Abstract

ISLAMIC CONCEPT OF HUMAN RIGHTS
A CRITICAL EVALUATION

THESIS
SUBMITTED FOR THE DEGREE OF
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IN
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By
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Abstract


Almost 200 delegates from 43 countries participated in the Symposium. Among them were representatives of Islamic and human rights organizations, other governmental, cultural and religious representatives, scholars, as well as legal experts.

The purpose of the Symposium was to review progress on human rights throughout the world in both an Islamic and broader historical context and to propose improvements to existing legislation and international declarations and charters. The devastating human effects of war are all too apparent in today’s world, as witnessed by events in the Middle East, Kashmir, Sri Lanka, Indonesia, Chechnya, and many other parts of Europe, Asia and Africa. Islam, a religion founded on human rights and the duties of individuals, and shared by tens of millions of believers throughout the world, has a major contribution to make to the international human rights debate.

In his message to the Symposium, Kofi Annan, Secretary General of the United Nations, stated: "Human rights are the expression of those traditions of tolerance in all cultures that are the basis of peace and progress. Human rights, properly understood and justly interpreted, are foreign to no culture and native to all nations". He then went on to refer to Imam Ali, the fourth Khalifah after Prophet Muhammad (Peace be upon him) who: “instructed the governor of Egypt to rule with mercy and tolerance towards all his subjects” for “your subjects ... are your brothers in religion or your equals in creation".
Five working sessions were held over the three days of the Symposium. Thirteen papers were presented. These addressed three key issues related to human rights. The first of these was human rights as expressed through constitutions, conventions, and charters. The second was human rights and major issues, while the third was Islamic applications of human rights. The individual papers addressed: human rights and development; human rights and major issues; human rights between theory and practice; human rights in Islamic teachings; the Islamic perspective of human rights and duties; the Islamic viewpoint on the Universal Declaration of Human Rights; methods of evidence and confession in Islamic Law; the right to self-defence by the accused in Islam; women’s rights in Islam; children’s rights in Islam; Islam and human rights: a western viewpoint; the rights of non-Muslims in Islamic States; and the rights of Muslim minorities in western societies.

Having examined the contents of current conventions, delegates concluded that these were, in essence, inadequate in dealing with human rights and in satisfying people’s changing needs.

The Symposium called upon the world’s governments, as well as international organizations, to carry out an objective review of international declarations and conventions on human rights in order to close certain loopholes and render them more consistent with current realities.

Governments were also urged to take account of the following principles that the Symposium felt were integral to guaranteeing human rights:

- Human rights should respect religious beliefs and values ordained by God through his prophets and apostles
• Rights should be linked to duties, balancing man’s functions and needs to build a
family and society and “inhabit the earth” in a manner that does not contravene
God’s will

• Non-governmental organizations can make an important contribution in efforts to
revise conventions and principles of human rights

• Dialogue between different cultures and civilisations should be encouraged as a
means of promoting a better understanding of human rights, protecting mankind
against the horrors of armed conflict

• Every effort should be made to eliminate discrimination based on race, colour,
language or nationality

In laying down these principles, the aim of the Symposium was to declare that
the observance of Islamic Law can guarantee human understanding and international
stability. Human rights are indeed grounded in Islamic Law.

In closing, the Symposium wished all involved every success in the endeavour
to serve mankind. Peace and benediction be upon the Prophet Mohammed and upon all
Prophets and Apostles.

The Rome Symposium agreed the following declarations regarding Human Rights:

1. Islam is both a faith and a law (Shariah). It provides a comprehensive framework
for man’s life on earth, establishing justice, protecting the dignity of man and
assuring his peaceful co-existence with others.

2. The dignity of man is bequeathed by God. He is both the source of human rights
and provides the benchmark by which man’s behaviour should be measured.
3. All mankind shares responsibility in trying to fulfil what is God's will on earth. Human beings must co-operate in defining legislation, rules and charters designed to further the common good in accordance with God’s will.

