

Human Rights in Islam By Imam Dr Abduljalil Sajid

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Wednesday, 14 December 2011



Bismillah Hir Rahma Nir Rahim (I begin with name of God the Most Kind the Most Merciful). I greet you with the greetings of Islam (Assalamu Alaykum wa Rahmatullah wa Barakathu (May God's blessing and peace be with us all.)

I am honoured, and deeply humbled, to the Universal Peace Federation (UPF) for inviting me on this historic occasion of Human Rights Day 2011. From the very outset I wish to give my personal and, on behalf of the Muslim Council of Britain, congratulations to your organization for the very valuable work you have done which has been very much recognised by international agencies. I have privileged to work closely on previous years and found Rights and Humanity work with faith communities very useful. 10th December date is also a very special date in the international calendar. This is another anniversary of the United Nation's Declaration of Human Rights when in 1948 the world community endorsed a remarkable document.

Let me say a few words about Human Rights and Islam before I turn to the topic of religious extremism and fanaticism. I must make it clear that to the best of my knowledge, the modern world had no concept of human rights before the seventh century and it was not until the 18th century that the concept took any practical meaning in the constitutions of a number of countries. From the Islamic point of view God granted rights to all humans, which cannot be taken away by any human institutions. Islam gave to mankind two types ideal code of rights fifteen hundred years ago: **1. Haqooq Allah** which means rights and obligations towards the creator **and 2. Haqooq an-Nas or Haqooq al-Ibad** which means human rights. The first constitutes recognition of duties by human beings to be righteous and act with purity of mind and body in worship and obedience to the will of creator. The second is based upon social contract to do good deeds for common good with dignity and respect for all human beings while appreciating diversity and valuing the difference. This is the obligation of the society for the best relationship between man to man. Every right have some duties and responsibilities, which must be strictly observed, in letter and in spirit.

The fact is that from the very beginning included human rights among its basic tenets, along with its great emphasis on duties of man towards fellow human beings. It is because of this that we find in various places in the Holy Qur'an revealed in early period condemning various forms of violations of human rights, which prevailed in those days. It motivated the people to change some undesirable customs of that time such as killing girl child, established system of slavery or non-equal treatment between various sections of the community. The Prophet Muhammad paid great attention to the basic human rights from the early days of his prophet hood. The Prophet of Islam's famous sermon given at the **Hujjatul Wida** (farewell



Pilgrimage) is just one example of Islamic charter of human rights. Human rights in Islam are an integral part of the overall Islamic order and it is obligation on all. These rights are conferred by God have been explained in various authoritative books on Islam written by scholars. It is unfortunate that human rights are being trampled upon with

impunity in many countries of the world including some Muslim countries. Such violations are a matter of serious concern and are arousing the conscience of many people throughout the world. Let me now turn towards the topic I was asked to give my views.

Universal Declaration of Human Rights was articulated along the lines of historical trends of the Western world during the last three centuries, and a certain philosophical anthropology of individualistic humanism which helped justify them" [1]. [1]. The basic assumptions underlying the Declaration were a) of a universal human nature common to all the peoples, b) of the dignity of the individual, and c) of a democratic social order.

Since the nineteen-seventies there has been a growing interest in the West in Islam and Muslims. Much of this interest has been focused, however, on a few subjects such as "Islamic Revival," "Islamic Fundamentalism," "Extremism and Terrorism in Islam" and "Women in Islam," rather than on understanding the complexity and diversity of "the World of Islam."

Let me begin from the very outset to clarify Islam from Muslim. Most people treat Islam and Muslims as synonymous and mutually interchangeable terms, often saying Islam where they ought to say Muslims and vice versa.

In my humble opinion the word "Islam" should be used exclusively for the "Way of Life" based upon divine sources: The Book known as Qur'an, "the word of God" and Sunnah, "the proven practices of the Prophet" (peace and blessing of God be upon him). "Muslims" as human beings are free to abide or deviate from Divine Guidance as they feel fit according to their own conscience. Islam has never claimed to be a new faith. It is the same faith that God ordained with the creation of the first man sent to earth - Adam. Islam confirms almost all Biblical and Hebrew Prophets as the Prophets of Islam and their messages as the messages of Islam as long as they are confirmed in the Holy Qur'an, the Book of Islam. The moral and ethical code of Islam is similar to Judaism, Christianity and many other major world faiths. The only difference is in theology, concepts and practices, in the methods of worship of the One and the Only One God and methodology of how morality and ethics should govern all spheres and aspects of our human life. A Muslim must do good deeds and work for the welfare of humanity in co-operation with others for common good.

There is no contradiction between the divine rights of the individual, anchored in the Holy Qura'n, and the core rights as embodied in the Universal Human Rights declarations. Muslims support fundamental human rights, rule of law, and division of power with accountability and checks and balances, universal suffrage and eligibility, and freedom of speech and conscience. Islamic Shariah commands its followers to observe the local legal order. Muslims can live anywhere in the world, provided they can fulfil their fundamental religious duties. Muslims must also respect and abide by all laws of the land.

