, the Qur'an refers to three souls, the despotic soul, the reproaching soul and the peaceful soul and psychology points that human psyche is divided into three parts, the id, the ego and the superego) there is automatic relation between the clash of these internal souls with man's inherent power of choice and man is responsible to himself and his conscience serves as an interward mediator, he is free towards it. That is why some are virtuous and others are unrighteous. That is why some accept moral values while others reject them.

In Islam, freedom embodies a vast body of meanings and realities, which may be discussed under the six categories noted above, and none of them can obstruct any other one. These freedoms can be divided into two main human aspects, soul and body, namely the physical and spiritual or mental freedoms.

Physical liberty includes whatever belongs to him⁶; hence, slavery, detention, exile, prevention of life and free movement are the violation of man's physical freedom and the violation of the right to property is the violation of the freedom of property. _

Spiritual liberty includes the freedom of thought, will, choice, and destiny, opinion, science, art and traditions.

These two liberties are generally interpreted as civil freedoms, individual freedoms, and the freedom in enjoying fundamental rights, the will and choice of individual, social destiny and political freedom.

Study of the Universal Declaration of Human Rights

The Universal Declaration of Human Rights was provided in 30 articles by the Western European countries, approved by the General Assembly on December 1945. The Declaration was actually influenced by post revolutionary mottoes of France and the United States, itself arising from influence of Islamic culture on the West. A large portion of the declaration is allotted to different forms of freedoms.⁷ In fact, stress is on the first group freedoms, the freedoms common among men and animals, although in the preamble, it talks of the inherent dignity of man and the inalienable rights. The comparison between these rights and the rights in Islam reveal certain facts.

The freedom of thought, opinion, religion or participation in elections or complaining is particular to man, but the rest of the freedoms cited therein are common among men and animals. The important thing neglected or forgotten is the spiritual freedom, which we refer to as *liberty* and Islam places particular stress on it.[8](#)

Physical freedom relates to man's carnal desires; although it is essential as breathing, and eating, it is not very instrumental in the spiritual perfection of man, and in escalating him from the common level of being to perfection. By natural disposition, every creature seeks freedom of marriage, residence, movement, property, occupancy, and gets enraged when these rights are denied him and combats oppression and violations.

However, man's special freedoms such as the freedom of expression, thought, belief, religion, and the right to participate in his social and political destiny known as political rights, are but vaguely adumbrated in this declaration despite its apparent statements.

There are two ways for voluntarily entrusting political rights and individual leadership to a certain individual, State or group:

1. Open and Wholesome Atmosphere – in which each individual relying on his reason, conscience and experience can exercise his will; for instance, he may choose an eligible individual or individuals endowed with a wholesome soul, and belief in justice—and good will as authorities.

This is the same way emphasized by Islam and the Qur'an. The Holy Qur'an enjoins people to think wisely before they choose and enjoy the historical experiences. It even attributes the acceptance of the divine religion and prophet to the conscience, reason and intellect.[9](#)

2. Unwholesome atmosphere – In which the deceitful religious or political demagogues lay before people's feet the enchantment of propaganda, and inculcations and false promises. In Islam, this kind of leadership is called hidden servitude and those who drag people behind them like slaves are called the lords of people.

The Holy Qur'an scolds those people of the book who take their rabbis and monks as their lords and addresses them thus;

“Come now to a word between us and you, that we serve none but God, and that we associate not aught with Him, and do not some of us take others as Lords, apart from God.” (Surah Aale Imran 3:64)

In another verse, God chides those that have forsaken God, placing the chain of servitude of their masters on their necks and says;

“They have taken their rabbis and their monks as lords apart from God” (Surah at-Tawbah 9:31)

and there is a hadith as a protest against the despotic Amavid government: Itakhezu din alah dowlan

wa ibadellah kholan. [10](#)

According to the Qur'an, this type of enjoying the will and choice is hidden force and is thus condemned as people are pushed to an imposed way in the name of democracy.

With a keen glance, we can find the forestalling of freedom in two ways:

1. By force, namely by imposing one's will on others which is, in jurisdiction, called coercion or aversion, rendering void any contract thus agreed on and in international custom, illegal duress is condemned and void.
2. By directing people's benighted minds to a trajectory which is nothing but mere mirage: however, Machiavellian demagoguery makes it look like a clear stream, goading people into the vortex of that otiose wasteland.

