Shari’ah – Part 7 (Human Rights and Freedom)

Synopsis of the Friday Sermon delivered by Ameer Mustapha Elturk on August 05, 2011

There has been an ongoing discussion in the last few Friday Sermons on the objectives of the shari’ah (maqasid al-shari’ah), which according to most Muslim traditional scholars are five—protection of faith, life, wealth, progeny, and intellect. However, there are other classical and contemporary scholars, who add other objectives to these five well-known standard objectives. What are these additional objectives of the shari’ah? In an attempt to answer this question, today’s sermon will discuss this topic with a focus on human rights and freedom, which also is considered as one of the primary objectives of the shari’ah.

According to Imam al-Ghazali, anything that furthers the five objectives of the shari’ah is maslahah (beneficial) and anything that runs contrary to them is mafsadah (detrimental). For Imam Ibn Taymiyyah, values such as fulfillment of contracts, preservation of ties of kinship, honoring the right of neighbors, and trustworthiness are also among the objectives of the shari’ah. Imam Ibn Ashour includes preservation of family and social order, as well as promotion of the well being and righteousness of the community among shari’ah’s objectives. In contemporary times, Sheikh Yusuf al-Qaradawi has further extended the list to include human dignity, freedom, social welfare, and human fraternity among the higher objectives of the shari’ah. The objectives spelled out by these scholars are upheld by evidences in the Qur’an and the Sunnah, the two main sources of shari’ah.

Today’s sermon will examine the issue of human rights and freedom in Islam, which comprise the inalienable and unalterable rights granted by Allah (SWT), the ultimate law giver (Shari’). It is incumbent upon every Muslim to honor and enforce these rights. The Qur’an categorizes those who fail to do so as kafirun (disbelievers), zalimun (wrongdoers) and fasiqun (transgressors). “…Those who do not judge by what Allah has sent down, such people are kafirun (disbelievers). Those who do not judge by what Allah has sent down, it is they who are the wrongdoers” (al-Maidah, 5:44-45). “…Those who do not judge by what Allah has sent down, such people are transgressors” (al-Maidah, 5:47).

Sheikh Sayyid Abul A’la al-Mawdudi has enumerated and expounded these human rights, some of which are: right to life, right to safety of life, right to respect of chastity of women, right to basic standard of life, right to freedom, right to justice, right to the principle of equality of human beings etc.

Right to Life: Islam extends the right to life to all human beings. There are a number of ayat in the Qur’an which testify to this. "... if anyone slew a person unless it be for murder or for spreading mischief in the land—it would be as if he slew all mankind…”(al-Ma’idah, 5:32). This subject has been discussed in detail in a previous sermon while discussing ‘protection of life’ as one of the objectives of shari’ah.

Right to safety of life: In connection with the right to life, the right to safety of life follows immediately in the 32nd ayah of Surat al-Ma’idah. "...And if any one saved a life, it would be as if he saved the life of all mankind…”(al-Ma’idah, 5:32). The duty of saving life extends to all human beings without any distinction or discrimination whatsoever. Saving a life could take any form—providing food to the hungry, medical aid to the sick and wounded, saving someone from drowning or fire, or any other precarious condition. We are one human family. The Prophet (SAW) in a hadith states that the whole creation is like a family to Allah (SWT).

Right in Respect of Chastity of Women: Mawdudi explains that a woman’s chastity is to be respected and protected under all circumstances irrespective whether she belongs to our own nation or to our enemy’s nation; whether she is a Muslim, non-Muslim or an atheist. A Muslim cannot outrage a woman under any circumstances. All promiscuous rela-
There are some other rights that shall be discussed in the next Friday Sermon insha’Allah.

