



**MISCONCEPTIONS
ON
HUMAN RIGHTS
IN ISLAM**

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Bismillah-ir-Rahmanir-Raheem
In the Name of Allah, the Most Beneficent, Most Merciful!

Introduction

All Praise is due to Allah. May the peace and blessings be upon His slave servant, Messenger, Muhammad ﷺ.

Every society has a set of rules and principles that guarantee and ensure its individuals the rights and security. This enables them to feel a sense of belonging, attachment, tranquility. Individuals need to have this feeling of belonging, peace and security in order to perform their tasks and duties in a satisfactory manner.

Presently, three distinct trends are discernable in our global society. The first trend exaggerates the right of the individual on the society. This trend gives the individual full freedom to do as he pleases. This, no doubt, leads to a chaotic social situation. Because of this unlimited freedom granted to the individual, the entire society suffers immensely. Crime rate increases. Materialistic impact overwhelms. This trend is found in the capitalist society.

The second trend is contrary to the above. It advocates the right of the society over individual. It assigns society superiority over general masses. The latter is stripped of all their individual rights. Only rights that serve the government are granted to the individuals of such society. This trend is known as communism.

The third trend neither emphasizes the right of the society over the individual, nor the right of the individual over the society. Each is rather given its due right in life. The individual members in a society enjoy their own rights, and the society has its own rights as well. Both rights are governed and controlled by strict rules and conditions. In this trend, the public interest is given priority over the interest of an individual in case of a conflict.

In this booklet, we shall address, in a general way, the human rights in the light of Islam. These rights are based on the Divine Book of Muslims, the Glorious *Qur'ân* and from *Sunnah* practice of Allah's Apostle ﷺ, the two main sources of Islamic life and jurisprudence. Both the Glorious *Qur'ân* and the *Sunnah* practices of Allah's Apostle ﷺ, aim to produce an ideal individual, in interactions with other individuals in his own society and any other society all over the globe.

We firmly believe that the application of the social rules and the principles of the third trend will definitely make the entire humanity happier. Furthermore, the application of these principles will enable the society to achieve optimum peace and security. These social rights and principles are not a result of previous experiences, social ideologies, temporary and immediate needs and/or political drives and motives.

The essential reason for our firm belief in such social rights and principles is the fact that these are set out by the Creator of man Who knows well what suites his creation at all times. The Almighty Allah knows best what benefits man, what harms man, what makes man happy, what saddens him, what makes man successful, what makes man miserable and so on and forth. He, ﷻ is the Best Knower. He knows what suits best and fulfills the entire needs of His creatures on earth and makes their lives successful, secure and joyful.

The Glorious *Qur'ân*, which was revealed and sent down unto Muhammad ﷺ, some fourteen hundred years ago, contains a great deal of these essential social rules. Additionally, the *Sunnah* practices of Allah's Apostle ﷺ, the second source of Islamic law, contain a lot of guidelines for the same. These social rules and principles were set forth by Allah's Messenger ﷺ some fourteen hundreds years ago in the best form and manner. Both, the Glorious *Qur'ân* and *Sunnah* practices of Allah's Apostle ﷺ honored man and his individual rights in the society. On the other hand, both sources of Islamic law did not overlook the needs and rights of the society and the public interest. In fact, The Almighty Allah states in the Glorious *Qur'ân Sura Isra* [Night Journey] 17:70

“We have honored the sons of Adam; provided them with transport on land and sea; given them for sustenance things good and pure; and conferred on them special favors, above a great part of Our Creation.”

Such honor to mankind entails offering him a set of rights that ensures his life’s continuity, freedom and provision. Consequently, man is honoured and made him super being on earth. Yet, in order to execute the role of the super being on earth, there should be classes and categories of mankind in order to perform specific tasks by specific individuals. As such, the society will have better foundations and performance. This concept is illustrated by the Almighty Allah in the Glorious *Qur’ân Sura Anam* [The Cattle] 7:165

“It is He Who has made you (His) agents; inheritors of the earth. He has raised you in ranks, some above others that He may try you in the gifts He has given you. This is because Your Lord is quick in punishment. Yet, He is indeed Oft Forgiving, Most Merciful.”

In fact, we should point out here that the human rights according to Islam reflect continuous process that never ceases even after man’s death. Man is entitled to be properly washed, or rather bathed gently, upon his death. Man is also entitled to be wrapped in one, or a set of three to five, white, new, clean shrouds¹, then he is entitled to a funeral prayer to be offered as a farewell to his body and soul in this life. Furthermore, Islam forbids to tamper with a deceased cadaver, cutting an ear, a tongue, poking an eye, pulling a tooth, removing a nose, cutting off a leg, or the like. This is based on the *Hadith* of Allah’s Messenger ﷺ,

‘Breaking a bone of a deceased is identical in sin to breaking a living person’s bone.’²

¹ A shroud in Islam is a piece of white, cottony cloth material to wrap the deceased with upon death. Deceased is buried with this shroud only.

² This *Hadith* is reported by Ibn Majah, *Hadith* No. 1616, Ahmad *Hadith* 24362 and Abu Dawoud 9:18.

Furthermore, after death, a deceased is further honored with the following rights: the grave of a Muslim deceased must not be dug up for no significant and honorable reason, no body is allowed to sit on top of the grave of a Muslim deceased and no body has the right to walk over the grave of a Muslim deceased. This is also based on the *Hadith* and instruction of Allah's Messenger ﷺ,

*'It is far better for a person to sit on a burning charcoal that burns his clothes, then he feels the burn on his skin, than to sit down on a grave.'*³

Yet, a Muslim deceased is also entitled for protection against gossip and ill memories, even after his death. This is based on the following *Hadith* of Allah's Messenger ﷺ,

*'(only) mention the good things of your deceased and shun away from mentioning any defaming items (they were known with while alive).'*⁴

In fact, there are more rights for a Muslim deceased as follows: the deceased is entitled for the prayers, supplications and charity donated on his behalf after death. A Muslim deceased is also entitled for the full execution of his will and whatever he promised or pledged to do while alive, but could not fulfil it due to abrupt death. This is based on the *Hadith* of Allah's Messenger ﷺ,

'A man asked Allah's Messenger ﷺ 'Oh Prophet of Allah! My parents died. Is there anything I can do to please them and be good to them, even after their death?' Allah's Messenger ﷺ replied immediately, 'Yes. Pray for their souls. Honor their friends and be generous to them. Remain in touch and on good terms with their kin and kith, and fulfil their pledge of allegiance (which they committed themselves to do while they were alive).'

³ This *Hadith* is reported by Muslim *Hadith* No. 1024.

⁴ This *Hadith* is reported by Abu Dawoud 9:35 and Tirmithe *Hadith* No. 971.

Yes, we can notice that some international human organizations, nowadays, call to principles similar to what we stated above. However, Islam established these human rights some fourteen centuries ago. Conversely, the rights enumerated by modern international organizations are characterized with deficiencies and flaws. Such rights are enumerated established not for the interests of the human beings in the first place, but rather to the benefit of such organizations. This case becomes evident as we see many human rights all over the world are being violated, yet, there is no organization that gets up to defend such abused human rights. The poor are not supported. The weak are neglected.

Humanitarian organizations do not come to the aid of the oppressed persons because by helping them, their interests are not served. Surely, if such organizations wanted to help, they can do it. However, since their interests are not served by providing such help to the oppressed ones, they would not interfere to protect the interests of the oppressed. Such organizations, in such cases, raise a slogan of “Don’t interfere in internal affairs of other countries or people.” Islam, on the other side, calls for the protection, defense and the support of the oppressed ones, by sacrificing the personal interests. Islam urges to remove any oppression of the oppressed ones, if one is capable to do so, provided no personal injury is occurred to the remover of oppression or others, and provided as well, that the rules and regulations of a Muslim governor or government are not trespassed. The Almighty Allah states in the Glorious *Qur’ân Sura Nisa* [Women] 4:75.

“And why should you not fight in the cause of Allah and of those who, being weak, are ill-treated (and oppressed)? Men, women, and children, whose cry is: “Our Lord! Rescue us from this town, whose people are oppressors; and raise for us from you one who will protect; and raise for us from you one who will help!”

It is important to point here that the implementation of the human rights in the Islamic countries is inextricably linked with the

commitment to implement the Islamic teachings and principles. Some Islamic countries turn their back completely to Islam, while other only take what serves their own purposes and interests. Still, there are some other Islamic countries who just pretend that they are implementing the Islamic teachings and principles but, in reality, they are trying to destroy or distort Islam from within. Therefore, we would like to point out here that an objective person, who would like to study Islam, should do so by studying it on its own merits as a fully developed system. The behavior and courses of actions of certain individuals, groups, people, countries or governments must not influence such a person. As we pointed out earlier, the implementation of Islamic principles and Islamic law vary according to the commitment to Islam in the first place. If the system is good, and we noticed some shortcomings and faults in the application. Accordingly, we must examine the application itself and not the system. For example, if we come across a person who claims to act as a good Muslim, but as we examine his behavior, attitudes and personality, we notice totally something else, then we should question it. If we notice lying, cheating, breaching of contracts and deception in the attitude of such a person we must not accuse the system itself, i.e., Islam, with deficiencies, but rather the person himself. We should, thoroughly, examine what the system itself and consider its byproducts. A simple example may be given here, if a person needs bread he would go to the bakery, or at least to a place where bread may be sold such as a grocery shop or a supermarket. If a person in need of bread goes to a butcher or a fruit shop he would not be able to find bread there. There is a general statement in the Glorious *Qur'ân* explaining such a case. The Almighty Allah states in the Glorious *Qur'ân Sura Anam* [The Cattle] 6:116.

“If you to follow the common run of those on earth, they will lead you away from the Way of Allah. They follow nothing but conjecture: they do nothing but lie.”

Regretfully, we observe that many Muslims all over the world nowadays, are not true representatives of Islam. Many Muslims

commit a lot of mistakes and have many deficiencies as well. This is very unfortunate situation, but it is true. The reason for presenting such a statement in this introduction is simply to warn out in advance any and inform all those who would like to accept Islam as a way of life. They should not be influenced or deceived by the attitudes and vices of such Muslims.

We hope such interested individuals would not be despaired. On the other hand, we mean to urge and encourage Muslims to maintain the best of practice and the application of their faith in every aspect of life. Moreover, we call non-Muslims to examine Islam, try to understand its principles, and try to live by its standards.

I was once informed of a new American Muslim, who accepted Islam recently, came to an Islamic country. He was shocked to observe the situation of Muslims in the Islamic society. He noticed how distant they were from the beautiful and ideal Islamic teachings and principles. He said,

‘I thank the Almighty Allah for enabling me to accept Islam as a way of life prior to coming to this country. Have I come to this country before I accepted Islam, I would have never thought of joining Islam.’

This new Muslim made this assertion because of what he saw of the malpractice of Muslims. This is indeed a very unfortunate situation.

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Islam and Basic Necessities

Islam is extremely keen to establish an ideally good society. Islam does this by providing the essential items and necessities that ensure and guarantee for individuals in the society their full rights. If the society members enjoy peace, tranquility, freedom and availability of basic requirements, they will become better citizens. Members of the society must feel that way in order to practice a peaceful, happy, prosperous, productive and meaningful life. Individuals of such a society will be able to enjoy their legal rights.

Listen to the statement of Allah's Messenger ﷺ,

*'Whosoever wakes up (in the morning) feeling that he is secure in his community, free from ailments and diseases in his body and has enough provision (food stuff and supply) for a single day, (such an individual) would be as if he owns the entire world.'*⁵

Islam, therefore, seeks to formulate and establish a society that provides the following:

Peace and security:

Islam offers self security, family security and protection. Members of the Muslim society at large must not be frightened, or threatened by words, threats or weapons of all types. This is based on the *Hadith* of Allah's Messenger ﷺ,

*'Whosoever frightens a Believer (in this life) it will become incumbent on the Almighty Allah to make such a person insecure (and frightened) on the Day of Judgement.'*⁶

Self security enables individuals of a society to have freedom of mobility and movement in order to work and earn an honest income.

⁵ Tirmithe, *Hadith* No. 2346.

⁶ Tabarancee, *Targheeb abd Tarheeb*.

Corpal and capital punishment have been laid down and sentenced in order to impose strict penalty on individuals who attempt to cause disruption to the peace, security and stability of a Muslim society. One of these strict penalties for criminals according to Islamic law is the penalty for peace, security disruption and frightening innocent people in a society. Allah's Messenger ﷺ stated in his farewell speech,

*'Truly, your blood, your protected items in life, and your wealth are unlawful to one another. They are unlawful to tamper with like it is unlawful to tamper with this (honorable and sacred) Day (the Day of Arafah during Hajj), in this Sacred Month (the month of pilgrimage "Thul-Hejjah"), and in this Sacred Town (the city of Makkah).'*⁷

Decent food and sustenance for all:

Food and decent sustenance are secured for people in an Islamic society by availing decent and suitable work opportunities for the work force in the society. Availability of job opportunities are rather crucial for people in order to satisfy their basic needs. As for the individuals who can no longer work due to old age, inability to work, chronic disease or the lack of bread-earner in the family, such individuals become entitled for public aid from the Islamic government. *Zakah*, poor due, will become eligible to such types of people who cannot earn a decent income because of legitimate reasons. *Zakah*, poor due, represent a full mechanism of social integration among the various individuals of the Islamic society. *Zakah*, poor due, is an obligatory charity that is taken from the rich and given properly to the poor members of the Islamic society. This is based on the *Hadith* of Allah's Messenger ﷺ in an advice to his Companion Muaath bin Jabal while sending him in a *Dawah*, call to Islam mission to Yemen saying,

'Tell the people of Yemen that the Almighty Allah has prescribed a certain percentage of their wealth as Zakah, poor

⁷ Sahih Bukahri, *Hadith* No. 6043.

due. Such Zakah will be taken from the rich members of the Islamic society and given to the poor and needy ones’⁸

Additionally, other voluntary donations, gifts, financial commitments and the like are given in a good cause to please the Almighty Allah, and extended willingly to the poor and needy members of the Islamic society. This is also based on the *Hadith* of Allah’s Messenger ﷺ,

‘Any group of people who reside in a specific Islamic community who do not care for a hungry person among them shall not be considered by Allah and His Prophet ﷺ as committed Muslims.’⁹

Such poor and needy people are also entitled to a fair right and share of the Islamic Treasury. This is also based on the *Hadith* of Allah’s Messenger ﷺ,

‘Whosoever leaves behind a legacy (wealth and estates) will become entitled to his heirs. As for the person who leaves behind poor and needy members of his family, Allah ﷻ, and His Messenger ﷺ will take care of them.’¹⁰

Basic education for all:

The Almighty Allah states in the Glorious *Qur’ân Sura Zumar* [The Groups] 39:9.

“Say: Are those equal, those who know and those who do not know? It is those who are endued with understanding that receive admonition.”

In addition, Allah ﷻ says in another verse of *Sura Mojadalah* [The Arguing One] 59:11.

⁸ See: *Muslim, Hadith* No. 29.

⁹ *Mosnad Ahmad*.

¹⁰ *Sahih Bukahri Hadith* No. 2268 & 2269.

“Allah provide for you. And when you are told to rise up, (then) rise: Allah will raise up, to (suitable) ranks (and degrees), those of you who believe and who have been granted Knowledge. And Allah is well acquainted with all you do.”

Education in the Islamic society is not a mere right for its individuals. It is rather a required duty from every capable person. All capable, intelligent and skilled individuals in the Islamic society are required to educate themselves religiously and in worldly affairs. In fact, an Islamic government is required and demanded to prepare and provide, when possible, all means that help individuals in the Islamic society to earn a better education. This concept is based on the *Hadith* of Allah’s Messenger ﷺ,

*‘Seeking knowledge (better education) is a obligatory on every Muslim (male and female).’*¹¹

Furthermore, Islam considers seeking a better education as a type of Islamic strife, or *Jihad* that the Almighty Allah rewards. Allah’s Messenger ﷺ stated,

*‘He who travels to seek any (beneficial) knowledge is considered as a person who is struggling in Jihad for the cause of Allah ﷻ until he returns (home).’*¹²

Also, Allah’s Apostle ﷺ is reported to have said,

*‘Whosoever takes a path seeking knowledge (or better beneficial education) Allah ﷻ will pave a path for such individual to Jannah, Paradise.’*¹³

In fact, Islam considers it unlawful to withhold any useful knowledge that one possesses but does not share with others to benefit them. Allah’s Messenger ﷺ says,

¹¹ Ibn Majah, *Hadith* No. 337.

¹² See Tirmithe, *Hadith* No. 2785.

¹³ Abu Dawoud, *Hadith* 3:317 and Tirmithe, *Hadith* No. 2785.

*'Whosoever withholds the dissemination of (a beneficial) knowledge (to others who may need or benefit from it) will be tortured with a harness of fire on the Day of Judgement.'*¹⁴

Furthermore, Islam imposes a penalty, or rather a warning of a penalty, to those who ban, do not seek or do not take part in the educational process in the Islamic society. Allah's Messenger ﷺ says,

*'(unlearned) people should seek education from their neighbors. Knowledgeable (educated) people must teach their neighbors, or else, a (severe) penalty shall be imposed onto them.'*¹⁵

Proper and adequate health facilities:

On the one hand, Islam bans all such reasons that may cause detrimental effect to public health. Islam bans all types of harmful drugs and intoxicants. Islam bans eating expired animals meats, swan, pig and all their byproducts. Islam bans all immoral acts such as fornication, adultery, lesbian and homosexual activities. Islam imposes quarantine for both, incoming and outgoing traffic, in order to make sure that no epidemic or harmful diseases are spread in a community causing health hazards. Allah's Messenger ﷺ says,

*'If you hear about an epidemic in a certain country, then do not enter it (travel to it). If you also hear of a spread of an epidemic disease in town that you live in, then do not leave such towns either.'*¹⁶

Furthermore, Allah's Apostle ﷺ says,

*'A sick person must not be brought to visit a recovering person.'*¹⁷

¹⁴ Darimee, *Hadith* No. 3658.

¹⁵ See: Tabarani, *al-Mu'jam al-kabeer* [Grand Collection of *Hadith*].

¹⁶ Mosnad Ahmad *Hadith* No. 15435

¹⁷ Bukahri *Hadith* No. 5437 and Muslim *Hadith* No. 104.

Equality in Islam

Islam removes all the impositions of barriers and classes among the members of the Islamic society in order to enable them to enjoy and practice their legitimate rights. No discrimination of any type is allowed in Islam. Lineage, color, region or language must not give individuals any special class or status in the Islamic society. This is done essentially to avoid difference between the privileged or under-privileged on account of his color, race, social class, nationality or any other means of discriminations. This is based on the verse of the Glorious *Qur'an Sura Nisa* [Women] 4:1.

“Oh mankind! Reverence your Guardian-Lord, Who created you from a single Person, created, of like nature, his mate, and from them twain scattered (like seeds) countless men and women; fear Allah, through Whom you demand your mutual (rights), and (reverence) the wombs (that bore you): for Allah ever watches over you.”

It is also based on the statement of Allah's Messenger ﷺ,

‘Oh Mankind! Your Lord is One. Your (grand) father is one. All of you belong to Adam ﷺ. Adam is created of soil (earth dirt). Truly, the most honorable person in the Sight of Your Lord, the Almighty Allah, is the most pious among you. There is no superiority for an Arab over a non-Arab. There is no superiority for a non-Arab over an Arab. There is no superiority for a red (race) person over a white person. Likewise, there is no superiority of a white over a red (race) person except for the level of piety (mindfulness of God, the Almighty Allah in life and practices).’¹⁸

❖ The basis of humanity with all its races, according to Islam, is one source without any distinction. Islam does not tolerate any false pride in lineage, social status and belonging and the like. Allah's

¹⁸ Ahmad, *Hadith* No. 411.

Messenger ﷺ says,

*'The Almighty Allah has removed the false pride taking, which was practiced in the pre-Islamic period, where individuals took false pride with their ancestors (forefathers). All mankind belongs (in lineage) to Adam ﷺ. Adam is created of soil (earth dirt).'*¹⁹

◉ Furthermore, Islam bans all types of discriminations, as pointed earlier. No racial discrimination is allowed or tolerated according to Islam. Previously, Jews and Christians considered themselves of a higher breed, race or class of people. Based on this the Almighty Allah exposed the truth of Jews and Christians as stated in the Glorious *Qur'ân Sura Maiedah [The Table] 5:18.*

"(Both) the Jews and the Christians say: "We are sons of Allah, and His beloved." Say: "Why then does He punish you for your sins? Nay, you are but men, of the men He has created: He forgives whom He pleases, and He punishes whom He pleases: and to Allah belongs the dominion of the heavens and the earth, and all that is between: and unto Him is the final goal (of all)."

It is also reported that one of the Companions of Allah's Apostle ﷺ, namely Abu Tharr ؓ, once said to black slave who served him, calling him as follows, 'Oh the son of the black lady.' Upon hearing this call, Allah's Messenger ﷺ turned to Abu Tharr ؓ and said to him immediately,

*'Are you insulting this man with his own (black) mother? Truly, you still possess some of the qualities of the pre-Islamic era. It is over. It is over. There is no virtue or merits for the son of the white woman over the black woman except for piety and righteousness or good deeds and actions.'*²⁰

Abu Tharr ؓ upon hearing the comment of the Prophet ﷺ, put his head

¹⁹ AbuDaoud, *Hadith* No. 5116.

²⁰ Ahmad, 4:145.

down on the ground for his slave servant to come and step with his black foot on his head although the Prophet ﷺ did not command him to do so. Abu Tharr ؓ felt very bad and regretted what he did and that was the reason that urged him to lay his head on the ground for his black slave servant to step on it in retaliation and revenge for what he, the master, attacked his servant with. Moreover, Abu Tharr ؓ wanted to discipline himself in a hard and humiliating way so as he would never repeat such a sin in the future.

- ◉ Similarly, all people are alike and equal in terms of the various acts of worship. The rich, the poor, the leader, the peasant, the white, the black, the dignified, the humiliated are all alike and equal before Allah in terms of all acts of worship in Islam. All commands, and all prohibitory items, are applicable to all without any distinction because of class, social status or race. The Almighty Allah states in the Glorious *Qur'ân Sura Fussilat* 41:46.

“Whoever works righteousness benefits his own soul; whoever works evil, it is against his own soul: nor is Your Lord ever unjust (in the least) to His Servants.”

The differentiation between individuals in the Sight of Allah ﷻ is based on their levels of piety, righteousness, compliance of the Commands of Allah ﷻ. The Almighty Allah states in the Glorious *Qur'ân Sura Hujurat* [The Chambers] 49:13.

“Oh mankind! We created you from a single (pair) of a male and a female, and made you into nations and tribes, that you may know each other (not that you may despise each other). Verily the most honored of you in the Sight of Allah is (he who is) the most righteous of you. In addition, Allah has full Knowledge and is well acquainted (with all things).”

- ◉ All individuals are equal in Islamic code of law. Penalties, judgements and legal sentences are applicable to all classes of people without any distinction. There are no particular forms of penalties or sentences for a certain class of people. All people are

equal within the jurisdiction of Islamic law. No individual or class of people has immunity over and above the Islamic laws. Aeshah رضي الله عنها reported that the Korishites were too concerned when a Makhzumi woman stole and Allah's Messenger ﷺ wanted to apply the Corpal punishment in her case, amputating her hand. The Korishites consulted among themselves and said, 'The best person to talk about the Makhzumi woman thief to the Prophet ﷺ is his most beloved Companion (and the son of his most beloved companion) Osamah bin Zaid رضي الله عنه.' Thus, Osamah رضي الله عنه spoke to the Prophet ﷺ concerning the Makhzomi, woman. Upon listening to Osamah رضي الله عنه, Allah's Messenger ﷺ said, 'Oh Osamah! Are you coming to intercede concerning a Corpal Punishment set by Allah ﷻ? (How dare you do this?).' Allah's Messenger ﷺ stood up, as soon as he ﷺ finished his conversation with Osamah and delivered a speech saying,

*'The people (or nations) before you were destroyed due to the fact that when a noble person among them would steal, they let him go unpunished, but if a poor, weak and gullible person among them steals they will apply the Corpal punishment to him. By Allah! If Fatimah رضي الله عنها; the daughter of Muhammad ﷺ stole (the value where she will be subject to Corpal punishment) I shall cut her hand.'*²¹

- ⊗ All members of the nation have the right to benefit from the national resources. Also, all are equal in this right. This means that individuals have an equal right to receive a fair share of the national Islamic wealth. However, they will not be equal in terms of work they present. The first Caliph; Abu Bakr رضي الله عنه distributes the gifts among the Muslims equally. A group of people differed with him in opinion on this distribution and argued, 'Oh Caliph of the Prophet ﷺ! We notice that you have distributed the gifts in equal shares among people. However, certain individuals have certain virtues and priorities. We wish that you had given a special gift to such

²¹ Bukahri *Hadith* No. 6406 and Muslim, *Hadith* No. 9.

individuals.’ Abu Bakr ﷺ replied,

‘How can I tell the specific virtues and privileges of the individuals you mentioned? What I give is merely a living allowance. Offering an equal living allowance to people is better than favoring certain individuals. As for those who presented extra work for Islam their rewards are preserved with Allah ﷻ. As for this worldly wealth, it is here for the good pious person and the evil ones. This wealth is not remuneration for the works they presented.’²²

Each member of the Islamic society has a right to the national wealth and buried land resources, such as oil, gold, silver, diamond and other precious metals. Islamic government must exert every effort to secure job opportunities for its constituents and organize the utilization of such national resources. None has the right to monopolize, abuse or act for his personal interest on national resources. The Almighty Allah states in the Glorious *Qur’ân Sura Mulk* [The Kingship] 67:15.

“It is He Who has made the earth manageable for you, so traverse you through its tracts and enjoy of the Sustenance which He furnishes: but unto Him is the Resurrection.”

✪ Islam declares all people equal in terms of human values. The only distinction between people is on the basis of service that the individual presents to his society and community. Moreover, Islam looks at the religious, social or worldly services that individuals offer to their society and community. Islam, for instance, does not look at a hardworking individual and a sluggish on equal footing in terms of pay and financial rewards. Islam, also, does not treat the good and evil individuals equally in terms of rewards and punishments. The Almighty Allah states in the Glorious *Qur’ân Sura Anam* [Cattle] 6:132.

“To all are degrees (or ranks) according to their deeds: for Your Lord is not unmindful of anything that they do.”

²² See, Abu Yala, ‘*alAhkahn al-Sultaniyah*’ (Sultanic Rules), p.222.