4. Science and technology, on the one hand, and religion and moral values, on the other, must work together, ensuring the dignity of man, a safe environment and peaceful co-existence between peoples.

5. Respect of religious belief in God and living according to divine principles is a sound basis for achieving co-operation and peaceful co-existence, securing a better life for all mankind.

6. The family, founded on a legal marriage between man and woman, is a fundamental building block of a stable society. The family is responsible for the raising and education of future generations.

7. Men and women are partners in all fields of life, according to their competences. Their co-operation and respect for one another are based on values that safeguard the dignity of each.

8. The establishment of justice among all peoples, irrespective of nationality, religion, ethnicity, race or sex is a fundamental tenet of Shariah than guarantees tranquillity, stability and security for all members of society.

9. The respect of divine values and the education of future generations in accordance with a belief in Almighty God, respecting the values of human dignity, environmental safety, the inviolability of societies and mutual dialogue are fundamental in putting a halt to the rising tide of violence and terrorism in the international community.
10. Shariah views children as the basis of society and its future resource. Both the family and the state have a duty to protect and educate children, enabling them to lead an honourable and fruitful life. Muslim states are asked to adopt these principles so as to be able to cope with the tragedies to which children are unfortunately exposed on so many parts of the world.

11. Islam stands for a balanced attitude towards women. It safeguards their dignity and their rights of inheritance, ownership and education. It recognises women’s participation in the promotion of values and their important social responsibility in creating stable family life, without depriving them of their right of participation in public life, consistent with their psychological and physical characteristics. Contemporary society has tended to deal with women in a manner that has destabilised both family and social life, compelling women to enter fields in conflict with their inner nature and letting them become the first victims during times of wars and crisis. Islam provides effective solutions to enable women to play their just role in society and urges Muslim states to consider applying these remedies.

12. Islam categorically denounces international terrorism and violence, whether it be the work of individuals or of states. Islamic teaching stands against terrorism and calls for the promotion of the qualities of justice, peace and virtue that make individuals both wise and responsible and respectful of human life. Islam appeals to all mankind to fight against injustice, aggression and domination, acts that create a breeding ground for violence and terrorism.

13. Shariah encourages the individual to nurture continuously his spiritual life and develop his personal capabilities and financial resources in a manner that achieves prosperity both for himself and for society. But this prosperity must be
achieved in a co-operative environment not just among individuals but also, in the international environment, among states. This co-operation contributes to the well-being and stability of the whole world.

14. The participants at the Symposium affirm their conviction, based on the papers presented and ensuing discussion, that Islam, with its divine values and principles, can contribute greatly to increased international stability, based on justice, confidence and cooperation. Islam can provide a framework for society, curing moral and social ills that are often the result of ignorance and selfishness. For instance, when Muslim nations are considered no more than a source of raw materials or cheap labour. It is incumbent on all Muslims, whether rulers or nations, to apply Shariah in all aspects of their lives, cooperating with the serious mass media to present Islam to a broad public and strengthen relations with different nations and cultures.

These actions will dispel fears and misconceptions and help mankind to achieve security and cooperation consistent with the divine principles of Islam.

