Middle-East Journal of Scientific Research 21 (9): 1645-1651, 2014

ISSN 1990-9233

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DOI: 10.5829/idosi.mejsr.2014.21.09.21745

Islam and Universal Declaration of Human Rights: Accord or Discord?

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Abstract: The issue of human rights is a matter of growing concern for Muslims and Non-Muslims. The schemes of human rights sponsored by the United Nations, in the aftermath of the World War II, espouse the idea of rights backed by constitutional laws and international law binding on all nations. Contrary to what might otherwise be thought or perceived human rights in Islam possess certain distinctive features similar to the Universal Declaration of Human Rights (UDHR) 1948. The prevailing image of discord between Islam and UDHR is a distorted one as the differences between them can be recognized and acknowledged while the common grounds are properly accorded. Instead of accentuating the differences and antagonisms, the common relationship between Islam and UDHR needs to be consistently debated and highlighted as both have the common objectives to guarantee human rights. This is so as the direct impact of the relationship concerns with the integral and constitutive component of development processes in human life. This paper attempts to shed light on the commonality between the two systems as anchored on moral domains of Islamic principles which have many common grounds are articulated.

Key words: Human rights • International law • Islam • common grounds and moral domains

INTRODUCTION

In the global village and borderless world of today bygones are days when people of different worldviews cling onto their own views of relating to others and dismissed other good elements of other cultures as unnecessary. This holds true of the Muslim verses West notion of human rights as was the recurrent theme in debate over human rights in the twenties. It is sad to state that this debate still rages and tension between right advocates and cultural specify claimants continues to cloud intellectual atmosphere for harmonization between Islam and human rights. The primary purpose of the paper is to emphasis that human rights in Islam contain moral and ethical orientations which are in accordance with the UDHR.

Human Rights in Islam: In Islam, the destiny of humankind is a theological issue, involving a life after death, whose quality will essentially depend on how believers follow the law of Allah or *Shariah* while they are on earth [1]. Therefore, to understand Islam charter of human rights, it is necessary to see it in the framework of the religion.

The fundamental principle of the *Shariah* is that humans have the right; in some cases it is a religious duty, to fulfill all his genuine needs and desires and make conceivable efforts to promote their interest and achieve success and happiness [2]. The purpose of rights in Islam is to confer honour and dignity on humanity and to eliminate exploitation, oppression and injustice. In this sense, the *Shariah* aims to ensure the well-being of the *Ummah* as a whole irrespective of the status of the individuals in society and this entails abiding the limits that Allah has decreed [3].

Commonality of Islam with Universal Declaration of Human Rights (UDHR-1948): On 10 December 1948, the General Assembly of the United Nations adopted and proclaimed the Universal Declaration of Human Rights, the full text of which appears in the following sections [4] followed by discussions from an Islamic perspective.

UDHR Article 1: Free and Equal in Dignity and Rights.

The Quran says, "O mankind! Be dutiful to your Lord Who created you from a single person (Adam) and from him (Adam) He created his wife (Eve) and from them both He created many men and women; and fear Allah through

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Whom demand your mutual rights" [5]. This Quranic injunction specifically insists that all humans are a single human race as descendants of Adam and Eve, later developed into various civilisations. However, they are expected to live in harmony and understand one another.

UDHR Article 2: Rights and freedom without distinction of any kind.

Islam offers a definite rule of freedom with accountability. The Quran says, "So, whoever does good equal to the weight of an atom shall see it. And whoever does evil equal to the weight of an atom shall see it" [6]. In Islam, a man needs to be aware of the consequences of his individual moral acts.

UDHR Article 3: Right to life, liberty and security of the person.

Islam views human life as sacred and inviolable and every effort shall be made to protect human life [7]. The Quran says, "that if anyone killed a person not in retaliation of murder, or to spread mischief in the land – it would be as if he killed all mankind and if one saved a life, it would be as if he saved all of mankind" [8]. Islam emphasis that every effort shall be made to protect human life and no one should be exposed to injury or death, except under the authority of the law.

UDHR Article 4: No slavery or servitude.