Islam and Essential Needs

We should realize that Islam came to complete the previous Divine religions and faith on earth. In fact, the Prophet ﷺ; Muhammad bin Abdallah, completed the missions of the previous prophets ﷺ. Allah's Messenger ﷺ says,

*'My example, and the example of the Prophets, who preceded me, is like that of a person who built a beautiful house. The house was perfect, magnificent and great except for a place of a single brick (in one corner). People, who visited (or saw) that house admired it but always wondered, 'Why did not the owner complete that missing single brick?' I am that (missing) brick. I am the final Prophet (for mankind on the earth).'*²³

Islam diligently acts to provide the basic needs of man on earth like the previous Divine religions. Islam works hard to secure the following items for its society members:

Preserve the Divine Religion

Let's read together the following verse of the Glorious *Qur'an* from *Sura Baqara* [The Cow] 2:190,

"Fight in the cause of Allah those who fight you, but do not transgress limits; for Allah loves not transgressors."

Allah ﷻ made *Jihad*, struggle for His cause a rewardable act that Muslims believe in and practice. In fact, *Jihad* is looked upon as the "hump" of the camel, the highest most important tip on the body of the camel, and it should be so for a Muslim. Struggle for the sole cause of Allah ﷻ must be cherished by the sincere Believing Muslims in this life. It should be treated very awesomely and taken very seriously with a matured understanding for its objectives. *Jihad* is not an innovation in Islam. In fact, *Jihad* is an acceptable, well-established, and known practice in the previous Faiths and nations as

²³ Sahih Bukahri *Hadith* No., 3341 and Tirmithee, *Hadith* No. 2862.

well. *Jihad* was established earlier, Allah ﷻ knows best, because of the fact that mentalities of people are conflictual all over the earth. Moreover, good and evil always co-exist in societies all over the world throughout the history. Therefore, *Jihad* was founded and defined in order to stop tyranny and remove tyrant rulers who deviate from Allah's Path and code of life that He laid down for man to follow. *Jihad* is laid down also, Allah ﷻ knows best, in order to stop and ban people from worshipping other people and false deities and introduces them to the reality of the worship of Allah ﷻ alone, Who has no son, partners or associates. *Jihad* is also laid down for man on earth to remove all injustices done and committed by man and introduce man to the mercy, justice and full peace and tranquility of Islam as a way of life. Moreover, *Jihad* is laid down, in principle, to protect the Call to Islam and help spreading it all over the world. It is for the interest of man on earth and not for the interest of Arabs or Muslims as Islam has no geographic borders. The final word underlying *Jihad* is for the people to either accept or reject Islam as a way of life. Islam has an international message for the entire humanity. Islam has the most comprehensive code of morals and ethics for every walk of life. Islam laid down the principles of justice, fairness, equality, freedom, prosperity, success and truthfulness for man on earth. *Jihad* is laid down, on the other hand, not to force people against their own will to join Islam, but rather it is a tool and mechanism to help spread the religion of monotheism, justice and equality to the entire world. After the various peoples receive the message, it is up to them to accept Islam as a way of life, or choose otherwise. In any event, the essential purpose of *Jihad* is to carry the Message of Islam to people and introduce it to them. The Almighty Allah states in the Glorious *Qur'an Sura Baqarah* [The Cow] 2:256.

“Let there be no compulsion in religion: Truth stands out clear from Error: whoever rejects Evil and believes in Allah has grasped the most trustworthy hand-hold, that never breaks. And, Allah hears and knows all things.

The directive principle cementing intra-relationships between government and people is based on peace. Yet, Allah ﷻ laid down the

foundations of *Jihad* in Islam for special reasons and purposes. There is a main difference between the term “*Jihad*” and “War”. *Jihad*, as interpreted and understood in Islam, is not a “Holy War” as described in the Western media, but rather it is an honorable “Fight” against the enemies of Allah ﷻ who reject His Word and faith in Him and His religion of Islam. “War” on the other hand, is a drive for personal interests and ownership of lands, natural resources, and political or economic reasons. Islam ordered for *Jihad* in the three situations as follows:

1. Defense of Life, Property and National Boundaries

This concept is based on the verse of the Glorious *Qur’ân Sura Baqarah* [The Cow] 2:190,

“Fight in the cause of Allah those who fight you, but do not transgress limits; for Allah loves not transgressors.”

2. Removing oppression and preserving the just rights of the oppressed people.

This concept is based on the verse of the Glorious *Qur’ân Sura Nisa* [The Women] 4:75,

“And why should you not fight in the cause of Allah and of those who, being weak, are ill-treated people (and oppressed)? Men, women, and children, whose cry is: ‘Our Lord! Rescue us from this town, whose people are oppressors; and raise for us from You, one who will protect; and raise for us from You one who will help!’”

3. Defense of Faith and Religion.

A fighter must purify his intention to please Allah ﷻ alone and with sound understanding that he is not participating in this *Jihad* for any unfair reasons. The fighters must realize that they are taking part in such a *Jihad* in order to spread the Word of Allah ﷻ. This concept is based on the verse of the Glorious *Qur’ân Sura Anfal* [War Booties] 8:39,

“And fight them on until there is no more tumult or oppression, and there prevails justice and faith in Allah altogether and everywhere; but if they cease, verily Allah does see all that they do.”

Moreover, if the enemies of Islam cease their fire and resort to stop the war accepting to make peace with the Islamic *Jihad* government, the Muslim fighters must, as well, cease their fires and stop all *Jihad* activities. In fact, it becomes unlawful for Muslims to continue to fight in *Jihad* against the troops of the other side if the confronted party cease their fire and ask for peace. This concept is based on the verse of the Glorious *Qur’ân Sura Nisa* [The Women] 4:90,

“Therefore if they withdraw from you but fight you not, and (instead) send you (guarantees of) peace, then Allah has left no way for you (to war against them).”

Furthermore, all other types of wars that aims at land expansion, colonial interests and revenge wars that result with a wide, or full destruction, are totally prohibited according to Islam. Yet, although Islam permitted fighting against enemies for necessary reasons, but it has laid articulate rules of conduct in waging wars against enemies of Islam. Islam does not allow fighters to kill haphazardly any body. Islam permits to kill only fighting staff and supporting forces, on the other side. Islam does not permit, accept or condone to kill elderly people, children, women, sick people, medically under treatment and medical staff worriers and monks who have secluded themselves for worship of Allah ﷻ in their own ways and principles. Islam prohibits killing a wounded man in a battle. Islam also forbids mutilating the bodies and organs of the deceased enemy fighters. Islam also forbids to kill the cattle or any type of animals of the enemies, destroy the houses of the people, pollute the potable waters, rivers, lakes, springs and wells of water of the fighting enemies. Islam prohibits killing a wounded fighter of the enemies in the battlefield. Islam prohibits chasing people who flee the battlefield. This concept is based on the verse of the Glorious *Qur’ân Sura Qasas* [The Stories] 28:77,

“But seek, with the (wealth) which Allah has bestowed on you, the Home of the Hereafter, nor forget your portion in this World: but do you good, as Allah has been good to you, and seek not (occasions for) mischief in the land: for Allah loves not those who do mischief.”

It is also based on the statement of Allah’s Messenger ﷺ,

‘Invade (in fight for the) Cause of Allah and in His Name against those who declare their unbelief in Allah. Invade (fight) but do not breach your contracts or truces, do not mutilate and do not kill a newly born baby.’²⁴

This is also in compliance to the directions and the recommendation of the first Caliph, Abu Bakr ؓ to his military leaders upon commissioning them for *Jihad*. He ؓ said,

Listen and obey the following ten commands and instructions: Do not betray any one (if you give a pledge). Do not ever steal from the war booties. Do not breach your pledge of allegiance. Do not mutilate the body of the killed enemy fighters or deceased. Do not kill a child or a minor. Do not kill an elderly man or woman. Do not kill a woman. Do not pull out a date palm tree (or any other trees) and do not burn it either. Do not cut or destroy a fruit tree. Do not slaughter a female sheep, a cow or a camel except for your (required) food. You surely will pass by some people who isolate themselves and are secluded for worship of Allah ﷻ as monks and else, thus leave them alone and do not disturb them ever. You will, surely, stop at some people on the road, who will bring forth for you all types of food dishes. Whenever you eat their food utter the name of Allah ﷻ each time you eat. You will, surely, pass by a group of people who shaved the hair in the center of their heads, and left the surrounding hair long braids. Go ahead, kill these people as they are the fighters and worriers who carry their swords against you, of the enemies. Go ahead, with the name of Allah ﷻ.

²⁴ Sahih Muslim, *Hadith* No. 1731.

Similarly, the POW, prisoners of war, in an Islamic *Jihad* are not to be tortured, humiliated, mutilated or imprisoned in tight prison cells without food and drink until death. This is based on the verse of the Glorious *Qur'ân Sura Insan-Dahr* [The Human Being] 76:8.

“And, they feed, for the love of Allah, the indigent, the orphan, and the captive. 9- (Saying), "We feed you for the sake of Allah alone: no reward do we desire from you, or thanks.”

The Islamic government has the right either to set free such POW as a result of Islamic *Jihad*, with no ransom at all, or else, set them free for a ransom or exchange them for Muslim POW with their enemies. This is based on the verse of the Glorious *Qur'ân Muhammad* 47:4,

“Therefore, when you meet the Unbelievers (in fight), smite at their necks; at length, when you have thoroughly subdued them, bind a bond firmly (on them): thereafter (is the time for) either generosity or ransom: until the war lays down its burdens. Thus (are you commanded): but if it had been Allah's Will, He could certainly have exacted retribution from them (Himself); but (He lets you fight) in order to test you, some with others. But those who are slain in the way of Allah, He will never let their deeds be lost.”

As for the conquered people, the non-Muslim residents of an Islamic state, their family, possessions and estate must be protected. No one has a right to seize the possession or the wealth of the non-Muslim residents. No one has the right to humiliate them or encroach up their honor. No one has the right to attack them for a revenge of any sort. On the contrary, non-Muslim residents in an Islamic state must be well treated, justly dealt with and equally respected. The belief and religious practices of the non-Muslim residents in an Islamic state must as well be respected. All this is based on the verse of the Glorious *Qur'ân Sura Hajj* [Pilgrimage] 22:41,

“(They are) those who, if We establish them in the land, establish regular prayer and give regular charity, enjoin the

right and forbid wrong: with Allah rests the end (and decision) of (all) affairs.”

The non-Muslim residents of an Islamic state are, however, required to pay a minimal tax called “head-tax” or *Jizyah*. Head-tax is collected from individuals who do not want to join Islam and desire to keep in their religion while living in an Islamic state and under Islamic rule. This head-tax has three types as follows:

The head-tax of the rich and wealthy class: Its total amount is an equivalent to the sum of (48) forty-eight Dirhams²⁵ a year.

The head-tax of the middle or average class, such as merchants, traders and farmer: Its total amount is an equivalent to the sum of (24) twenty-four Dirhams a year.

The head-tax of the working class, such as bakers, carpenters, plumbers and the like: Its total amount is an equivalent to the sum of (12) twelve Dirhams a year.

The head-tax is collected in return to the protection and the life guarantee of the non-Muslim residents of an Islamic State as well as the protection of this wealth, estate, possessions and the like. Furthermore, such people will enjoy all the rights, which Muslim conquerors will enjoy. This is declared by a Muslim leader and warrior, General Khalid bin al-Waleed ؓ who once pledged his allegiance to the non-Muslim residents of an Islamic state and said, ‘I offer you my pledge of allegiance to fully protect you against the head-tax collected from you. If we provide the necessary protection, we are entitled for the head-tax. Otherwise, you are not required to pay it.’²⁶

Meanwhile, the head-tax is not applicable to every person who is non-

²⁵ A Dirham is an old Islamic coin equivalent in value to 2.28 grams of silver. The name “Dirham”, however is still in use in some Islamic and Arab world countries, but it does not mean or have the same value of the old coin.

²⁶ Balathuree, *The History*.

Muslim resident of an Islamic state. For instance, the poor, the minor, the women, the monks, the blind people, the disabled individuals or the handicapped, all of these categories of people are not required to pay head-tax to the Islamic state. Moreover, Islam made it obligatory to the Islamic government to provide the full protection to these categories of people and offer them suitable living allowances. In fact, the pledge of allegiance given by General Khalid bin al-Waleed ؓ to the non-Muslim residents of the town called Heerah in Iraq, under the Islamic rule, stated the following, ‘Any elderly person, disabled worker, terminally ill person or a rich person who went bankrupt and based on that, deserve charity from the fellow religious people, all of these categories of people are not required to pay head-tax. Furthermore, all these categories will become entitled for suitable allowances from the Islamic Treasury for himself and his supported family members.’²⁷

Furthermore, the second Caliph, Omar bin al-Khattab ؓ, once passed by a an old Jew who was begging from people. Omar ؓ asked about this man and was informed that the man was a non-Muslim resident of the Islamic state. Omar ؓ immediately said, ‘We have not been fair to you! We’ve collected head-tax from you while you were young and capable and neglected you at your old age!’ Omar ؓ took the old Jew to his own home and offered him whatever he found of foodstuff and clothes. Later, Omar ؓ called the Treasury and instructed him saying, ‘Follow up, monitor and observe the situations of similar people. Offer them sufficient assistance that suffices them and their family members from the Islamic Treasury. Allah ﷻ stated in the Glorious *Qur’ân Sura Tawbah* [The Repentance] 9:60

“Alms are for the poor and the needy.”

The poor are the Muslims and the needy are the non-Muslim residents of an Islamic state.²⁸

²⁷ Abu Yousuf, *al-Kharaj*, p.144.

²⁸ Ibid, p.126.

Physical Protection

Human life is very important in Islam. The human being must be protected, preserved and given full dues. For this very reason, Islam dictated equal punishment and retaliation or retribution unto individuals who harm others infringing any harm on any person. Islam commands to kill a pre-determined and premeditating criminal who kills an innocent person or soul. However, un-intentional killing has a separate sentence. In such events, the family, or the heirs of the killed victim are given a *Diyyah*; blood money in substitution of the soul of the victim. On the other hand, atonement is paid in other cases. The atonement is to free a Muslim slave and if this is not available, then fast two consecutive months. All such penalties are imposed in order to preserve the Muslim soul. None has the right to tamper with people's lives, possession or estate for no legitimate reason. All oppressing or abusing individuals must be warned against unjust killing, victimizing or harassing other innocent members of the Islamic society. Furthermore, if an abuser, criminal or killer knows for sure that he will be killed in retaliation for his homicide, he has no permission to proceed and carry out his plan of homicide. If the retaliation is not the same kind of the crime itself, a criminal person will not care, or take heed of the crime he intends to do. Similarly, all other Corpal punishments have the same rationales. The punishment corresponds to type of the crime. That is what Islam sets out. All Corpal punishments are oriented to perpetuate the preservation of the human life and possessions in an Islamic society. The Almighty Allah states in the Glorious *Qur'ân Sura Baqara* [The Cow] 2:179,

“In the law of Equality there is (saving of) Life to you, Oh you men of understanding; that you may restrain yourselves.”

Islam does not stop at this point by inflicting only the worldly penalty for an intentional killer. Such a criminal is yet to face further penalty in the Hereafter. The penalty of the Hereafter will be the Wrath of the Almighty Allah, which he will receive in addition to severe punishment and torment. The Almighty Allah states in the Glorious

Qur'ân Sura Nisa [Women] 4:9,

“If a man kills a Believer intentionally, his recompense is Hell, to abide therein (forever): and the Wrath and the Curse of Allah are upon him, and a dreadful penalty is prepared for him.”

In regard to human life, Islam has imposed certain specific duties on every one. The following are some of these duties:

- Man does not possess his soul or his own body but rather it is entrusted to him on a temporary basis. Therefore, man is not entitled to torture it or cause any harms, purposely, to it. This life is only to be given in sacrifice for the cause of the Almighty Allah. Islam, therefore, bans any type of suicidal crime or anything leading to it. The Almighty Allah states in the Glorious *Qur'ân Sura Nisa* [Women] 4:29.

“Oh you who believe! Eat not up your property among yourselves in vanities: but let there be among you traffic and trade by mutual good-will: nor kill (or destroy) yourselves: for verily Allah has been to you Most Merciful!”

- Man must maintain a proper nutrition care to satisfy and satisfy minimum requirements that is essential for a decent living. Man, therefore is not allowed to deprive himself of permissible food, drinks, clothing, marriage and proper care. The Almighty Allah states in the Glorious *Qur'ân Sura Aaraf* [The Heights] 7:32,

‘Say: Who has forbidden the beautiful (gifts) of Allah, which He has produced for His servants, and the things, clean and pure, (which He has provided) for sustenance? Say, they are, in the life of this world, for those who believe, (and) purely for them on the Day of Judgment. Thus do We explain the Signs in detail for those who understand.’

- In fact, the Almighty Allah denied the fact that the Prophet ﷺ banning himself to eat any honey in order to please one of his

wives. The Almighty Allah states in the Glorious *Qur'ân Sura Tahreem* (Forbidding) 66:1,

“Oh Prophet! Why hold you to be forbidden that which Allah has made lawful to you? You seek to please your consorts but Allah is Oft-Forgiving, Most Merciful.”

However, it is expected that mankind would be neither stingy nor extravagant. Policy of moderation is commendable. Man may, and rather should, enjoy the lawful bounties offered by the Almighty Allah to man on earth, but as pointed out, in moderation. Man should be neither excessive nor niggard even in lawful items. Moderation is the best and most pleasing approach in this regard. Moderation must be done within the limits and framework of the Islamic laws and constraints. The Almighty Allah states in the Glorious *Qur'ân Sura Aaraf* (The Heights) 7:31,

“Oh Children of Adam! Wear your beautiful apparel at every time and place of prayer: eat and drink: but waste not by excess, for Allah loves not the wasters.”

Islam forbids man to neglect his physical needs that are required for a decent life. Sadism is not tolerated, condoned, allowed or acceptable in Islam. Man is not allowed to torture his own body, even if this is done in any form of worship of the Almighty Allah. The Almighty Allah states in the Glorious *Qur'ân Sura Baqara* [The Cow] 2: 286,

“On no soul does Allah place a burden greater than it can bear. It gets every good that it earns, and it suffers every ill that it earns.”

It is further reported that Anas bin Malik ؓ said that, ‘Three men came to the Prophet’s ﷺ house. They inquired about the manners and the amount of worship that Allah’s Messenger ﷺ does and maintains while in his own home. When these folks were informed about the reply, as if they belittled the amount of worship reported to them. These men said to each other, ‘We are so little in comparison with the Prophet ﷺ. The Almighty Allah has forgiven and pardoned completely

all the sins of the Prophet ﷺ and wiped the previous and the future sins. Based on this, one of the three men declared, 'I shall not sleep any minute during the nights. I shall stand up and spend the entire night in prayers.' The second man declared, 'As for me, I shall never, from now on, (until I die) break a day of fast. I shall fast the rest of my entire life (in worship of Allah).' As for the third man, he declared, 'As for me, I shall never marry women during my entire life (consequently, he will not have any sexual activities at all and chaste himself in worship).' Anas ؓ continued, 'Allah's Messenger ﷺ came by and listened to what these people vowed to do. He ﷺ commented as follows, 'Are you the three people who said such and such?' They replied positively. Thus, Allah's Apostle ﷺ said,

'As far as I am concerned, I am the most God-fearing and mindful person among you. However, I offer (some) prayers during the night and I also sleep, I observe fast for some days, and break the fast on other days (of the eleven months outside the month of Ramadan) and I marry. Whosoever deviates from my Sunnah practices does not belong to me (in faith).'²⁹

The Preservation of Mind

In terms of responsibility and the performance of a religious duty, human mind assumes pivotal accountability. Islam, therefore, bans all harmful substances, drugs, intoxicants and the like having negative impact on the mind. The word alcohol, in Arabic, is derived from preventing the brain from functioning properly. Alcohol is considered according to Islam the core of all vices. For it provides disastrous results to the users. Islam sets forth a whipping penalty to the person who uses alcoholic beverages. Consequently, if the brain is preserved in a sober and good functioning condition, then the health will be preserved, the wealth will be properly maintained and the protected items will be also looked after properly. All other destructive items may be also added under this class or category of alcoholism. The Almighty Allah states in

²⁹ Bukahri and Muslim, *al-lulu wal-Marjan*, Hadith No. 884.

the Glorious *Qur'ân Sura Maidah* [The Table] 5:90, 91.

“Oh you who believe! Intoxicants and gambling, (dedication of) stones, and (divination by) arrows, are an abomination of Satan's handiwork: eschew such (abomination), that you may prosper.

Satan's plan is (but) to excite enmity and hatred between you, with intoxicants and gambling, and hinder you from the remembrance of Allah and from prayer: will you not then abstain?”

In fact, Islam applies stringent rules in order to ban alcohol in the Islamic society once and for all. Islam forbids the manufacturing of any alcohol beverages, earning any income from the sale of alcohol. Moreover, Islam discourages to promote such alcoholic beverages at all in the Islamic society, even if the promoter or salesperson himself does not either drink it or use it. This prohibition is based on the *Hadith* of Allah's Messenger ﷺ,

‘alcohol is cursed, the drunkard of alcoholic beverages is also cursed, the bartender who offers people or serves people to drink alcoholic beverages is also cursed, the seller of the alcoholic beverages is also cursed, the purchaser of alcoholic beverages is also cursed, the squeezers of the grapes to make it into alcoholic beverages is also cursed, the courier (or the carrier) of the alcoholic beverages is also cursed, the person who requests others to carry alcoholic beverages to bring them to him is also cursed, and the person who benefits from the price collected on the sale of alcoholic beverages is also cursed.’³⁰

The Preservation of Honor

Islam prohibits all types of adultery and fornication. Yet, it has banned all activities that lead to commit such a heinous crime against self, others and the entire society. On this point, Islam concurs with

³⁰ *Ibn Majah, Hadith No. 3423*

previous divine religions. Islam, however, went further towards this direction. Islam banned any act that may lead to committing such a crime against the humanity. Islam banned unlawful look at a female, or a male that may attract a person from a different sex. Further, Islam bans a man and a woman who are not related to each other and can marry to be alone, or in seclusion from public. Likewise, Islam bans the lustful touches of the two opposite sexes. Furthermore, Islam bans the mingling of the two opposite sexes. This closes all the possible avenues of committing adultery or fornication of any type. This is based on the verse in the Glorious *Qur'ân Sura Isra* [The Night Journey] 17:32,

'Nor come nigh to adultery: for it is a shameful (deed) and an evil, opening the road (to other evils).'

It is also based on another verse of the Glorious *Qur'ân Sura Anam* [Cattle] 6:151,

"Say: "Come, I will rehearse what Allah has (really) prohibited you from": join not anything as equal with Him; be good to your parents; kill not your children on a plea of want - We provide sustenance for you and for them - come not nigh to shameful deeds, whether open or secret; take not life, which Allah has made sacred, except by way of justice and law: thus does He command you, that you may learn wisdom."

Therefore, Islam sets a Corpal punishment for a bachelor male or female who commits fornication. The Almighty Allah states in the Glorious *Qur'ân Sura Nur* [The Light] 24:2,

"The woman and the man guilty of adultery or fornication flog each of them with a hundred stripes: let not compassion move you in their case, in a matter prescribed by Allah, if you believe in Allah and the Last Day: and let a party of the Believers witness their punishment."

Allah's Messenger ﷺ further expounded the graveness of the crime of adultery saying,

*'There is no greater sin (in the Sight of Allah ﷻ and Islam) after the sin of associating others in the worship of Allah ﷻ, (that is more flagrant in the Sight of Allah ﷻ) than placing a semen in a private part of a woman who is not lawful for the man to place there.'*³¹

As for the married male or female who commits adultery, while being married, or after divorcing one's spouse, the penalty for such a criminal person is to stone to death. The criterion to apply this Corpal punishment, however, is to meet one of the following conditions:

1. Confession:

This means that both, male and female, confess their crime openly and publicly before the Muslim Judge or ruler. Punishment, in this case, is not executed immediately and from the first instant of being reported. The offenders are given the chance to review their confession and admission of sin. If they insist repeatedly, several times this Corpal punishment is executed.

2. Testimony of the witnesses:

It means the witnesses of four fair, trustworthy, honest and sound people who report seeing the adulterers in action. These witnesses must state the minute details of seeing and witnessing the detailed intercourse. Of course, such a scene is very rare to come by as most reasonable and normal people have their intercourse in full privacy and behind closed doors, or rather properly locked and secret places. Therefore, seeing a crime of adultery in action is almost impossible under normal conditions and circumstances. In fact, the history of Islam recorded two or three instances of confession on crimes of adultery. The individuals, who committed such a flagrant crime and openly confessed their crime was because of their clean conscious and strong faith in Allah ﷻ. They wished to be penalized in the world and be protected in the Hereafter. However, if the actual intercourse does

³¹ *Ibn abid-Dunya.*

not fully take place, there will be no application of Corpal punishment. For instance, if a person, male or female only kisses, hugs or touches the private parts of the other person, without actually committing adultery or fornication, this Corpal punishment will not be applicable to them.

Islam further establishes a penalty of false accusation to a person who accuses another person for committing adultery or fornication, but does not produce tangible evidence to support his claim and accusation. Such a false accuser will be given eighty lashes for his/her false accusation. This is based on the verse in the Glorious *Qur'ân Sura Nur* [The Light] 24:4,

“And those who launch a charge against chaste women, and produce not four witnesses, (to support their allegations), flog them with eighty stripes; and reject their evidence ever after: for such men are wicked transgressors.”

Furthermore, Islam prohibits all derogatory acts that violate the honor, dignity and respect of Muslims in the community. This is based on the verse in the Glorious *Qur'ân Sura Hujurat* [The Chambers] 49:11,12.

“Oh you who believe! Let not some men among you laugh at others: it may be that the (latter) are better than the (former): nor let some women laugh at others: it may be that the (latter) are better than the (former): nor defame nor be sarcastic to each other, nor call each other by (offensive) nicknames: ill-seeming is a name connoting wickedness, (to be used of one) after he has believed: and those who do not desist are (indeed) doing wrong.

Oh you who believe! Avoid suspicion as much (as possible): for suspicion in some cases is a sin: and spy not on each other, nor speak ill of each other behind their backs. Would any of you like to eat the flesh of his dead brother? Nay, you would abhor it. However, fear Allah: for Allah is Oft-Returning, Most-Merciful.”

This is also based on another verse of the Glorious *Qur'ân Sura Nisa* [Women] 4:112,

“But if any one earns a fault or a sin and throws it on to one that is innocent, he carries (on himself) (both) a falsehood and a flagrant sin.”

The Preservation of Wealth

Islam has protected personal wealth. Islam imposes very strict penalties against thefts and thieves. This is done with the idea of ensuring protection to the wealth of the individuals, their ownership and personal assets. Therefore, Islam imposes the Corpal punishment of cutting off the hand of the thief who steals the belonging of others. The Almighty Allah states in the Glorious *Qur'ân Sura Maidah* [The Table] 5:38,

“As to the thief, male or female, cut off his or her hands: a punishment by way of example, from Allah, for their crime: and Allah is Exalted in Power. Full of Wisdom.”