This unconscious force and the clandestine forestalling of freedom are generally found in most countries noted for their democratic manner. The mass media take from people the power of telling right from wrong, and evil from good, and drag them on under the banner of democracy. This apparent existence of choice is, in fact a kind of lordship over them.

Lordship means that the Lord decides and exerts his will in every affair. This existed in the form of master vis-a-vis peasant in the Iranian rural system before the Islamic revolution.

However, the Islamic Shi'ite Imamate (political leadership), despite what the foreigners had in mind, is based on the free choice of people and this rulership is based on alliance (the will and the free choice of people in an open horizon and without discrimination of any kind) and compulsion is not allowed therein. [11](#)

In this kind of free choice and will, the mental state of people should be at peace and for the same reason, Islam and the Qur'an bid people to free thinking and reasoning before making a choice and commends the intellectuals and regard only those who choose the best they hear as 'abd, namely the true believers. [12](#)

On the contrary, the perversion of people's thoughts from the right path and true expediency to unlawful goals are called bandits, those who impede the path to nature and the right path in the Qur'an, considering chastisement for them.

One of the problems with the Universal Declaration of Human Rights lies in its preamble where it talks of the inherent dignity and equal, inalienable rights of man, but they are without equal basis to explain why man has inherent dignity, for the probation of such dignity seems impossible without philosophical or inherent or reasonable basis and anyone can reject them and as long as the origins of these inherent traits are not made clear, the function of laws—which are the subdivisions of ideology—shall not be made clear.

We know that such a claim is completely logical and acceptable in Islam, for the root of this dignity lies in the viceroyship of man granted by God who has put the crown of nobility on man's head.

Hence, the inherent dignity of man is the main basis for granting rights to man. His advantages can be taken into account, he can be given ample freedom in order that he may determine his own destiny. Or the human beings should be equal in rights and dignity¹³ and nothing such as race, color, sex, language, religion and political opinion as well as nationality, the social status, wealth, birth or any other status¹⁴ can disturb this equality or no one can hold others in slavery¹⁵ or subject them to torture.¹⁶

However, the probation or the formulation of such rights or committing others or expecting them to accept these laws from others is impossible without a philosophical or religious basis and this shortcoming still exists in the Universal Declaration of Human Rights.

After all, words such as right, man, freedom, dignity and the likes have not yet been properly defined and their boundaries have to be determined by the States. That is why the Western States in the attitude of the Greeks and the Romans denounce rights of others and relates man to the people of Rome (or any country populated with white people) and freedom to a kind of slavery.

By comparing the Islamic stance on spiritual and political rights with the Universal Declaration of Human Rights one can understand that despite the deep Islamic stance on human freedoms, what in practice is proposed at international level as human freedoms is ambiguous and in practice and in theory, they pay scant attention to them in international laws and policy: in fact they are political playthings for players in political arena although people are apparently free and freely go to the polls.

Individual Freedoms in Islam

The concept of liberty in Islam is so comprehensive that it arouses wonder and praise in all scholars: in this brief article, the writer strives to explain liberty to the best of his ability.

It must be noted that on the basis of the same inherent dignity granted by the Almighty, and the same viceroyship of man granted by God and the same freedom particular to man the violation of which is not allowed. Islam recognizes its ultimate aim and the aim of other religions as the liberating of man, because the inherent dignity is impossible without freedom. In this regard the Holy Qur'an states,

“The prophet of the common folk, whom they find written down with them in the Torah and the Gospel, bidding them to honor, forbidding them dishonor, making lawful for them the good things and making unlawful for them the corrupt things, and relieving them of their loads, and the fetters that were upon them.” (Surah al-A'raf 7: 157)

In this verse, the fundamental mission of the holy Prophet is introduced as bidding people to honour, forbidding them dishonour, and making lawful for them the corrupt things and relieving them of their loads.

Unlike the Declaration of Human Rights of France and the Universal Declaration of Human Rights, the concept of freedom in Islam is not the corollary to the bloody revolutions in Europe or the response to the oppression of people for their wishes, but basically it was per se an impromptu revolution for granting rights to man although none of the civil, urban, continental or international situation of that day—the great empire of Persia had surrounded the world from both sides and the Roman empire from the north—were not in harmony with this revolutionary concept.