Tracing back to the historical perspective of human rights lets, have a glance over the ancient times, or in the ancient civilizations, such as the Mesopotamian, Sumerian, Canaanite, the Akkadian, the Egyptian, the Greek and Roman, the Indus, the Chinese etc. and the ancient or primitive world religions like, Judaism, Christianity, Zoroastrianism, Hinduism, Confucianism, and many others. This perspective shows the glittering glimpses of human rights, as we could trace from the oldest codes of Hummurabi, which may be termed as the back-bone of modern theory of human rights. Beside these, there were several customs and traditions, which were hampering the individual rights of the mankind. In the Egyptian civilization, the status of women was considered respectable to some extant but; the anthropological study shows that, the
women were degraded in the sight of consanguinity, custom and genealogical purity. The Greek and the Roman civilizations were the most advanced civilizations of the time. The eminent philosophers like, Cicero, Zeno of Stoic, Aristotle, Socrates, Plato, etc., produced their marvellous and monumental works in philosophy. It had been widely considered that these philosophers were the actual progenitor of the modern concept of human rights, who firstly thought about the necessity of natural rights of the man. Later in the medieval period, when the concept of polis emerged, the homosexual tendencies were found in the society. The Iranian civilization was largely under the influence of the Greek culture and custom, and the rules and regulations were almost the same as in the Greek civilization. The Indus valley civilization has different custom and culture from the other civilizations. In ancient India, the society was divided into mainly four caste based classes, viz., Brahmans, Kshatriya, Vaishya, and the Shudras. The Brahmans, in this system were the priests and who possessed magical or divine knowledge, the Kshatriya, were the ruling class, who were endowed with power or sovereignty, the Vaishya were the artisans, and cultivators of the land, and were more subservient in relation to the other two upper classes; the fourth class of Shudras was the most downtrodden one, who were mainly native citizens of India, and non Aryan cultivators. They came later on under the domination of the three upper classes. The women too had no right of their own and were subject to male hegemony.

When the Holy Qur’an was revealed upon the last Prophet Muhammad (SAW), it declared in its first revelation the basic concept of human rights. The Holy Qur’an explicitly emphasises upon the acquisition of knowledge and made it incumbent as the natural rights upon every human being,

“Proclaim! (Or Read!) In the name of thy Lord and Cherisher Who created. Created man out of a (mere) clot of congealed blood: Proclaim!
And thy Lord is Most Bountiful. He Who taught (the use of) the Pen.

Taught man that which he knew not” (The Qur’an 96: 1-5),

In these verses Allah Almighty has laid an emphasis on ‘right to education’ of each and every individual. It is the divine right of a human being to be educated, so as without education not a single human being could be able to understand any other rights which are ordained to mankind. The Holy Qur’an has also laid an emphasis on the equality of human being irrespective of gender, caste, colour, creed, etc. in the verse of Surah Hujarat,

“O mankind verily! We have created you from a single (pair) of a male and female and made you into nations and tribes that ye may know each other” (The Qur’an 49: 13).

The Holy Qur’an which was complete over a span of 23 years provided basic guidelines to all the stages of human life. All the rights as, the Holy Qur’an laid emphasis on all the fundamental rights, Right to life, Right to individual freedom, Right to freedom of thought, Right of expression and conscience, Right to equality of law, Right to privacy, Right to freedom of movement and residence, Right to own property, Right to wage not undue liberty, Right to social security, Right to work and livelihood, Right to defend individually, Right to economic stability, Right to inheritance, Freedom of association, Right to protest, Right to avoid sin, Right to honour and dignity, Rights of minorities, Political rights, Right to abstain, Rights of women and so on. All these rights are already mentioned in the Holy Qur’an and the Sunnah of the Prophet Muhammad (SAW). The Prophet and the pious caliphs not only declared all these rights to the humanity but they implemented them with their full spirit and conations in the society. There were no society in the world, and is not yet
other than the Prophetic one, that has ever practised the basic human rights with the full sincerity and commitment.

Verily the law and guidelines formulated on the standard of the Holy Qur'ān, have surpassed all the man made laws and guidelines of morality. The Holy Qur'ān has also laid the moral standard for the cordial functioning of the society. These verses provided the true Islamic safeguards of human rights. This is found in the Surah Bani Israel of the Holy Qur'ān, the seventeenth chapter, very clearly,