The general theory of Islam begins with a consideration of application of Islamic Shariah (Law) in daily life. Shariah is not a divine Law. It is a human interpretation of the sacred text. According to Islamic teachings, the Creator not only laid down laws governing the natural universe but rules for human conduct in all aspects of life. Unlike natural order, which follows its predetermined laws, mankind has the freedom to rebel and follow its own "man-made" laws, which is, however, a form of unbelief (shirk). Non-submission to the will of Allah is not only an act of ingratitude (kufr) for divine mercies, but also a choice for evil and misery in this world and punishment in the life hereafter. In Islam, all aspects of natural life have been God-willed, therefore, the ultimate purpose of all creation is the compliance of the created with the will of the creator. Islam is neither a purely otherworldly religion nor one that focuses too much on worldly affairs. Muslims seek the best of both worlds. Islam is simultaneously a creed, a set of ethical norms, a social order, and a way of life. Wherever they are, Muslims are expected to actively contribute to the common good and to show solidarity with their brothers and sisters in faith, worldwide. Islamic Shariah commands its followers to observe the local legal order. Al-'Adl, justice, is a term that means "situation or position in the

middle", or intermediateness commonly known as fairness. According to the Holy Qur'an [2] [2]., justice is a precondition for peace: Without justice -- between human beings there can be no peace in the world. Adil and Ehsan must be the keywords here as in all matters related to Human Rights debate.

Much has been written on Islam and human rights. What today is referred to as human rights has roots, going back far further than you suggest. However, it has been known under other names, such as "natural rights" or "the rights of Man". In Western scholarship, the distinguishing characteristic of human rights is that of laws, which are enacted to confer the same right on all people in a state. As such, for example, the Encyclopedia Britannica traces the first codification of universal rights to a political pact in Spain between a Christian king and the local people, during the time when Muslim influence was very strong. This happened centuries before the Muslims were eventually completely forced out of the Iberian Peninsula. These rights, closely reflect well-established universal rights in Islamic law.

Specifically, the rights to protection of life, property and honor, were contained in this early pact. In Islamic law, these are basic human rights, along with protection of your mind – from anyone imposing doctrines and beliefs on you - and protection of your freedom to practice your religion. The last two rights seem not to have been achievable in 11/12th century Christian Spain, for obvious reasons that ended up with the inquisition. Before this pact and for most of the time after it, mainstream Europe had two sets of rights – rights for the aristocracy and rights for the common people!

Islamic law established the idea of universal rights from the outset, specifying that justice requires that everyone be treated equally before God's law:

O ye who believe! stand out firmly for justice, as witnesses to God, even as against yourselves, or your parents, or your kin, and whether it be (against) rich or poor: for God can best protect both. Follow not the lusts (of your hearts), lest ye swerve, and if ye distort (justice) or decline to do justice, verily God is well acquainted with all that ye do.
N(Surah 4 Verse 135)

Within the framework of Islamic law, there are many things that might be regarded as rights. However, the five rights above define a broad responsibility of the state, which apply regardless of whether the person is Muslim, Christian or whatever religion.

In addition to these rights, further social rights, including rights of maintenance, inheritance etc., can be established within each religious community, in their own way, as is consistent with their religious teachings. In the Islamic civil society, each recognised religious community maintains its own law making institutions. Those laws are binding on the members of that community. **This is a great degree of freedom of religion, which has been removed in the secular states of today, where freedom of religion generally means freedom from religion!**

Other human rights, which are considered essential, might easily be argued as being derived from the established principles of Islam. Hashim Kamali's *Freedom of Expression in Islam* is a good book, exploring one key right that is often a subject of dispute.

It is appropriate to clarify that the Islamic tradition - like other major religious traditions - does not consist of, or derive from, a single source. Most Muslims if questioned about its sources are likely to refer to more than one of the following: the Holy Qur'an or the Book of Revelation which Muslims believe to be God's Word transmitted through the agency of Angel Gabriel to the Prophet Muhammad; Sunnah or the practical traditions of the Prophet Muhammad; Hadith or the oral sayings attributed to the Prophet Muhammad; *Fiqh* (Jurisprudence) or *Madahib* (Schools of Law);

and the Shari'ah or code of law which regulates the diverse aspects of a Muslim's life. While these "sources" have contributed to what is cumulatively referred to as "the Islamic tradition", they are not identical or considered to be of equal weight. Of all the sources of the Islamic tradition, undoubtedly, the most important is the Holy Qur'an which is regarded by Muslims in general, as the primary, and most authoritative, source of normative Islam.

To many Muslims the Holy Qur'an is the Magna Carta of human rights and a large part of its concern is to free human beings from the bondage of traditionalism, authoritarianism (religious, political, economic, or any other), tribalism, racism, sexism, slavery or anything else that prohibits or inhibits human beings from actualizing the Qur'anic vision of human destiny embodied in the classic proclamation: "**Towards Allah is thy limit**" [3]. [3].

According to the Holy Qur'an, dignity of the children of Adam is a divine bestowal which is to be secured by all means, including the law and the state authorities, and is to be defended by all forces:

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 favored them far above most of our Creations. (The Holy Qur'an 17:70)

As a demonstration of this privileged position, God ordered the angels to prostrate themselves before Adam, the first human being. What distinguishes humans from other creatures is mainly their intellect and their free will to choose between doing good and doing evil. To fulfill a human potential, all obstacles and pressures must be removed from the way, and all means should be secured to maintain and develop our humanity. The dignity bestowed on humans in the Qur'an must be defended. It is the individual, social and universal responsibility of Muslims to guard human rights because oppression is an obstruction of God's will in His creation:

"As for that (happy) life in the life to come, We grant it (only) to those who do not seek to exalt themselves on earth, nor yet to spread malevolence: for the future belongs to the God-conscious". (The Holy Qur'an 28:83)

It is the individual, social, and universal responsibility of Muslims, according to their faith, to protect the human merits and virtues of all the children of Adam, whatever their differences may be. Defending the human rights of any human being is a religious duty for a Muslim, who believes that any oppression is an obstruction of God's will and plan in His creation. Moreover, a Muslim believes that God has created all mankind equal as human beings, and no one can claim superiority in this respect, whatever his/her ethnicity, family, wealth or gender may be. The Holy Qur'an teaches:

O humanity! Be conscious of your Lord, who has created you out of one living entity, and out of it created its mate, and out of the two spread abroad a multitude of men and women. And remain conscious of God, in whose name you demand [your rights] from one another (and before Him you will be accountable), and of these ties of kinship. Verily, God is ever watchful over you. (The Holy Qur'an 4:1)

O humanity! Behold, we have created you all out of a male and a female, and have created you into nations and tribes, so that you might come to know one another. Verily, the noblest of you in the sight of God is the one who is most deeply conscious of Him. Behold, God is All-Knowing, All-Aware. (The Holy Qur'an 49:13)

The only One who is above all humans is their Creator and Lord:

and there is nothing that could be compared with Him. (112:4)

At the inception of the belief in one God is the belief in the equality of all human beings, since those who believe in one God believe that all human beings are created by the one Creator. Thus, deeply rooted in the conscience of believers is the duty to maintain human rights and to practice equality in the process. Any discrimination against any individual or group about their basic rights as members of humanity is a challenge to the faith of believers, since for any human to claim superiority based on origin or power is contradictory to the belief in the One Ultimate Supreme Being:

...the All-Highest, who creates [everything], and thereupon forms in accordance with what it is meant to be. He cannot be called to account for whatever He does, whereas they will be called to account. (The Holy Qur'an 21:23)

A tyrant is against human rights and the One Ultimate Supreme Being as well:

Behold, Pharaoh exalted himself in the land, and divided its people into castes. One group of them he deemed utterly low; he would slaughter their sons and spare [only] their women, for behold, he was one of those who spread malevolence [on earth]. (The Holy Qur'an 28:4)

In the same chapter, the Qur'an states that those who will attain to happiness in the life to come, as it has been mentioned before, are those who don't seek to exalt themselves on earth, nor yet to spread malevolence; for the future belongs to the God-conscious (The Holy Qur'an 7:157). Thus, the Qur'an repeatedly emphasizes human rights and justice, and condemns injustice, aggression and oppression. It highlights the message of the Prophet Muhammad:

...enjoins upon them the doing of what is right and forbids the doing of what is wrong, and makes lawful to them the good things of life and forbids the bad things, and lifts from them their burdens and the shackles that were upon them. (The Holy Qur'an 7:157)

Justice can be concisely and precisely defined as the maintenance of human rights and equality:

Behold, God enjoins justice, and [going beyond justice to] the doing of what is magnanimous (and kind), and giving to one's kinsfolk; and He forbids all that is shameful and all that runs counter to reason [and morality], as well as transgression; He exhorts you [repeatedly] so that you might bear [all this] in mind. (The Holy Qur'an 3:195)

Any discrimination between men and women in rights or responsibilities is forbidden according to the divine justice- the same as any other discrimination:

And their Lord does answer them: I shall not lose sight of the work of any of you who works [in My way], be it man or woman ... (The Holy Qur'an 3:195)

And [as for] the believers, both men and women - they are in charge of [and responsible for] one another [and form together one body], they [all] enjoin the doing of what is right and forbid the doing of what is wrong, and keep up their prayers, and render the purifying [social] dues, and pay heed unto God and the conveyer of His Message. (9:71)

Divine justice can never be for Muslims only. It secures the rights of all human beings, whatever their beliefs may be. It is especially protective of the rights of belief and practicing one's belief, not any coercion should be in matters of faith (2:256). Defending all houses of worship is legitimate and urged:

"...for if God had not enabled people to defend themselves against one another, [all] monasteries and churches and synagogues and mosques in [all of] which God's name is abundantly exalted - would surely have been destroyed (ere now), and God will most certainly support one who supports His cause..." (The Holy Qur'an 22:40)

Muslims are taught by the Qur'an to build their relations with others on kindness, while the minimum obligation which should be strictly observed is justice (60:8). They should always have in mind that no hostility stays permanently, and that if they follow God's guidance, their behavior may turn an enemy into a close friend:

Yet God may develop affection between you and those of them you felt were enemies, for God is All Powerful, Much Forgiving and Most Gracious. (The Holy Qur'an 60:7)

But good and evil cannot be equal; repel [therefore, evil] with what is better; and so between yourself and one with whom there was enmity [it may then become] as though he/she had [always] been a close friend. Yet [to achieve] this is not given to any but those who are patient and enjoy self-control; it is not given to any but those endowed with the greatest good fortune. (The Holy Qur'an 41:34-35)

Islam secures the human rights even for those who may violate the human rights of others, since two wrongs do not make one right. A violation should be stopped instantly, but the rights of the violator as a human being should be secured. Islamic law aims to fight the crime in its origin, not just to inflict punishment. Islamic penal law is enforced in order to prevent the sources of violation and transgression without social justice and public education for all. It is required that every possible effort be made to educate and rehabilitate an offender, not to destroy him/her. And finally, the Prophet states that a mistaken decision in acquitting a guilty person is better than a mistaken decision of punishing an innocent one. (From an authentic tradition of the Prophet repeated by Ibn Ali Shayba, al Tirmidhi, al-

Hakim and al-Bayhaqi in al-Sunan, on the authority of Aisha).

Islamic civil and commercial law prohibits illegitimate and exploitative gains while protecting the principle which has been earned legitimately and legally before usurious additions:

...and give up all outstanding gains from usury...for if you do not, then know that you are at war with God and the Conveyer of His Message. But if you repent, you shall be entitled to your principals. You will do no wrong and neither will you be wronged.