Besides, the depth of freedom in Islam far more transcended the carnal or material freedoms. The freedom of self from the self includes the freedom of human self from the animal self and the civilised self from the uncivilised self. Hence, people were relieved of national and racial prejudices, of imitating the false customs, and of the corrupt bonds, of the passions, ignorance, rage, jealousy, avarice and egotism. [17](#)

In Islamic and humane concept, freedom regards rebellion and carnal desires as prisons; true freedom lies in refraining from them. [18](#) For instance, a train freely running along the endless tracks is contained by the tracks although it is apparently free. The freedom of the train lies in the freedom from the tracks. Similarly, the man who is incarcerated in the dungeon of his passions, rage, sleep and food and knows himself free is not in fact free but imprisoned. And his freedom is achieved when he steps beyond new horizons and into the vast realm of humane–divine light, thus relieving himself of animalistic nature which is to man an open foe.

Now that we have briefly talked about the vast concept of freedom in Islam, we shall deal with the individual freedoms in Islam, and sections of its legal and jurisprudential principles. However, before embarking on discussing these freedoms, we deem it necessary to elaborate on the terms *rights* and *freedoms*.

In the works of the outstanding Shi'ite jurists, there are useful and extensive discussions on the definition of right and the difference between it and decree. However, it is beyond the scope of our brief study. Right may be shifted from its owner to others but decree may not be transferred to others unless by law.

Some of the rights set forth in the Universal Declaration of Human Rights are regarded as decree which may not be shifted to others neither by the owner himself nor by others.

One of these rights is the right to life (Article 3) which deserves respect and observance in Islam and most of the valid laws of the world and even the person himself cannot destroy it. Hence, in Islam suicide and some other related subjects are crimes and liable to punishment. In the preamble of the Universal Declaration, the rights are called inalienable. If a decree is inalienable, it is no longer a right. Besides, some of the rights mentioned therein may be entrusted (like property) so the use of decree is null and void.

One of the individual rights of man is that he shall not be held in slavery (article 4 of the Universal

Declaration of Human Rights and article 12 of the Cairo Declaration of Human Rights in Islam). This is a fundamental right in Islam and a jurisprudential principle (Asalat al-Huriyyah) and has been mentioned in a hadith.¹⁹ Also, another hadith by Imam ‘Ali, says, “Worship not any one but the Almighty: indeed God created everyone free.”

This testifies to the fact that man is the master of his own destiny and no one can hold him in slavery or arrest him without legal sanction.

Based on this fundamental principle, everyone—men and women— has the right to live freely and enjoy the divine blessings. However, on a legal basis, the enjoyment of natural resources and wealth is clear in Islam, for according to the clear sayings reflected in the Holy Qur’an and in hadiths, these resources are created for the sole benefit of man in order that they may use them as much as they need.²⁰ However, in the Universal Declaration of Human Rights, it is neither explained nor is it clear.²¹

Another right of man is the right of movement and residence, nationality, or their dissolution. In addition, everyone has the right to choose any profession he desires.

These rights are clearly explained in the Cairo Declaration of Human Rights in Islam and the Islamic jurisdiction is filled with laws concerning these freedoms. There is a hadith that says, “The best residence is the place, which accepts you.”²² As a poem says, “Paradise is where there is no perturbation.” In addition, regarding freedom and will power, the jurists have said, “People are the masters of their belongings.”

Respect for private property is so strong and clear in Islam the need for explaining them is obviated. It has made some of the jurists recognize the right to property as private property and regard public property as an exception to it.²³

There are limitations for private property in Islam as well as in reliable rules. There are times when ownership seriously hurts others or the society and therefore, legal limitations are natural in many societies.

The freedom to choose a profession exists in Islam in its best form. Based on primordial nature, Islam recognizes profession as a principle for man and regards unemployment a malady and against the laws of nature. It encourages people to work and provide for their family and reproaches unemployment.²⁴

Employment is an obligation in Islam as far as it does not endanger the family members and overwork to earn more comfort for the family is highly commendable, though not necessary.

Although man is free to choose a profession, a legal limitation prohibits working beyond one’s ability. This prohibition exists regarding the profession forbidden by law, which is hurtful to the society or engaging in beggary, which does not accord with the exalted dignity of man.

Another natural right approved and encouraged by law is the founding of family. Article 16 of the

Universal Declaration of Human Rights says, “Men and women of full age, without any limitation due to race, nationality or religion, have the right to marry and to found a family.” Paragraph three of the same article says, “The family is the natural and fundamental group unit of society and is entitled to protection by society and the State.”

Islam highly recommends the founding of family, considering it a vital component of the society; however, it builds marriage on the basis of inherent principles executed by the observance of human dignity to ensure its durability and regards divorce as the ugliest acts.

