

# Concept of Human Rights in the Islamic Contemporary Political Thought

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**Abstract:** *Concept of Human Rights in The Islamic Contemporary Political Thought based on Quran, Sunna of Prophet Mohammed, Ahl al-Bayt (Particularly Political experience of Imam Ali bin Abi Talib and risalat alhuquq (Letter of Rights) of Imam Ali bin al-Hussein Zayn al-Abidin and ijthad (Fatwa). So our studing concept is a Comprehensive concept includes all aspects of life. Particularly the political Aspect.*

**Keywords:** Human Rights/Insan Huquq, The Quran, Sunna, Ahl al-Bayt, Ijthad, Political Values, Freedom, Characteristics of Ruler of Shia Imamate

Humanities always face obstacles in to two levels: the first is the subject of the study, and the second relates to: the researcher himself. These two obstacles make it a matter of objective "problem" of the humanities. The researcher in the field of human sciences studies (human) and this makes it difficult to extract circulars from the volatility of his behavior, and predict, and experiment, and measurement, on the one hand. On the other hand, the researcher in these same sciences is influenced by a number of factors (subjective, moral and ideological) that distort his judgment on reality and impede his ability to draw conclusions from the evidence and evidence available to him.

This was revealed in the Cold War era between the American and Eastern Western camps of the Soviet Union, the 1990s and what the Americans called the "Islamic enemy".

So this research has been divided into two chapters:

First: What is A Human Rights?

A. Meaning of: The Right. B. The Human. C: Definition of Concept of "Human Rights". D: The Characteristics.

Second: Types of Human Rights in Sharia.

Third: Sharia and The Political Values.

**First:**

**A. 1: The "Right" in the Arabic Language: has several meanings** "Haqq": the opposite of falsehood, and "huquq" is (a plural in Arabic) .. The "Haqq" of has become true and proven. Word "Haqq" in Arabic = Word "Right" in foreign language (English).

**A. 2: The "Right" in a Terminology**

The "Haqq" is the name of the names of Allah Almighty or a characteristic of the Almighty [1].

The term 'rights' and 'duties' in common laws and Islam has proven that the concept of rights is clearly identified by the Quranic Verses and the Prophet Mohammed traditions (Sunnah).. Muslim jurists have devoted independent titles to the concept of rights, such as civil obligation, property of a deceased individual, and nature and restrictions of rights [2].

The term 'haqq' in its literal as well as religious forms is vague, however, such ambiguity may be cleared by the

context in which 'haqq' is used. The word 'haqq' occurs around 287 times and it is used for about 18 different meanings in the Quran, of which most commonly used is "certainty", "conformity to reality", "truth" and "justice" [3].

"The "Haqq" is a multi-meaning concept, different from philosophy in ethics and religious philosophy than in the legal-political level. The "Haqq" refers to: a general set of criteria aimed at regulating human relations and ensuring human interests" [4].

For example, we will give some verses in Quran, listed the word "Haqq" interpret to different meanings. Such as in Surah Al-Anam, Verse 62. Allah says:

"Then they are returned to Allah, their True Maula [True Master (God), the Just Lord (to reward them)]" [5].

In Surah Al-Hajj, Verse: 62. Allah says:

"That is because Allah- He is the Truth (The Only True God of all that exists, Who has no partners or rivals with Him), and what they (the polytheists) invoke besides Him, It is Batil (Falsehood)" [6].

In Surah Fatir, Verse 5. Allah Says:

"O mankind! Verily, The Promise of Allah is True" [7].

The "Haqq" in the Hadith (Says) of the Prophet Mohammed and in the ideological heritage of Ahl Albayt: The Prophet Mohammed says: "The right of God on the slaves to worship him and do not involve anything" [8].

The Prophet Mohammed says: " The Son has three rights to his father: He chooses to him a good name, and teach him writing, and marry him if he adulthood." [9].

The Prophet Mohammed says: "The right of Ali –He mean: Imam Ali- on the Muslims, as the right of the father to his son" [10].

Imam Ali bin al-Hussein (nicknamed Zine al-Abidin 38 A. H./659 A. D. - 95 A. H./713 A. D.) was destined to put the first explicit Islamic code called "Letter of the Rights" Message of The Huquq". He identifies in this (Message) as (fifty) Haqq.

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**B: "Human" in the Language and Terminology:****B. 1: The "Human/Iinsan" in the Language**

The "Iinsan" in the Arabic Language: has several meaning "Anas: Human: Well known. I mean by Iinsan Adam (peace be upon him).. And narrated from (Ibn Abbas) [11], may Allah be pleased with them that he said: But called the human person because it was entrusted to forget, and the public say ... and humans are against the brutality" [12].

**B. 2: The "Human/ Iinsan" in the Terminology**

"Human beings: Unlike the jinn (A Creation, created by Allah from fire) and humans: contrary to aversion, the human being was called so because he created a creature, not only the strength of each other, so he said: Man is civil of course" [13].