The Islamic law of war requires an open declaration of the start of military operations, and limits fighting to the combatants only. As soon as the aggression itself is stopped and the aggressor submits to justice, justice should be maintained in relation to both parties equally:

“...but then, if one of the two [groups] goes on aggressing against the other, fight against the aggressors until they revert to God's commandment; and if they revert make peace between them (both parties) with justice, and deal equitably [with them], for verily, God loves those who act equitably”. (The Holy Qur'an 49:9)

Any of the enemy's army who asks for protection or shelter should be granted it, and may be returned to his camp if he so requests:

“And if any of those who ascribe divinity to aught beside God seeks your protection, grant him protection, so that he might [be able to] hear the word of God [from you]; and thereupon convey him to a place where he can feel secure”. (The Holy Qur'an 9:6)

The wounded and deserters from the enemy's army should not be attacked, but should be cared for until they are cured or repatriated.

Human rights as described by the divine message in The Holy Qur'an and Sunna of the Holy prophet were considered by the Muslim jurists to be the Avery goal of shari'ah. The jurists condensed Islamic law, as mentioned before, into the securing and developing human personality in five main areas: life, family, mind, faith, and property. The human rights covered by these five areas include the collective rights of groups and peoples as well as the rights of individuals; political and social rights have their place side by side. A collective effort to defend the powerless and the oppressed against a powerful oppressor is an essential Islamic obligation. Every right is considered a responsibility and an obligation. In addition to human rights being considered a collective responsibility of the ummah (the Muslim people as a group) and the authorities, every holder of a right must also struggle for him/her self to obtain, maintain and enjoy this right.

An accurate balance has to be maintained between basic spiritual and moral development and education on one side, and the protection of values by the law and the state on the other. A balance should be maintained as well between rights and duties:

Indeed, have We sent forth the Conveyers of Our Messages with all evidence of the truth; and through them We bestowed revelation from on high, and a balance [where with to weigh right and wrong], so that men behave with equity; and We bestowed from on high [the ability to make use of] iron, in which there is awesome power as well as[other] benefits for man; and [all this was given] so that God might mark out those who would stand up for Him and the Conveyer of His Message, even though He [Himself] is beyond the reach of human perception. Verily, God is Powerful, Almighty. (The Holy Qur'an 57:25)

Based on faith in God, the Islamic perspective on human rights is comprehensive and deep. When a Muslim fighter was asked by the Sassanian leader, Rustum, about the cause that he was fighting for, he simply answered, A God has sent us to transport human beings from the worship of one another to the worshipping of One God, from a narrow life to a wide world, and from the dominant injustice under other beliefs to the justice of Islam. (al-Tabari, in his reports about the battle of al-Qadisiyyah in 17 AH/ 637 CE)

This was the message of Islam in early times: a universal liberation and establishment of justice and maintenance of human rights. It is thus to maintain, develop and spread such an understanding of the divine message in our times.

Exposing Extremists on their Own Grounds

In their efforts to expose the extremists among Muslims, the counter-terrorists run the risk of buying into the same distortions of the Holy Qur'an that feed terrorism. They interpret the Qur'an just as the terrorists do and thereby lend them support, when they should be attacking the terrorists' distortion of their own religion. For example, terrorists like to deny that they are terrorists by claiming that the word terrorism is subjective. They claim that their enemies to attack political opponents use the term indiscriminately. It would be more effective to accuse the terrorists of *hiraba*, which is the classical Arabic word for terrorism and has a precise definition.

The term *hiraba* refers to public terrorism in a war against society and civilization. In legal terminology it is defined as "spreading mischief in the land," but its precise meaning, as defined by Professor Khalid Abou el Fadl, is "killing by stealth and targeting a defenceless victim in a way intended to cause terror in society." This is the Islamic definition of terrorism. It is the very opposite of *jihād*. A cognate word, from the common root *hariba* meaning enraged, is *harb*, which means enemy or war, as in Syed Qutb's *Dar al Harb*. In order to counter the extremists, one must hoist them by their own petards by using classical Islamic terminology to show that they are frauds. There is no such thing as Islamic terrorism, but there have always been **Muharibun** or Muslim terrorists. And there is no such thing as "holy war," certainly not as a translation of *jihād*, but there are extremists who claim that their extremism is holy, when in fact they are only exhibiting the supreme sin in Islamic thought, which is arrogance. Arrogance is incurable, because arrogance denies itself.

The Muslim terrorists are **Muharibun**, guilty of *hiraba*. Classical jurists state there can be no greater evil and no greater sin, other than blaspheming against God. If there is to be a clash both within and among civilizations, the major cause will be not Islam or any religion, but the extremists in every religion who commit *hiraba*. They have a name, and to name an evil is to expose it for what it is. **The extremist Muslims recite and distort various portions of the Holy Qur'an to support their extremism, of which three are their favourites. The first is Surah al Ma'ida 5:51**, which has been translated by the six major translations of the Qur'an into English, namely, Arberry, Pickthall, Dawood, Yusuf Ali, Ahmad Ali, and now El-Halali/Khan, as follows: "O, you who believe [in the message of Muhammad], do not take Jews and Christians as friends. They are friends to one another, and the one among you who turns to them is of them. Truly, God does not guide wrongdoing folk."