The process of amputating the hand of a thief is orderly. It is not haphazard as anti-Islamic elements project. Basic conditions must be met in order to cut off the hand of the thief. These conditions are as follows:

- The stolen item, money, or valuables must be under a locked area. The thief must break the lock to get to the item he steals. Therefore, if a thief steals an item that is left outside, not cared for, then the hand of the thief won't be cut off. The thief, however, in such a case will be subjected to penalty. The executive authority is to determine the appropriate penalty. The owner of the stolen item is considered, in such situation, negligent for his valuable items.
- The theft committed should not involve the food for survival. If the theft is for the sole purpose of feeding oneself, the hand of such a thief will not be cut off. This is based on the action taken by the second Caliph Omar bin al-Khattab رضي الله عنه during the year called the

“*Ramadah Year Famine*” where Omar ؓ did not apply this Corpal theft punishment due to the then existing circumstances.

- The value of the theft must be within the range of the value set for stealing which renders a convicted punishable with the amputation of hand.

It should also be pointed out here that this type of Corpal punishment would not be executed unless all pertinent evidence is available and there is not doubt in the mind of the Muslim judge, that the crime is punishable by Islamic law. This is based on the statement of Allah’s Messenger ﷺ, ‘Block off the application of the Corpal punishment by negating the presence of any possible or potential judicial errors.’

Islamic jurisprudence, however, while expiating Corpal punishment of a criminal for the crime he committed, will substitute it with another type of disciplinary punishment. *Disciplinary* punishment is usually less than the Corpal punishment and is determined by the Muslim judge according to the type, level, category and severity of the crime and the criminal himself and his criminal records. *Disciplinary* punishment may be imprisonment, whipping in public, reprimanding him or imposing a fine for his crime.

Furthermore, Islam has banned all types of transgression against private possessions, estate and lands ownership. This is based on the verse in the Glorious *Qur’ân Sura Baqara* [The Cow] 2:188,

“And do not eat up your property among yourselves for vanities, nor use it as bait for the judges, with intent that you may eat up wrongfully and knowingly a little of (other) people's property.”

Therefore, the transgressor will be subjected to a tremendous and severe penalty on the Day of Judgement. This is based on the statement of Allah’s Messenger ﷺ,

‘Whosoever unjustly takes any money of the wealth of another Muslim’s wealth without a due right, Allah will meet such a

*person while He is indignant with him.*³²

This is also based on another statement of Allah's Messenger ﷺ,

*'Whosoever unjustly grabs a hand measurement of a land (of another Muslim) Allah ﷻ will cause such an oppressor to be surrounded with seven earths (around his neck) on the Day of Judgement.'*³³

Moreover, Islam demands that the oppressor must return the amount he unjustly confiscated of other Muslims' land or property or alternatively he is forced to pay the value of such unjustly confiscated property. Furthermore, the oppressor in such a situation is subjected to a lashing penalty determined by the Muslim judge. Yet, Islam entitles the owner of a wealth or property to defend all that he owns even at the point of killing the oppressor. If the owner kills his oppressor, he is not to be killed for killing the oppressor, if he can prove that he killed him while defending his ownership. If the oppressor, on the other hand, killed the defending owner, the killed owner is a martyr. This is based on the statement of Allah's Messenger ﷺ,

*'Whosoever is killed defending his wealth is categorized as a martyr.'*³⁴

Preservation of Progeny

Islam pays a special attention to the reproduction of man and the maintenance of the human race on earth. This race of human is entrusted with the guardianship of the entire earth and the representation of divine wisdom to serve as the vicegerent of the Almighty Allah on earth. Therefore, stopping the reproduction process by any means, ceasing it in any form or tampering with it in any way or cause to reduce it, for no legitimate reason, is an unlawful practice

³² Mosnad Ahmad, *Hadith* No. 3946.

³³ Ibid., *Hadith* No. 9588

³⁴ Bukahri, *Hadith* No. 2348.

according to Islam. The Almighty Allah states in the Glorious *Qur'ân Sura Baqara* [The Cow], 205.

“When he turns his back, his aim everywhere is to spread mischief through the earth and destroy crops and cattle. But Allah loves not mischief.”

Islam, for instance, prohibits abortion after the fourth month of pregnancy. Muslims believe that the soul will be blown in the fetus at the fourth month of pregnancy. However, if there is a grave situation, which endangers the life of mother, there is no harm in performing abortion to the fetus. This is based on the statement of Allah's Messenger ﷺ,

‘...A fetus will be constructed in the shape of sperm for forty days. Then, it will be a clinking clot [to the internal side of the mother's womb] for another forty days. Then, the angel [is further] commanded to write the following four items [concerning the future life of the fetus on the earth] as follows: the [pre-determined] provision of the fetus, his/her term [life duration on earth], and whether he/she is fortunate or unfortunate [while alive on earth].’³⁵

In fact, Islam considers it a premeditated killing when a pregnant mother performs abortion after the soul is blown in the fetus [after four months of pregnancy]. Such a killing entitles a punishment for both parents. Unintentional abortion, however, requires a blood-money substitution for the aborted fetus. This issue may be reviewed in the books on Islamic jurisprudence.

Many statements of Allah's Messenger ﷺ are reported in this regard concerning the urge to have a normal reproduction of the human race, the maintenance of the human race and to increase the rate of reproduction, if possible. Allah's Messenger ﷺ says,

³⁵ Bukhari, *Hadith* No. 3036.

*'Marry a loving, kind and reproducing female as I will take a special pride by you on the Day of Judgement.'*³⁶

Lineage Preservation

Islam capitalizes on the value of the nucleus family and the broader sense of family as well. The nucleus family is the basis and the foundation of the society. In order to protect this family against breaking and disintegrating, Islam pays every attention to this unit of the society. Lineage is one of the essential bonds of the family. A relative will recognize the rights of his kin and kith and consequently, will pay his due right to that relative in an appropriate fashion. Allah ﷻ laid down certain rules, and regulations that consolidate the foundations of kinship rights on every individual member of the family. Moreover, Islam protects the family against interactions that may lead to its disintegration. Open relationships between the family members, who are permitted to marry one another lawfully, may lead to many family social problems. Such open family relationship may, for instance, lead to unlawful types of marriages such as the incest marriages or may cause the deprivation of inheritance for the person who is entitled for inheritance and vice versa. Allah's Messenger ﷺ says,

*'Any woman, who falsely attributes a child to her household as a genuine child of her husband, is not considered a Believer in Allah. Furthermore, Allah ﷻ will not permit such a woman to enter Jannah. Moreover, any man who falsely denies his son, while looking at him [knowing that he is truly his son], Allah ﷻ will place a barrier between Him and that man [will not permit such a man to look at Him]. Furthermore, Allah ﷻ will scandalize such a false claim of this person before the entire humanity [on the Day of Judgement].'*³⁷

³⁶ AbuDaoud, *Hadith* No. 2050.

³⁷ Abu Dawoud, *Hadith* No. 2263 and Nasaiee, 6:179.

In the pre-Islamic *Jahiliyyah* the family system was corrupt. Islam initiated decisive reformations. It annihilated all existent malpractice. The following are some of the items banned by Islam:

- **Child adoption:**

Islam prohibits adopting a child who is not a genuine and blood child of a male. Thus, adopted child will take the family name of the adopting father or parents and will be entitled to all rights and duties like one's real and own child. This is based on the verse in the Glorious *Qur'an Sura Ahzab* [The Confederates], 33:4,5.

“Allah has not made for any man two hearts in his (one) body: nor has He made your wives whom you divorce by Zihar³⁸ your mothers: nor has He made your adopted sons your sons. Such is (only) your (manner of) speech by your mouths. But Allah tells (you) the Truth, and He shows the (right) Way.

Call them by (the names of) their fathers: that is more just in the Sight of Allah. However, if you know not their father's (names, call them) your Brothers in Faith, or your Maulas³⁹. However, there is no blame on you if you make a mistake therein: (what counts is) the intention of your hearts: and Allah is Oft-Forgiving, Most Merciful.”

- **Admitting a child as a son/daughter:**

A father must openly declare that the child is truly his legitimate child, in order for the child to be attributed to him in lineage. Islam bans

³⁸ *Zihar* is the practice of saying to one's wife, 'You are declared unlawful to me like the back of my mother is.' This is an unlawful practice in Islam, which is banned from pre-Islamic *Jahiliyyah* society.

³⁹ This is a known title in the pre-Islamic *Jahiliyyah* society given to the person, or a group of people who surrender themselves as loyal followers to a tribe or a clan, although they do not belong to them, for the sake of protection and seeking their support. Those individuals do not have the same class, category or rights as the original tribe or clan members.

claiming a child to a man without father's admission because such a claim jeopardizes marital relationships as well as family life. Moreover, such inconsiderate claim gives the man (who might and might not be a husband) the power to follow his whims and personal desires to claim as he pleases. Yet, the woman (who might be the wife in such case) is exposed and subjected for false accusations. This blemishes her honor and dignity and pride by accusing her with illegitimate sexual activities with a man other than her own lawful husband. Moreover, such a false claim of a man may create a rift between the rest of the children of the family, and distort the lineage of that particular family by mixing the pure children with out of wedlock children. Islam, therefore, determines that any child born who is a legitimate product of a marriage contract is attributed to the father with no need of any further proof or denial. A husband of a woman needs not to admit openly that child is his. Such a declaration seems odd and unnecessary. This practice is based on the statement of Allah's Messenger ﷺ,

*'The (born) child (as a result of a lawful marriage) belongs to the (bed of) his father.'*⁴⁰

The only exception to this rule is when it is proved, beyond a doubt, that the wife is betraying her husband and is pregnant from another man, other than her own husband. In such case, specific rules and judicial sentences will apply. We shall not cover these rules in this book.

- **“Khal'a”, or disowning:**

It is the instance where a father discovers legitimately that some of the children who are attributed to him are not really his. Thus, after disowning such person, or persons, he will become total stranger to them. This means that if the person who is disowned is a female, she must not appear before such a man at her leisure, travel with him, live with him or deals freely with him.

⁴⁰ AbuDaoud, 6:181.

- **Woman's family name change after marriage:**

A Muslim woman, after marriage keeps her median's family name according to Islamic jurisprudence. According to Islamic teachings and law, it is unlawful for a woman to bear the family name of her husband after marriage. Looking at this closely one can comprehend the great honor, dignity and respect for the freedom granted to the woman in Islam. Moreover, this practice preserves the equality and equal right of a Muslim woman to the Muslim man in the right of carrying their own independent name and to become a follower to the husband's family name immediately after marriage.

- **Preserving and honoring the rights of the weak and the disable person:**

Islam honors the elderly members in the Islamic society, respects them and extends every possible assistance to them. Individuals who have dedicated their lives for the sake of society and nation must be truly honored and respected. Similarly, the disable persons, who are tested and tried by Allah ﷻ with such disabilities, are also to be respected. They are disabled, Allah knows best, to test their patience and to let others benefit from seeing them and appreciate the Grace of Allah unto them as healthy people are perfectly enjoying all their limbs and organs properly. This is based on the statement of Allah's Messenger ﷺ,

*'He is not considered among us Muslims, who does not show mercy to our youngster and show respect to our elders.'*⁴¹

Furthermore, this practice is also based on the *Hadith* of Allah's Messenger ﷺ,

*'Never a young man respects and honors an elder at his old age, but the Almighty Allah will pay such a person back at his old age. Allah ﷻ will avail people to respect such a young respectful man at the old age when he needs it most.'*⁴²

⁴¹ Abu Dawoud, *Hadith* No. 1984 and Tirmithee *Hadith* No. 2091.

⁴² Tirmithee.

As for the helpless orphan, who really needs help and proper care, the Almighty Allah states in the Glorious *Qur'ân Sura Dhuha*, (The Forenoon), 93:9,

“Therefore treat not the orphan with harshness.”

Also, the Almighty Allah states in the Glorious *Qur'ân Sura Isra* (The Night Journey) 17:34,

“Come not nigh to the orphan's property except to improve it, until he attains the age of full strength; and fulfil (every) engagement, for (every) engagement, will be inquired into (on the Day of Reckoning).”

Furthermore, the Almighty Allah states in the Glorious *Qur'ân Sura Nisa* (The Women) 4:10,

“Those who unjustly eat up the property of orphans, eat up a fire into their own bodies: they will soon be enduring a blazing fire!”

Yet, Allah ﷻ addressed the preservation of the rights of the innocent children whose parents might commit a crime against them due to poverty and total ignorance by killing them. Allah ﷻ stated in the Glorious *Qur'ân Sura Anam* (The Cattle) 6:151,

“Say: “Come, I will rehearse what Allah has (really) prohibited you from”: join not anything as equal with Him; be good to your parents; kill not your children on a plea of want - We provide sustenance for you and for them - come not nigh to shameful deeds, whether open or secret; take not life, which Allah has made sacred, except by way of justice and law: thus does He command you, that you may learn wisdom.”

In this fashion we can see the preservation of the weak, gullible and less affluent people in the Islamic society.

- **The preservation and the safety of the national resources:**

All hidden, buried and reserved national resources are public property.

This does not mean that any body can have a direct access to its use as he pleases, but rather, the income generated from all these natural resources must be placed in the Islamic government Treasury. The Treasury will extend finances to meet the needs of the public. Such resources are not to be privately owned by a specific group or class of people or individuals for any specific merit. Such resources are publicly owned in terms of the public interest gain and benefits. It becomes a collective responsibility of the Islamic society to watch out for any intruder or aggressor and report such person to the Islamic authorities in order to maintain their safety. Any unlawful exploitation of natural resources is banned according to Islamic teachings and principles. The Almighty Allah states in the Glorious *Qur'ân Sura Baqarah* [The Cow] 2:60,

“And do no evil nor mischief on the (face of the) earth.”

Furthermore, this is based on the statement of Allah’s Messenger ﷺ,

*‘The human beings are partners in three items. These items are: water, grazing grass and fire (fuel).’*⁴³

• **Public and private rights in Islam:**

Islam endeavors to strengthen the social ties among the members of the Islamic society. Therefore, Islam first addressed the rights of the immediate members of the family. All the kindred have rights in Islam towards each other. The value and the importance of such rights vary according to the degree of relationship. The Almighty Allah states in the Glorious *Qur'ân Sura Nisa* [The Women] 4:1,

“Oh Mankind! Reverence your Guardian-Lord, who created you from a single Person, created, of like nature, his mate, and from them twain scattered (like seeds) countless men and women; fear Allah, through Whom you demand your mutual (rights), and (reverence) the wombs (that bore you): for Allah ever watches over you.”

⁴³ AbuDaoud, *Hadith* No. 3477.

Furthermore, the common relationships were not neglected in Islam either. Varied relationships between people make up a network, which joins people or makes them closer socially to each other. Distant people to each other need a type of bond that brings them together in a close net in order to appreciate one another. Hence, Islam establishes the basis for such a cohesive society. The Almighty Allah states in the Glorious *Qur'ân Sura Hajj* [Pilgrimage] 22:41,

“(They are) those who, if We establish them in the land, establish regular prayer and give regular charity, enjoin the right and forbid wrong: with Allah rests the end (and decision) of (all) affairs.”

This type of strengthening relationship is also based on the statement of Allah’s Messenger ﷺ,

‘The example of Believers in love, affection, cooperation and collaboration is like that of one body. If one organ of the body aches, the entire body will support the aching body by staying awake (in defense against the attacks of the foreign bodies) and by getting feverish (a state that shows the cooperation of the entire systems of the body to defend against the invading microbes or disease).’⁴⁴

Therefore, there are well-established public and private rights in the Islamic society. We will focus on the most important ones.

1. The Rights towards Almighty Allah

The essential right of man towards Allah ﷻ is, to worship Him alone, setting no rivals, partners, helpers or attribute any sons or daughters to Him ﷻ. Man must declare the testimony of Truth. He should bear witness to the fact that, ‘there is no deity worthy of worship but Allah alone.’ However, this declaration involves the following requirements:

- **Full faith:** Man must submit himself to Allah ﷻ in faith and total

⁴⁴ Sahih Bukahri, *Hadith* No. 2238 and Sahih Muslim, *Hadith* No. 2586.

belief. He must declare, with the acceptance of his heart, that, ‘There is no deity worthy of worship but Allah alone. He has no partner, assistant, and son or else. The Almighty Allah states in the Glorious *Qur’ân Sura Muhammad* 47:19,

“know, therefore, that there is no god but Allah, and ask forgiveness for the fault and for the men and women who believe: for Allah knows how you move about and how you dwell in your homes.”

• **Sole worship:** Allah alone deserves to be worshipped in full. None has the right to be worshipped along or besides Him. All statements, acts and hidden intentions must agree with what the Almighty has designated. All actions of man must be performed for the Pleasure of the Almighty. The Almighty Allah states in the Glorious *Qur’ân Sura Ghafir* (Forgiver) 40:60,

“And your Lord says: ‘Call on Me; I will answer your (Prayer): but those who are too arrogant to serve Me will surely find themselves in Hell, in humiliation!’”

An example of such worship is to offer the obligatory prayers. One of the fruits of offering and maintaining such prayer is to enjoin good and stop all evil acts. The Almighty Allah states in the Glorious *Qur’ân Sura Ankabot* (The Spider) 29:45,

“Recite what is sent of the Book by inspiration to thee, and establish regular Prayer: for Prayer restrains from shameful and unjust deeds; and remembrance of Allah is the greatest (thing in life) without doubt. And Allah knows the (deeds) that you do.”

Furthermore, the payment of *Zakah* to the destitute will tend to generate self-purification and elimination of misery and niggardliness. Additionally, an alms giver becomes considerate to others, especially needy and poor. The Almighty Allah states in the Glorious *Qur’ân Sura al-Lail* (The Night) 92:18-20.

*“Those who spend their wealth for increase in self-purification,
And have in their minds no favor from anyone for which a
reward is expected in return.
But only the desire to seek for the Countenance of their Lord
Most High.”*

Moreover, observing fasting enables man to have a better control over temptations and passions. It gives him a better self-discipline and grants man a better understanding of the sense of piety and God-fearing, a concept that is extremely hard to explain and visualize. The Almighty Allah states in the Glorious *Qur’ân Sura Baqara* (The Cow) 2:183,

*“Oh you who believe! Fasting is prescribed to you as it was
prescribed to those before you, that you may (learn) self-
restraint.”*

Performing *Hajj*, pilgrimage also has a special wisdom as the Almighty Allah states in the Glorious *Qur’ân Sura Hajj* (Pilgrimage) 22:28,

*“That they may witness the benefits (provided) for them, and
celebrate the name of Allah, through the Days Appointed, over
the cattle which He has provided for them (for sacrifice): then
eat you thereof and feed the distressed ones in want.”*

Moreover, all acts of worship in Islam are able to be performed. Average person is capable of performing and observing all acts of worship that Allah ﷻ obliged man to observe as obligatory duties. Islam is a natural and practicable religion. The Almighty Allah never prescribed a duty that man is unable to render or maintain on a regular basis. Allah ﷻ means well for His creatures. He never means to impose any hardship or difficulties on them. The Almighty Allah states in the Glorious *Qur’ân Sura Baqara* (The Cow) 2:185,

*“Allah intends every facility for you; He does not want to put
you to difficulties.”*

In support of this Allah's Messenger ﷺ says,

*'If I command you to do any activity, do as you can afford.'*⁴⁵

Such acts of worship, however, are either completely exempted, or at least sustained with concession in the events of hardships. This permission does not provide any excuse to render the acts of worship. For instance, standing is required to perform daily-prescribed prayer. If a worshipper is unable to offer prayer by standing up, he may offer it sitting down. If a worshipper is not able to perform prayer sitting down, he/she may offer prayer lying down on the side of the body or on his back, or in a way that is suitable and comfortable to his situation. If a worshipper is not able to maintain his prayer in any of the above situations, he may point out, blinking his eyes, and still offers an acceptable form of prayer, by indicating his motions for standing up, bowing, prostration and sitting down. Similarly, a male Muslim is to offer his daily-prescribed prayer in a group, with the congregation (preferably the first call) in the Masjid. This rule, however, is no longer a requirement, because of fear of harm, intensity of cold, rain, snow or similar other conditions. Furthermore, it is incumbent to perform ablution prior to offering a prayer. This requirement is waived if the water is extinct. In fact, a Muslim who cannot find accessible water may perform a *Tayam-mum* (Dry Ablution) instead and still offers his prayer exactly as if he performs ablution with water. Additionally, a menstruated or an after birth confined Muslim woman is exempted to offer a prayer while in her menses or bleeding until she is completely free of bleeding. Yet, such a Muslim woman in these conditions is not required to make up prayers they missed.

A Muslim, male or female, who does not possess *Nisab*, (The requisite amount on the basis of which it is obligatory to pay *Zakah*) is not required to pay any *Zakah* dues.

An old person who is unable to observe fasting, and a sick person who

⁴⁵ Sahih Bukahri, *Hadith* No. 1337.

also cannot observe fasting conveniently are exempted from fasting. They have to pay its atonement. Atonement is to feed a person for one meal for each day not fasted. Similarly, a traveler may break his fast while travelling, as travelling involves hardship and fatigue. Furthermore, a woman in her menses or a woman after childbirth and still bleeding, is not to fast until she is completely free of all bleeding. Such a woman, however, is to make up days of missed fasting.

Hajj, pilgrimage is not obligatory to a person who is incapable to perform it either due to physical inability or lack of financial abilities. However, a person who is financially capable to perform *Hajj* but physically is incapable, must pay someone else to serve him as substitute, on his behalf, to perform *Hajj*. A financially incapable person, however, is not required to observe this obligatory pillar of Islam until he becomes financially capable to perform it. Such person must have sufficient funds to satisfy his and his family needs. This is based upon the instruction of the verse of the Glorious *Qur'ân*, *Sura Al Imran* 3:97.

“In it are Signs manifest; (for example), the Station of Abraham; whoever enters it attains security; pilgrimage thereto is a duty men owe to Allah, those who can afford the journey; but if any deny faith, Allah stands not in need of any of His creatures.”

If a person faces the shortage of lawful food and is on the brink of death, he is allowed to take even unlawful food items (meat of the dead animal, pork and wine). However, he must take the least possible quantity to sustain his life breaths. This rule is also based upon the instructions of the verse of the Glorious *Qur'ân*, *Sura Baqarah* (The Cow) 2: 173.

“He has only forbidden you dead meat, and blood, and the flesh of swine, and that on which any other name has been invoked besides that of Allah. But if one is forced by necessity, without willful disobedience, nor transgressing due limits, then is he guiltless. For Allah is Oft-Forgiving, Most Merciful.”

Sayyid Qutub, the well-known scholar, comments on this verse, “ This is the belief, or religion, that acknowledges the humanity as a human being. Man is neither looked upon as a pure angel with angelic abilities, nor dealt with as devil Man is dealt with according to his actual physical abilities. All weakness points are taken into consideration as it comes to obligatory matters of worship. Main points of strength, however, are well taken into consideration as well, when it comes to all types of obligatory acts of worship in Islam. Moreover, man is looked at, and treated as a whole unit. Man’s soul, physical needs, nature, desires, mental abilities, emotional abilities and other needs are all taken into consideration when he is required to perform any obligatory, or even voluntary, acts of worship. All these are kept in harmony of a fine quality. No hardships are imposed, no burdens are placed and nothing above reach is required of man.

A Believing Muslim is required to acquire full faith in the “Names” and “Attributes” that Allah ﷻ has given Himself, or those attributed to Him by His Prophet and Messenger ﷺ. A human being is not to attribute any name or quality to Allah that neither Allah ﷻ nor His Prophet and Messenger attributed to Him. He must not offer any undue explanation, or offer any similitude or shape to express his opinion concerning these Names and Attributes of Allah ﷻ. This is based on the verse of the Glorious *Qur’ân Sura Shura (Consultation)* 42:11.

“There is nothing whatever like unto Him, and He is the One that hears and sees (all things).”

Human being must acquire full and total submission to the Will of Allah. This is expressed through willing obedience to all the Commands of Allah ﷻ. This is based on the instruction of the verse of the Glorious *Qur’ân Sura Ahzab (The Confederates)* 33:36.

“It is not fit for a Believer, man or woman, when a matter has been decided by Allah and His Messenger, to have any option about their decision: if anyone disobeys Allah and His Messenger, he is indeed on a clearly wrong Path.”

A Muslim must acquire a full and pure love of Allah ﷻ as well as His Prophet and Messenger ﷺ. This love should dominate the love of other beings. This directive is based on the instructions of the verse of the Glorious *Qur'ân Sura Tawbah* (The Repentance) 9: 24.

“Say: If it be that your fathers, your sons, your brothers, your mates, or your kindred; the wealth that you have gained; the commerce in which you fear a decline; or the dwellings in which you delight - are dearer to you than Allah, Or His Messenger, or the striving in His cause - then wait until Allah brings about His decision: and Allah guides not the rebellious.”

2- The Rights towards Prophet Mohammed ﷺ

In short, these rights may be put in the following declaration, “Mohammed ﷺ is the slave servant Messenger of Allah ﷻ. This declaration requires the following:

- Belief in the universality of the Message of Prophet Mohammed to the entire humanity. Islam is not oriented to a specific category of people, as it was the case with previous Prophets and Messengers ﷺ. This is derived from the verse of the Glorious *Qur'ân Sura A'raf* (The Heights) 7:158.

“Say: “Oh men! I am sent unto you all, as the Messenger of Allah, to Whom belongs the dominion of the heavens and the earth: there is no god but He: it is He that gives both life and death. So believe in Allah and His Messenger, the unlettered Prophet, who believed in Allah and His Words: follow him that (so) you may be guided.”

- Belief that Allah’s Messenger and Prophet, Mohammed ﷺ is fully protected against possible human errors. Similar is the belief that the Prophet ﷺ never made any omission or commission in delivering the complete Message of Allah ﷻ. This is based on the verse of the Glorious *Qur'ân Sura al-Najm* 59:3.

“Nor does he say (ought) of (his own) Desire.”

- Acquire complete belief that Prophet Mohammed ﷺ is the Final Prophet and Messenger of Allah ﷻ to mankind. Yet, he ﷺ is the best of all the Prophets and the Messengers ﷺ and that there is no Prophet or Messenger at all to come after him ﷺ. This is based on the verse of the Glorious *Qur'ân Sura Ahzab* (The Confederates) 33:40.

“Muhammad is not the father of any of your men, but (he is) the Messenger of Allah, and the Last of the Prophets.”

- Acquire complete belief that the religious duties and Divine Commands to mankind are complete and that the Prophet ﷺ has delivered the Message of Allah ﷻ in its entirety. Furthermore, the Prophet and the Messenger of Allah ﷻ has given the best advice to his *Ummah*, nation and the best guidance to do all good and to avoid all evils. This is based on the verse of the Glorious *Qur'ân Sura al-Maedah* (The Table) 5:3.

“This day have those who reject Faith given up all hope of your religion: yet fear them not but fear Me. This day have I perfected your religion for you, completed My favor upon you, and have chosen for you Islam as your religion. But if any is forced by hunger, with no inclination to transgression, Allah is indeed Oft-Forgiving, Most Merciful.”