The emphasis of human equality in Islam indicates that the differences of people and tribes are meant to encourage a universal dynamism through knowing and cooperating with one another. The Quran says, "O Mankind! We have created you from a male and female and made you into nations and tribes, that you may know one another. Verily, the most honourable of you with Allah is the believer who has at-taqwa" [9]. The Quran highlights the essential aspect of fear of Allah as the motivating factor to achieve human equality and solidarity.

UDHR Article 5: No form of torture, cruelty, inhuman or degrading treatment or punishment.

Islam extends such protection to any human being regardless of his religion, race or origin. In the words of the Prophet Muhammad (saw), "Allah will torture those who torture people in the world" [10]. The ruling imposed in Islam is as a deterrent for such cruel and inhuman acts.

UDHR Article 6: Right to recognition everywhere as a person before the law.

Man is squarely charged with this moral struggle because he is unique in his order of creation, having been endowed with free choice in order to fulfill the mission as God's vicegerent on earth [11]. In this struggle, God is with man, provided man makes the necessary effort to create a moral social order on earth which the Quran describes as *al-amanah* (trust). Islam repeatedly states that every man and woman is morally responsible for their individuals.

UDHR Article 7: Equality and without any discrimination to equal protection of the law.

Islam gives such rights absolute equality in the eyes of the *Shariah*. The Quran says, "Verily, Allah commands that you should render back the trusts to those, to whom they are due; when you judge between men, you judge with justice" [12]. As human life is regarded as sacred, every human is equal before the law. Everyone is subject to the same law of Allah. The need to fair trial is necessary and should be administered without fear or favour.

UDHR Article 8: Right to an effective remedy by the competent national tribunals by the constitution of the law.

Islam deals specifically with the occurrences of abuse of power. The Quran says, "And those who annoy believing men and women undeservedly, they bear on themselves the crime of slander and plain sin" [13]. Thus, Islam offers a more secured protection against abuse of power or harassment by authorities that violates the law. Islam aims at establishing its society on clear conscience and mutual trust, not on doubts, suspicions, accusations and mistrust. The *Shariah* in this manner severely deals with act of abuse of power.

UNDR Article 9: No one shall be subjected to arbitrary arrest or exile.

The spirit of Islam on the issue of tolerance underlines upright attitudes with sincere sentiments and benevolent dealings of the highest order. The Quran declares, "There is no compulsion in religion. Verily, the right path becomes distinct from the wrong path" [14]. In fact, Islam has granted the people of other faiths the highest degree of tolerance by allowing them to follow their own way.

Similarly, Islam allows criticisms against the ruling government that deviates from the path ordained by Allah. In the words of the Prophet Muhammad (saw), "If any of you sees something evil, he set it right by his hand; if he is unable to do so, then by his tongue; and if is unable to do even that, then within his heart – but this

is the weakest form of faith" [15]. All this naturally presupposes the citizen's right and duty to watch the activities of the government and to criticize its administrative and legislative policies on matters that are wrongly handed.

UNDR Article 10: Right to fair hearing.

What Islam intended is to give the people the understanding that justice is an obligatory tenet without question and that the wronged person shall take his right [16]. The Quran says, "Certainly, We sent Our Messengers with clear signs and We revealed to them the Book and Balance so that the people may observe justice." [17]. Islam calls for the benefit of mankind, the maintenance of justice to all people and so it is not for one particular race but all mankind.

UDHR Article 11: Declaration of individual innocence.

In Islam, *al-adalah* (justice) means giving the right of the person in the right manner what ought to be given [18]. The Quranic standard of justice transcends considerations of race, religion, colour and creed, as Muslims are commanded to be just to their friends and foes alike and to be just at all levels. The Quran says, "O you who believe! Stand out firmly in justice, as witnesses to Allah; even though it is against yourselves, or your parents, or your kin, be the rich or poor, Allah is a Better Protector to both than you" [19].

In Islam, justice is a trust. Thus, in Islam to render justice is a trust that God has conferred on human beings and, like other trusts, its fulfillment must be guided by a sense of responsibility beyond mere conformity to set rules.

UDHR Article 12: Right to individual privacy.

Islam guarantees honour and dignity of an individual by prohibiting strictly scurrilous attacks and unfounded accusations. The Quran asserts thus: "O you believe! Avoid much suspicion, indeed some suspicions are sins. And spy not, neither backbite one another. Would one of you like to eat the flesh of his dead brother?" [20]. The strict prohibitions instill the sense of fear of the consequence of committing the evil deeds and only come from the sense of moral responsibility.