The extremists like to give the term *awliya* the meaning of friends, when, in fact, it means much more than that. The singular, *wali*, means guardian, one to whom one entrusts one future and one's faith. *Wali* is one of the 99 names of God that Muslims often recite. A cognate meaning of *wali*, with emphasis on the first syllable, and also one of the names of God, is "ruler," one to whom one submits. The extremists support their favourite distortion of this text by ignoring the circumstances of this particular revelation. According to one of the earliest and most famous historians and commentators, Al-Tabari, who died in the third Islamic century, this verse was revealed shortly after the Makkans had driven the Muslims out because Muhammad opposed the profitable pilgrimage of neighboring tribes to visit the many gods set up in and around the Ka'aba. Although the Makkans were much more powerful militarily than the small group of Muslims who emigrated to Madina, the Makkans feared their growing popularity. Therefore the Makkans attacked Madina with a relatively overwhelming force. Since it was the practice then to secure one's own personal survival and the survival of one's tribe or clan by making alliances with other tribes, many Muslims started to seek such alliances with Jewish and Christian tribes. This would have split the Ummah or community in Madina and caused the annihilation of the Muslims. In this case, the proper translation of *awliya* would be protectors or guardians.

The extremists among the Muslims today, however, like the translation of "**friends**" because this supports their ghetto mentality of confrontation with the outside world and suspicion of every Christian and Jew as an enemy. This is the perfect justification for demonising entire civilizations and even one's next-door neighbor as part of the *Dar al Harb*. From this it is not a great step to 9/11.

The second favourite distortion by the Muslim extremists, and one pounced upon by those who confuse Islam with extremist Muslims, is **Baqara 2:191**: "**And slay them wheresoever you find them, and turn them out from where they have turned you out.**" This is a favourite of the suicide bombers in the Holy Land, whose ultimate aim is to drive the Jewish population into the sea. **This selection out of context ignores the immediately preceding verse, 2:190, which reads: "Fight in the way of God against those who fight you, but transgress not the limits. Truly, God does not love the transgressors [of limits]."** Again, the historical context is also necessary to put the "slay them" verse in perspective. It does not refer to all non-Muslims and very specifically not to Jews and Christians. The objects of the verse are the *mushrikun* or polytheists who were driving the Muslims out of their homes in Makkah. By universal definition in Islamic law, Christians and Jews are not polytheists but People of the Book, with whom Muslims are free to intermarry. In fact, these two verses, 2:190-191, are often cited by Islamic jurists as the first instance in which the Qur'an forbid all war and violence except in self-defence and within strict limitations, which were spelled out in other parts of the Holy Qur'an and in the whole body of later scholarship during the classical period of Islamic civilization.

As David Dukake points out in his chapter, “**The Myth of a Militant Islam**,” in Lombard’s edited book, *Islam, Fundamentalism, and the Betrayal of Tradition*: “Al-Tabari gives many accounts detailing the limits placed upon the muhajidun [wagers of jihad]. He says, for instance, that the cousin of the Prophet of Islam, Ibn ‘Abbas, commented upon Verse 190 as follows: ‘Do not kill women, or children, or the old, or the one who greets you with peace, or the one who restrains his hand from hurting you, and if you do this then you have transgressed.’ Another tradition related by Al-Tabari comes from the Ummayyad Caliph ‘Umar ibn ‘Abd al ‘Aziz or ‘Umar II [at the end of the first Islamic century], who explained the meaning of 2:190 as: ‘Do not fight he who does not fight you, that is to say women, children, and monks.’”

The hadith that prohibit exactly what the suicide bombers are doing to innocent Jews in the Holy Land and the suicide bombers did to the Christian women and children in the North Ossetian village of Beslan in the year 2004 are much too numerous to detail, but many are quoted in Dukake’s chapter on “**The Myth of Militant Islam**.”

Most Muslims are familiar with these many hadith, which is one reason why they are so horrified that any self-proclaimed Muslims would support suicide bombers in the name of Islam. The best way to marginalize Muslim extremists is to turn the tables on them and show that in their ignorant rage they are trying to hijack their own religion.

The third favourite distortion of the Holy Qur’an by those who allegedly base their crimes upon it is Surah al Taubah 9:73: “O Prophet, perform jihad (jahid) against the unbelievers (kafirin) and the hypocrites (munafiqin), and attack them (akhlū).” The Muslim extremists rightly believe that this is directed against Muslims as the hypocrites, but they are clearly distorting the meaning when they say that this verse requires war against all Christians and Jews as unbelievers. The Qur’an does often refer to Christians and Jews as unbelievers, but it distinguishes usually (only a few verses from each other) between those who have a disease in their hearts and those who don’t. In verses 2:105, 5:78, 98:1, and 98:6, for example, it clearly prefaces the term unbelievers referring to the People of the Book with the preposition min, which means “among” the People of the Book. Extremists, like the Hizb al Tahrir, Al-Mohajroon etc whose reason for existence is to institute a global Caliphate to rule the world, deliberately leave out the qualifying adjective “among” when translating this verse, thereby deliberately corrupting the Holy Qur’an. The extremists simply overlook other verses that talk about the Christians and Jews who do not have a disease in their hearts or else they claim that they were abrogated. **Especially embarrassing for the extremist Jew haters are verses 113-115 of Surah Ali Imran: “Not all of them are alike. Of the People of the Book are a group that stand (in prayer), rehearse the signs of God throughout the night and prostrate. They believe in God and the Last Day; they enjoin what is right and forbid what is wrong, and they hasten in (all) good works. These are among the righteous. Of the good that they do, nothing will be rejected of them, and God knows the God-fearing ones.”**

The distortion by the extremists goes even further. They insist on translating the imperatives jihad “Wage Jihad” and akhlū “attack or cause pain” in the sense of offensive military warfare. Perhaps the best translation of the Holy Qur’an, by Muhammad Asad, renders Surah al Tauba 9:73 as: “O Prophet! Strive hard against the deniers of the truth and the hypocrites, and be adamant with them.” Mohammed Asad comments, “The imperative jihad is obviously used here in its spiritual connotation, implying efforts at convincing both the outspoken believers and the wavers, including the various types of hypocrites spoken of in the preceding passages.” He adds that the word akhlū means, “**Do not compromise with them in matters of principle.**”

The historical context is important in understanding the meaning of such key terms as Ummah or “community” and jihad. Extremists interpret the term community exclusively in reference to Muslims and jihad exclusively in reference to non-Muslims. The Prophet Muhammad first used the term Ummah in reference to all the citizens of Madina, who were Muslims, Christians, and Jews. Perhaps the first reference in the Holy Qur’an to jihad in Surah al Hajj 22:39-40 was to defend Jews and Christians, as well as Muslims.

