**The Concept of Human Rights in Islam (Part III)**

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It is a historic fact that during the battle of Badr, no prisoner of war was tortured, because of the specific orders given by Prophet Muhammad (peace be upon him), nor were there any custodial killings or kidnappings. Not surprisingly, when Umar came with the suggestion that all prisoners of war should be killed because they had fought against Muslims, Prophet Muhammad (peace be upon him) chose to release them instead. Article 7, Universal Declaration of Human Rights (UDHR): All are equal before the law and are entitled without any discrimination to equal protection of the law. According to Islamic law, the judge has to maintain total impartiality.

“…and do not let the hatred of a people prevent you from being just.” (Qur’an 5:8) During the Caliphate of Umar, a Jew raised a case against Ali ibn Abu Talib, the cousin and son-in-law of the Prophet. When they came to court, Umar addressed Ali by his pet name, Abu al-Hasan and addressed the Jew only by his first name. Ali showed displeasure about this because of Umar’s unintended discrimination against the Jew. It has been narrated that a dispute arose between Caliph Ali Ibn Talib and a Jew on a missing armour. Ali brought the case before a judge, namely Shuray al-Kindi. The Jew pleaded that the armour was his because it was in his possession. Ali responded that his son Hasan could testify that it was Ali’s. The judge replied that the testimony of a son in his father’s favour was not admissible in court. So the armour was given to the Jew, who was so astonished upon hearing the verdict that he told the judge that the suit of armour was Ali’s. He (Ali) had dropped it at night, and he (the Jew) had found it.

Article 16, UDHR: (1) 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. They are entitled to equal rights as to marriage, during marriage and at its dissolution. (2) Marriage shall be entered into only with the free and full consent of the intending spouses. (3) The family is the natural and fundamental group unit of society and is entitled to protection by society and the State. Family and marriage are clearly spiritual rights, as they are discussed in all the sacred texts. Marriage as an institution is, in fact, an institution created by God and is, therefore, an obvious “right:”

“O mankind! Revere your Lord, who created you from a single soul, created of like nature his mate and from them twain scattered (like seeds) countless men and women.” (Qur’an 4:1).

“And of His signs is this, that He created mates for you from yourselves that you might find quiet of mind in them, and He put between you love and compassion. Surely there are signs in this for a people who reflect”. (Qur’an, 30:21).

Article 17, UDHR: (1) Everyone has the right to own property alone as well as in association with others. (2) No one shall be arbitrarily deprived of his property.

The beauty and grace of God’s word can be applied anytime, anywhere and is robust enough to address all social issues that may arise.

As for usurping the rights of others, the Qur’an states: “And devour not one another’s possessions wrongfully, and neither employ legal artifices with a view to devouring sinfully, and knowingly, anything that by right belongs to others.” (Qur’an, 2:188).

Article 18 and 19, UDHR: Everyone has the right to freedom of thought, conscience and religion. Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

The Qur’an deals with this issue of freedom of worship and expression very directly by teaching that “Let there be no compulsion in religion” (Qur’an: 2: 256) and encourages people to say the following:

“I do not worship that which you worship, and neither do you worship that which I worship. And I will not worship that which you have ever worshipped, and neither will you ever worship that which I worship. Unto you, your moral law, and unto me, mine!” (Qur’an, 109:2). “He who hurts a Non-Muslim citizen of a Muslim state, I am his adversary, and I shall be his adversary on the Day of a Judgment.” (Prophet Muhammad in Bukhari) During the Caliphate of Umar, an old woman came to see him to ask for help. After offering her help, Umar asked her to accept Islam, which she refused. Afraid that it might be misunderstood as coercion, Umar raised his hands and thanked Allah that he had not forced her to convert to Islam.

Article 25, UDHR: (1) Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control. (2) Motherhood and childhood are entitled to special care and assistance. All children, whether born in or out of wedlock, shall enjoy the same social protection.

The mandated institution of Zakat (compulsory charity) makes it an obligation on the part of wealthy Muslims to donate a portion of their income to help the needy (which encompasses all the outlined conditions above. Moreover, God often refers to charity throughout the Qur’an in verses such as:

“And they have been commanded no more than this: to worship God, offering Him sincere devotion, being True; to establish regular prayer; and to practice regular Charity; and that is the religion right and straight.” (Qur’an, 98:5).

“And be steadfast in prayer and regular in charity; and whatever good you send forth for your souls before you shall find it with God; for God sees well all that you do.” (Qur’an, 2:110).

“Those who believe and do deeds of righteousness and establish regular prayers and regular charity will have their reward with their Lord: on them shall be no fear nor shall they grieve.” (Qur’an, 2:277). Prophet Muhammad (peace be upon him) also reiterated the same:

“Everyone is a keeper unto every other and responsible for the welfare of all.” In conclusion, Islamic ideals encompass universal values, all of which naturally flow out of the ethic of reciprocity. If human beings were to uphold this basic tenet, there would be neither oppression nor denial of human rights because no one would ever oppress others or deny them their basic rights. Beyond that, however, the Qur’an is not value-neutral but rather always encourages duties unto others that would benefit the individual spirit as well as the greater part of society as a whole. Unlike the UDHR, which envisages the presumption of denial of rights, the Qur’an, does not spell out every possible right that could ever be denied. However, under the spirit of peace and brotherhood, there are no limits to individual freedom as long as it does not lessen another’s basic rights or create disharmony in society. The UDHR is temporal and seeks to prevent known forms of human rights violations. But what about things that have been left out, such as the right to breathe clean air or enjoy nature, issues which are now becoming more relevant with fears of global warming?

The Qur’an, in its universal approach also addresses other timeless topics not covered by the UDHR, such as the rights of a wife towards her husband and vice versa, the rights of parents, children and relatives, the right for the preservation and safety of natural resources, and others. As discussed earlier, the Qur’anic teachings are timeless and universal. The beauty and grace of God’s word can be applied anytime, anywhere and is robust enough to address all social issues that may arise. And it is His word that upholds all the human rights ideals of the West and more. The West should be partnering with Muslims across the globe to allow for the emergence of societies and governments that would embody these ideals rather than suffer from a baseless and unjustified fear of Islam that colours today’s geopolitical landscape.

In contrast with the Qur’anic principles relating to human rights, the UDHR seems to have been written on the assumption that some systems or individuals are trying to deny human beings their basic rights. The Qur’an’s more positive approach enshrines the idea that all human beings are born with these inherent and inalienable rights that no one can take away.

(Concluded).

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