UDHR Article 13: Right to freedom of movement.

In Islam, it falls within the responsibility of the state to provide its citizen with economic facilities as necessary to maintain of human happiness and dignity. Islam allows mobility among the believers to enable them to ensure maintenance and well-being of their families. The state is morally and legally bound to ensure the economic well-being of its citizens. The Qur'an says, "others travelling to the land seeking Allah's bounty, yet others fighting in Allah's cause" [21].

UDHR Article 14: Right to asylum.

The Shariah further consolidates the humanitarian principles of brotherhood, equality and tolerance among human beings. It addresses the issue of asylum explicitly and in detail and guarantees safety, dignity and care for the Musta'men (asylum-seeker). Moreover, it follows specific procedures in responding to asylum requests. The custom of aman (safety) implies the protection of asylum-seekers, whether they are believers or non-believers [22]. This is clearly stated in the Quran, "And if one of the Mushrikin (polytheists, idolaters, pagans, disbelievers) seeks your protection then grant him protection so that he may hear the Word of Allah (Quran) and then escort him to where he can be safe that is because they are men who know not" [23]. Thus, Islam gives protection to asylum and refugee seekers, even if they are non-Muslims.

UDHR Article 15: Right to nationality.

In Islam, it is the state moral duty to grant citizenship in return citizens' allegiance to the state. Islam even constitutes upon the citizens its protection of life, freedom or property, except due to the process of the law [24]. In the words of the Prophet Muhammad (saw), "The blood, property and honour of a Muslim is *haram* (sacred) to every other Muslim" [25]. Thus, the state has a moral duty to protect the honour and dignity of its citizens.

UDHR Article 17: Right to own property.

Islam allows everyone to own property individually or in association with others as long as it is acquired from legitimate sources as defined by the *Shariah*. The Quran affirms this as, "But seek, with that (wealth) which Allah has bestowed on you, the home of Hereafter and forget not your portion of lawful enjoyment in this world" [26]. In this sense, Islam encourages Muslims to seek fortunes so that they could enjoy some comfort of life while at the same time have the opportunity to help others.

UDHR Article 20: Right to assembly.

In Islam, every individual is entitled to participate individually and collectively in the religious, social, cultural and political life of his community and to establish institutions and agencies meant to enjoin what is *ma'ruf*

(right) and to prevent what is *munkar* (wrong). The Quran says, "Let rise out of you a group of people inviting to all that is good, enjoining *al-Ma'ruf* and forbidding *al-Munkar*" [27].

In another verse, the Quran says, "Help you one another in *al-birr* and *al-taqwa* (virtue, righteousness and piety); but do not help one another in sin and transgression" [28]. An individual or the community has the moral obligation to strive for the establishments of institutions where the enjoyments of rights would be made possible. Collectively, the community is obliged to establish conditions so as to allow its members full development of their personalities, for their own full benefit and that of community.

UDHR Article 21: Right in politics.

Islam maintains the right to participate in politics by means of the role of *Khalifah* bestowed by Allah upon man. It means that a state is established in accordance to the political system under the sovereignty of Allah. The Quran says, "Verily, I am going to place mankind on earth as Khalifah" [29]. This is important as the sole aim of political leadership in Islam is the establishment of justice. The leaders are not only responsible for their citizens, but also accountable to Allah as the purpose of such moral duty is to establish social and economic orders on earth.

The constant demand made by Islam is that the principles of morality must be observed at all costs and by all walks of life. Islam lays down an unalterable policy that the leader and the state should base their policies on justice, truth and honesty.

UDHR Article 22: Right to social security.

Islam has laid down universal fundamental rights for humanity which are to be observed and respected in all circumstances. For example, human blood is sacred and killing is strictly prohibited unless with a strong justification, oppression against women, children and old people must be abolished, the sick and the wounded must be tended and the poor and hungry must be fed, clothed and housed. In the words of the Prophet Muhammad (saw), "You would recognize the Faithful by the mutual compassion, love and empathy. They are like one body; if one of its parts is ill, the whole body suffers from sleeplessness and fever" [30]. Thus, the right to social security in Islam extends to the rights to food, shelter, clothing and medical attention consistent with the resources of the community and the state and is extended to all individuals regardless of age, race, gender and religious faith.