Prior to the revelation of this verse in Surah al Hajj, the Muslims were told to avoid all violence even in self defence, because their initial task was to purify themselves and not yet to transform society by promoting justice.

Surah al Hajj 22:Verses 39-40 were revealed as the Muslims were leaving Makkah in the migration to Madinah in the expectation that they would be attacked militarily. They read: “Permission [to fight] is given to those against whom war is being wrongfully waged – and, verily, God has indeed the power to succour them, that is, those who have been driven from their homelands against all right for no other reason than their saying, ‘Our Sustainer is God!’ For, if God had not enabled people to defend themselves against one another, [all] monasteries and churches and synagogues and mosques – in [all of] which God’s name is abundantly extolled – would surely have been destroyed [ere now].” The call to jihad was not for the destruction of other faiths and peoples, but to preserve places of worship for all the

People of the Book, including Muslims.

The Constitution of Madina, which governed the first Muslim civil community together with the Jews and Christians, spells out the permanent state of common identity as follows: "In the name of God, the Merciful, the Compassionate! This is a writing of Muhammad, the prophet, between the believers and Muslims of Quraish and Yathrib and those who follow them and are attached to them and who fight along with them. They are a single community distinct from other people. ... Whosoever of the Jews follows us has the (same) help and support ... so long as they are not wronged [by Muhammad] and he does not help [others] against them. ... Between them [Muslims and Jews] there is help (nasr) against whoever wars against the people of this document. Between them is sincere friendship (nas'h wa nasiha) and honourable dealing. ..."

Christians were prominent in the jihad waged against the enemies of Islam, because the point of the jihad was not to establish a world populated only by Muslims; it was to create a social order in which the freedom to practice the worship of God was guaranteed for all Muslims as well as for the People of the Book." He concludes, "Traditional Muslims saw all of life in terms of balance. ... It has primarily been certain modernized Muslims, whose influences are not the traditional teachings of the faith, but the attitudes and excesses of modernity (only cloaked with turbans and beards), who have transgressed all limits and discarded the Balance that is true Islam."

The Challenge of Transcendent Justice

The paradigm of radicalism and resulting resort to violence as a solution of first resort has passed from the twentieth century, the most violent in human history, into the present one, like a hurricane mutating from a Category Four to a Category Five or beyond the scale to a Category X. In order to address this monumental threat, Muslims, as well as everyone else, need what the British called a "grand strategy" that orchestrates all dimensions of civilisational dynamics. The followers of every religion can best address the impending dissolution of civilization by reviving the core vision of their classical past. This is the vision of a transcendent justice that derives from an ultimate truth beyond the power and authority of human beings.

Among all the legal systems of the world, the principles of transcendent justice have been most beautifully articulated in classical Islamic thought. These constitute a sophisticated code of human responsibilities and corresponding human rights.

Unfortunately, in the Muslim world, especially in its Sunni portion, this enlightened legal system has been dead for six hundred years. Probably not one Muslim extremist in a thousand has ever even heard of the Islamic code of human rights. The task of Muslims in the world today is to revive the best of this classical Islam, just as it is the task of Americans, including American Muslims, to revive the equivalent in traditionalist or classical America. If there is to be a future for civilization, this project of recovering the best of the past in order reliably to build a better future must be a joint venture.

The starting point in reviving transcendent justice and applying it should be recognizing that the transcendent sources in revelation, natural law, and human reason (known in Islamic philosophy as haqq al yaqin, 'ain al yaqin, and 'ilm al yaqin) can be the starting point. The transcendent approach looks upon the details of the law, known in Arabic as the ahkam or rules and regulations, from the starting point of the whole. The details can be understood and intelligently applied only as applications of higher principles. The opposite approach looks at the whole, if at all, from the starting point of the details. In the transcendent approach, analysis takes precedence over synthesis. In its opposite, synthesis takes precedence over analysis, often without any principles whatsoever.

Many centuries of the best Islamic scholarship developed Islamic jurisprudence into an elaborate and sophisticated holistic framework of human responsibilities and rights. The holistic system of Islamic philosophy and its expression in shari'ah thought is primarily educational and inspirational, focused on transcendent justice, in contrast to the positivist systems of tyrannical and totalitarian governance which serve primarily to consolidate the status quo with all of its injustices. The holistic regards the use of any force to assure compliance as a failure of the system, and it reveres non-violence though not to the extent of absolute pacifism. The positivist system, on the other hand, tends to regard

the monopoly of violence and its application by the power of established government as rule by law and as the very definition of justice. As some Muslims use the term, justice can even mean revenge.

According to some classical Islamic scholars, **seven universal principles of law**, known variously as kulliyat or universals, maqasid or purposes, and dururiyat or essentials, best reflect the architectonics of human rights and constitutional law in Islamic thought. The art of these maqasid as part of the science of 'usul al fiqh (especially in the form of istislah) was initiated by the Prophet Muhammad but was first systematically developed by Imam Jafar and Abu Hamid al Ghazali. It reached its zenith in the writings of Abu Ishaq al Shatibi in the later 1300s and then suddenly died out.