- Acquire full belief that the laws enunciated in Islam are accepted as approved in the Sight of Allah ﷻ. All types of worship must hinge on and revolve around these divine laws. Human actions will not be accepted, Allah knows best, unless and until they are in conformity with these divine laws. This is based on the contents of the verse of the Glorious *Qur'ân Sura al-Imran* 3:85.

“If anyone desires a religion other than Islam (submission to Allah), never will it be accepted of him; and in the Hereafter he will be in the ranks of those who have lost (all spiritual good).”

- A Believer must render full compliance to the commands of the Prophet ﷺ. At the same time, he must strive to avoid any act of

disobedience. This is based on the instruction of the verse of the Glorious *Qur'ân Sura al-Hasher* (The Gathering) 59:7.

“So take what the Messenger assigns to you, and deny yourselves that which he withholds from you. And, fear Allah; for Allah is strict in Punishment.”

- A Muslim must demonstrate full acceptance, tolerance and satisfaction of any verdict passed by Allah’s Prophet and Messenger ﷺ. This is based on the instruction of the verse of the Glorious *Qur'ân Sura al-Nisa* (The Women) 4:65.

“But no, by Your Lord, they can have no (real) Faith, until they make thee judge in all disputes between them, and find in their souls no resistance against thy decisions, but accept them with the fullest conviction.”

- A Muslim must follow all *Sunnah*, and the authentic traditions that Allah's Messenger and Prophet ﷺ passed throughout his life. No one has any authority to alter, add or omit any of the *Sunnah* traditions of Allah’s Prophet and Messenger ﷺ. This is based on the instruction of the verse of the Glorious *Qur'ân Sura al-Imran* 3: 31.

“Say: ‘If you do love Allah, follow me: Allah will love you and forgive you your sins; for Allah is Oft-Forgiving, Most Merciful.’”

- A Believer must uphold the status of honor and dignity bestowed by Allah to His Prophet ﷺ. No one has the right to exaggerate his status. This is based on the statement of the Prophet ﷺ,

‘Do not praise me more than I deserve. Allah ﷻ created me as a slave-servant before calling me a Prophet, Messenger.’⁴⁶

- A Muslim must offer proper greeting to Allah’s Prophet and Messenger ﷺ every time his name is invoked. This is based on the instruction of the verse of the Glorious *Qur'ân Sura al-Ahzab* (The

⁴⁶ Tabraanee.

Confederates) 33:56.

“Allah and His Angels send blessings on the Prophet: Oh you who believe! Send your blessings on him, and salute him with all respect.”

- A Believer must acquire true love and affection of the Prophet and the Messenger of Allah ﷺ above all others. This is because of the grace, favor and blessings that the Prophet ﷺ brought forth for in the terms of guidance to the true religion of Allah ﷻ. This is based on the instruction of the verse of the Glorious *Qur’ân Sura al-Tawbah* (The Repentance) 9:24.

“Say: If it be that your fathers, your sons, your brothers, your mates, or your kindred; the wealth that you have gained; the commerce in which you fear a decline; or the dwellings in which you delight -are dearer to you than Allah, or His Messenger, or the striving in His cause- then wait until Allah brings about His decision: and Allah guides not the rebellious.”

- A Muslim must devote every possible effort and opportunity available to him to call others to the Message of Mohammed ﷺ. This must be done and performed with full wisdom. Inform the unaware, teach the ignorant, strengthen the faith of people with wavering faith, and all must be done with a great level of wisdom. This is based on the instruction of the Glorious *Qur’ân Sura al-Nahl* (The Bees) 16:125.

“Invite (all) to the Way of thy Lord with wisdom and beautiful preaching; and argue with them in ways that are best and most gracious: for Your Lord knows best, who have strayed from His Path, and who receive guidance.”

In addition, this is based on the statement of Allah’s Prophet and Messenger ﷺ,

‘Deliver on my behalf even one verse.’⁴⁷

⁴⁷ Bukhari, *Hadith* No. 3461 and Tirmithe, *Hadith* No. 2669.

3. Rights towards Other Prophets and Messengers

According to Islam, a belief of a Muslim is not considered complete unless declares a full faith in the truth of all the previous Prophets and Messengers of Allah ﷻ. A Muslim must believe that all the previous Prophets and Messengers were sent for specific groups of people at specific period of history. The missions and messages of these Prophets were unlike Islam. The Message of Islam and the Prophet Muhammad ﷺ is universal and for all times and climes until the Day of Judgement. This is also based on the instruction of the verse of the Glorious *Qur'ân, Sura Baqarah* (The Cow) 2:285.

“The Messenger believes in what has been revealed to him from his Lord, as do the men of faith. Each one (of them) believes in Allah, His angels, His Books, and His Messengers. “We make no distinction (they say) between one and another of His Messengers.” And they say: ‘We hear, and we obey, (we seek) Thy forgiveness, our Lord, and to Thee is the end of all journeys.’”

As pointed out earlier, Muslims must invite others to the Message of Islam as a way of life and as part of duty. Muslims are required only to deliver the Message of Islam to others, and not to force it on others or compel others to accept it. This is based on the instructions of the verse of the Glorious *Qur'ân Sura al-Kahf* (The Cave) 18:29.

“Say, ‘The Truth is from your Lord’: Let him who will, believe, and let him who will, reject (it).”

4. The Rights of Parents

The rights of parents mean, in short, their total obedience. This obedience must not contradict the obedience of Allah's Commands. It also involves being equally kind to both parents in terms of gifts and care. Additionally, a son or daughter must secure necessary items for parents in terms of food, clothing and proper shelter (with him and his family in the first place whenever possible). Moreover, a son or daughter must demonstrate all humility and respect to both parents

equally. A Muslim believing son or daughter must not show any arrogance against his both parents. A son or daughter must demonstrate all patience and perseverance when serving both his/her parents, equally. A son/daughter must show every possible consideration to the feelings and the emotions of his/her parents equally. This is based on the instruction of the verse of the Glorious *Qur'ân Sura Isra* (Night Journey) 17:23.

“Your Lord has decreed that you worship none but Him, and that you be kind to parents. Whether one or both of them attain old age in your life, say not to them a word of contempt, nor repel them, but address them in terms of honor.”

This is also based on the directive of Allah’s Prophet and Messenger ﷺ saying,

‘Allah’s Pleasure (with man) is based on the pleasure of both parents (with their child). Similarly, the Wrath of Allah (with a person) is also based upon the anger of the parents of such a child.’⁴⁸

Moreover, both parents are entitled for such right even if they are not Muslims so long as they do not command their children to do any act of disobedience of Allah ﷻ. This is based on the instruction of Allah, Messenger ﷺ reported by Aeshah ؓ, ‘My mother, while still not Muslim, came to visit me. I asked Allah’s Prophet ﷺ concerning her visit (and how to treat her while visiting me) and said, My mother is eager to visit with me. Should I (or should I not) extend my courtesy (as a host) to her? He ﷺ said, Mother, must be given priority in terms of kindness, sympathy, good feelings, love and affection. This is based on the advice of Allah’s Prophet ﷺ,

“A man came to Allah’s Prophet ﷺ and asked him, ‘Oh Prophet of Allah! Who is the most worthy and deserving person of my companionship? He ﷺ replied, “Your mother.” The man further

⁴⁸ Trimithee, *Hadith* No. 1962.

*asked, "Then who is next (in terms of receiving best of companionship)?" The man asked, 'who is next worthy person of my companionship?' Allah's Messenger replied, 'your mother.' The man asked [for the third time] 'who is next?' Allah's Messenger replied, 'It is your mother'. The man asked [the fourth time], 'who is next?' Allah's Messenger replied, 'Then is your father.' Then the next in kin.'"*⁴⁹

Thus, we notice that Allah's Messenger ﷺ assign the mother with a three-fold portion of the right of companionship, while offered the father only one share. This is because, Allah knows best, due to the fact that mothers suffer lot of hardships as it is not the case with the fathers. The mother raises, bears and extends parental care to the child. Additionally, it is based on the instructions as given the verse of the Glorious *Qur'ân, Sura Ahqaf* 46:15.

"We have enjoined on man kindness to his parents: in pain did his mother bear him, and in pain did she give him birth."

Mothers bear their child in the fetus for nine months. Fetus imposes in his nutrition on mother's food while in embryo. Mothers also suffer greatly with labor and delivery process. Then, mothers suffer further for caring of the child after birth as well.

5. The Rights of Husband towards His Wife

Financial and other means of care: A husband has the right of home management and direction. A husband, although a leader, but is not tyrant governor. A husband has the authority to see that family's interests are best served. This is based on the instructions of the verse of the Glorious *Qur'ân, Sura Nisa* (The Women) 4:34.

"Men are the protectors and maintainers of women, because Allah has given the one more [strength] than the other, and because they support them from their means."

⁴⁹ Bukhari *Hadith* No. 2227, Muslim *Hadith* No. 2584 and Tirmithe, *Hadith* No. 1959.

Furthermore, the husband, as a man, is more rational in resolving issues of family life. Wife, as a woman, is emotional in general.

A wife is required to obey the commands and instructions of her husband so long as these do not involve any act of disobedience to Allah's Command, and the Prophet's directives. This is in response to the instruction of Allah's Messenger ﷺ based upon Aeshah's question to him,

'Whose right is greatest on a woman? He ﷺ replied spontaneously, 'A woman's husband.' Similarly, when Allah's Messenger ﷺ was asked, 'whose right is greatest on a man?' He ﷺ replied, 'It is his own mother,'⁵⁰

A wife must not impose on her husband things that he cannot afford, or ask him for things that he is not capable to produce. A woman is also required to protect the wealth, the children and the lineage [by protecting herself and being completely chaste.] Additionally a wife must not leave her husband's home without his prior knowledge and approval. A wife is also, not allowed to let any person whom the husband hates, or dislikes to see in his home. This is based on the instructions given by Allah's Messenger ﷺ,

'The best of woman is that whom if you look at her you will be pleased (to see), if you command her [to perform any lawful action] will obey you, and if you are absent, or away from her (house) she will protect and preserve your wealth and lineage.'⁵¹

6. The Rights of Wife towards Her Husband

Dowry: A wife is entitled for a dowry from her husband. A marriage contract is incomplete without it. A dowry is not to be forfeited, even if the wife forgives, except after the marriage contract is concluded. Upon completion of a marriage contract a wife may forfeit her right

⁵⁰ Al-Hakem.

⁵¹ Ibn Majah, *Hadith* No. 1862.

for dowry. This is based upon instructions of Allah ﷻ in the Glorious *Qur'ân, Sura Nisa (The Women) 4:4*.

“And give the women (on marriage) their dower as a free gift; but if they, of their own good pleasure, remit any part of it to you, take it and enjoy it with right good cheer.”

Equality and Fairness: These two principles are applied if a husband is having two or more wives. The wives of one man are entitled for fairness and equality of the husband. Thus, the husband who is married to more than one wife must provide equally to all his wives. We must offer them the same housing conditions, the same or comparable clothing and must offer them equal time to spend with each one of them. Otherwise, such a husband is doing injustice and he becomes unfair. This is based on the instruction of Allah’s Messenger ﷺ,

*‘He who acquires two wives and does not treat them both equally (or justly), on the Day of Judgement (such a husband) will appear with a slanted (paralyzed) side (of both of his sides: right or left).’*⁵²

Financial Support: A husband is required to provide financial support to his wife, family and children. The husbands are required to provide suitable housing and living condition to their household. The husbands must provide all essential and basic requirements for his wife (wives) and the entire household and family members' living expenses, medical care, clothing and all basic needs. The husbands must provide to their families within their means and limits. This is based on the instructions of the verse of the Glorious *Qur'ân, Sura al-Talaq (The Divorce) 65:7*.

“Let the man of means spend according to his means: and the man whose resources are restricted, let him spend according to what Allah has given him. Allah puts no burden on any person beyond what He has given him. After a difficulty, Allah will

⁵² Nasaiee, 7:63..

soon grant relief.”

Equal time and intimate relationships: One of the most important rights of a wife towards her husband is to secure and provide a satisfactory level of intimate relationship and spend a fare amount of time with him and his family members. Islamic laws and teachings persist on his principle and capitalize heavily on it. This right of the wife, wives and family members must be fully maintained. A wife needs an affectionate husband to take care of her and fulfill her basic living needs. Otherwise, if the man does not provide necessary care and affections, the resultant situation may lead to destroy the marriage, May Allah protect.

Protection of all the secrets of the wife: A husband must not disclose any of his wife’s deficiencies or shortcomings. A husband must keep all what he sees and hears from his wife as a treasured secret that should not ever be disclosed or become a public consumption. All intimate relationship between a husband and wife in Islam must be cherished, protected and never be disclosed in public for any reason. Marital relationships are sacred relationships according to Islam and must not be tampered with. This is based on the instructions of Allah’s Messenger ﷺ,

‘One of the worst positions in the sight of Allah on the Day of Judgement is that of a man [husband] who will have an intimate relationship with his [lawful] wife and then either of them discloses the secrets of his partner [spouse] in public.’⁵³

Fair and kind treatment: A husband must extend just treatment to his wife/wives and household. A husband must demonstrate care, kindness and solve any problem within his means. A husband must forbear the deficiencies, temper of his wife and her shortcomings in order to seek the Pleasure of Allah ﷻ in both worlds. A husband must consult with his wife/wives concerning their life and future needs and plans. A husband must not demonstrate an authoritative opinion or a

⁵³ Muslim, *Hadith* No. 1437.

dominant attitude all the times. It is not necessary that decision of the husband must prevail all the time. A husband is required to secure and provide for his wife/wives and household all means of loving, peaceful and caring environment at home and outside. A husband is required to demonstrate his true love to his wife/wives and family members. A husband must be kind, considerate with his wife and children. This is based on the instructions of Allah's Messenger ﷺ,

‘The most complete faith of Believers are those who possess the best of character [attitudes and behavior]. Moreover, the best among you [Muslim] are those who are best to their wives.’⁵⁴

Protection and Preservation: A husband must not place his wife or family members, or expose them to any dangerous or vicious situations. A husband must not allow his wife or family members to be in evil environment. This is based on the instructions of the verse of the Glorious *Qur'ân, Sura Tahreem* 66:6.

‘Oh you who believe! Save yourselves and your families from a Fire whose fuel is Men and Stones, over which are (appointed) angels stern (and) severe, who flinch not (from executing) the Commands they receive from Allah, but do (precisely) what they are commanded.’

A husband must protect the private wealth, properties and personal financial assets of his wife. A husband must not take or abuse any of her personal funds without her prior approval. A husband must not do any transaction, which concerns his wife's finances without her consent

7. The Rights to Children

Children's rights are numerous. Essentially, they have the right to a decent and peaceful life as well as to good and worthy names. In addition, they are entitled to necessities of life, which includes affordable house and lawful food. In addition, they are entitled to

⁵⁴ Trinithee, *Hadith* No. 1162.

useful education and proper upbringing. A such, they must receive good moral character as well as protection against all possible vices and bad habits such as: lying, cheating, theft, jealousy, deception and unkind attitudes towards parents. This is based on instructions given by Allah's Messenger ﷺ,

'It is a sufficient sin to put to waste, those whom you support [this means, not to provide every possible care and proper upbringing].'⁵⁵

Furthermore, children are entitled for a just and equal treatment. No child should be given priority or any type of preference over the others in terms of gifts, grants, ownership or inheritance. Similarly, all children must be equally treated in terms of kind treatment and good behavior. An unfair treatment to children may result in bad behavior towards either or both parents in old age. Any unfair treatment to children may also causing hatred towards one another. This is based on the instruction of Allah's Messenger ﷺ when a man came to ask him, 'Oh Prophet of Allah! I want you to offer a share to one of my children and I want you to be a witness for that. Upon hearing this man's request, Allah's Messenger asked,

'Are you offering the gift to all of your children?' The man who asked replied, No. I am not! Allah's Messenger commented, 'Then, seek someone else to witness your gift as I will not witness to an unjust and unfair situation. Be mindful [and Fear] of Allah. Be fair, just and equal in treatment of your children.'⁵⁶

8. The Rights towards Relatives

Relatives or kindred have special importance. Islam exhorts kind attention to them. A wealthy Muslim, male or female, is obliged to assist his/her relatives. Priority should also be given to the near and the dear ones. Extended family members are next recipients of such

⁵⁵ Abu Dawood, *Hadith* No. 1692.

⁵⁶ Bukhari and Muslim, *Lulu and Morjan*, *Hadith* No. 149.

kind treatment. According to the teachings of Islam, a Muslim must share the concerns of his kindred. Equally, he should share the pains and gains of his relatives. This is based on the instruction of the verse of the Glorious *Qur'ân Sura Nisa* (the Women) 4:1.

“Oh Mankind! Reverence your Guardian-Lord, who created you from a single person, created, of like nature, his mate, and from them twain scattered (like seeds) countless men and women; fear Allah, through Whom you demand your mutual (rights), and (reverence) the wombs (that bore you): for Allah ever watches over you.”

In fact, Islam urges Muslims to be kind, to his family relatives although they are unkind to him. A Muslim is instructed to forgive his family members, even if they are revengeful to him. A Muslim is required to maintain closer relationships with his family members and even though they react contrary. This is based on the instructions of Allah's Messenger ﷺ.

‘A person who establishes a good wrapper with his family members is not the “Rewarded”. The real good communicator [with his family relatives] is the person who is good to his relatives when they boycott his relationships with him.’⁵⁷

Furthermore, Islam warned against boycotting the relationships with relatives and family members. Such sins fall in the category of major sins in Islam. This is based on the instructions of the verse of the Glorious *Qur'ân, Sura Muhammad* ﷺ, 47:22.

“Then, is it to be expected of you, if you were put in authority, that you will do mischief, in the land, and break your ties of kith and kin? Such are the men whom Allah has cursed for He has made them deaf and blinded their sight.”

⁵⁷ Bukhari, *Hadith* No. 5645.

A Word on Public Rights and Duties

Islam instructs Believers to share the concerns and the trials of his Muslim brethren all over the world and assist them to the possible extent. His support to his fellow-Muslims is not confined to any specific locality. In fact, it is universal. It disregards all geographical barriers. This is based on the instructions of Allah's Messenger,

*'A Believer to the other is like the bricks of one building. A brick tightens and straightens the other. Allah's Messenger ﷺ upon saying this statement, mingled the fingers of both his hands.'*⁵⁸

Furthermore, Islam directs a Muslim to entertain good faith to his fellow Muslim brethren. This is based on the instructions given by Allah's Messenger ﷺ,

'Avoid suspicion. Suspicion is the worst lie. Do not follow the bad news, shortcomings and deficiencies of your Muslim brethren. Do not spy upon your Muslim brethren. Do not compete [with evil minds and intentions] against your Muslim brethren. Do not hate your Muslim brethren. Do not turn away from your Muslim brethren [when they are in need for your help and assistance]. Oh slave servants of Allah! Be [good] brethren to one another, as He ﷻ commanded you to be. A Muslim is a brother to another Muslim. A Muslim must be just to his Muslim brother. A Muslim must not let him down and forsake his assistance. A Muslim must not discern or expose his Muslim brethren [in any possible way or mean]. Every thing that a Muslim possesses is unlawful for other Muslims to use [without prior approval of the owner] or abuse [for no due right]. Piety [Righteousness] is in here, pointing out to his chest [for heart] ﷻ. Piety is here. It is a sufficient evil for a Muslim to

⁵⁸ Bukhari, *Hadith* No. 5680 and Muslim, *Hadith* No. 2585.

*expose his Muslim brother. Everything that a Muslim owns or possess is unlawful for another Muslim [to tamper with]; his blood [i.e. killing on another], his protected items [in terms of dignity, honor and family members], and his wealth or possessions. Truly, Allah ﷻ does not care to look at your bodies, shapes or forms, but rather He ﷻ is concerned with your hearts, deeds and actions.*⁵⁹

This is also based upon another guidelines of Allah's Messenger ﷺ that declares,

*'A Muslim will not become a fully true Believer until he likes for others what he likes for himself.'*⁶⁰

These public rights however are common to all members of the Islamic society:

1. The Rights of a Ruler towards the Public

This right is simply based on the contents of the verse of the Glorious *Qur'ân, Sura Nisa (The Women) 4:59.*

"Oh you who believe! Obey Allah, and obey the Messenger, and those charged with authority among you."

The followings are some of the directives required from a Muslim to observe:

- Obedience to the ruler so long as he does not command to do an evil act. This is based on the instructions of Allah's Messenger ﷺ,

*'Listen and obey, even if a slave man from Ethiopia has been appointed [as a ruler] so long as he acts according to the Divine Book of Allah.'*⁶¹

⁵⁹ Muslim, *Hadith* No. 2563.

⁶⁰ Bukhari, *Hadith* No. 13.

- Therefore, a Muslim ruler's obedience, who is acting in accordance with the Divine Book of Allah, is an extension to the obedience of Allah ﷻ, and vice versa. Any act of disobedience to the commands of a ruler, who is acting in accordance to the Book of Allah ﷻ, is, in reality, an act of disobedience to Allah ﷻ.
- Extending and offering a sincere advice: A Muslim leader must be offered sincere advice for the welfare of the community. A Muslim ruler must be given good counsel that benefits him, the community and the entire nation. A Muslim ruler must be reminded about the essential needs that are lacking for public. This is based on the directives in the Glorious *Qur'ân, Sura Taha 20:44*.

“But speak to him mildly; perhaps he may take warning or fear (Allah).”

The followers and peoples must support a Muslim ruler during crises. Muslim is commanded to comply with their leader/governor and not forsake him and not even provoke people against him in order to instigate troubles and evils. Aside from the fact that one has not given his pledges of allegiance to that ruler, he must not defect from a leader during troublesome times. This is based on the instruction of Allah's Messenger ﷺ,

‘If a person comes to you, while a single leader, attempting to split your unity, then kill him.’⁶²

2. Rights of the People towards the Government

The Muslims in an Islamic state have certain rights towards their government. These rights may be summarized as follows:

Absolute Justice: This entails that every person is to be given his fair treatment in the Islamic society. All individuals who are entitled for specific rights may be given their due rights. All individuals who are

⁶¹ Muslim, *Hadith* No. 1838.

⁶² Muslim, *Hadith* No. 1852.

required to perform certain duties must be treated fairly and without any bias. Responsibilities among individuals must also be distributed justly and fairly. No individual, class of people, category of group, or section must be given any priority or any type of preference over the others. This is based on the instructions given by Allah's Messenger ﷺ,

*'The most beloved to Allah ﷻ on the Day of Judgement, and the closest to Him ﷻ is a just ruler/governor or judge. Similarly, the most hateful to Allah ﷻ and the most distant from Him ﷻ is an assertive and tyrant ruler.'*⁶³

Consultation: People have the right to be consulted. People in an Islamic society have the right to be consulted on issues that concern their economic and social affairs. However, consultation should be done in an ordinary form. Public must be given the opportunity to express their viewpoints and ideas concerning issues related to the Islamic community and society. Such viewpoints may be accepted if they serve public interest. This is based on the event when Allah's Messenger ﷺ, during the Battle of Badr followed the advice of one of the common Muslims of his Companions, who suggested changing the site of the Muslims fighting camp. The Prophet ﷺ did take the advice of his Companion. One of the regular ordinary Muslims asked the Messenger during the Battle, 'Oh Prophet of Allah. Is this a place that Allah ﷻ commanded you to camp at, and we have no choice of changing it? Alternatively, is it the war strategy and plan? Allah's Messenger ﷺ replied promptly, 'No. It is not. But, it is rather my war strategy.' The man who asked suggested, ' Oh Prophet of Allah! This is not the right choice of place for the fighting camp. Let us search for the closest water reservoir to our enemies and camp there. Thus, we must bury all other water resources [if we can]. Then, we must build a basin or a water reservoir for our party. Then, we can start the battle. We will have the access to water, but our enemies will not. Thus we can drink and use the available water while our enemies cannot; Allah's Messenger ﷺ commented,

⁶³ Thirmithee, *Hadith* No. 1329.

*'You have certainly given the best advice.'*⁶⁴

Islamic ruling: The basis for the Islamic ruling and legal rulings is *Shariah*, Islamic law. The constitution of the Muslim ruler must be based on *Qur'an*, *Sunnah*, and all of the Islamic judicial sources. There should be no room for personal opinion if an authenticated text is available. Spontaneous opinions may prove errors at times, although it may be productive at other times. Here is an incident where the second Caliph Omar bin Al-Khattab ؓ, after he became the ruler of Muslims, addressed the man who killed his own brother, Zaid bin Al-Khattab ؓ whose name is Abu Maryann al-Saloole, saying, 'By Allah! I shall not love you until the earth [becomes] in love with blood [meaning that this is impossible]. The killer asked, 'would this prevent me from obtaining any of my rights [as a Muslim]?' Omar ؓ promptly replied: 'No.' The killer commented: [I guess] only woman weep for love! 'Don't you worry!'

Open door policy: A Muslim ruler must not have a close door policy. A Muslim governor must not be aloof and distant from his people. A Muslim governor must not assign middle people who are partial choosing some people to permit to see the governor, while preventing others. This is based on the instructions of Allah's Messenger ﷺ,

*'Whosoever is entrusted with leadership over Muslim's affairs, yet hides away from them and does not respond to their needs, Allah ﷻ will hide Himself away from such a governor on the Day of Judgement, causing him to suffer his own poverty and need.'*⁶⁵

Mercy for people: A Muslim ruler must be kind and merciful to his people and people. He must not overburden them beyond their abilities. A Muslim governor must not make it difficult for his people to live and survive in the society. A Muslim governor must treat an

⁶⁴ Ibn Hisham Biography of the Prophet (ﷺ).

⁶⁵ Abu Dawood, *Hadith* No. 2948.

elder man like a father, a youngster like a son and a person of equal age as brother. A Muslim governor must be respectful to the elders, kind, merciful to the youngsters, and considerate to individuals of his age group. This is based on the instructions given in the verse of the Glorious *Qur'ân*, Sura *Al Imran* 3:159.

“It is part of the Mercy of Allah that you deal gently with them. Were you severe or harsh-hearted, they would have broken away from about you: so pass over (their faults), and ask for (Allah's) forgiveness for them; and consult them in affairs (of moment).”

It is also based on the guidelines given by Allah's Messenger ﷺ ,

“Those who are merciful [and kind to other] may Allah be Merciful [and kind] to them. Be [kind and] merciful to people on earth, then Allah ﷻ will be [more] merciful to you.”⁶⁶

In fact, Omar bin al Khattab ؓ the second Muslim Caliph once said, ‘By Allah! Has a female mule tripped in Iraq, I was afraid to be asked by Allah ﷻ [on the Day of Judgement], “ Oh Omar! Why did not you pave the way for the she mule.”’

3. Rights towards Neighbors

Allah ﷻ ordained in the Glorious *Qur'ân* Sura *Nisa* (Women) 4:36.

“Serve Allah, and join not any partners with Him; and do good to parents, kinsfolk, orphans, those in need, neighbors who are near neighbors who are strangers, the companion by your side, the wayfarer (you meet) and what your right hands possess: for Allah loves not the arrogant, the vainglorious.”