UDHR Article 23: Right to employment.

In Islam, the state must assume active responsibility for the material welfare of the people. It falls within its moral responsibility to provide its citizens with economic facilities for the maintenance of human happiness and dignity. In the words of the Prophet Muhammad (saw), "By Him in Whose hand I repose! No one has real faith unless he desires for his brother that which he desires for himself" [31].

In another saying of the Prophet (saw), "Feed this (wages) to your camels that carry the water" [32]. Islam honours employment and the worker and enjoins Muslims not only to treat the workers justly but generously. The employer, thus, has the moral responsibility to fulfill the terms and conditions of employment of the employees.

UDHR Article 24: Right to rest and leisure.

In the words of the Prophet (saw), "Your servants are your bothers whom Allah has placed under your authority. Whoever has his brother under his authority, let him feed him from what he eats and clothe him with what he wears. Let him not burden him with more than he bears and if you do, then help him" [33]. Islam calls that the relationship between employer and employee should be based upon the principles of brotherhood, equality and dignity.

UDHR Article 25: Right to health and well-being.

Islam demands that the state must see to it that equity prevails within the community and that every citizen – man, woman and child – should have enough to eat and to wear, shall be succored in the case of illness and a decent home in which to live. In the words of the Prophet Muhammad (saw), "You shall not enter Paradise until you have faith; and you cannot attain faith until you love one another" [34].

A very important religious duty for all Muslims is the paying of *Zakat*. The state through its institution will distribute the alms received as required by the *Shariah*. The Quran says, "*Zakat* are for the poor, the very poor and those employed to collect and to attract the hearts of those who had been inclined (towards Islam); and to free captives; and for those in debt; and those for Allah's Cause and for wayfarer" [35].

Zakat is not only religious duty but also a moral one. In the words of the Prophet (saw), "it shall be taken from the rich among them and turned over to the poor among them" [36]. Islam imposes moral obligations on the state and individual, that is, to use authority and wealth for the establishment of social-economic justice.

UDHR Article 26: Right to education.

In Islam, Muslims are required to fulfill the divine order from the position of knowledge. The three sources of knowledge are available from the Quran, *Sunnah* and knowledge derived from human experience. Both the Quran and *Sunnah* provide the Muslims with the moral and ethical principles of life. In addition, these sources of knowledge become the framework within which life is to be lived [37]. These types of knowledge as well as knowledge from human experience are knowledge that helps Muslims to fulfill their role in society. For this reason, Islam makes the seeking of knowledge compulsory for everyone. In the words of the Prophet Muhammad (saw), "Search for knowledge is *faridah* (sacred duty) imposed on every Muslim man and woman" [38].

In another saying of the Prophet (saw), "A man who struggles to seek knowledge, Allah shall provide him an easy passage to Paradise" [39].

Every person is entitled to a free choice of profession and career within Islamic ethical framework and to the opportunity for full development of his natural endowments. Islam requires Muslims to have knowledge to fulfill the divine trust to administer the affairs of the world in best possible manner. This means managing resources, developing science, industry and technology, while developing human potential and abilities. Thus, Islam places the seeking of knowledge as a religious duty for both man and woman, as knowledge is to be sought both for its own sake, for learning and its application.

UDHR Article 27: Right to participate in the cultural life.

In Islam, science or the study of nature is considered linked to the concept of *Al-Tawhid* (There is no god but Allah). The link implies a religious aspect of the pursuit of scientific knowledge, as nature is viewed in the Quran, as a sign of the Creator. The Quran says, "Who has created the seven heavens one above another, you can see no fault in the creation of the Most Gracious. Then look again: "can you see any rifts?" Then look again and yet again, your sight will return to you in a state of humiliation and worn out" [40].

The Quran, while inviting us to cultivate science, itself contains many observations on natural phenomena and includes explanatory details which are seen to be in agreement with modern scientific data [41]. So, the motivating factors for man to study science not only lead a thinking person to acknowledge the existence of the

Creator but this scientific knowledge is indeed useful for man in various fields of life. Islam articulates that scientific achievements and knowledge should be utilised for human benefits.