**B. 3: The Word "mankind" in Holly Quran**

There are within the Quran blessed (Al-Iinsan Verse), which took the order (76). There are many Quranic verses in which there are verbal derivations of the word "man" and others. Including in some verses, Allah says: "(And I (Allah) created not the jinn and mankind except that they should worship Me (Alone)" [14]. Allah says: "But, man is ever more quarrelsome than anything" [15]. And Allah says: "He has taught man that which he knew not" [16].

**C: Definition of concept of "Human Rights":**

After when we defines the two words "Right" and "Man" each one alone, we will define concept of Human Rights" altogether. We must remember when we deal with issue of (Human Rights), this issue belong to humanities field, so there is no one definition accept to all researchers from different cultures and ideologies. Disagreement of the definition occurs in Islamic political study to (Human Rights), so there were many definitions.

There is a general definition of the concept of (human rights): "the set of rights and demands that are to be fulfilled for all human beings on an equal background without distinction between them." [17].

Islamic researcher, one of them, define it: " Are the principles that Islamic law has stated (Particularly: Quran and Sunnah of Prophet Mohammed), in order to preserve the dignity and respect of the human being, and to protect The Five Wholly: (Rights of: Worship, Self-Preservation, Offspring, Mind and Money) according to the point of obligation".

Another one define it as "are the rights of Allah to fulfill them in the best way, to remove slavery to Allah, to obey Him Almighty, and to perform the costs of His rightful law, thereby elevating the Islamic concept of human rights to the place of high worship, Is in Islamic law, religious duties, and the assumptions of legitimacy. This is a degree of commissioning a person with a great responsibility, in front of Allah Almighty, then before himself, his community, and humanity as a whole" [18].

**D: Characteristics of Human Rights in Tradition of Islam "Sharia"** Human rights from an Islamic point of view are characterized by specific characteristics. These characteristics differ from characteristics of Western

contemporary concept of human rights (individualist and collectivist). These are summarized in the following [19]:

- 1) Concept of Human rights in Islam is A Sacred grant granted by Allah to His Creator, and the Master of all his creatures (The Human). "Therefore, Islam considers human rights "An eternal" and does not dispense with it because Allah is the one who gave it to mankind"[20]. It's "An eternal" rights by Allah before the human will go down this land. Allah says: **(And indeed we honoured the children of Adam .. And have preferred them above many of those whom we have created with a marked preferment)** [21].
- 2) Human rights in Islam are "an wholly (comprehensive)" [22] rights, the rights of the human body and his soul; human needs to fulfill the rights of the soul as well as the rights of the body. Therefore, Islam has given a wide range of rights in order to preserve the spiritual needs of human, such as preservation of right of worship, kindness, passionate, brotherhood and charity. Allah says: **(We have neglected nothing in the book)** [23].
- 3) The human rights in Islam are general rights, all people have before them are fairly, because the aggressor is not had the priority of these rights upon of the aggressored, Whoever kills a person without a legitimate condemnation (Sharia Law) must be killed, Whoever stole someone must be punished ... So Sharia decide that Al-Qisas (The Punishment) is a strong tool, not a goal, to deter the out of law in order to guarantee of human rights, the goal. Allah says: **(And there is (a saving of) life for you in Al-Qisas (The Law of Equality of Punishment), O men of understanding)** [24].
- 4) Human rights are of as contract nature (between Allah and Human) because they are inspired by the obligation to follow, as well as of a practical nature because they are a sharia law applicable, and this gives it a devotional dimension that brings the Muslim slave closer to Allah by fulfilling these rights. Allah says: **(And (remember) when your Lord brought forth from the children of Adam, from their loins, their seed (or from Adams loin his offspring) and made them testify as themselves (saying): "Am I not your Lord?" They said: "Yes! We testify," lest you should say on the Day of Resurrection: "Verily, we have been unaware of this.)**" [25].
- 5) Human right in Islam is innate rights, because he couldn't live peacefully without it. Allah says: **(Allahs Fitrah (i.e. Allahs Islamic Monotheism) with which He has created mankind. No change let there be in Khalq-illah (i.e. the religion of Allah – Islamic Monotheism): that is the straight religion,)** [26].

**Second: Types of Human Rights in Sharia**

Accordingly to characteristic of the Wholly Sharia, there were many types of Human Rights in the vision of it. In addition to that some Islamic researchers linked these types of rights with what they called (maqasid alshryet al'iislamia / The Purposes of Sharia Law). This includes protection of the five rights of the human (termed The Fife Wholly): " Rights of: Worship, Self-Preservation, Offspring, Mind and Money" [27]. While adding to it The Islamic Tunisian Writer (Mohamed Eltaher Ashour, d. 1973) two rights, namely The Rights of: (Equality and Freedom) [28].

### C: Sharia and the Political Values

Perhaps the relationship of Sharia to the (Values), It is essential that the Holy Quran, the Sunnah, and The Political and The Visions Struggle of Twelve Imams of the Shiites be established in the Muslim community especially, on more than one level, especially on the political level, and issues of Freedom and Justice and (Al'amr Bialmaeruf Walnahii ean Almunkar / the Promotion of Virtue and the Prevention of Sins).. Of the central political values in this context.