Allah's Messenger ﷺ illustrated the rights of a neighbor as follows,

‘Do you know what are rights of a neighbor? [They are as follows], If a neighbor seeks your help, extend it to him. If a

⁶⁶ Abu Dawood, *Hadith* No. 4941 and Tirmithe, *Hadith* No. 1924.

neighbor asks you for a loan, lend him [if you have it.] If your neighbor becomes poor, then help him financially and attend to his poverty if you can. If your neighbor becomes ill, then visit him [checking on his health and situation.] If your neighbor is happy on certain gain, then congratulate him. If your neighbor is suffering a calamity, then offer him condolence. If your neighbor dies, then be at his funeral [if you can.] Do not raise your building over his building causing him a lack of sun exposure, or wind passage. Do not bother your neighbor with the smell of your cooking, unless you intend to offer him some [of the cooked food.] If you buy fruits [while he does not have the means to buy, or not] then offer him a little present of the fruit. If you do not want to offer him a present of your fruit, then bring it in the house [in an unnoticeable way.] Do not permit your child, later, to carry the fruit you bought and drag his son and tease him with it.⁶⁷

Furthermore, Islam classifies neighbors into three categories as follows:

A relative neighbor. This type of neighbor has three rights over you the right of kin, the right of neighbor and the right of Islam.

A Muslim neighbor has two rights: the right of a neighbor and the right of Islam.

A non-Muslim neighbor however enjoys only the right of being a neighbor. Abdullah bin Omar رضي الله عنه, a well-known leading Companion and scholar of Islam, came home once. He found that his family members have slaughtered a sheep. He, immediately asked, ‘Did you offer some of the sheep’s meat as a present to our Jew neighbor? As I heard Allah’s Messenger صلى الله عليه وسلم saying,

‘Angle Gabriel جبرائيل continued to recommend me to be kind to my neighbor until I thought that he is going to let him be a heir [of

⁶⁷ Al-Kharaitee.

*my inheritance].*⁶⁸

4. Rights to the Friends

Friends do enjoy certain rights according to Islam. This is based on the guiding directives of Allah's Messenger ﷺ,

*'The best of friend and the best of neighbors is the best to them.'*⁶⁹

5. Rights to the Poor

The poor and the needy enjoy rights in the Islamic society. In fact, Allah ﷻ praises those who spend for His cause in order to help the poor and the needy in the Islamic society. This is based on the instructions of the verse the Glorious *Qur'ân*, *Sura al-Ma'arej* 70:24-25.

"And those in whose wealth is a recognized right. For the (needy) who asks and him who is prevented (for some reason from asking)."

Islam regards the charity given to the poor and the needy as the best deeds. Moreover, Islam warns those who conceal and save up their wealth and do not spend for the cause of Allah ﷻ. This is based on the verse in *Qur'ân*, *Baqarah* (The Cow) 2:177.

"It is not [considered an act of] righteousness that you turn your faces towards East or West. But it is righteousness to believe in Allah and the Last Day, and the Angels, and the Book, and the Messengers; to spend of your substance, out of love for Him, for your kin, for orphans, for the needy, for the wayfarer, for those who ask, and for the ransom of slaves; to be steadfast in prayer, and practice regular charity, to fulfil the contracts which you have made; and to be firm and patient, in pain (or suffering) and adversity, and throughout all periods of panic. Such are the people of truth, the God-fearing."

⁶⁸Tirmithe, *Hadith* No. 2007.

⁶⁹ Tirmithe, *Hadith* No. 2009.

For this reason *Zakah* was prescribed as one of the basic tenants of Islam. *Zakah* is a set percentage of the accumulated income that is saved for one year. Muslims, willingly, offer the due amount, in obedience to Allah's Commands. They pay it to the poor and the needy. *Zakah* is obligatory upon those who possess the appropriate amount on which *Zakah* is due. This is based on the verse Allah ﷻ stated in the Glorious *Qur'ân*, *Sura al-Bai-yinah* (The Evidence) 98:5.

“And they have been commanded no more than this: to worship Allah, offering Him sincere devotion, being True (in faith); to establish regular Prayer; and to practice regular Charity; and that is the Religion right and Straight.”

If a Muslim denies the payment of *Zakah* he/she will be declared as a Disbeliever. Furthermore, if a Muslim refuses, openly and publicly, to pay the due amount of *Zakah* to the deserving individuals, a Muslim ruler must wage war against such people until they pay it properly. Refusing to pay the due *Zakah* will harm the needy and the poor section of people in the Islamic society who are entitled to this right. Based on this, Abu Bakr ؓ, the second Muslim rightly guided Caliph, waged war against the group who rejected *Zakah* and refused to pay it. Abu Bakr ؓ declared his popular statement, ‘By Allah! Have those rejecters of *Zakah*, refused to pay the value of a leach, which they offered before to the Prophet ﷺ, I shall fight them for it [i.e., until they pay the full due amount.]’

Zakah is prescribed with the following principles and conditions:

1. *Zakah* payer must possess ‘*Nisab*’, the appropriate amount as stipulated in the Islamic *Shariah*. This amount must be over and above the needs of the owner. The basic needs are defined as food, shelter, transportation and proper clothing.
2. A period of one-year [i.e., 365 days], must pass while the owner maintains this amount in his possession, and he is in no need for it to pay for his essential needs. If less than a year passes *Zakah* will not be required.

Islam defines the types of people who are entitled to receive *Zakah*. This is based on the verse in the Glorious *Qur'ân Sura al-Tawbah* (The Repentance) 7:60.

“Alms are for the poor and the needy, and those employed to administer the (funds); for those whose hearts have been (recently) reconciled (to the truth); for those in bondage and in debt; in the cause of Allah; and for the wayfarer: (thus is it) ordained by Allah, and Allah is full of knowledge and wisdom.”

Zakah is estimated at %2.5 of the total unused funds for one year. Islam imposes *Zakah* in order to uproot poverty from the Islamic society, treat the resulting problems stemming from poverty such as: theft, murder, attacking people and their properties. In addition, it revives the mutual social welfare and support among members of the Islamic society. Furthermore, *Zakah* is used to fulfil the needs of the needy, the destitute and to pay the debts of those who in debts and are not able to pay their debts for a sound and legitimate reason. Moreover, the payment of *Zakah* purifies one's heart, soul and wealth as well. An owner of a wealth will become less greedy and niggardly when he/she pays this due amount to the poor and needy people in the society. Furthermore, a payer will become less keen to possess and own selfishly, forgetting his poor. The Almighty Allah states in the Glorious *Qur'ân Sura al-Taghabun* 64:16.

“And those saved from the covetousness of their own souls; they are the ones that achieve prosperity.”

In addition, *Zakah* purifies the hearts of those who are less affluent. The poor and the needy will have less hatred, jealousy and bitterness against the rich and wealthy class of people of the society. For, they notice that they are paying their dues and sharing concerns to their poor brethren.

The Almighty Allah warns those who refuse to pay their due *Zakah* against a severe punishment. The Almighty Allah states in the Glorious *Qur'ân Sura Al Imran* 3:180.

“And let not those who covetously withhold of the gifts which Allah has given them of His Grace, think that it is good for them: nay, it will be the worse for them; soon shall the things which they covetously withheld be tied to their necks like a twisted collar, on the Day of Judgment. To Allah belongs the heritage of the heavens and the earth; and Allah is well-acquainted with all that you do.”

6. Rights to the Labourers

Islam has defined a set of rules and regulations on labor and the labor force. An employer, according to Islamic teachings, must establish kind relationships with his employees and labor work force. Such a relationship must be based on equality, goodwill and brotherhood of Islam. This is based on the *Hadith* of Allah’s Messenger ﷺ.

‘Your workers are your brethren. The Almighty Allah placed them under you [for your services]. Whosoever has one [of his brethren] under him [working for him] must feed him of what he eats, clothe him of what he clothes himself and do not assign them to do what they cannot do. If you do, then help them.’⁷⁰

Furthermore, Islam upholds the honor and the dignity of the workers. Allah’s Messenger ﷺ is reported to have said,

‘The best [or most pure] of income is that which results from honest [and sincere] labor.’⁷¹

Moreover, Islam requires an employer to declare the wages to the worker before the worker embarks on the required work.⁷²

Allah’s Messenger ﷺ has assured the rights of the worker and his wages he is going to receive. Allah’s Messenger ﷺ is reported to have said,

⁷⁰ Bukahri, *Hadith* No. 5702.

⁷¹ Mosnad Ahmad, *Hadith* No. 8419.

⁷² Baihaqi and Abdul Razzaq in *al-Mosannaf*.

*'I am the adversary of three [types of] people on the Day of Judgement. ...and a man who employs a worker but does not pay him his [full] wages.'*⁷³

In fact, Allah's Messenger ﷺ has instructed employers to pay the wages of his worker before his sweat dries out.⁷⁴ Moreover, Allah's Messenger ﷺ orders employers not to assign their workers what they are unable to do. If they do assign them, however, they should either help them physically, or support them financially, with over time, *per se*.

7. Rights to the Employers

Islam equally requires workers to maintain good relation with their employer. Islam requires workers to fulfil their duties towards their employer to the best of their abilities and talents. Workers must not neglect, or harm, their employer or his work in any way. Allah's Messenger ﷺ is reported to have said,

*'the Almighty Allah likes a worker to be perfect in his work.'*⁷⁵

8. Rights towards Other Creatures

All pet animals kept must be well fed, decently cared for and kindly treated. Allah's Messenger ﷺ is reported to have said,

*'A woman was made to enter the fire of Hell because of a cat. She locked the cat until the cat died. The woman did not feed the cat, or offered it water to drink and neither permitted her to roam around eating what it can find.'*⁷⁶

All animals must be well treated according to Islamic teachings. Load-carrying animals must not be over-loaded in such a manner that they

⁷³ Bukahri, *Hadith* No. 2114.

⁷⁴ Ibn Majah, *Hadith* No. 2468.

⁷⁵ AbuYa'la and Baihaqi.

⁷⁶ Bukahri, *Hadith* No. 5702 and Muslim, *Hadith* No. 1661.

cannot bear the load. Animals must not be tortured, hurt or beaten for any reason. Allah's Messenger ﷺ is reported to have said,

*'the Almighty Allah curses a person who burns an animal for marking.'*⁷⁷

Islam prohibits people to set an animal a live target, causing the poor and innocent animal to be tortured. It is reported that Ibn Omar ؓ passed by a group of the Korishites young-men who set a bird as an aiming target. Ibn Omar ؓ asked about the person who did so. Then commented, 'May Allah curse the person who set this bird as an aiming target.' In that, Ibn Omar ؓ referred to the *Hadith* of Allah's Messenger ﷺ,

*'May Allah curse a person who sets a living being as an aiming target.'*⁷⁸

Islam condemns people who mutilate animals after killing them [for no justifiable reason].⁷⁹

Islam also forbids frightening animals or harming them. This is based on the *Hadith* reported by Ibn Masoud ؓ, 'We were in a group in the company of Allah's Messenger ﷺ. He ﷺ went away to answer the call of nature. While he was away, we noticed a female bird, along with two little birds of hers. We took the two little birds. The mother bird hovered over Allah's Messenger ﷺ. When Allah's Messenger ﷺ returned back, he noticed what we had done. He ﷺ asked,

*'Who was the one who abducted the two little birds of this mother bird causing her to be sad and mournful? Return the two little birds to their mother.'*⁸⁰

⁷⁷ Bukhari, *Hadith* No. 2236 and Muslim, *Hadith* No. 2110.

⁷⁸ Bukhari, *Hadith* No. 5196 and Muslim, *Hadith* No. 1958

⁷⁹ Bukhari, *Hadith* No. 5196.

⁸⁰ AbuDaoud, *Hadith* No. 5268.

Islam, furthermore, commands to ease the slaughtering of a live animal, which is slaughtered for eating. In fact, Islamic teachings prevent a Muslim slaughterer to sharpen his knife before the sight of the animal to be slaughtered, or while other animals are watching. Furthermore, animals, which are to be killed, must not be broken by the neck or even skinned before they die completely. However, Islam dictates that some harmful animals and/or insects are to be killed. This is so because the human being comes in the first place among all other creatures. Man's life in the Sight of Allah ﷻ is sacred and significant. Man is the most honorable creation in the Sight of Allah ﷻ. Therefore, if the animals' rights are important in the Sight of Allah ﷻ, the rights of the human being in His Sight are more important. As pointed out earlier, man is the crown of the creation. The Almighty Allah states in the Glorious *Qur'ân Sura Isra* (The Night Journey) 17:70.

“We have honored the sons of Adam; provided them with transport on land and sea; given them for sustenance things good and pure; and conferred on them special favors, above a great part of Our Creation.”

Islam, in fact, emphasizes merciful treatment to animals. In fact, Islam regards kind treatment to animals and other helpless creatures as one of the cause expiating sins and be admitted to the Almighty's *Jannah*, Paradise. Furthermore, Allah's Messenger ﷺ is reported to have said,

“While a man⁸¹ was on his way [crossing a desert] he suffered a tremendous thirst. In search for water, he found a well. He climbed down the well [with difficulty], drank his fill and came out. At the top of the well, the man noticed a stray dog, which was licking the dirt out of severe thirst. The man thought to himself, ‘I believe this dog is suffering the same thirst I suffered [if not more]. Not finding any utensil to fill water with for the crying thirsty dog, the man took off his shoe, climbed down the

⁸¹ Another narration states that this person was a female Jewish prostitute.

well again, filled his shoe with water, holding the shoe by his teeth, the man climbed up the well again. At the top of the well, the man offered the thirsty dog whatever water he could gather in his shoe. The Almighty Allah, looking down with Mercy at this man and what he did for the stray thirsty dog, He appreciated what the man had done of a good action and pardoned his sins.’ The Companions who were present with the Prophet ﷺ inquired, ‘Oh Messenger of Allah! Are we rewarded for what we do for animals?’ He ﷺ replied, ‘Yes, indeed. There is a reward for [any good action] you do [to help] a living and breathing animal.’⁸²

As for plants and trees, Islam permits to benefit from the fruit of trees. However, Islam forbids cutting a tree, pulling it or even breaking their branches for no sound reason. If there is no need to cut off a tree, one should not cut it. On the contrary, Islam commands preserving trees, particularly in any reproduction process or activities and help increase growing more trees. This is based on the *Hadith* reported by Imam Ahmad that Allah’s Messenger ﷺ said,

‘If the Hour [the Day of Judgement] took place [and you recognize the Event], while a man is holding a palm-tree seedling [to plant in the dirt], let him, if he can, plant it [in the soil] before leaving this life.’⁸³

Moreover, Islam considers the act of planting useful plants and beneficial trees as one of the good deeds for which a man is blessed and rewarded for. This is based on the *Hadith* reported of Allah’s Messenger ﷺ,

‘Never a Muslim plants a tree [or a plant] of which birds, human beings or even animals eat of, but a reward [good deed] is recorded [or given] to the planting person.’⁸⁴

⁸² Bukahri, *Hadith* No. 5663.

⁸³ Mosnad Ahmad, *Hadith* No. 12901.

⁸⁴ Muslim, *Hadith* No. 2195.

Islam, furthermore, regulates certain rights, even for roadside and public passages. Allah's Messenger ﷺ is reported to have said, 'Avoid [at any cost] sitting on roadsides [or sidewalks].' The Companions, who were present at the time, commented, 'Oh Messenger of Allah! Roadsides [sidewalks] are outlets for us where we can sit, enjoy and talk. We cannot avoid them.' Allah's Messenger ﷺ upon hearing this comment replied, 'If you cannot avoid sitting on sidewalks, then, you must offer the sidewalks their due rights.' The Companions then inquired, 'Oh Messenger of Allah! What are the rights of the sidewalks?' Allah's Messenger ﷺ replied,

*'You must lower your gaze [when a female crosses or passes by], you should avoid causing any harm to any one, you should return the greetings [if a passer-by greets you], you should enjoy good and forbid evil.'*⁸⁵

In addition, Allah's Messenger ﷺ is reported to have said,

*'Removing any harmful items of the road is a charitable act [which is rewarded and cherished by Allah.]'*⁸⁶

Besides, Allah's Messenger ﷺ is reported to have instructed, 'Avoid the two curse causing items. [acts, when done, cause a curse to be offered against the doer].' The Companions, who were present at the time, inquired, 'Oh Messenger of Allah! What are these curse causing items?' Allah's Messenger ﷺ replied,

*'These are, the person who answers the call of nature on the public passages [or pedestrians], and the person who answers the call of nature [urinates or relieves oneself] in shady places where people seek rest [and enjoyment].'*⁸⁷

However, if these rules or rights were not enforced, they would have

⁸⁵ Bukhari, *Hadith* No. 2121 and Muslim *Hadith* No. 2333.

⁸⁶ Bukhari, *Hadith* No. 2827.

⁸⁷ Muslim, *Hadith* No. 269.

remained ideals and dreams only in the minds of people. If there is no authority to enforce, they will remain only utopian ideals. Some persons are inclined to non-compliance of such commands. They need an authority to exert power. It is reported that Allah's Messenger ﷺ said, 'You should stop an ignorant person from doing evil. You should force such an ignorant person to enjoin good, or else, Allah ﷻ shall soon expedite a speedy punishment against you.' The Almighty Allah therefore, in order to preserve and maintain such human rights in the Islamic society, has revealed unto His Messenger pertinent commandments. Allah ﷻ commands not to exceed these limits. Furthermore, Allah ﷻ set punishments and laws, which are known as *Hudood* (prescribed punishments) or capital punishment, or even impose a specific punishment in the Hereafter [in the next world] in terms of a severe torture in the Hellfire.

We will list below only a few of the commandments of “**Do’s**” and “**Don’t**” that Islam established:

Islam bans killing or murdering any human being. Islam categorizes such an act as ‘one of the major sins in Islam.’ This is based on the verse in the Glorious *Qur’ân Sura Isra* (The Night Journey) 17:33.

“Nor take life, -which Allah has made sacred-, except for just cause. And, if anyone is slain wrongfully, We have given his heir authority (to demand Qisas or to forgive): but let him not exceed bounds in the matter of taking life; for he is helped (by the law).”

Islam prohibits any acts of aggression against the honor, the dignity and the privacy of people. In fact, such acts of aggression are also known as major sins in Islam. The Almighty Allah states in the Glorious *Qur’ân Sura Isra* (The Night Journey) 17:32.

“Nor come nigh to adultery: for it is a shameful (deed) and an evil, opening the road (to other evils).”

Islam, further, bans all types of actions that are categorized as shameful acts, or a mean to promote indecencies in a society.

Therefore, all acts that lead to such indecent acts are also banned according to Islam. The Almighty Allah states in the Glorious *Qur'ân Sura An'am* (The Cattle) 6:151.

“Say: ‘Come, I will rehearse what Allah has (really) prohibited you from’: join not anything as equal with Him; be good to your parents; kill not your children on a plea of want -We provide sustenance for you and for them- come not nigh to shameful deeds, whether open or secret; take not life, which Allah has made sacred, except by way of justice and law: thus does He command you, that you may learn wisdom.”

Allah ﷻ prohibits all types of aggression against the wealth and properties of others. Therefore, all forms of theft and cheating or else are banned in Islam. This is based on the *Hadith* of Allah’s Messenger ﷺ,

‘Whosoever, cheats us is not one of us.’⁸⁸

Usury is also banned in Islam. The Almighty Allah states in the Glorious *Qur'ân Sura Baqarah* (The Cow) 2:275.

“That is because they say: "Trade is like usury," but Allah has permitted trade and forbidden usury.”

Furthermore, Allah ﷻ forbids all kinds of deception and betrayals. The Almighty Allah states in the Glorious *Qur'ân Sura Anfal* (War Booties) 7:27.

“Oh you that believe! Betray not the trust of Allah and the Messenger, nor misappropriate knowingly things entrusted to you.”

Additionally, Islam controls monopoly. This is based on the *Hadith* of Allah’s Messenger ﷺ,

‘None monopolizes but a wrong doer.’⁸⁹

⁸⁸ Muslim, *Hadith* No. 164.

Islam, further, bans all types of bribery and kickbacks. This is based on the *Hadith* of Allah's Messenger ﷺ,

*'May Allah ﷻ curse both the payer of bribe and receiver its.'*⁸⁹

Similar prohibitions are imposed on the devious and illegal means through which money is taken. The Almighty Allah states in the Glorious *Qur'ân Sura al-Baqarah* (The Cow) 2:188.

"And do not eat up your property among yourselves for vanities, nor use it as bait for the judges, with intent that you may eat up wrongfully and knowingly a little of (other) people's property."

Islam, further, condemns the abuse of power, position and authority to obtain personal gains. In fact, Islam empowers the ruler to reclaim all assets taken through abusive means and deposited to the Islamic treasury. This is based on the *Hadith* of Allah's Messenger ﷺ,

'Allah's Messenger ﷺ told a man called Ibn-ul-Lutbiyyah, who was assigned as Zakah collector, when the collector divided the Zakah income into two sections, one for the Islamic treasury and the other [claimed] for him as gifts and presents, which were offered and given to him [the collector]. Allah's Messenger ﷺ became very upset upon hearing this from the collector. Allah's Messenger ﷺ stood up on the pulpit and praised the Almighty Allah [in a due form], then said, 'I assign some of you to perform duties that Allah ﷻ entrusted me with. Then, the assignee comes back saying, "This [section] is yours and this section [of the Zakah collected] was given as a gift to me." Why not such a person [Zakah collector] sits in his father's or mother's home and [wait and] see if people will offer him any gift or presents? By Allah! In Whose Hand my soul is, if a person [the Zakah collector] gets any item of the

⁸⁹ This *Hadith* is reported by Muslim.

⁹⁰ This *Hadith* is reported by Ibn Hibban.

*collected Zakah will bring it, on his neck [and shoulders] on the Day of Judgement.*⁹¹

Islam prohibits all forms of intoxicants that affect the minds or brains of users. This is based on the verse in the Glorious *Qur'ân Sura al-Maidah* (The Table) 5:90.

“Oh you who believe! Intoxicants and gambling, (dedication of) stones, and (divination by) arrows, are an abomination of Satan's handiwork: eschew such (abomination), that you may prosper.”

Islam further prohibits all types of injuries to any person or animal such as beating and other vices such as backbiting, tattle-telling, false testimony, etc. This is based on the verse in the Glorious *Qur'ân Sura al-Ahzab* (The Confederates) 33:58.

And those who annoy believing men and women undeservedly, bear (on themselves) a calumny and a glaring sin.

In addition, Islam upholds the dignity and honor of others. As such, it despises slandering them. The Almighty Allah states in the Glorious *Qur'ân Sura Hujurat* (The Chambers) 48:12.

‘Oh you who believe! Avoid suspicion as much (as possible): for suspicion in some cases is a sin: and spy not on each other, nor speak ill of each other behind their backs. Would any of you like to eat the flesh of his dead brother? Nay, you would abhor it. However, fear Allah: for Allah is Oft-Returning, Most-Merciful.’

In addition, the Almighty Allah states in the Glorious *Qur'ân Sura al-Noor* (The Light) 24:27-28.

‘If you find none in the house, enter not until permission is given to you: if you are asked to go back, go back: that makes for greater purity for yourselves: and Allah knows well all that you do.’

⁹¹ Bukahri, *Hadith* No. 6772 and Muslim, *Hadith* No. 1832.

Further, Islam prohibits all kinds of injustice done towards or against one's own soul. This is based on the verse in the Glorious *Qur'ân Sura al-Nahl* (The Bees), 16:90-91.

“Allah commands justice, the doing of good, and liberality to kith and kin, and He forbids all shameful deeds, and injustice and rebellion: He instructs you, that you may receive admonition. Fulfil the Covenant of Allah when you have entered it, and break not your oaths after you have confirmed them: indeed, you have made Allah your surety; for Allah knows all that you do.”

In addition, in a *Hadith Qudsi* (Divine), Allah ﷻ says,

‘Oh My slave servants! I have banned injustice for Myself. I have declared injustice unlawful among you [people]. Therefore, do not do [or cause] any act of injustice to one another.’⁹²

In fact, Allah ﷻ disapproves injustice done even to those who differ with Muslims in faith and religion. Allah ﷻ has demanded Muslims to be kind and fair to non-Muslim residents in an Islamic society. The Almighty Allah states in the Glorious *Qur'ân Sura al-Momtahanah* 60:8.

“Allah forbids you not, with regard to those who fight you not for (your) Faith nor drive you out of your homes, from dealing kindly and justly with them: for Allah loves those who are just.”

Islam forbids challenging the beliefs of non-Muslims, as this provokes other party to exchange reciprocal challenges. Consequently, this will produce animosity, hatred and dislike between them. This is based on the verse in the Glorious *Qur'ân Sura al-An'am* (The Cattle) 6:108.

“Revile not you those whom they call upon besides Allah, lest they out of spite revile Allah in their ignorance.”

⁹² Muslim, *Hadith* No. 2577.

Instead, Allah ﷻ instructed Muslims to use a fair and well-matured dialogue with such people. This is based on the verse in the Glorious *Qur'ân Sura al-Imran*, 3:64.

“Say: "Oh People of the Book! Come to common terms as between us and you: that we worship none but Allah; that we associate no partners with Him; that we erect not, from among ourselves, Lords and patrons other than Allah." If then they turn back, say you: 'Bear witness that we (at least) are Muslims (bowing to Allah's Will).'"

Islam, further, bans all type of social, political and moral corruption and mischief. This is based on the verse in the Glorious *Qur'ân Sura al-A'raf* (The Heights) 7:56.

“Do no mischief on the earth, after it has been set in order, but call on Him with fear and longing (in your hearts): for the Mercy of Allah is (always) near to those who do good.”

Islam, also, disapproves the conversion of non-Muslims to Islam by force. The Almighty Allah states in the Glorious *Qur'ân Sura Yunus*, 10:99.

“If it had been thy Lord's Will, they would all have believed, all who are on earth! Will you then compel mankind, against their will, to believe!”

Of course, this does not mean that Muslims should not call others to join the Islamic monotheistic faith by delivering the Message of Allah to people. Nevertheless, Muslims call to Islam in a wise, kind and good manner in order to introduce Islam to people. Islam, in reality, has an international mission and it is neither regional nor ethnical call. Thus, Muslims are obliged to deliver the Message of monotheistic Islam to all people who are not Muslims, but never to compel them by force to join Islam. The real guidance is in the Hands of Allah ﷻ alone and not in the hands of people.

Islam commands people to run their government with consultation. In

fact, consultation is one of the essential principles of Islam. Of course, the principle of consultation is operative in situations, which are characterized with the extinction of legal external sources, *Qur'ân* and *Sunnah*. This principle is established, Allah ﷻ knows best, in order to let people feel and enjoy their legitimate and legal rights in the Islamic society. The Almighty Allah states in the Glorious *Qur'ân Sura al-Shura* (The Consultation) 42:38.

“Who (conduct) their affairs by mutual consultation.”

In fact, Allah ﷻ emphasizes the importance of the application of the consultation principle in the Islamic society in order that it would become a model way of life. The Almighty Allah states in the Glorious *Qur'ân Sura al-Imran*, 3:159.