"Thy Lord hath decreed that ye worship none but Him and that ye be kind to parents. Whether one or both of them attain old age in thy life say not to them a word of contempt nor repel them but address them in terms of honour. And out of kindness lower to them the wing of humility and say: "My Lord! Bestow on them Thy Mercy even as they cherished me in childhood". Your Lord knoweth best what is in your hearts: if ye do deeds of righteousness verily He is Most Forgiving to those who turn to Him again and again (in true penitence). And render to the kindred their due rights as (also) to those in want and to the wayfarer: but squander not (your wealth) in the manner of a spendthrift. Verily spendthrifts are brothers of the Evil Ones; and the Evil One is to his Lord (Himself) ungrateful. And even if thou hast to turn away from them in pursuit of the Mercy from thy Lord which thou dost expect yet speak to them a word of easy kindness. Make not thy hand tied (like a niggard's) to thy neck nor stretch it forth to its utmost reach so that thou become blameworthy and destitute. Verily thy Lord doth provide sustenance in abundance for whom He pleaseth and He provideth in a just measure: for He doth know and regard all His servants. Kill not your children for fear of want: We shall provide sustenance for them as
well as for you: verily the killing of them is a great sin. Nor come nigh to adultery: for it is a shameful (deed) and an evil opening the road (to other evils). Nor take life which Allah has made sacred except for just cause. And if anyone is slain wrongfully We have given his heir authority (to demand Qisās or to forgive): but let him not exceed bounds in the matter of taking life: for he is helped (by the Law). Come not nigh to the orphan's property except to improve it until he attains the age of full strength; and fulfil (every) engagement for (every) engagement will be enquired into (on the Day of Reckoning). Give full measure when ye measure and weigh with a balance that is straight: that is the most fitting and the most advantageous in the final determination. And pursue not that of which thou hast no knowledge; for every act of hearing or of seeing or of (feeling in) the heart will be enquired into (on the Day of Reckoning). Nor walk on the earth with insolence: for thou canst not rend the earth asunder nor reach the mountains in height. Of all such things the evil is hateful in the sight of thy Lord. These are among the (precepts of) wisdom which thy Lord Has revealed to thee. Take not with Allah another object of worship lest thou shouldst be thrown into Hell blameworthy and rejected” (The Qur'ān 17: 23-39).

We have the wonderful example of the Islamic declaration in the farewell sermon of the Holy Prophet Muhammad (SAW), which he delivered at his last Hajj to the Holy city of Makkah. This sermon marks the turning point of the world history as the first standard of human rights model ever produced. Just having one example that, an Arab is not superior to a non-Arab, and vice-versa, the white has not the superiority over the black, and vice-versa, is the remarkable precedence for the modern formulators of human rights.
In the modern times the human rights is defined as those conditions of social life without which no man can seek in general to be himself at his best. If men are to live in a society, they must have rules by which to regulate their conduct towards one another. If rights are privileges, they also involve duties and obligations. The Muslims even in modern times too, provided continuation of the Qur'ānic declaration of human rights, through their collective statements, issued on behalf of various international organisations from time to time. These declarations include, Paris Declaration of Human Rights, made by the Islamic Council of Europe, in 1981; Declaration of International Commission of Jurists, issued by the Council of Muslim Jurists met at Kuwait in 1981; Mecca Declaration, announced by Organization of Islamic Conference at Makkah in 1987; Cairo Declaration, also by OIC at Cairo in 1991; Tehran Declaration, at Tehran in 1997 also by OIC. All these declarations have the same objectives and aims in this respect.