However, in the increasing globalised economy driven by profit-making enterprises, protecting the rights of the inventor is not only as a mean to accord proper recognition to the tireless efforts but also at least a partial right to a profit to the idea in a tangible manner. In the words of the Prophet Muhammad (saw), "He who dies in protecting his property is a martyr" [42].

Scientific discovery is the intellectual property of a scientist. Islam's emphasis on giving due recognition for knowledge is well known. Acknowledging the source of information is known as *isnad* or chain of transmission and this creates a meticulous picture of the knowledge path taken by the text as well as the narrators of the text.

UDHR Article 28: Right to a social and international order.

Islam is a religion for the whole humanity. Thus, it is a universal religion, a religion of mercy to all humanity, Muslims and non-Muslims. The Quran describes Prophet Muhammad (saw) as a mercy to all human. The Quran says, "And We sent you (O Muhammad (saw) not but as a mercy for the *Alamin* (mankind, jinns and all that exists)" [43].

If one looks at the *Shariah* with an open mind, the term "mercy" in the above verse is definitely apparent. One important aspect of "mercy" is the legislation of Islam which deals with other religious faiths. The tolerant attitude of Islam towards non-Muslims, whether they are residing in their own countries or within Muslim lands, can be clearly seen in the history of Islam. Not only does Islam demand their freedom to practice religion, but that they are also treated justly as any other human beings.

In the words of the Prophet Muhammad (saw), "Beware! Whoever is cruel and hard on a non-Muslim minority curtails their rights, burdens them with more than they can bear, or takes anything from them against their freewill: I will complain against the person on the Day of Judgement" [44].

This is a serious warning by our Prophet (saw) against any abuse of non-Muslims in a Muslim homeland. Thus, Islam calls for the just treatment of all people and religious faiths due its merciful tenets which gave humanity the right to be humans.

UDHR Article 29: Right to duties of the community.

In Islam, the personality and dignity of descendents of Adam are the divine bestowal, which is above the other creatures of God and thus is secured by all means. The Quran affirms this, "We have conferred dignity on the children of Adam and borne them over land and sea and provided for them sustenance out of the good things of life and favoured them above most of Our creations" [45].

In the Quran, as a demonstration to illustrate the privileged position of mankind, God has ordered the angels to bow before Adam, the first man created by God. The main difference between man and other creatures of God is the aspect of intellect and freewill to choose between doing good and avoiding evil. The line of separation between these two lies on the choice of moral conduct from the two paths shown by God. The Quran says, "By *nafs* (Adam or a person or a soul) and He Who perfected him in proportion. Then He showed him what is wrong and what is right" [46].

To realise human potential, all obstacles and problems must be removed and all means should be secured to maintain and develop human personality and dignity. The Quran maintains, "That home of the (eternal) life, We shall assign to those who do not seek to exalt themselves with pride and oppression in the land nor do mischief by committing crimes; for the good end belong to the *Muttaqun* (God-conscious)" [47].

The dignity bestowed by God to human beings must be preserved and defended. It is the individual, social and universal responsibility of Muslims to protect human personality and dignity despite their many differences because oppression is an obstruction of God's will of the creation of man.

UDHR Article 30: Preservation of rights and freedom set forth under UDHR 1948.

The rights as outlined in the UDHR 1948 are generally considered by the international community to be universal, inter-dependent and applicable to all nations. Therein, there are binding and complying treaties monitored by the UN. Muslims from all over the world, particularly, the minorities may face little difficulties to comply with them as there are many points of similarities with Islam.

CONCLUSION

Islam is an ideal code of human rights, as the rights divinely accorded to human beings by the Creator of the whole universe. As Islam is a divinely-revealed religion, then Divine Guidance contains these rights and obligations of human beings towards other fellow human, as vested by God and mankind is accountable to Him.

Over and above, Islam secures and protects human rights based on the Divine moral code of life. Human rights in Islam aim at conferring honour and dignity while eliminating exploitation, oppression and injustice. Islam contains both the moral and spiritual resources for a profound support of global peace, integral humanity and the flourishing of human life in accordance to the tenets of international law.

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