Equality of Human Beings: One of the main Islamic principles regarding social system is the equality of all human beings. The following ayah lays down the foundation of this principle. “O mankind! We created you from a male and a female, and made you into peoples and tribes so that you might come to know each other. The noblest among you in Allah’s sight is the one with the most taqwa. Allah is All-Knowing, All-Aware (al-Hujurat, 49:13). In other words, all human beings are brothers and sisters to one another. They are all descendents from one father (Adam) and mother (Eve/Hawwa). The sole basis for superiority and inferiority of an individual in the sight of Allah (SWT) is taqwa or God consciousness. This was further explained by the Prophet (SAW) in his Farewell Sermon when he said, “…All mankind is from Adam and Eve, an Arab has no superiority over a non-Arab nor a non-Arab has any superiority over an Arab; also a white has no superiority over black nor a black has any superiority over white except by piety and good action…. A person’s piety or righteousness is something that is known only to Allah (SWT). So it is Allah (SWT) alone who will on the Day of Judgment determine the status of a person as regards his/her piety. This profound concept of equality advocated by Islam strikes at the very root of all man-made divisions based on race, color, language, nationality etc. Right to equality, therefore, is an individual’s birthright.

Women in the West are generally looked upon as sex objects. They are exploited and abused. Their physical charm and beauty are brazenly displayed for commercial ends. Islam on the other hand ensures the blocking of all avenues that may lead to violation of chastity of women. Allah (SWT) commands both believing men and believing women to lower their gazes and guard their modesty, “Say to the believing men that they should lower their gaze and guard their private parts. That is purer for them. Allah is aware of what they do. Say to the believing women that they should lower their gaze and guard their private parts and do not display their adornments — except for what normally shows — and draw their head-coverings over their bosoms…” (al-Nur, 24:30-31).

Right to Freedom: Man is born free. Islam forbids the capturing of man in order to make him a slave or sell him as a slave. According to the meaning of a hadith, there were three categories of people against whom the Prophet (SAW) himself would be a plaintiff on the Day of Judgment. Of those three, one was he who enslaved a free man; then sold him and ate the sale-proceeds. While the West has only recently abolished slavery, the wounds of which are still not completely healed, it was fourteen centuries back that Islam addressed the inhumane practice of slave trade. Freeing a slave was not only a means of expiation (kaffarah), but also a virtue of the highest order. “…If anyone kills a believer by mistake he must free one Muslim slave and pay compensation to the victim’s relatives…” (al-Nisa’, 4:92). “What will explain to you what the steep path is? It is to free a slave” (al-Balad, 90:12-13). Inspired by such divine injunctions to be kind to slaves and to free them, the Prophet (SAW), his kith and kin, and his companions freed a large number of slaves. It was within a short period of thirty to forty years that the centuries old practice of slavery was abolished from Arab lands.

Right to Justice: According to the divine command, “O you who believe! uphold justice and bear witness to God, even if it is against yourselves, your parents, or your close relatives. Whether the person is rich or poor, God can best take care of both. Refrain from following your own desire, so that you can act justly- if you distort or neglect justice, God is fully aware of what you do (al-Nisa’, 4:35). And instructions are given in the same spirit but in different words in the ayah, “O you who believe! Stand out firmly for Allah, bearing witness with justice. And let not the hatred of others to you make you swerve from acting justly. Be just. That is closer to piety (taqwa). And remain conscious of Allah. Verily, Allah is aware of what you do (al-Ma’idah, 5:8). The right to justice is granted to every individual regardless of his status. This justice extends to all human beings whatever be their faith, race, color, language, nationality, or social and economic status.

Right to Basic Standard of Life: It is an obligation on the state and all people to ensure that the basic standard of life is provided to anyone who is unable to take care of himself/herself. “And in their wealth there is an acknowledged right for the needy and destitute” (al-Zariyat, 51:19). This ayah was revealed in Mecca when there was no Muslim society in existence yet. Muslims had to encounter disbelievers in Mecca. This situation when related with this ayah means that anyone who suffers from deprivation has a right in the wealth and property of the Muslims regardless of the person’s faith, color of skin, ethnic background, nationality etc.

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