“It is a part of the Mercy of Allah that you deal gently with them. Were you severe or harsh-hearted, they would have broken away from about you: so pass over (their faults), and ask for (Allah's) forgiveness for them; and consult them in affairs (of moment). Then, when you have taken a decision, put your trust in Allah. For Allah loves those who put their trust (in Him).”

Islam commands that all relative rights be given to their deserving people. Islam also calls for full justice among people. The Almighty Allah states in the Glorious *Qur'ân Sura al-Nisa* (The Women) 4:58.

“Allah does command you to render back your Trusts to those to whom they are due; and when you judge between man and man, that you judge with justice: verily how excellent is the teaching which He gives you! For Allah is He Who hears and sees all things.”

Islam commands people to assist an oppressed even with the use of force. This is based on the verse in the Glorious *Qur'ân Sura al-Nisa* (The Women) 4:75.

“And why should you not fight in the cause of Allah and of

those who, being weak, are ill-treated (and oppressed)? Men, women, and children, whose cry is: Our Lord! Rescue us from this town, whose people are oppressors; and raise for us from thee one who will protect; and raise for us from thee one who will help!"

In view of the fact that there are certain categories of people, as pointed out earlier, who will never be good without applying force against them, Islam establishes an executive system or authority. Such a system will assure that all individuals are enjoying their relative rights in the Islamic society. Moreover, this system will monitor and govern the execution of such rights and prevent any aggression in the Islamic society. Furthermore, this system has the right to apply appropriate punishment against aggressors and the violators of the laws in the Islamic society. The following is a summary of the various Islamic systems, which are the components of overall executive system:

The Judicial System in Islam

It is an independent administrative system in the Islamic government. It is oriented to resolve all types of legal disputes among people. Islam is a system that ensures to guarantee relative rights of the public. The system also assures the establishment of justice among people stops oppression and punishes the oppressors. The Islamic system follows the directives of Allah ﷻ and the *Sunnah*, (traditions) of the Prophet ﷺ. There are specific criteria to applying for a position in the Islamic judicial system. The following is a digest list of the criteria requirements:

The applicant must be a mature, sane and mentally capable.

The applicant must be fit and healthy in order to surmount the difficulties and challenges of his job.

The applicant must be well educated and informed about the *Shari'ah* Islamic rulings and the principles of lawful and unlawful in Islam. In addition, such a person must have the ability and the sense to differentiate between lawful and unlawful matters. In addition, he should have the ability to deduce, assess and offer verdicts in both worldly and religious spheres.

The applicant must enjoy an honorable, dignified, honest and high moral character. In addition, the applicant must not possess ignoble reputation. He should be a man of upright conduct so that his judgements are well accepted by the parties in dispute.

Moreover, every individual in the Islamic society, regardless of his faith or religious belonging, position or social status, enjoys certain rights. The following is a concise list of such rights:

The right to seek judgement against oppressors. An individual may sue his oppressor to the judicial courts.

Disputing parties: the plaintiff and the defendant must have equal hearings before the judge. This is based on the *Hadith* of Allah's Messenger ﷺ,

*'Whosoever is tested [in his life] to become a judge among Muslims, must be just [and fair] in statement, pointing and seating.'*⁹³

Additionally, this is based on the *Hadith* of Allah's Messenger ﷺ, instructing Ali ؑ when he commissioned him as a judge saying,

*'Surely, Allah ﷻ shall guide your heart and fasten your tongue [to the truth]. When the plaintiff and the defendant sit before you do not issue a verdict for one until you hear the statement of the other as you heard the first.'*⁹⁴

According to Islam, every one is, essentially, innocent unless proven guilty. This is based on the *Hadith* of Allah's Messenger ﷺ,

*'If people are given [judgements] based on their claims [and statements alone]. You will see people claiming that others killed [their relatives] or possessed their wealth. However, the defendant must offer an oath.'*⁹⁵

Baihaqee's report, however, says, 'The evidence must be produced by the plaintiff and an oath must be offered by the defendant.'

Islam grants rights to the suspect. The accusation on suspicion does not deprive the suspect from his due rights. A suspect may not be forced against his will to say, do or behave in any way. A suspect must not be tortured by any mean. A suspect must not be subjected to any violence, cruelty or hardships in order to force him to give any confession. This is based on the *Hadith* of Allah's Messenger ﷺ,

*'Allah ﷻ puts down [forgiven] the following items of my Ummah, nation [they are not responsible]: error, forgetfulness and whatever they are forced to do [against their own will].'*⁹⁶

⁹³ This *Hadith* is reported by Darqatnee and Baihaqee

⁹⁴ Abu Dawoud, *Hadith* No. 3582.

⁹⁵ Bukahri, *Hadith* No. 1711 and Muslim, *Hadith* No. 4277.

⁹⁶ Ibn Majah, *Hadith* No. 2053.

It is, further, reported that the second caliph, Omar bin al-Khattab ﷺ stated,

*'If you cause a [suspect] person to be hungry, frightened or imprisoned, do not expect him to be safe and not to confess against his own soul.'*⁹⁷

Islam affirms personal responsibility. This means no one is to be held responsible for the faults of others. Accusation, suspicion, harassment and punishment must be confined to the guilty person. His family members should not share his indicted penalty. This is based on the verse in the Glorious *Qur'ân Sura Fussilat* 41:46.

"Whoever works righteousness benefits his own soul; whoever works evil, it is against his own soul: nor is Your Lord ever unjust (in the least) to His Servants."

Moreover, this is based on the *Hadith* of Allah's Messenger ﷺ,

*'No one should be taken [guilty] for the wrong doing of his brother or father.'*⁹⁸

Islam prescribes specific code of conduct for judges that should be observed. The letter sent by the second Caliph, Omar bin al-Khattab ﷺ to one of the assigned judges provides guidelines. The letter states,

'From the second Caliph, Omar bin al-Khattab, the slave servant of Allah to Abdullah bin Qais. Peace be unto you. Sentencing judgements among [disputing] people is a precise and obligatory act that should be followed and executed properly. You should [try your best to] understand the people present before you. Furthermore, [realize that] none will benefit from a right that is not [properly] executed. Give equal looks and seating to [disputant] people in your court so as an influential person may not think to take advantage because of his [super] status. Moreover, a weak person will not despair of [obtaining] justice in your court. The plaintiff

⁹⁷ This statement is reported by Abu Yusuf in his book *al-Kharaj*

⁹⁸ Nasaiee, 8:53.

*must present a proof of evidence. A defendant must take an oath if rejected and denied the claim of the plaintiff. Disputing people may choose to compromise between one another. However, no compromise is acceptable if it renders an unlawful item lawful or vices versa. If you pass a judgement one day, but upon reviewing it on the next, you discover that you made a mistake and the right sentence is not what you passed as a verdict before, then [reopen the case] and pass the right sentence. You should realize that returning to the right sentence and judgement is [much] better than indulging deeper in the falsehood. Try to understand the confusing matters that have no text to support them either from Qur'ân or from Sunnah, traditions of the Prophet ﷺ. You should study the resembling rulings, sentences and similar cases, then assess according to these after obtaining a proper knowledge. Try to choose the most beloved items to Allah and those, which are closest to the truth. Offer a chance to a plaintiff who claims a matter that is not currently present by setting a definite time for him to prove it. If such a plaintiff produces his proof of evidence, adjudicate the case in his favor. If not, then judge against his case. [You must know that] all Muslims are trustworthy insofar as the testimony is concerned, except for a person who is lashed for committing any shameful act in the Islamic society, or a person who is known for false testimonies, or a person who is either a relative or distantly related to the plaintiff. [You should also know that] Allah ﷻ takes care of all hidden secrets of people and helps you [to judge] by using proofs of evidence. Furthermore, you must not worry, become intolerant, or complain by disputing people for rightful matters where Allah reward for being patient and pleased with the results. [You must also know that] if a person has a good innersole with Allah ﷻ, Allah will [surely] improve the relations of that man with the public.'*⁹⁹

For more information on this subject, please refer to the reference books on adjudication in Islam.

⁹⁹ Tirmithe, *Hadith* No. 3472.

Hosbah, Accountability System in Islam

Hosbah is a voluntary accountability system in Islam. The essential purpose of *Hosbah* is to establish *Shari'ah* in the Islamic society. *Hosbah* uses the method of enjoining good and forbidding evil to enforce *Shari'ah*. *Shari'ah* will discipline those who publicly commit shameful practices, immoral activities and the like. Moreover, *Hosbah* people will monitor any illegal practices, such as cheating, selling, promoting, and pushing illegal or banned items and goods. *Hosbah* also scrutinizes the monopolization of basic needs of the people. Moreover, *Hosbah* monitors and follows up on damaged public facilities in order to reconstruct properly and protect the individuals against physical injuries. All these voluntary activities of *Hosbah* are based on the verse in the Glorious *Qur'ân Sura al-Imran* 3:110.

“You are the best of Peoples, evolved for mankind, enjoining what is right, forbidding what is wrong, and believing in Allah.”

Hosbah also implies fearing the punishment of Allah ﷻ. This is based on the verse in the Glorious *Qur'ân Sura al-Maidah* 5:78-79.

“Curses were pronounced on those among the Children of Israel who rejected Faith, by the tongue of David and of Jesus, the son of Mary, because they disobeyed and persisted in Excesses. Nor did they (usually) forbid one another the iniquities, which they committed: evil indeed were the deeds, which they did.”

Every individual in the Islamic society should take an active role in *Hosbah*, enjoining what is right, and forbidding what is evil. This role will be assumed according to the individual's ability and position. This is based on the *Hadith* of Allah's Messenger ﷺ,

‘Whosoever sees an [immorally] unacceptable act being practiced [in the Islamic society] must change it [correct it] by his own hand [by action]. If he could not do so, then let him use his tongue [deny the practice verbally and advise the practicing person, gently, to stop what he/she is doing]. [Finally] if he could

*not do so, then let him use his heart [despise the practice by heart and declare that he/she hates to see such a wrong practice in the Islamic society]. That is the least [level of] faith.*¹⁰⁰

However, correcting a vice may be restricted if this amounts to worsen the situation and aggravate it.

The religion of Islam, which Muhammad ﷺ was commissioned with, and the supreme and wise Prophetic sayings articulates the human rights in a single sentence as follows,

*'Truly, your blood, your wealth and all your protected items are unlawful to one another. All these are as sacred as it of this respected Day, in this Respected Month and in this Respected Town...'*¹⁰¹

Most of the human rights fall under this statement, which was delivered in the Farewell, Pilgrimage speech of Allah's Messenger ﷺ. Islam, in fact, established all laws and regulations in order to preserve the human rights and defend them. It also issues warning to the violators of these rights of the severest punishment.

The following is the Declaration issued in Cairo about the Human Rights in Islam. It is worth pointing out that the rights listed in this Declaration are only guidelines and general rules. Rights, according to Islam, are interconnected with one another as rings that support one another. The general principles and the rules of the human rights in Islam are divided into other categories. Consequently, these lower categories are also broken down into further sub-categories. This will require a lengthy discourse, if we want to address all the details. Therefore, we will only give hints and clues. For more details, an interested reader may pool pertinent information from literature on human rights in Islam. It is safe to say that, 'Islam came to preserve all the human rights and to make the human beings happier in this life as well as in the Hereafter.

¹⁰⁰ Muslim, *Hadith* No. 78.

¹⁰¹ Bukhari, *Hadith* No. 105.

Islamic Declaration on Human Rights¹⁰²

In the Name of Allah, the Beneficent, Most Merciful!

The Almighty Allah states in the Glorious *Qur'ân Sura al-Hujurat*, (The Chambers), 49:13.

“Oh Mankind! We created you from a single (pair) of a male and a female, and made you into nations and tribes, that you may know each other (not that you may despise each other). Verily the most honored of you in the Sight of Allah is (he who is) the most righteous of you. And Allah has full Knowledge and is well-acquainted (with all things).”

The member countries of the Islamic Congress Organization, having full faith in Allah ﷻ, the Creator of all beings, the Grantor of all Bounties, He Who created man in the best form and shape and honored him by making man His Vicegerent on earth. Allah has entrusted man to build, reform and maintain the land He created. Allah ﷻ entrusted man to abide by the Divine teachings and obligations and employed everything in the heaven and on the earth for the service of man.

Believing in the Message of Muhammad ﷺ, who was commissioned with the Guidance and the True religion as Mercy to mankind, a liberator for all enslaved people, a destroyer of all tyrants and arrogant people in this life. Allah's Messenger ﷺ declared real equality among all types of people. There is no preference for a person over another person except with piety. Allah's Messenger ﷺ abolished all differences between people whom the Almighty Allah created from a single soul.

Based on the pure monotheistic faith on which Islam is built, where all mankind are called and invited to worship none besides Allah ﷻ, not to associate anything else with Allah's worship, and not to set rivals

¹⁰² Dr. Muhammad al-Zuhailee, *The Human Rights in Islam*, p. 400.

other than Allah to be worshipped. That monotheistic belief is the one that built the real foundations of people's freedom, dignity and integrity and declared the freedom of man from the slavery of another man.

Besides, based on what the eternal Islamic *Shari'ah* brought forth for man in terms of the preservation of the faith, religion, soul, mind, honor and integrity and the progeny. Also, based on the comprehensiveness and moderation of the Islamic *Shari'ah* in all rulings, verdicts and sentences, where the soul and the matter is, fantastically, mixed and the heart [emotions] and the mind [intelligence] are both respected and honored.

In order to emphasize the important cultural and historical roles that the Islamic *Ummah*, nation has played throughout the history of man on earth, as Allah ﷻ made this *Ummah* the best of nations, He caused the humanity to inherit a balanced, stable and international civilization and culture that joins this world and the next. The heritage of this *Ummah* connects science with faith. This *Ummah* is hoped to play, nowadays, an important role as well, guiding the deviated humanity. The latter is lost in terms of competing currents and trends as well as, in order to offer solutions for the problems of the materialistic civilization.

In recognition to the human efforts related to the human rights that protect man against mistreatment, violation and abuse and with aim to emphasize man's freedom and his right to a better and descent life and living conditions these should agree with the Islamic *Shari'ah*.

We have illustrated that, in spite of the great advancement that the humanity have attained in the materialistic realm, it is still, and will continue to be, in a great need for a spiritual support that is based on faith, in order to support these great achievements in terms of advanced civilization. This is needed in order to protect the human rights in this society.

We believe, according to Islam, that the basic rights and public

freedoms are an integral part of the Islamic belief and religion. None has the right, initially, to stop them fully or partially. We also believe that none has the right either to break these rights or ignore them. These basic rights are divine and heavenly. They have been revealed to the Prophets of Allah in all Scriptures. In fact, Allah ﷻ commissioned the last of His Prophets to mankind, Muhammad ﷺ, who completed the missions and the Message of all previous Prophets and Messengers, with these essential rights as well. Furthermore, observing these essential rights is a type of worship. Meanwhile, neglecting such rights or infringing them is an evil act, according to Islam. Every individual is responsible, individually, to adhere to these rights. The *Ummah*, collectively, is also responsible for these rights.

Based on the above, the member countries of the Islamic Congress Organization declare the following:

• **Article One**

1. The entire humanity constitutes as one big family. They are united under the banner of all being slave servants to Allah ﷻ and they are the children of Adam ﷺ, the Prophet. All people are equal in terms of human dignity and honor. All people are also equal in terms of responsibility. No race, color, language, sex, religious belief, political belonging, social status or any other serves as a factor that differentiates them. The true and sound belief is the only assurance and guarantees to ensure the growth of this human integrity for the human integration.
2. All human beings are [as] family of the Almighty. The best of which is the best to all. There is no preference for one over the other except for piety [righteousness] and good deeds.

• **Article Two**

1. Life is a gift of Allah. It is assured for every human being. All members of the society, and all states and countries must act to protect this right against all types of aggression. No life shall be

claimed without a due legal reason.

2. It is unlawful to use means and tools that wipe out the human race.
3. Maintaining and preserving the human life is *Shari'ah's*, legal obligation.
4. Man's physical safety is respected. None has the right to attack his safety. None also has the right to touch this safety without a legal reason. The state must assure this right.

• **Article Three**

1. While using force, or in event of armed fighting, it is illegal [unlawful] to kill those who partake a role in the actual fight. Elderly people, women, children, wounded persons and the sick all have the right to be treated. The captives [prisoners of war] have the right to be fed, sheltered and clothed. It is illegal to mutilate the bodies of the killed war victims. Prisoners of war must be exchanged. Families that are separated due to wars are entitled to reunite.
2. It is forbidden to cut [or pull] trees, destroy the crops and dairy animals, destroy buildings and other civil facilities for the enemies by shelling or blowing up, etc.

• **Article Four**

1. Every human being is entitled to his integrity, honor and reputation, during his life and after his death. The State and society must protect the remains and the burial place [cemeteries] of deceased.

• **Article Five**

1. The family is the basic unit in the society. Marriage is the basis for building and forming a family. Men and women are entitled for marriage. No restrictions should be set to restrict them from marriage based on race, color or nationality.

2. The society and the state must act to remove all barriers for marriage. Further, they should attempt to make it easy and protect and care for the family.

• **Article Six**

1. Woman is equal to man in terms of human integrity and honor. She is entitled for equal rights and duties. She is entitled for her own civil personality, financial independence and she has the right to maintain her name and surname.
2. Man must take care of all financial needs of his family and must provide all possible care and protection.

• **Article Seven**

1. Every born child has the right upon his parents, society and the state, of custody, upbringing, material care, educational care and moral attention. The fetus and the mother must be also provided a special care.
2. Parents and guardians have the right to choose the type of upbringing they like [or prefer] for their children. However, the interest and the future of the children must be taken into consideration in the light of moral and *Shari'ah* values and principles.
3. Parents have their own rights towards their children. Relatives also have their own rights among themselves in accordance with the *Shari'ah* laws and principles.

• **Article Eight**

Every individual has the right to practice his full rights in terms of all commitments. If the individual is no longer qualified to practice his rights, fully or partially, a Wali [guardian] must be assigned instead.

• **Article Nine**

1. Seeking education is an obligatory act. Offering and providing education is a duty that is incumbent on the society and the state.

The state must secure the means of education and assure variety of educational media to serve the interest and the welfare of the members of the society. Education should also enable man to learn about Islam as a religion and way of life, the cosmos and how to utilize the materialistic means for the benefit and the welfare of the humanity.

2. Every human is entitled for a right from the various educational organizations such as the family, the school, the university, the media etc. They shall offer the suitable worldly and religious education and training in an integrated and balanced fashion that strengthens his personality and his faith in the Almighty Allah and his respect to rights and duties of man.

• **Article Ten**

Man must follow and obey the innate religion. Therefore, no one has a right to force other or compel him to do anything against his nature. Furthermore, no one has the right to exploit one's poverty, weakness or illiteracy to change his religion or to become atheist.

• **Article Eleven**

1. Man is born free. None has the right to enslave him, humiliate, conquer or exploit. There should be no slavery other than the slavery to the Almighty Allah.
2. All types of colonization is fully banned. Colonization is the worst type of slavery. Suffering people have the right to liberate themselves from colonization. Such people have the right to determine their own destiny. All other people must support the fair and just cause of fighting against all types of colonization and occupation of all types. All people have the right to preserve their independent state and personality and have the control over all natural resources.

• **Article Twelve**

Every human being has the right to move about freely by choosing the suitable residence for himself within his own country or state, or even

outside his country. However, if a man is unsafe [in his country] he has the right to seek asylum to another country. The country who is providing asylum must protect such a person unless the reason of this asylum involves a legal crime.

• **Article Thirteen**

The state and society must ensure work for every capable person. Every individual must enjoy the freedom to choose the most suitable job that ensures his interest, and the interest of the society. A worker must enjoy his right in safety and security, and all social welfare insurance and guarantees. A worker must not be assigned to do what he is unable to do. A worker must not be forced against his will to do certain things. A worker must not be exploited or harmed. A worker, male or female, without any distinction is entitled for fair wages. No delays should be made in the payment of wages. A worker must enjoy [annual] vacation, promotions, incentives and other monetary items he is entitled to get. A worker is demanded to devote his time and effort with perfection to his job. If a dispute between the worker and the employer arises, the state must intervene to resolve such dispute, remove the oppression, do the justice and force the disputing parties to take and accept the just judgement without any bias.

• **Article Fourteen**

Each individual has the right for an honest and lawful income. No monopolization of goods, cheating or any act of deception, harming himself or others and usury are allowed. In fact, all above items are legally forbidden.

• **Article Fifteen**

1. Each individual is entitled for lawful ownership. In addition, to enjoy the rights of ownership provided no harm is caused to one's own soul or others of the society members or the society at large. [Private] Ownership is not to be removed except for public interest and for an instant and fair substitution.

2. No wealth [or ownership] confiscation is done without a legal and lawful reason.

- **Article Sixteen**

Each individual is entitled to benefit from his actual production, literal production, artistic production or technical production. Also, each individual is entitled to protect his literary or financial interests resulting from his production, provided that this production does not contradict the laws of *Shari'ah*.

- **Article Seventeen**

1. Each individual is entitled to live in a clean environment in terms of pollution and moral corruption. Such environment must permit the individual to morally build his character. Both the society and the state must ensure and provide this right to the individuals.
2. The society and the state must provide to every individual is the [suitable and necessary] health care and social care by availing all public facilities, within the available means.
3. The state must ensure decent living conditions for the individuals and their dependents. This right encompasses room and board, decent and proper clothing, proper education, medical care and all other essential or basic needs.

- **Article Eighteen**

1. Each individual is entitled to life and security in the society as relates to his self, religion and faith, family honor, dignity and members and his financial belonging.
2. Each individual has the right to be independent with his own affairs in terms of housing, family, finance and communications. No spying or surveillance may be maintained against any one. No defaming is allowed to anyone. In addition, others must protect individuals against all unlawful inferences.
3. The privacy of houses and dwelling Entry to private homes must be

with consent of their occupants. Private housing should not be demolished, confiscated or their tenants kicked out without any legal reason.

• **Article Nineteen**

1. All individuals -the ruler and the ruled- should enjoy equal legal rights.
2. All individuals have access to seek judicial judgement for their suites.
3. Responsibility is personal.
4. Crime and punishment are based on *Shari'ah* injunctions.
5. Every accused is innocent until proven guilty. A fair trial is necessary where all assurances are given for full self-defense.

• **Article Twenty**

No one is to be arrested or his freedom be restricted, exiled or punished without adequate legal action. Individuals must not be subjected to physical or psychological torment or any other humiliating treatment. No one may be subjected for medical experimentation without his consent, provided that it does not amount to the detriment of his health. Furthermore, it is not permitted to empower executive authority to issue exceptional laws.

• **Article Twenty-One**

It is forbidden to take any person as a hostage for any purpose and in any form.

• **Article Twenty-Two**

1. Each individual is entitled to express his opinion, if it does not contradict *Shari'ah* laws and principles.
2. Each individual is entitled to enjoin good and forbid evil in consonance to the *Shari'ah* laws and principles.

3. Media and information are vital for the society. Media must not be exploited, abused or attack the dignity of the Prophets of Allah or to practice any immoral or corruptive items. In addition, all issues that cause disunity within the society, moral decay, danger or disbelief are also banned.
4. It is not allowed to generate national hatred or sectarianism or any other type of discrimination.

• **Article Twenty-Three**

1. Guardianship is a trust that must not be betrayed. This is fully forbidden to ensure the basic human rights.
2. Each individual is entitled to participate in the public administration of his country, either directly or indirectly. Similarly, all individuals are entitled for public offices based on *Shari'ah* laws and regulations.

• **Article Twenty-Four**

All rights and freedoms listed in this Declaration are comprehensible within the framework of *Shari'ah* laws and principles.

• **Article Twenty-Five**

1. *Shari'ah* laws and principles are the only source for the interpretation or clarification for any article of this Declaration.
Cairo, 14 Muharram, 1411 H.
Corresponding to: 5/8/1990
2. Accepting and determining the above stated rights is the correct path to erect a true Islamic society that maybe described as follows.¹⁰³
3. It is a society, in which, every one is equal. No one is superior on the basis of origin, race, color or language.

¹⁰³ The following are adapted from *The Islamic International Declaration for Human Rights*.

4. It is a society, which enshrines equality as a basis of all rights and duties. This equality stems from the unity of human race. The Almighty Allah states in the Glorious *Qur'ân Sura al-Isra* [The Night Journey] 17:70.

“We have honored the sons of Adam; provided them with transport on land and sea; given them for sustenance things good and pure; and conferred on them special favors, above a great part of Our Creation.”

5. It is a society where human's freedom is identical with his life. Man is born free. With his freedom, he can ensure his existence. Man must be safe against suppression, oppression, humiliation and slavery.
6. It is a society, which rose from family. The latter serves its nucleus and basis. It provides stability and progress.
7. It is a society where governor and the governed are equal before *Shari'ah*. The latter is divinely ordained. No discriminations are allowed in such a society.
8. It is a society in which authority and power is a trust, which the ruler assumes to attain goals within the framework of *Shari'ah*.
9. It is a society, in which, every individual believes that the Almighty Allah is the true Owner of the entire universe. He also believes that all what is in this universe is employed for the benefit of all the creatures of Allah ﷻ. All what we have is a gift and grant from Allah and none has any privilege to obtain a fair share of this Divine grant. The Almighty Allah states in the Glorious *Qur'ân Sura al-Jathiyah*, 45:13.
- “And He has subjected to you, as from Him, all that is in the heavens and on earth: behold, in that are Signs indeed for those who reflect.”*
10. It is a society, in which, all policies governing public affairs are based on the principle of consultation. The Almighty Allah states

in the Glorious *Qur'ân Sura al-Shura* [The Consultation], 42:38.

“Those who listen to their Lord, and establish regular prayer; who (conduct) their affairs by mutual consultation; who spend out of what We bestow on them for sustenance.”

11. It is a society, which grants equal opportunities to all individuals according to their skills and potentials. Such individuals will be accountable before their *Ummah* about their performance. This is based on the *Hadith* reported by Muslim, that Allah's Messenger ﷺ said,

‘Every one among you is a shepherd and every one is responsible for his [protected] herd.’

12. It is a society, in which, both the ruler and the ruled stand equally in judicial courts.

13. It is a society where every person reflects the conscious of *Ummah*. Each individual has access to the right of filing legal suit against any criminal action. Such individuals may also solicit the support of others.

14. It is a society that rejects all types of oppression and tyranny. It is a society, which ensures freedom, security, honor, dignity and justice for all. It is a society, which observes *Shari'ah* laws and practices.

15. The characteristics of human rights in *Shari'ah* are as under:

- a. Human rights according to Islamic *Shari'ah* are Divine. These do not stem from other humans who are influenced by whims, desires, interests and personal ambitions.
- b. Human rights are correlated with the Islamic faith and belief. They are protected and preserved by Divine judgement. Therefore, any violation on these rights is, in the first place, a violation against the Divine Will of Allah, and entails punishment in the Hereafter, as well as worldly punishment.
- c. These human rights are comprehensive and commensurate to

the nature of human being. They agree with the human innate and coincide with his weakness, power, poverty, richness, dignity and humiliation.