These universal principles finally were revived again toward the end of the twentieth century, among others, by **Sa'id Ramadan of Geneva, Switzerland**, who married the daughter of Hassan al Banna, and by their son, **Tariq Ramadan**, at the beginning of the twenty-first century as part of a movement to marginalize the extremist movements that threatened to hijack religion in all of the world's traditions.

The first universal principle is haqq al din, which provides the framework for the next six in the form of respect for a transcendent source of truth to guide human thought and action. Recognition of this absolute source of truth and of the responsibility to apply it in practice are needed to counter the temptations toward relativism and the resulting chaos, injustice, and tyranny that may result from the de-sacralization of public life.

The next six can be viewed as pairs. **The first pair deals with human sovereignty**. The first of this pair is **haqq al nafs**, which is the duty to respect the human person as the source of all sovereignty, subject only to the higher sovereignty of God.

A second order principle or subordinate goal of the first purpose in this pair is known as haqq al haya, which is the duty to respect life. This provides the framework for the third-order principles or hajjiyat of the just war doctrine. It also provides that the human embryo is sacred from the moment of conception, regardless of when the soul is breathed into the body.

The second maqsud of this first pair is haqq al nasl, which is the duty to respect the nuclear family of husband and wife as the basic building bloc of society and to respect the community at every level all the way to the community of humankind as important expressions of the person.

The next pair deals with the institutional means to maintain the sovereignty of the person and of communities. The first maqsud of this pair is haqq al mal. This is the duty to respect the right of private property in the means of production, a right that Muslim socialists during the era of the Cold War did their best to eliminate. This maqsud requires respect for institutions that broaden access to capital ownership as a universal human right. This requires reform in the sense of perfecting the institutions of the global financial system in order to improve access to credit based on future, not merely on past, wealth.

The second maqsud of this second pair in the Islamic framework of human rights is haqq al hurriyah. This requires respect for self-determination of persons and communities through political freedom, including the concept that economic democracy through expanded capital ownership is a precondition for the political democracy of representative governance. All the great Islamic scholars were imprisoned, often for many years, for teaching this Islamic code of human rights, but particularly for insisting on this principle of freedom and its four subsidiary or second-order principles or hajjiyat of khilafa, shura, ijma, and an independent judiciary.

The third set of universal principles of justice deals with the means to promote human dignity through social justice. The first of this pair is haqq al karama or respect for personal dignity, especially through two hajjiyat or subsets of legal guidance, namely, religious freedom and gender equity.

The last of this third pair is haqq al 'ilm or respect for knowledge. The second-order principles of this universal principle of justice require freedom of thought, press, religious practices, worship and assembly, so that all persons can fulfil their purpose to seek knowledge wherever they can find it.

These basic principles of human responsibilities and rights are universal. They form the core of human aspirations and they provide the basis for a global traditionalist movement led by enlightened Muslims, Christians, Jews, Buddhists, and all others who acknowledge an ultimate source of transcendent truth, who accept the accountability of each person and community for one's deeds in this life, and who perform good works out of love for the Infinite, whether known as Allah, God, Jehovah, or other word, and out of love for its finite expression in every human being.

The building of peace requires an attitude of sanctity and reverence of life, freedom and justice, the eradication of poverty, dissolution of all forms of discrimination and the protection of the environment for personal and future generations. The ideals of peace include fundamental and global directives such as:

***Do not kill i.e. have respect for life;**

***Do not steal i.e. deal honestly and fairly;**

***Do not lie i.e. speak and act truthfully;**

***Do not commit sexual immorality i.e. respect and love one another.**

I confirm that Islam is faith of moderation and girder of unity for all mankind and blessing for mankind because Muslim model communities where:

***All of God's creation – whether human, animal or the environment – is valued and respected;**

***Where people want more to serve others than to get what they can for themselves;**

***Where no one has too little or too much;**

***Respecting the right of others to disagree with us;**

***Being sensitive and courteous to all.**

I affirm that in Islam the belief in God or the Divine is the bedrock of one's faith out of which flows ideas on the meaning and purpose of life, on the unity and dignity of mankind. Human dignity thus is an acknowledgement of the divine presence in each and every one of us and unites us into a single family. We believe in "Thinking globally but acting locally." The world will not change for the better unless the conscience of individuals is changed first.

Unity, Diversity and Hope:

We have seen that history has not ended and civilisations have not clashed even after 11 September 2001 and Gulf War II in March / April 2003. Institutions, nations, groups and all decent individuals must work together and shape the modern world as peaceful place. It is our collective responsibly to give the hope and make this happen.

We should pledge to increase our awareness by positive thinking in understanding one another. We must pledge to be courageous defenders of peaceful teachings and interpretations of Islam, and to be exemplary peacemakers in our personal, family and social conduct of our lives in order to socially beneficial, peace fostering, bridge-builder and nature-friendly way of life.

Remember, Remember, Remember. Evil is not in the body. Evil is in the mind, therefore harm nobody. Just change the mind.