The only condition for marriage is the existence of balance between the two parties in morale, thought and personality without limitation of any kind due to race, nationality, and family with the exception of religion which is not mentioned in article 16 of the Universal Declaration of Human Rights.

As Islam states that all religions preceding it are lawful, it entitles man to form a union with a woman of another religion,^{[25](#)} for in such case the harmony on the part of man—whose duty is to provide for his wife—will be consistent.

In other individual rights, on the level of legal and religious basis, Islam is pioneer to other systems of rights and accepts it as a logical and natural form.

Freedom of Opinion

Another freedom is the spiritual and human freedom not found in other creatures; it is interpreted as the freedom of thought, conscience and religion in article eighteen of the Universal Declaration of Human Rights.

The reason for the inclusion of this article in the Universal Declaration and the attention of the Europeans to such freedoms in the last two centuries is the pressure exerted by the church and the monks on the beliefs and thoughts opposite to the Torah, the Gospel and the beliefs of the church which entitled itself to combat heresy and things such as alchemy, witchcraft, and sorcery and wielded considerable power in medieval and early modern times and put them to apprehension and trial by burning them at the stake or making them repent.

Basically, the church opposed reason and man’s capability to interpret the bible and regarded this act against faith and combated it. And no one could encounter the natural issues of the world but with a heart brimming with faith and no one had the right to be a non-Christian and the church exerted all its might to christianize all the people and send them to paradise.^{[26](#)}

With the advent of the French Revolution, the collapse of sovereignty and feudalism and the emergence of the bourgeois and the decline of power and sovereignty of the church in Europe particularly after the emergence of Protestantism and the bloody battles between the two parties and the Declaration of Human Rights in Europe, these nations collapsed yet in another way, falling from extravagance to

shortcoming and went to the point where everyone found enough freedom to change their religion and to think the way they wished.

Consequently, under the influence of this culture, freedom of religion, thought and opinion is included in the Universal Declaration. As Islam is a religion of moderation, it is far from extravagance. Islam entitles man to think any way he wishes and knows no limitations for his thoughts and opinions; yet, ill-founded thoughts bound to hurt or destroy the society and disturb the general order are invalidated by law. In addition, whatever contrary to this is an oppression against the social welfare and thus against logic and law.

In article 22 of the Cairo Declaration of Human Rights in Islam, the Muslim countries entitle man to the enjoyment of freedom of thought and opinion and these freedoms are banned when they disturb the general order or hurt the public opinion.

Freedom of Religion

Absolute freedom of religion mentioned in the Universal Declaration of Human Rights is the aftermath of the misinterpretation of religion by the European intellectuals. Religion is ill-defined in the West. They look at it from a sociological perspective. On this basis, religion is personal, heartfelt and therefore a matter of taste; and everyone has the right to preserve it for himself just as some people are interested in music or a sport: Western interpretation of religion is sometimes heard from the easterners who opine that the diversity of belief is to be respected.

However, religion—in its objective and subjective entity—and in Islam (which regards religion as the inherent law in man) lives in the minds and hearts of people, but the origin is an outward one; the ideology, world vision, the explanation of the realities in the world and the rules stem from natural laws and as Muslim ulama (religious scholars) state, “Religious matters stem from genetic realities and the belief in religion means the harmonizing of man with nature.”

Hence, as nature is not illusionary or absurd, religion should not be based on illusion, and absurdity. Any misinterpretation of the world or God, nature or man is not religion and any opinion—when absurd—cannot be respected.

Be that as it may, as man and his belief are to be respected, Islam allows that everyone who is not able to understand the amazing nature of Islam and accepting and no one has the right to refrain his fellow beings from accepting Islam. Concerning this, the Holy Qur'an states,

“There is no compulsion in religion.”²⁷ (Surah al-Baqarah 2:256)

The path to salvation is made distinct from aberration and no one shall be compelled to accept religion, for everyone is free to choose the right path by virtue of his rationale and intellect and tell apart wrong from right.

As pronounced in the Holy Qur'an, one can exercise freedom in the choice of one's religion, but thereafter one is bound to follow it as a covenant is made with God, based on the will of man.

Other rights such as the right to complain to the court or immunity from others' interference in one's affairs, letters and correspondences or the right to recreation or education or participation in social literary and artistic gatherings have been predicted which may be classified as individual rights and with the understanding we have of Islam these rights exist in Islam in their entirety.

The only point which we need to make here is that paragraph three of article 29 of the Universal Declaration of Human Rights states, "These rights and freedoms in no case be contrary to the purposes of the principles of the united nations."