- d. These human rights are applicable to each person under the Islamic jurisdiction, regardless of color, race, religion, language or social status.
- e. These human rights are constant. These are not adaptable at any time or place and under any condition or circumstances. Neither individuals nor society can alter these human rights.
- f. These rights are sufficient to establish a society that grants its individuals a decent and honorable life. These rights are a mercy from the Almighty Allah, the Lord of all worlds and they are for the entire humanity at large. Human rights also serve to preserve political, social, moral and economic rights of humanity.
- g. Human rights, however, are restricted and not absolute. These rights are compatible with the basic *Shari'ah* laws and principles. They are not detrimental to the interest of the society and its welfare. For instance, the freedom of opinion and speech is guaranteed for every individual. All individuals are entitled to speak out and speak up saying the truth without hesitation. All have the right to provide and offer a reasonable advice to others, so long as this advice is in the public interest of others. Advice may be given in the spheres of worldly affairs or religious affairs alike. There are certain restrictions, however, that must not be exceeded, otherwise it will become a chaotic situation in the society. The following are some of these restrictions:
 - This freedom for an objective dialogue should be based on wisdom and good advice. The Almighty Allah states in the Glorious *Qur'an Sura al-Nahl* (The Bees) 16:125.

“Invite (all) to the Way of thy Lord with wisdom and beautiful

preaching; and argue with them in ways that are best and most gracious: for thy Lord knows best, who have strayed from His Path, and who receive guidance.”

- Adhere at all cost to the essential principles of Islamic faith such as the existence of Allah, the reality of the Message of Allah’s Messenger ﷺ, and all other related issues.
- Avoiding the use of such freedom in any way that is offensive to others, regardless whether the offense is worldly or religiously, such as defaming people, scandalizing people and revealing their secrets. Such unlawful acts will spread harm and evil among people in the Islamic society or any other society per se. The Almighty Allah states in the Glorious *Qur’ân Sura al-Noor* (The Light) 24:19.

“Those who love (to see) scandal published broadcast among the Believers, will have a grievous penalty in this life and in the Hereafter: Allah knows, and you know not.”



Misconceptions on Human Rights in Islam

The following are some of the misconceptions about the religion of Islam and the faithful Muslims. We will attempt to list them according to their priority and comment to the best of our ability on these subjects:

First: The *Shari'ah*, which was offered by Muhammad ﷺ since fourteen centuries, became very restrictive, nowadays, on the human rights. The Islamic *Shari'ah* in the present days is a non-developing religion which is incompatible to the advanced civilization of the current world, which presents super services for the human needs!

Reply to the Misconception about *Shari'ah*

Islam differs from other previous Divine religions. Previous religions were essentially spiritual religions that suggest the relationships of man with His Creator, the Almighty Allah. Islamic *Shari'ah*, however, is a comprehensive, complete and adaptable religion because it is suitable for every age, location and people. Furthermore, Islamic *Shari'ah* is a worldly, as well as, spiritual religion. Islam is a religion, as it postulates the relationship between man and His Creator, the Almighty Allah. Islam is also a worldly religion as it organizes and regulates the relationships between man and his society as well with other peoples and nations. Islam, unlike Judaism, for instance, is not limited for a specific people and society. Likewise, Islam is unlike Christianity, which is descended unto Jesus ﷺ, who openly declared that,

*'I am not sent but unto the lost sheep of the house of Israel.'*¹⁰⁴

Jesus ﷺ also said to his twelve disciples, who were selected to match the twelve Jewish tribes,

'To these twelve, Jesus sent forth, and commanded them, saying, go not into the way of the Gentiles, and into any city of

¹⁰⁴ Matthew 15:24.

*the Saumar'i-tans enter not. 6. But go rather to the lost sheep of the house of Israel.*¹⁰⁵

As for Islam, it was sent as a mercy for mankind. The Almighty Allah states in the Glorious *Qur'ân Sura al-Anbiya* (The Prophets) 21:107.

“We sent thee not, but as a mercy for all creatures [worlds].”

Thus, *Shari'ah* laws are bi-dimensional, as follows:

- One dimension of *Shari'ah* laws and regulations regulates the relationships of man with His Creator, the Almighty Allah. Faith, belief, various acts of worship and laws of inheritance has a solid basis that no one has the right to alter, add or delete. These are constant regardless of time, people and place or locality. Such laws are not ever subjected to any changes. For instance, *Salah*, prayer, in Islam has its own specific rules, rituals and regulations. No one has the right to change any of the various principles of *Salah*. Similarly, *Zakah* is another example that is solid, permanent and unalterable. Moreover, the individuals who are eligible to inheritance from parents, sisters, brothers, uncles and other relatives, have a set amount of inheritance that no one in the Islamic society can modify. Similar are other acts of worship in Islam.
- The second dimension of *Shari'ah* laws tends to regulate the relationships of man with his fellow man and the society. Moreover, it also directs man's relationships with other people and nations. Such rules and regulations are stated in a general form in the *Shari'ah* laws. Details are left following the needs that arise in the developed societies. Such rules and regulations maybe amended, altered and adaptable in view of the pressing needs of the society. Such changes or modifications, however, may be suggested by specialists, or jurists who well-understand all the changes and development in the current society. *Shura*, the principle of consultation, for instance is one example. This

¹⁰⁵ Matthew 10:5-6.

principle was mentioned in the Glorious *Qur'ân* in a general form without giving much detail to the mechanics of *Shura*. No specific information was given in *Qur'ân* that explains how to apply, execute and implement *Shura* in the Islamic society. The door is left wide-open for Islamic scholars to assess any pressing situation, in light of *Shura*, and serve the public interest for the individuals, the society and the *Ummah*, nation as per the requirements of every age and place. For instance, what maybe applicable for one generation might not be applicable for another. This method of assessment illustrates the comprehensiveness, the international scope and the validity of Islam for all times and climes.

Second: Some people, who do not truly know reality of Islam, who are either called scholars or Orientalists and enemies of *Islam*, claim that *Islam* does not respect the rights of the women. This disrespect, they claim, conflicts openly with human rights, which ensures the freedom of the belief of the individual.

Reply to the Misconception about the Women's Rights

The standpoint of *Shari'ah* on the non-Muslims residents in the Islamic society, is frank and crystal clear. Both the *Qur'ân* and the *Sunnah*, traditions of the Prophet ﷺ illustrate that freedom of religion is available to all members of the society under Islamic *Shari'ah* government. In fact, the Islamic state does not require to use any forceful measures to impel people from other faiths, who are not Muslims, to embrace Islam. This is an implementation of the verse of *Qur'ân*, *Sura Yunus* [Joanna] 10:99.

“If it had been thy Lord's Will, they would all have believed, all who are on earth! Will you then compel mankind, against their will, to believe!”

Commercial dealing is permitted with non-Muslims, both resident and non-resident, of the Islamic society. Eating their lawful food is also permissible to the Muslims. In fact, Islam goes a step further to permit male Muslims to marry a Jewish or a Christian woman. We must

remember that Islam gives a special attention and importance on raising a family. Yet, marriage with the so-called people of the Book; Jews or Christians is permissible to the male Muslims [only]. The Almighty Allah states in the Glorious *Qur'ân Sura al-Maidah* [The Table] 5:5.

“This day are (all) things Good and pure made lawful unto you. The food of the People of the Book is lawful unto you and yours is lawful unto them. [Lawful unto you in marriage] are [not only] chaste women who are Believers, but chaste women among the People of the Book, revealed before your time, when you give them their due dowers, and desire chastity, not lewdness, nor secret intrigues. If any one rejects faith, fruitless is his work, and in the Hereafter he will be in the ranks of those who have lost [all spiritual good].”

In addition, the Almighty Allah states in the Glorious *Qur'ân Sura al-Momtahinah* 60:8.

“Allah forbids you not, with regard to those who fight you not for (your) Faith nor drive you out of your homes, from dealing kindly and justly with them: for Allah loves those who are just.”

However, the non-Muslims who wage war against Islam and Muslims have a different treatment according to Islam. The Almighty Allah states in the Glorious *Qur'ân Sura al-Momtahinah* 60:9.

“Allah only forbids you, with regard to those who fight you for (your) Faith, and drive you out, of your homes, and support (others) in driving you out, from turning to them (for friendship and protection). It is such as turn to them (in these circumstances), that do wrong.”

Yet, Islam takes another step further in this regard. Islam permits religious discussions and dialogues with non-Muslims. Yet, Islam commands Muslims to adhere to the best approaches of discussions and dialogues with the non-Muslims. The Almighty Allah states in the Glorious *Qur'ân Sura al-Ankaboot* [The Spider] 29:46.

“And dispute you not with the People of the Book, except with means better (than mere disputation), unless it be with those of them who inflict wrong (and injury); but say, ‘We believe in the Revelation which has come down to us and in that which came down to you; our God and your God is One; and it is to Him we bow (in Islam).’”

Furthermore, Allah ﷻ addresses those of other faiths and religions, saying in the *Qur’ân Sura Ahqaf* 46:4.

“Say: ‘Do you see what it is you invoke besides Allah? Show me what it is they have created on earth, or have they a share in the heavens? Bring me a Book (revealed) before this, or any remnant of knowledge (you may have), if you are telling the truth!’”

In fact, we shall quote here Sir Thomas Arnold a Christian intellectual in his book *Call to Islam*, page 48,

‘Based on the friendly relationships, which were built and established between Christians and Muslims among Arabs, we can judge that force was never a decisive element in converting people to Islam. Muhammad ﷺ himself participated in a pact with some Christian tribes. Furthermore, Muhammad ﷺ took upon himself to protect and grant freedom for such people [non-Muslims] to practice their own religious rituals. In fact, Muhammad ﷺ permitted the clergymen of the church to enjoy their rights and authority with peace and security.’

It is sufficient, in rebuttal to this misconception against the human rights in Islam, to quote general jurist ruling as follows, ‘[The non-Muslims] are entitled for what we [Muslims] are entitled for. They are also demanded what we [Muslims] are demanded to do.’ This statement proves beyond any doubt that there is no disparity against non-Muslims residing in an Islamic society.

Third: The application and execution of *Hudood*, legal punishments according to Islam, is a cruel and barbaric act. Also, it transgresses the human rights.

Reply to the Misconception about Hudud

Let us illustrate first that crime and murders in Islam are divided into two categories as follows:

1. Crimes that have a definite punishment according to *Shari'ah* laws. These crimes are: killing, adultery, theft, drinking alcohol, false accusation with adultery or other immoral acts, aggression against people, rejecting Islam after being Muslim and fighting against Muslims or causing threat and harm them in their society.
2. Crimes that do not have a definite punishment according to *Shari'ah* laws. The Muslim executive head is given the authority to set the punishment for such crimes according to the public interest of Muslims and the Islamic society. These types of punishments are known as reprimands.

Crimes that have a definite punishment according to *Shari'ah* laws, however, are further divisible into two categories as follows:

- **First category:**

It refers to punishments which involve crimes of personal rights such as: killing, attacking a man and causing one of his limbs or organs to become disabled or falsely accusing someone with adultery. The penalties of such offenses maybe reduced if the plaintiff drops the charges. The punishments for such crimes will be *Tazeer*, which is a disciplinary punishment, decided by the ruling authority. Such punishment serves the interest of the Islamic society.

- **Second category:**

This refers to penalties, which involve violating the Commands of Allah and other prescribed *Shari'ah* injunctions. These crimes are drinking alcohol, fornication and thefts. The penalties for such crimes will not be dropped even if the plaintiff drops the charges.

Let us review some basis used for applying *Hudood*, capital punishment in the *Shari'ah*:

1. Capital punishment is applicable to an adult, sane and matured individual.
2. Capital punishment would be dropped in case of suspicion or insufficient evidence of the crime. This is based on the *Hadith* of Allah's Messenger ﷺ,
*'Stop the Hudood, capital punishment by entertaining [lawful and supported] suspicions.'*¹⁰⁶
3. Capital punishment, according to Islam, is applicable only against crimes committed toward the five dire necessities of man in life.
4. Capital punishment is confirmed by confession. However, it is possible to withdraw a confession. Only males' testimonies are acceptable in cases of capital punishment.
5. The essential objective of establishing such punishments is to teach a lesson to criminals not to do anything that may create horror to the Islamic society. No infringement, of any type, may be practiced against the rights of all individuals of the Islamic society. Therefore, such penalties act as a protective measure to ensure these rights. Consequently, the entire society will enjoy peace and security.

In addition, although Islam threatened people by heavenly punishment in the Hereafter for committing all types of crimes, it does not inflict worldly penalty as well. All individuals in the Islamic society who break the laws and Islamic regulations would be subjected to such severe penalties. There are certain individuals in any human society who would not be disciplined except by applying force on them to stop all their evil acts against the society. Thus, we notice that Islam determines a suitable penalty for every crime. *Qisas*, killing the killer, is a just and suitable penalty against a person who kills others. The Almighty Allah states about this penalty the Glorious *Qur'ân Sura al-Baqarah* (The Cow) 2:178.

¹⁰⁶ Bukahri, *Hadith* No. 6484 and Muslim, *Hadith* No. 1676.

“Oh you who believe! The law of equality is prescribed to you in cases of murder: the free for the free, the slave for the slave, the woman for the woman.”

However, if the family of the victim pardoned the killer the capital punishment will be dropped. This is based on the verse in the Glorious *Qur’ân Sura al-Baqarah* (The Cow) 2:178.

“But if any remission is made by the brother of the slain [his heir or guardian], then grant any reasonable demand, and compensate him with handsome gratitude.”

Furthermore, Allah ﷻ set the penalty of cutting the hand as a penalty for theft. This is based on the verse in the Glorious *Qur’ân Sura al-Maidah* (The Table) 5:38.

“As to the thief, male or female, cut off his or her hands: a punishment by way of example, from Allah, for their crime: and Allah is Exalted in Power. Full of Wisdom.”

Islam, however, does not apply or execute the cutting of the hand except based on very specific conditions and circumstances. First, the theft must be within the set limit. Second, the stolen item must be under lock and proper protection. Third, if the theft situation is only a suspicion, or if the reason for theft is a real and justified hunger [or real poverty], in such a case, the hand of the thief will not be amputated. Moreover, the theft is a very serious crime in the society. If theft spreads in the society, the entire members of the community will be threatened. Not a single individual would feel safe in his community. A secure community is essential to enable its members to enjoy a decent and honorable life. After stealing, a thief may confront resistance. This will prompt him to commit another offense, like murder. Similarly, he may rape a woman during the course of his offense. Therefore, such a serious crime must be dealt with properly and firmly. Hence, if a thief realizes that his hand would be cut off because of his theft, he may either hesitate or stop his theft. Consequently, the wealth and safety of the community would be secured.

Islam, further, has prescribed a specific penalty called *Hirabah* [a specific punishment which will be explained in the following example] for crimes committed under the threat of weapon. Examples of *Hirabah* are: road blocking to rob the passers by, killing, breaking into peaceful residential areas, and even frightening and intimidating innocent residents. The stipulated punishment is based on the verse of *Qur'ân Sura al-Maidah* (The Table) 5:33-34.

“The punishment of those who wage war against Allah and His Messenger, and strive with might and main for mischief through the land is: execution, or crucifixion, or the cutting off of hands and feet from opposite sides, or exile from the land: that is their disgrace in this world, and a heavy punishment is theirs in the Hereafter; Except for those who repent before they fall into your power: in that case, know that Allah is Oft-Forgiving, Most Merciful.”

Punishment is applied according the nature and intensity of the crime. If the thief kills and grabs the money of the victim, the punishment will be killing and crucifixion of the thief. If the thief takes the victim's money only, but does not kill the victim the thief's hand will be cut off. If a thief kills the victim but does not take his money the thief will be killed. If the thief frightens innocent residents but does not kill any of them such a threatening person must be exiled from his home country.

Moreover, Islam prescribes lashing punishment against bachelors who commit fornication. This is based on the verse in the Glorious *Qur'ân Sura al-Noor* (The Light) 24:2.

“The woman and the man guilty of fornication flog each of them with a hundred lashes: let not compassion move you in their case, in a matter prescribed by Allah, if you believe in Allah and the Last Day: and let a party of the Believers witness their punishment.”

As for the married male or female, who commit adultery, stoning to death

is the punishment applied to him. This punishment is only applicable and executed when specific conditions are applied and met. A married, male or female, is stoned to death in either of the following two:

- **Open and clear confession:**

No compulsion or force is exerted to obtain a confession from the criminal. Besides, the sentence is not executed after the first confession or open admission of the guilt. The confession will become effective only if it is repeated four times, in four different meetings or court sessions. A judge in all such sessions and at every confession turns his face away and throws it expressing his dislike with it. In fact, the judge may offer some terms, phrases or words that discourage the confessor and make him review his confession. The judge may say something to the effect, 'It could be that you just kissed the other person, or physically touched, but not actually committed an illegal act of adultery. Alternatively, you may have only hugged the other person without actually have a full intercourse. All that is to leave the door wide open for them to withdraw their original confession. This is based on the *Sunnah*, traditions of the Prophet ﷺ, which he did when the Ghamidi woman insisted that she has actually and firmly, committed an act of illegal adultery and was pregnant as a result of this intercourse. Thus, in case of insisting on the confession of the doers, the stoning will take place. Even then, if the stoning is taking place and the person who is stoned runs away in order to escape such an attempt is interpreted as a withdrawal of their confession. In such a case, the stoning punishment will be relinquished.

- **The second situation requires four just witnesses.**

These four just and fair witnesses must be known as truthful in their statements and conduct. The four witnesses must confirm a true observation of the actual intercourse directly (this means that the four witnesses actually have seen the male's penis in the female vagina). Such a situation is only observed when the two parties are openly committing such an illegal act of indulgence, showing no respect, to the laws, honor and dignity of the Islamic society. Similarly, in case

of suspicion only, the stoning punishment will not be inflicted, as we pointed out earlier. This is based on the *Hadith* of Allah's Messenger ﷺ,

'Stop the application of capital punishment in case of suspicion.'

Adultery and fornication is not a personal prerogative or a private behavior. It is, indeed, an infringement on the rights of the Islamic society. There are many results and consequences for such immoral act. The following are only few of such consequences:

- Demoralizes the social values and principles of the society and its members. Consequently, it leads to the spread of venereal diseases and possibly innocent individuals of the society may contract such dangerous diseases.
- Mixing of the lineage. A child maybe attributed to a person other than his own father, or a child maybe deprived the honor of being attributed to his real father. In addition, this will entail a serious problem in inheritance. Those who are not entitled for inheritance may become heirs and those who are entitled may not get any of the inheritance. Furthermore, a person may, possibly, marry a spouse who might have been permanently forbidden to him to marry [such as a sister, a niece and aunt, etc.].
- Creating a class of individuals who are deprived of the sympathy of parents, lineage and family as well as an identity of family belonging. This may lead to serious physiological diseases and instability. Consequently, this may also lead to a severe social deviation and disorders that could affect the entire society at large. Fatherhood and motherhood for a child are like a country. There they seek peace, shelter, security, support and happiness.

Moreover, Islam set lashing as a punishment for false accusation of others for fornication or adultery. The Almighty Allah states in the Glorious *Qur'an Sura al-Noor*, (The Light) 24:4.

"And those who launch a charge against chaste women, and produce not four witnesses, (to support their allegations), flog

them with eighty lashes; and reject their evidence ever after: for such men are wicked transgressors.”

The purpose, Allah ﷻ knows best, of establishing and executing this punishment is to protect and maintain good morals in the society and protect the intactness of the privacy of the innocent individuals. False accusation is a drastic social problem that must be treated and eliminated from the society. Human dignity is invaluable. Anyone who attempts to encroach generates retaliatory behavior. In some instances, such a false accusation may lead to a murder, killing the person who instigated the trouble. Therefore, *Shari'ah* prescribes such a serious punishment against the offender if he does not produce a substantial and true evidence.

All types of punishments in Islam confirms the preservation of human rights in mind and in demonstration and illustration of the divine justice and fairness.

Islam does not stop at the physical punishment only, but it goes a step further to physiological punishment as well. The false testimony of accusation, for instance, will not be accepted. It is described as corrupt, deviant and wicked act against *Shari'ah*. The only concession to this practice is to see that the accuser has fully repented to Allah ﷻ and improved his entire behavior. Again, all this is done to ensure the preservation of human rights, Allah ﷻ knows best.

Similarly, Islam set a punishment against the all types of intoxicants and traffickers. Drinking alcohol or using any type of illegal drugs is also punished according to *Shari'ah* by lashing as well. Man is free to eat as he likes and drinks as he wishes, and dresses as he wishes, but within the confines set forth by Allah ﷻ. Allah has forbidden certain types of meat, for instance, all types of alcoholic beverages and indecent clothes that cause social and moral problems in the society. Islam prohibits a Believer to eat the flesh of a dead animal, the blood of the living beings, the pork meat and animals that are slaughtered for the sake of deities, other than Allah ﷻ. There is no set punishment for this type of crime or disobedience to the Commands of Allah ﷻ, but

who commits such acts must repent fully and wholeheartedly to Allah and withdraw completely from such unlawful acts and practices. However, if a person is caught doing such illegal acts openly and publicly, a suitable disciplinary punishment is applied against him in a way that serves the public interest of the Islamic society. Man is also restricted to drink and take or use all types of intoxicants that do not harm his body, mind and family alone, but it exceeds that to harm the society at large. Therefore, wine, or liquor of all types, is called, 'The mother of all evils or vices', according to Islam. Lashing alcoholic is a prescribed punishment in Islam in order to limit the use of such harmful substances. Its intent is to ensure the protection of human being and his essentials: wealth, mind, and body. Also, it is oriented to efface the perilous impact, moral, economic, criminal and social, from the Muslim society. We may list below some of the negative effects and the consequences resulting from the abuse of alcohol and drugs:

- A drunk may commit fornication, adultery, or even rape against incest, unconsciously and under the alcoholic or drug influence.
- A drug addict becomes a useless member in the society. An addict may do any immoral act to get the illegal drugs by stealing or committing a crime.
- Serious health hazards are caused to the druggists, which are substantiated by current medical specialists.
- Wealth and time are wasted, which causes serious harms to the community and the society.
- The society is deprived from the potentials and the faculties of the addicts. This by itself is an encroachment on the rights of the society.
- The addict, temporarily, loses his mind and faculties. This situation may lead to very tragic circumstances. A person who is under the drugs or alcoholic influence may become barbaric in his attitude and behavior. Islam does not tolerate, accept or even condone such animalistic behavior for its society members.

Islam, therefore, decides a very broad and general ruling in *Shari'ah* that prescribes the punishment commensurate to the size of the sin. The Almighty Allah states in the Glorious *Qur'an Sura al-Shura* (The Consultation), 42:40.

“The recompense for an injury is an injury equal thereto (in degree).”

Additionally, the Almighty Allah states in the Glorious *Qur'an Sura al-Nahl* (The Bees) 16:126.

“And if you do catch them out, catch them out no worse than they catch you out.”

Islam, however, does not impose the application of these punishments. It rather leaves the door open for pardon and forgiveness insofar as the personal rights and injuries are concerned. The Almighty Allah states in the Glorious *Qur'an Sura al-Noor* (The Light) 24:22.

“Let them forgive and overlook do you not wish that Allah should forgive you? For Allah is Oft-Forgiving, Most Merciful.”

Additionally, the Almighty Allah states in the Glorious *Qur'an Sura al Shura* (The Consultation), 42:40.

“But if a person forgives and makes reconciliation, his reward is due from Allah.”

Islam does not aim to retaliate from a sinner. Islam does not impose sever punishment for the sake of being harsh and severe against Believers. The main and essential objective of the punishment is to preserve the rights of Believers in the Islamic society. Further, it seeks to maintain peace and tranquility and warns every evil practicing individual or evil instigator to think twice before he/she commits their evil act against the society. Islam also aims at warning every person who may think of committing crimes of such kinds threatening the members of the society to think twice before they do them. Islam also aims at purifying the Islamic society from all criminal activities. If a

murderer realizes that he/she will be killed for killing a person, and if a thief realizes that his hand is going to be cut off for his theft, and if a fornicator or adulterer realizes that he is going to be lashed, publicly, and if a false accuser realizes that he is going to be also lashed publicly, they will all think seriously before they commit their intended crimes. Thus, the Islamic society becomes more secure and safe. The Almighty Allah states in the Glorious *Qur'ân Sura al-Baqarah* (The Cow) 2:179.

“In the law of Equality there is (saving of) Life to you, Oh you men of understanding; that you may restrain yourselves.”

One may object that some of these stipulated punishments in Islam are cruel. The answer to this objection is simple: ‘All people agree that such crimes are extremely harmful to the society. Additionally, all agree that these crimes must be countered and the people who commit them should be punished. However, we should compare the fact whether these Islamic punishments are more effective in reducing the crime rate in the Islamic society or the man-made laws?

Islamic punishments may appear cruel to an onlooker who looks at its face value. However, they are just, practical and logical punishments when closely examined. Islamic punishments are, with Allah’s help, sufficient to wipe out all types of crimes from the Islamic society. Logic, before offering kindness to the criminal, demands not to overlook or forget the rights of the attacked people. A corrupt, and rotten or defective organ must be amputated from the society, as it is the case with a defective organ of the body in order to save the rest of the body.

It may be noted that anti-Islamic media provide distorted image of Islam and Islamic society. It states, for instance, that Islamic society is a barbaric and savage society. It also claims that its judicial and penal systems are cruel. In addition, this media shows that members of the Islamic society are characterized with permanent physical defects, without hands, arms and with opposite leg. or people who are lashed on a daily basis, in public. One may also think that Islamic

punishments are applied and executed on a daily basis. It is, however, worth pointing out that, throughout the Islamic history, there are only few instances where the punishment of stoning to death were recorded and applied. These instances were rare and based on the request of the sinners who confessed their crimes and they express their personal desire to receive the stoning punishment. The individuals who committed such crimes wished to purify themselves from such destructive sins. All other Islamic punishments are also the same.

Fourth: The punishment enunciated in *Islam* to the person, who chooses to depart Islam as a way of life, is an violation against human rights. Human rights ensure the freedom of religion to all people. Besides, such punishment contradicts the statement of *Qur'ân*, as the Almighty Allah states in the Glorious *Qur'ân Sura al-Baqarah* (The Cow) 2:256.

“Let there be no compulsion in religion.”

Reply to the Misconception about Departing Islam

Islamic *Shari'ah* enunciates this punishment to the person who turns his back to Islam as a way of life and reject its laws and regulations, based on the *Hadith*, the *Sunnah*, traditions of the Prophet ﷺ that states,

‘It is unlawful to kill a Muslim except for committing one of the three crimes, (1) A married man or woman, who commits [proven] adultery. (2) When killing another Muslim. (3) When turns one’s back to Islam [rejecting it publicly as a way of life and attacking it openly] and turn away from it and from the Islamic community.’¹⁰⁷

Moreover, it is based on the *Hadith* the *Sunnah*, traditions of the Prophet ﷺ,

‘Whosoever changes [rejects Islam as a religion and way of life] kill him.’