Lord You said and your word is true! Love is stronger than hate. O God Almighty You are peace and from You peace comes. Bestow upon all of us your peace and make our final destiny in your eternal abode of peace. **Let there be respect for the earth, peace for is people, love in our lives, and delight in the good, forgiveness for our past wrongs and from now on a new start.**

Imam Sajid

7 December 2011

20 Wilberforce Close Tollgate Hill Sussex RH11 9TD Tel: +44 (0)1293-201359 Mobile: +44 (0)7971 861972 Email: imamsajid@gmail.com, jamilasajid@yahoo.co.uk,

**Chairman Muslim Council for Religious and Racial Harmony UK (MCRRH);
President National Association of British Pakistanis (NABPAK);
President Religions for Peace UK and Deputy President of European WCRP -Religions for Peace;
European Representative of World Council of Muslims Inter-faith Relations (WCMIR)**

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University of Nebraska-Lincoln

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Islam and Human Rights in Practice Perspectives Across the Ummah

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Editors: Shahram Akbarzadeh; Benjamin MacQueen

ISBN: 978-0-415-44959-5 (hardback) 978-0-203-92675-8 (electronic)

Series: [Routledge Advances in Middle East and Islamic Studies](#)

Subjects: [Islam - Religion](#); [Middle East Politics](#); [Middle East Studies](#); **Publisher:** [Routledge, UK](#)

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Appendix

**The Summit for Muslim World Leaders
Islam and a Future World of Peace
Jakarta, Indonesia — December 21 - 23, 2001
In the name of Allah, Most Beneficent, Most Merciful
Jakarta Declaration 1422 H/2001 (UPF)**

Preamble

We begin by invoking the blessings of Allah on this effort and with salutations on the Prophet Muhammad (Peace be upon him)

We, the participants and guests of the Summit of World Muslim Leaders gathered to reaffirm the teachings of the Holy Qur'an and the Sunnah of the Prophet Muhammad (PBUH), under the theme Islam and a Future World of Peace, on 6 - 8 Shawwal, 1422 (20 - 23 December, 2001) in Jakarta, Indonesia.

We affirm that:

Islam is a religion of peace and justice. From its core values emanate respect for life and human dignity, affecting all ideals and actions that guide the day to day life of the Muslim.

Our understanding of religion and spirituality grows from the Qur'an and the Sunnah of the Prophet Muhammad (PBUH). These resources provide the basis for resolving all challenges of this and every age, as well as all social circumstances.

The universality of the teachings of Islam affirms the sanctity of humankind, and thus enjoins on us an enduring dialogue of faiths and civilizations.

Deliberations proceeded along three lines of inquiry: Religion and Spirituality, Civic Responsibility in Political Society, and Interfaith, Intercultural, and International Relations.

1. Religion and Spirituality

We affirm that:

The Prophet Muhammad (PBUH) was sent as mercy for all humankind. The message he delivered aims to produce peace and prosperity, promote love, compassion and forgiveness, and create a humane society. It is an important source of guidance in a changing and shrinking world and must be recognized as such.

To fulfil the ideals of the Prophet (PBUH) Muslims must recognise these teachings and his example as a guiding principle of their moral and spiritual development.

Islam rejects violence in any form against the innocent. In fact, it promotes justice and exhorts Muslims to be just even if it be against their own selves, their parents, or kinfolk. Thus implementation of justice for and by the Muslims will be the single most important factor in the elimination of violence and terrorism.

To be just is the spiritual obligation of all faiths and nations.

Muslim leaders and scholars are responsible for, and have a moral obligation to teach and promote knowledge about the fundamental ethics of Islam, thus providing the foundation for peace and peaceful coexistence and harmony in the world.

2. Civic Responsibility in Political Society

We affirm that:

Muslim nations must devote their energies toward education of their masses, and improvement of economic opportunities for their people. They must enhance their interaction with other Muslim countries in joint projects for the welfare of their populations.

All nations of the world must apply their energies to conflict resolution globally, and be consistent at both home and abroad in their concern for justice, freedom and human rights.

In any system of government, the protection of the freedoms and rights of the citizens is paramount.

3. Interfaith, Intercultural, and International Relations

We affirm that:

Dialogue toward harmony and understanding is a Muslim religious responsibility. As a consequence, Muslims encourage people of all faiths to acknowledge, accept, promote, respect and appreciate the diversity among their different faiths and cultures.

Interfaith dialogue for the purposes of removing fear of the unknown, generating good will, and establishing mutual trust, should occur at all levels including at the level of individuals, faith groups, larger communities, and globally.

Intellectual and spiritual leaders are obliged to establish enduring structures of dialogue to prevent conflict among people of differing religious commitments and opinions. These leaders of all faith must convince their constituencies to work harmoniously with other groups and influence their elected or appointed leaders to promote peace and justice as the cornerstone of their agenda, policies, and practice.

May Allah bless this effort and forgive our shortcomings.

Jakarta 23 December 2001

[1] Raimundo Panikkar, "Is the Notion of Human Rights a Western Concept?" in Breakthrough, p.31 (New York: Global Education Associates, Spring 1989). And 'Islam against Religious Extremism and Fanaticism' - speech delivered by Imam Abdul Jalil Sajid at a meeting on International NGO Rights and Humanity - 10th December 2001 For details see at: http://www.mcb.org.uk/media/speech_10_12_01.php

[2] The **Holy Qur'an** is universally accepted by Muslims as the word of Allah, or "God," dictated verbatim to Prophet Muhammad (P) through Angel Gabriel. It is divided into 114 units, each called a **surah**. The Holy Qur'an is the **highest authority** for information on Islam. **Sunnah** refers to the words, actions and confirmations (consent) of Prophet Muhammad (P) in matters pertaining to the meaning and practice of Islam. Another common term that some authorities consider to be equivalent to **Sunnah** is **hadith** (plural **ahadith**), which literally means "sayings." The letter (P) is an abbreviation of "peace be upon him," a form of respect used by Muslims whenever the name of any prophet is mentioned.

[3] The Holy Qur'an, Surah 53: An-Najm: 42; the translation is by Muhammad Iqbal, The Reconstruction of Religious Thought in Islam, p. 57 (Lahore: Shaikh Muhammad Ashraf; 1971).