The (Value) philosophically says to: "All that is accepted and used in different fields are all different: in mathematics, economics, ethics, and beauty. Two types of use can be distinguished: relative standard use, and absolute standard use." [29].

The human right to freedom is one of the most important political values at the present time for many reasons, politically, economically and socially and so on. So we will discuss the issue of (freedom) beginning, with Quran and Sunnah, particularly (political freedom) related to the political authority, from an Islamic point of view.

#### Third: The Political Freedom in Sharia

The (Free) in the concept of Quran has explained (Ragheb Isfahani) meaning, saying: "And the free: contrary to the slave. Allah says: (**..the free for the free, the slave for the slave ..**) [30], Allah says: (**.. And whosoever kills a believer by mistake, (it is ordained that) he must set free a believing slave ..**) [31].

The (Free) in the concept of Sunnah it is mentioned in the meaning of "aleitq/ emancipation of the slaves" in the Muslim community, also this word (The Free) means everyone who have not possessed the bad behaviours of greed of the money and the lust. The prophet says: "Whoever emancipates a Muslim, Allah the Almighty has emancipated every organ of him, an organ from the fire" [32].

The Political Freedom includes: "the right to elect, the right to vote, the right to run for public office, the right to criticize and oppose government policies, the right to form political parties and interest groups, and the right to change government through constitutional and civil means." [33]

After the death of the Prophet, Muslims were divided into two main groups in determining the means of choosing political authority:

First: The majority of Muslims identified the Shura /Consultation used the term (The Caliph), This mean was not adopted mainly in the elect of the Al-Rashideen caliphs and led at the end of the rule, that continued a few months, of Imam Hassan bin Ali bin Abi Talib (3 A. H. – 51 A. H. to take over the rule of Muslims Muawiya bin Abi Sufyan by mean of force and adopted the principle of succession to his son Yazid, and continued this mean and this principle until the abolition of the Ottoman succession by Mustafa Atatürk in 1924.

Second: Few of the Muslims identified alnas/ The ruler (Imam) is chosen by Allah and the Prophet is informed The

Muslims in many cases before he died. The Shiites call this (Imamate) like the Prophecy, choosing by Allah, Political freedom is limited to activate the obedience of the Imam. The 12th absent Imam Muhammad ibn al-Hasan al-Mahdi of the Shiites defined the Islamic religious characteristics:

1. Adequate Mind. 2. Muslim, Faith. 3. Fair. 4. Ijithad / Jurisprudient. 5. Good of Will and Good of Conduct. 6. He should not be stingy and greedy. 7. The male. 8. Known descent from the father and mother.", in choosing the political ruler after him.

In the same context, (Mohammed H. Fadlallah d. 2010) says, regarding the permissibility of the Muslim nation to adopt the election mechanism in choosing (Fagih/ Jurisprudient to take political leadership): through many options: "Must ensure most of the nation's consent and acceptance of his leadership, so:

Through their full knowledge of him, Or through the testimony of many of the people who are satisfactory in their experience by the Ummah by his competence, Or by appointing him among the Mujtahidun/ jurists" [34].

Moreover, there is an important right in contemporary Islamic political thought is the right to form political parties. The Oppositions:

The Supporters: a trend that governs the legitimacy of the establishment of parties, this trend believes that the idea of partisanship is subject to the origin of innocence, it is halal unless it is based on the prohibition of evidence. Some supporters of this trend rise in his opinion towards the formation of parties, not just allow, as shown in the fatwas of Iranian Sheikh Hussein Ali Montazeri [35], d. 2009.

There is a counter-trend about political party: "The issue of political party is an issue that has not been known in the past, and that multi-parties must be based on some kind of difference in society. Radical difference is not valid in Sharia. All these and other things produce enough evidence for us." Know the rule of political parties in Sharia, which is that there, is no place in Sharia, and may not be built and established in Islamic law" [36]. One of the best figure of this trend was Indian Islamic Faqih (Safi Rahman al-Mubarakfuri) d. 2006.

#### Conclusions

- 1) The concept of human rights in Sharia is an advanced one if measured by the Greek, Roman and Medieval concepts. It was able to provide the ideal model in this regard, especially in the era of The Prophet and The Rashideen.
- 2) The concept of human rights in Sharia is distinct from the Western one (liberal and Marxist, they are positive). This is due to the sacred sources (the Holy Quran and the Sunnah) on which the Islamic concept is based on.
- 3) The contributions of (Ahl al-Bayt/ Family of Prophet) in the field of human rights is a fundamental contribution in the field of Islamic political thought, especially the human rights principles applied by (Imam Ali bin Abi Talib) during his political reign and the three wars he

fought (The Kharijites, Sffyn and Jjml). And (Imam Ali bin al-Hussein Zayn al-Abidin) added important and a first Islamic text in this regard.

- 4) Islamic political thought was able to cope with the intellectual and political challenges imposed by the West in the field of human rights and established an Islamic state in Iran in 1979 and began to establish a new political reality of the popular sovereignty countries after the events of Arab Spring 2011 in Tunis, Egypt, Libya.

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