¹⁰⁷ Bukahri, *Hadith* No. 6935 and Muslim, *Hadith* No. 6524.

However, we should take the following two points into consideration concerning the person who rejects Islam as a faith and way of life:

- The killing of an apostate of Islamic faith implies such persons who deny and attack Islam openly and publicly. Such apostate is equivalent to an internal revolution within the Islamic society. If such a person confines his apostate to himself, and does not proclaim, he is left to Allah ﷻ. Allah ﷻ knows best who believes and who rejects the faith. Muslims can only base their judgements, sentences, and apparent matters and leave the realities to Allah ﷻ.
- A person who rejects the Islamic faith may be given a chance for three consecutive days to return to the fold of Islam. Matured Islamic scholars must sit with him and explain to him the major sin he is committing against his own soul, his family and the community. If this person returns to the fold of Islam he will be let free. If not he will be executed. Killing such an apostate is, in reality, a salvation for the rest of the society members.
- Declaring a rejection against Islam is unacceptable in Islamic *Shari'ah* because he is not honoring his commitment to his faith. If a person does not keep his commitment to Islam he is looked as worse than a non-Believer in the first place. The Almighty Allah states in the Glorious *Qur'ân Sura al-Nisa* (The Women), 4:137.
“Those who believe, then reject Faith, then believe (again) and (again) reject Faith, and go on increasing in unbelief, Allah will not forgive them nor guide them on the way.”
- Rejecting Islam as a way of life amounts to a malicious propaganda against Islam. Furthermore, rejection of Islam is also a disgrace to the Islamic society and the immediate community where the apostate lives. Such rejection will discourage people for joining Islam as a way of life. The example of rejecting Islam indicates that the person who joined it was only testing it, but was not serious about his commitment to this way of life. Therefore, this

rejection will tend to attack Islam and attempt to rebel from within. Therefore, such a punishment was prescribed, Allah ﷻ knows best.

- Islam, on the other hand, wants the apostates of the religion of Islam to take this matter very seriously and take their time to study it fully. They are requested to research, evaluate and seriously examine all the aspects of Islam as way of life prior to joining it and committing to its rules and regulations. If this reverting happened voluntarily it is well and good. If not, then, such a severe punishment will not give any slim chance to those who would like to play around and experiment with Islam.

Moreover, Islam does not treat rejection of the faith as a personal matter. Rejecting Islam as a way of life is not a change to the religion of the apostate only, but rather it is a rejection of the entire system. Such rejection will, surely, harm and injure the entire system and not the apostate only. As pointed earlier, Islam looks at this rejection as a nucleus for an internal revolution and evil instigation in the society. Islam does not accept nor condone such an evil practice that leads to mischief and confusion in the society. In fact, this is very similar even to modern political system, which treat any coup-de-tat or other activities to overthrow an existing regime or government as illegal activities. Furthermore, such revolutionary activities against government are taken very seriously and the participants are killed, exiled or imprisoned. In fact, such dissidents of the political system maybe psychologically or physically tortured, or the personal wealth of these individuals are confiscated. Further, the family members and/or the relatives of such person of the political system are also subjected to the harassment.

Fifth: Banning a female Muslim to marry a non-Muslim is an infringement against the human rights, and especially, her personal freedom, which permits the individual to marry whom she likes.

Reply to the Misconception¹⁰⁸ about Marriage to a non-Muslim

The Islamic rational understanding behind this restriction of the freedom of marriage is essentially the preservation and the maintenance of the family unit in Islamic society. Islam aims at protecting the family against dissolving by divorce because of the difference in religion between the two spouses. A husband may very well demonstrate a strong sense of disrespect of the wife's faith and principles of belief, as he thinks that he is more dominant member of the family. In addition, the wife may also feel that she is weaker and more sensitive as it concerns her faith in the family.

The following three cases will explain this situation. However, all these three cases stem from the same principle, which we pointed out in the previous paragraph.

1st Case: A male Muslim marries to an idolater or an atheist. Islam bans such a marriage because the Islamic Faith does not, in any way, respect the Faith of an idolater. Thus, the entire family will be in a continuous dispute and fight. Islam, moreover, considers divorce one of the most hated or disdainful acts, in the Sight of Allah ﷻ. Therefore, Islam discourages a marriage where a husband will not show consideration to the principles of Faith of the wife and her family. Consequently, such a problematic marriage, most likely, will end up with divorce, which will lead to the dissolution of an existing Islamic family. Islam, rather, discourages the dissolving of a Muslim family, as pointed out earlier. Therefore, Islam, in principle, eliminates the reason, which will lead to anticipated family problem.

2nd Case: Islam permits a male Muslim to marry a Christians or a Jewish wife because Islam accepts the Message of Jesus ﷺ as a Prophet and Messenger from Allah ﷻ, who was born miraculously, by the Will of Allah ﷻ. Similarly, Islam accepts the Message of Prophet

¹⁰⁸ The following is quoted from *Symposium on Islamic Shari'ah and Human Rights in Islam, Beirut, Dar-al-kitab-al-lobnani, 1973.*

Moses ﷺ considering him a Prophet and Messenger to the Israelites. Therefore, a Christians or a Jewish wife, who is keen to maintain her Faith as a Christians or a Jew, will not confront identical problem in this regard. Regardless of difference in the principles of faith, belief and religion, the marriage will continue and the family will prosper if all goes well between the two spouses, God willing.

3rd Case: Islam bans the marriage of a man with a Muslim female because the Christian person or the Jew denies the Message of Muhammad ﷺ. In fact, such individuals may talk derogatory about the Prophet ﷺ, a situation that causes hatred, problems and dislike between the two spouses. Such attitudes will lead to a dispute and differences between the two spouses. Eventually it will lead to the breakage of the family by divorce. Based on this, Islam bans the marriage that eventually leads to divorce.

Sixth: Slavery system in Islam contradicts Islamic concepts of equality and full personal freedom. This, too, is an encroachment upon human rights.

Reply to the Misconception about Slavery

We would like to present, in brief, the standpoint of Islam against slavery. Islam accepted the slavery system because of the existence of peculiar economic and social conditions of the society in order to meet their economic, when Islam made first appearance. The entire society, then, depended heavily on the slavery system in taking care of the economic and social needs. In fact, this system of slavery was not restricted to the society of the Arabian Peninsula but it was worldwide. Moreover, the slavery system was well adopted and recognized in the previous religions. It is stated in the Bible, Deuteronomy 20:10-17,

“10. When you come neigh unto a city to fight against it, then proclaim peace unto it.

11. And it shall be, if it make thee answer of peace, and open unto thee, then it shall be, that all the people that is found

therein shall be tributaries unto thee, and they shall serve thee.

12. And if it will make no peace with thee, but it will make war against thee, then thou shall besiege it.

13. And when the Lord Thy God has delivered it into thine hands, thou shall smite every male thereof with the edge of the sword.

14. But the women, and the little ones, and the cattle, and all that in the city, even all the spoil thereof, shall you take unto yourself, and you shall eat the spoil of thine enemies, which the Lord thy God has given thee.

15. Thus shall you do unto all the cities which are very far off from thee, which are not of the cities of these nations.

16. But of the cities of these people, which the Lord thy God does give you for an inheritance, you shall save alive that breathes.

17. But you shall utterly destroy them.”

Islam followed a gradual and long-term plan to eliminate slavery from the Islamic society, like the banning of all types of liquors. Liquor (or wine) was not banned at once in Islam but rather gradually in stages. In the first stage, the Almighty Allah states in the Glorious *Qur'ân Sura al-Baqarah (The Cow) 2:219*.

“They ask thee concerning wine and gambling. Say: “In them is great sin, and some profit, for men; but the sin is greater than the benefit [profit].” They ask thee how much they are to spend; say: “What is beyond your needs.” Thus does Allah make clear to you His Signs: in order that ye may consider.”

However, with people widely accepting Islam as a way of life and a religion to follow, Allah ﷻ revealed the following verse in *Qur'ân, Sura al-Nisa (The Women), 4:43*.

“Oh you who believe! Approach not prayers with a mind

befogged, until you can understand all that you say.”

Then, when Muslims became firm in faith and began learning and studying Islam thoroughly, showing full respect and obedience to the Commands of Allah ﷻ and the commands and the instructions of Allah’s Messenger ﷺ, Allah ﷻ issued a full ban for liquor. The Almighty Allah states in the Glorious *Qur’ân Sura al-Maedah* (The Table) 5:90,

“Oh you who believe! Intoxicants and gambling, (dedication of) stones, and (divination by) arrows, are an abomination of Satan’s handiwork: eschew such (abomination), that you may prosper.”

Similarly, Islam followed an identical approach to eliminate slavery from the Islamic society. Islam did not command to abruptly stop all dealings with slavery, but rather wisely drained all the sources of slavery. Islam aimed at reaching a stage where all activities will vanish completely. Islam started with the first stage; liberating themselves from within their hearts and minds. They were instructed to feel strong, healthy and capable within. They were taught to quit feeling weak, inferior, about themselves. Islam reconstructed the human feeling and integrity in the hearts and minds of slaves by making them, or rather calling them, brethren to their masters or owners. Slavery never remained a permanent phenomenon in the Islamic society. Allah’s Messenger ﷺ is reported to have said,

‘Your workers are your brethren. The Almighty Allah placed them under you [for your services]. Whosoever has one [of his brethren] under him [working for him] must feed him of what he eats, clothe him of what he clothes himself and do not assign them to do what they cannot do. If you do, then help them.’¹⁰⁹

Islam, further, establishes the rights of slaves to life. Allah’s Messenger ﷺ is reported to have said,

¹⁰⁹ Bukahri

*'Whosoever kills a slave will be killed. Whosoever cuts off the nose of a slave, his own nose will be cut off [in punishment]. Whosoever removes the testicles of a slave, his own testicles will be also removed.'*¹¹⁰

Moreover, Islam commands Muslims to be kind and good to their slaves and maids. The Almighty Allah states in the Glorious *Qur'ân Sura al-Nisa* (The Women) 4:36.

"Worship [Serve] Allah, and join not any partners with Him; and do good to parents, kinsfolk, orphans, those in need, neighbors who are near neighbors who are strangers, the companion by your side, the wayfarer (you meet) and what your right hands possess: for Allah loves not the arrogant, the vainglorious."

In fact, Islam upholds the feelings of the slaves with honor as it bans slave masters to remind their slaves about their slavish background. Allah's Messenger ﷺ is reported to have said,

'One should not say 'this is my slave' or 'this is my maid', but rather one should say 'this is my boy' or 'this is my girl.'

However, slavery, according to Islamic teachings is limited to physical slavery only and not mental and philosophical. A slave has the right to maintain his own faith if he wishes to do so. Furthermore, Islam sets forth the best example in human equality by making the superiority based on piety and righteousness. In fact, Islam made brotherhood or unity ties between slaves and their masters. Yet, Islam went a step further by presenting an excellent example of Allah's Messenger ﷺ when he offered in marriage his cousin; Zainab bin Jahsh ؓ, a noble Korishite lady, to his slave fellow; Zaid bin Harithah. The latter was also assigned as a leader to the army that consisted of some leading and well-known Companions of Allah's Messenger ﷺ.

¹¹⁰ Bukahri and Muslim report this Hadith.

Islam followed two main methods to eliminate slavery from the Islamic society and practiced them in a very subtle manners as to avoid any confusion or chaos in the society. These methods did not create any animosity, hatred between various classes of the Islamic society or cause detriment to the prevailing socio-economic situations.

The first method: Draining the sources of slavery, which were very vast at one point during the Islamic history. Slavery sources were as follows:

- Wars of all types where the defeated army fighters will be either killed or captivated, and consequently, enslaved.
- If a person is in a financial debt and could not pay it back fully, such indebted person would become a slave to the debtor.
- The practice of fathers to sell their children, male or female, if they chose to do so.
- Personal decline of freedom. If a person was in need for something, he sells himself to another person in order to get what he needed.
- All acts of piracy, kidnapping and abducting of people. Such kidnapped people were treated like slaves.
- A punishment for crimes such as killing, theft and adultery, which imposed slavery on the doer. The criminal person will become a slave to the victim or his family members or heirs.
- Reproduction of slaves even if the father was a freeman.

The aforementioned were just few sources for slavery, which were practiced in the world before the advent of Islam. Thus, Islam has forbidden all these sources. Two remained as exceptions:

1. War captives, or prisoners of lawfully declared wars by a Muslim ruler. However, such prisoners of war were not all declared as slaves. Some of them were set free while others paid ransom or else. This is based on the verse in the Glorious *Qur'ân Sura Muhammad* ﷻ 47:4.

“Therefore, when you meet the Unbelievers (in fight), smite at their necks; at length, when you have thoroughly subdued them, bind a bond firmly (on them): thereafter (is the time for) either generosity or ransom: until the war lays down its burdens. Thus (are you commanded): but if it had been Allah's Will, He could certainly have exacted retribution from them (Himself); but (He lets you fight) in order to test you, some with others. But those who are slain in the way of Allah, He will never let their deeds be lost.”

This, however, was at the beginning of the advent of Islam. The enemies of Islam then attempted to stop its progress and spread to others. Non-Muslims at that time held Muslims as prisoners-of-war. Islam did the same.

1. An inherited slavery, on the other hand, is the child who is born for two slave parents. Such a born child is considered a slave as well. However, if the master of a slave girl had an intercourse with her, the product of this relation is a free child who is also attached in lineage to his free father. In such case, the slave-girl is called “a mother of a boy” who is not sold and not given as a gift, but she will be freed upon the death of her master.
2. The second method involves expanding the exits of liberation of slaves from slavery. Originally, the only way for freedom was the will of the master to free the slave or the slave-girl. A slave, prior to advent of Islam, was considered a slave throughout his entire life. Yet, a slave master who would liberate his slave or slave-girl, had to pay a fine.

Islam introduced the practice of liberation of slaves through their own masters and contracting of slaves with masters to pay a specific amount of money to purchase their freedom or liberty. Moreover, Islam widely opened this door before the slave master was given latitude to liberate his slave at any time and without any obligation or financial fine. Yet, it opened other doors and means for liberating the slaves as well, such as:

- **Atonement for sins:**

Islam set an atonement for killing by mistake, a liberation of a Believing, faithful Muslim slave, in addition to the blood-money to be given to the affected family. This is based on the verse in the Glorious *Qur'ân Sura al-Nisa* (The Women) 4:92.

“Never should a Believer kill a Believer; but (if it so happens) by mistake, (compensation is due); if one (so) kills a Believer, it is ordained that he should free a believing slave, and pay compensation to the deceased's family, unless they remit it freely.”

- **Atonement for *Thehar* oath¹¹¹:**

This is based on the verse in the Glorious *Qur'ân Sura al-Mujadalah* (The Disputing One) 58:3.

*“But those who divorce their wives by *Thehar*, then wish to go back on the words they uttered, (it is ordained that such a one) should free a slave before they touch each other: these are you admonished to perform: and Allah is well-acquainted with (all) that you do.”*

- **Atonement for breaking an oath:**

This is based on the verse in the Glorious *Qur'ân Sura al-Maedah* (The Table) 5:89'89.

“Allah will not call you to account for what is futile in your oaths, but He will call you to account for your deliberate oaths: for expiation, feed ten indigent persons, on a scale of the average for the food of your families; or clothe them; or give a slave his freedom. If that is beyond your means, fast for three days. That is the expiation for the oaths you have sworn. But

¹¹¹Zehar is a type of oath where a person used to say to his wife, ‘You are unlawful for me to touch, like the back of my mother’. This was a practice during the pre-Islamic era and Islam banned it.

keep to your oaths. Thus does Allah make clear to you His Signs, that you may be grateful.”

• **Atonement for breaking the fast during the month of Ramadan:**

This is based on the incident of the man who came to Allah’s Messenger ﷺ telling him,

‘Oh Prophet of Allah! I have destroyed myself!’ Allah’s Messenger ﷺ asked the man, ‘Why?’ The man informed Allah’s Messenger ﷺ that he had an intercourse with his wife during the fasting hours of the day of Ramadan. Allah’s Messenger ﷺ asked the man, ‘Do you have a slave to free?’ The man answered negatively. Allah’s Messenger ﷺ asked the man again, ‘Do you have the means to feed sixty poor people?’ The man replied negatively. While the man and the rest of the people were sitting, Allah’s Messenger ﷺ was presented with an amount of fresh dates. Allah’s Messenger ﷺ asked about the man who committed that sin, and he came forward. Allah’s Messenger ﷺ said to the man, ‘Take these dates and give them to the poor people in charity [atonement for your sin].’ The man replied, ‘Oh Prophet of Allah! By Allah! There is no poorer family in the entire city of Madinah than my family.’ Allah’s Messenger ﷺ upon hearing this smiled in such a way that his fangs appeared, saying, ‘Then, take the dates and feed your family.’¹¹²

A person who has, however, committed one of these sins and is required to pay atonement for his sin, and he is financially capable, but does not possess a slave to liberate, must purchase a slave [if possible] and liberate it in atonement for his sin.

• **Islam declares liberating of slaves as one of the most beloved charitable acts of worship in the Sight of Allah ﷻ:**

This is based on the verse in the Glorious *Qur’ân Sura al-Balad* (The

¹¹² Bukahri reported this Hadith.

Town) 90:11-13

- “11. But he has made no haste on the path that is steep.
12. And what will explain to thee the path that is steep?
13. (It is:) freeing the bondman.”*

Moreover, the statements and actions of Allah’s Messenger ﷺ in this regard were one of the best incentives for people to free the slaves and liberate them for the cause of Allah ﷻ. Allah’s Messenger ﷺ said,

‘Whosoever frees a slave will get a reward to free one of his organs from the fire of hell for every organ of the slaves organs.’¹¹³

In addition, Allah’s Messenger ﷺ is reported to have said,

‘Visit the ill, feed the hungry and release the suffering slave.’¹¹⁴

• **Announcing freedom to the slave:**

If a slave master announces any word or synonyms of freedom, liberation, releasing or relieving a slave from his slavery, though jokingly, the slave is freed instantly. This is based on the statement of the *Hadith* of Allah’s Messenger ﷺ saying,

‘[There are] three matters if you utter them seriously or jokingly, you will commit yourself to do them. These are: divorcing [one’s wife], accepting a marriage [to a woman] and freeing or liberating a slave.’¹¹⁵

• **Liberating a slave by a will:**

One of the means of liberating a slave is through the death-will. The will may be written, announced verbally, pronounced to someone or the like. If a slave master declares, in any form, that his slave will be a

¹¹³ Muslim reported this Hadith.

¹¹⁴ Bukahri reported this Hadith.

¹¹⁵ Bukahri reported this Hadith.

freeman upon the master's death, the slave has secured his freedom after the death of the master. Therefore, as a precautionary measurement Islam bans to sell or give away such a slave after this declaration. If a slave-girl is given such a promise and the owner has an intercourse with her, the child who is a product of that cohabiting is born as a freeman also. Similarly, the slave girl, in such a case, is not to be sold or given away as a gift to a third party, but rather liberated as well.

- **Slave liberation is one of the proposed channels of *Zakah*:**

This is based on the verse in the Glorious *Qur'an Sura al-Tawbah* (The Repentance) 9:60.

“Alms are for the poor and the needy, and those employed to administer the (funds); for those whose hearts have been (recently) reconciled (to the truth); for those in bondage and in debt; in the cause of Allah; and for the wayfarer: (thus is it) ordained by Allah, and Allah is full of knowledge and wisdom.”

- **Atonement for slapping on the face:**

Islam requires freeing a slave if the slave master slaps or hits his slave on the face. This is based on the *Hadith* of Allah's Messenger ﷺ,

‘Whosoever slaps his slave or hits him/her on the face must pay an atonement by freeing him.’¹¹⁶

Contracting a slave: This involves a situation when a slave requests his master to sell him his freedom for a sum of money they both agree upon. If a slave requests his master to issue him such a liberation contract, it will become binding on the master to grant the slave such a contract. In such a case, the slave will have the liberty to buy, sell, trade, own and work in order to accumulate the needed money against his freedom contract. Even working for his master will be for a specific wages for his labor. In fact, Islam went a step further by

¹¹⁶ Bukahri reported this Hadith.

asking donations, assistance and support for such people from the wealthy people and donors in the Islamic society. Even the master is urged to discount some of the money agreed upon, or to give him some easier payment facilities to help the slave obtain his freedom. This is based on the verse in the Glorious *Qur'ân Sura al-Noor* (The Light) 24:33.

“And if any of your slaves ask for a deed in writing (to enable them to earn their freedom for a certain sum), give them such a deed if you know any good in them; yet, give them something yourselves out of the means which Allah has given to you.”

We can confidently say, in brief, that Islam did not legalize slavery. Conversely, it established laws and regulations that contributed significantly and effectively to help restrict the sources of slavery and helped slaves to be freed once and forever.

The Ministry of Justice in Kingdom of Saudi Arabia held three symposiums during the month of *Safar* 1392 H (1982 G). The Minister of Justice and eminent scholars and university professors attended along with four eminent European canonists and scholars:

1. Ex Foreign Affairs Minister of Ireland and the Secretary of the European Legislation Committee.
2. A well-known scholar of Oriental and Islamic Studies Professor.
3. An eminent professor of Law and the Director of the Human Rights Magazine published in France.
4. Some of the eminent lawyers of Appellate Court in Paris.

The Kingdom's scholars explained the concept of Islam as a way of life, in comparison with other competing concepts, illustrating the main rules of Islam and the *Shari'ah* and the details of such general rules and principles. Muslim scholars also illustrated that the *Shari'ah* preserves the real interests of people. The Muslim scholars also illustrated the value, the benefits and the effectiveness of the Islamic capital punishments that are prescribed against serious crimes

committed against innocent people and society. Muslim scholars further explained that such capital punishments are rational penalties that preserve the peace, safety and security of the society at large. Furthermore, such punishments will reduce the percentage of crimes in the society.

At their own, the Europeans expressed their admiration of the detailed explanations given by the Muslim scholars on these types of punishments. Europeans even admired the concept of the human rights in Islam.

Mile Pride, the head of the European delegation, declared then,

‘From this place, and from this Islamic country the human rights must be declared and announced to people all over the world and not from any other country. Muslim scholars must declare these unknown human rights to the international public opinion. In fact, due to the ignorance about these human rights and lack of proper knowledge about them, the reputation of Islam and the Islamic ruling and governing is distorted in the rest of the world.’



Conclusion

In conclusion, I can confidently say that all what has been presented in this booklet is an introductory discourse to the human rights in Islam. I hope and pray that this discussion will open avenues for those who are keen to know more about the truth of Islam. Unfortunately, it has been severely misconstrued and misinterpreted by modernist Muslims as well as by the enemies of Islam.

I call upon the readers of this booklet also to explore more about Islam as a way of life and thought through reliable and sound sources. Readers are urged to study these sources without any preconceived bias.

I feel obliged to offer any assistance to the individuals who are keen to learn and know more about Islam as a way of life.

I would also like to emphasize to the Muslims calling others to Islam to be sincere in their intention. Their efforts should not be motivated by any personal gains. But they should seek the pleasure of the Almighty Allah in this life and in the Hereafter to enjoy the permanent abode in the *Jannah*, Paradise. One of the Companions of Allah's Messenger ﷺ once said when he was asked about the reason for his participation in the fight for the cause of Allah ﷻ, 'We came in order to liberate people from worshipping other people and to get them out of the injustices caused by other religions, letting in to the justice of Islam.' As for the divine reward in the Hereafter, we Muslims believe that there are two permanent abodes in the Hereafter, without a third. These are either the *Jannah*, Paradise, the bliss and eternal happiness, or else the Hellfire or eternal torture. *Jannah*, Paradise is the graceful reward from Allah to those who obeyed His Commands. The Almighty Allah states in the Glorious *Qur'ân Sura al-Imran* (The Family of *Imran*) 3:85.

"If anyone desires a religion other than Islam (submission to Allah), never will it be accepted of him; and in the Hereafter he

will be in the ranks of those who have lost (all spiritual good)."

This is also based on the verse of *Qur'ân Sura al-Kahf* (The cave) 18:107-108.

"As to those who believe and work righteous deeds, they have, for their entertainment, the Gardens of Paradise, Wherein they shall dwell (for aye): no changes will they wish for themselves."

Furthermore, the Almighty Allah promised Hellfire to those who disobey His commands and set partners to Him. The Almighty Allah states in the Glorious *Qur'ân Sura al-Nisa* (The Women) 4:48.

"Allah forgives not that partners should be set up with Him; but He forgives anything else, to whom He pleases; to set up partners with Allah is to devise a sin most heinous indeed."

The Almighty Allah states in the Glorious *Qur'ân Sura al-Bay-yenah* (The Clear Evidence) 98:6.

"Those who reject (Truth), among the People of the Book and among the Polytheists, will be in Hell-fire, to dwell therein (for aye). They are the worst of creatures."

Since the advent of Islam, the enemies of Islam have waged wars against Islam, and the wars would continue in our time. Such anti-Islamic elements have exploited worst possible means in this war. Yet, their arrangements are ineffective. They may deceive the insane. But men with sanity and maturity will remain unaffected. Besides, people with sound minds continue to successfully differentiate between truth and falsehood. In fact, eminent religious people from other Faiths continue, increasingly, to join Islam as a way of life. This in itself conspicuous evidence to prove the magnificence of Islam as a religion and way of life and it proves that it is surely, a Divine Faith and religion sent down by Allah ﷻ. The Almighty Allah assured to preserve His religion of Islam to mankind. The Almighty Allah states in the Glorious *Qur'ân Sura al-Hejr* 15:9.

"We have, without doubt, sent down the Message [Qur'ân and

Islam]; and We will assuredly guard it (from corruption).”

Let us end our booklet with a beautiful quote from Allah’s Messenger ﷺ *Hadith*,

‘The most beloved people to Allah are the most useful [or beneficial to others]. The most beloved actions to Allah ﷻ is a pleasure you bring to [a broken hearted, suffering] Muslim, or to relieve such a sufferer from his suffering, or to pay his debt, or to dismiss his hunger [by offering him a decent meal to eat]. It is even better for me to walk with a Muslim brother to accomplish his need than to enter seclusion in a Masjid for an entire month. Whosoever controls his anger [in this world] Allah ﷻ will cover his vices. Whosoever controls [suppresses] his anger, which he is capable of harming others with it, Allah ﷻ will fill his heart with satisfaction [or happiness] on the Day of Judgement. Whosoever walks to support the evidence of a Muslim brother [definitely] Allah ﷻ will fasten his footsteps on the Day when footsteps are [very] flinching. Surely, evil character and behavior will spoil [or ruin] the [good deeds and pious actions] as vinegar spoils honey.’¹¹⁷



¹¹⁷ Tabarane and ibn Abu-Dunya reported this Hadith.