The word *purposes* is very ambiguous here; it has not been properly defined in any culture. Ultimately the Declaration gives a definition for freedom and human rights and adds that all these rights and freedoms are dependent on them and the institutes of the United Nations do not have the right to allow veto to them; otherwise all those rights become null and void.

[1.](#) This is called negative freedom and positive freedom suggests the ability to do any desired thing.

[2.](#) That a child does not use his willpower before the age of maturity is because it has not reached full maturity. In addition, this is one of the veiled scientific points, which has found scant attention. There are philosophical and psychological differences between will and desire, although they have been mixed up.

[3.](#) Some criticize the Islamic laws and jurisprudence for being filled with assignments and different commands and if the words of this humble writer are true which are not, this is not the fault of the Muslim jurisprudence but the perfection of it and that of a community in which these rules dominate for if that community is tilled with rights but without assignments, is not a human community and in practice, such a community has never existed. Even in the olden communities, (like Hammurabi or in time of Ghengiz), the assignments had priority over rights.

[4.](#) Surah Al-Baqarah (2:30)

[5.](#) "There is no compulsion in religion." Surah al-Baqarah, 2:25; "Indeed God changes not what is in a people, until they change what is in themselves." Surah ar-Rad, 13:11

[6.](#) Freedom is a spiritual affair which may have spiritual and physical manifestations.

[7.](#) At least 18 articles out of 30 articles.

[8.](#) Like "Worship not any one but The Almighty", which will be later on dealt with.

[9.](#) "And think in the creation of the heaven and the earth, (Surah Aale Imran, 3:191); I exhort you only to one thing, that rise up ye for God's sake in twos and singly, then ponder ye, (Surah as-Saba 34:46); "Reflect they not within themselves" (Surah ar-Rum 30:8); "So related the story; haply they will reflect" (Surah al-A'raf 7:176; Surah al-Hashr 59:41; Surah al-Jathiyah 45:13; Surah az-Zumar 35:42; Surah Yunus 10:24 and the likes, and verses like "Do you not understand?" in surahs: al-Baqarah 2:44, 76 & 442; Aale Imran 3:32; al-A'raf 7:169; Yunus 10:16 and several other verses.

[10.](#) See Bihar al-Anwar, Vol. 22, p.391, "izaa balagha abi al-as thalathin rajolan itakhezu din allah dakhalan wa ibadallah kholan wa mal allah dowlan", (in a hadith of Abudhar from the Holy Prophet and in the sermon of Imam Husayn (a.s)

[11.](#) Imam 'Ali, Nahj al-Balaghah, Is Victory at the Price of Tyranny over Me Allowed?

[12.](#) "The true servants of God are those who hear everything, follow the best and these are the ones whom God guides and people call wise." Verses which encourage thinking are already dealt with.

[13.](#) Article 1

[14.](#) Article 2

[15.](#) Article 4

[16.](#) Article 5

- [17.](#) From this one can realise morality –unlike the beliefs of other ideologists is an inseparable part and cannot be separated from human ideology and rights, law and traditions.
- [18.](#) It is quoted from Imam ‘Ali “He who overcomes his carnal desires, he is free.”
- [19.](#) “O People! Adam did not beget slaves or maids and people are all free.”
- [20.](#) “It is He, Who created for you all that is in the earth.” Surah al-Baqarah 2:29.
- [21.](#) Article 17, Everyone has the right to own property alone as well as in association with others.
- [22.](#) Bihar, Vol. 32, p. 134.
- [23.](#) See Public Ownership of the same author.
- [24.](#) There is a hadith that says, “La’n allah in zigha man ya’ul.”
- [25.](#) They are considered lawful by some of the jurisprudents and unlawful by others.
- [26.](#) The basis of sending the missionaries for disseminating religion adds up to this fact.
- [27.](#) Also verses: “To you your religion, and to me my religion” (Surah al-Kafirun, 109:6); “Wouldst thou then constrain the people, until they are believers?” (Surah Yunus 10:99), “So let whosoever will believe, and let whosoever will disbelieve” (Surah al-Kahf 18:29); “Then remind them! Thou art only a reminder; thou art not charged to oversee them” (Surah al-Ghashiyah 88:21-23); “It is thine only to deliver the Message, and Ours the reckoning” (Surah ar-R’ad 13:40); “It is only for the Messenger to deliver the Message” (Surah al-Ma’idah 5:99); and the likes.

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