In the modern world the west correlates, the exercise of rights with the performance of his obligations towards others and only then, an individual became a citizen. The western thinkers felt necessary to reformulate their concept of human rights. It was for the first time in the modern history originated in the charter of Magna Carta (1215); The Petition Of Rights (1628); The English Bill Of Rights (1689); and The Declaration Of The Rights Of Man And Of The Citizens (1789), were thus, restructured. After the dissolution of League of Nations (1946), the foundation of United Nation Organizations (1945), is the most remarkable contribution of the modern world. UNO drafted and passed unanimously the human rights charter in 1948, including thirty (30), broader articles in this respect, entitled as Universal Declaration Of Human Rights.
After a careful examination of the western history of human rights and its final verdict *Universal Declaration of Human Rights* and the history of Islamic announcement and implementation of human rights, as a student of Islamic studies, may conclude that, there is nothing new in the modern declaration. The unity of mankind, man's natural value, the relationship between individual and society, the provisions of life, freedom, justice, and so on were already announced by the Holy Qur'an and the Sunnah of the Prophet Muhammad (SAW). All these basic human rights and values are compatible with the religion of Islam. Though there are certain clauses and articles of *Universal Declaration of Human Rights*, it may not be inconformity with the teachings of the Holy Qur'an.

Islam accepts the right of God and His will as the most prominent one. The whole mankind is subordinated to His Will; they are bound to serve the Divine Will, as they are created in order to worship Allah alone. Islam differentiates between the believers and non-believers, though it ensures all the human rights to both communities. The Holy Qur'an has divided the duties and functions of the two sexes according to their instincts and biological constructions, though the religious obligations are equally binding upon both the sexes. In this religious paradigm the Holy Qur'an stands as opposite to the modern western concept and ideology.
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Proclaim! (Or Read) In the name of thy Lord and Cherisher Who created. Created man out of a (mere) clot of congealed blood: Proclaim! And thy Lord is most Bountiful (Al-Qur'ān: Surah 96; 1-3)
Certificate

Certified that Ph.D. thesis entitled "Islamic Concept of Human Rights—A Critical Evaluation" submitted by Imtiazul Hoda, is his original research work and has been completed under my supervision, and in my opinion is suitable for the award of Ph. D. degree in Islamic Studies.

(Dr. Obaidullah Fahad)
Research Supervisor
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Bibliography
Glossary
Introduction
“Human Rights in Islam”, is a topic of study and research gain currency in the contemporary Muslim world. Islam the religion of nature (din al-fitrah), fulfils all the requirements of individual and society in the light of revealed teachings, which are in complete consonance with the reason. The Holy Qur’ān emphasises upon all the human values to be granted to all the human beings irrespective of culture and religion and the Prophet of Islam in his last sermon publicly announced the implementation of human rights in the society, which is the first well documented and fully ensured charter of human rights in the world.

Due to importance and usefulness of the topic, a number of scholars tried best to discuss the issue in hand, Muhammad Salahuddin of Pakistan in his monumental work in Urdu entitled “Bunyadi Huquq” has made a systematic study of the issue and has covered most of the aspects relating to it. Being the book in Urdu language, it is out of range to the English-speaking people. Dr. Shaikh Shaukat Hussain in his book “Human Rights in Islam”, emphasises mainly on the ideal model of state, constitution of state, concept and scope of human rights, and the western approach of human rights are all in the legal perspective.

Parveen Shaukat Ali, in her work “Human Rights in Islam”, has provided evidences to show that, within the general boundaries of Shariah, Islam provides the maximum scope for the freedom of human will and makes popular participation obligatory in all those decisions, which affect the life of all community as a whole. She has elaborated the concepts of equality, liberty, participation, minorities and property in Islamic framework, in order to provide certain pertinent reminders for Muslim leaders so that, they can maintain the present momentum of Islamic revival and
mobilizing the source of leadership in making the 15th century hijrah a truly representative era of the original spirit of Islam.

Prof. Dr. Husayn Salimi in his edited work "Islamic Views on Human Rights (Viewpoints of Iranian Scholars)" has basically concentrated upon the Iranian Muslim thinkers who in the modern times has writing extensively on the topic. He has discussed the Ulema, clergy and the modernist all in Islamic perspective. The study is very interesting and scholarly. His purpose has not been to reveal the complete Islamic view of man and its influence on human rights, but that in Islamic sources, there are discussions on the true nature of man, and way of his life, different interpretations of which can have a determining effect on offering human rights. In the article included in the volume attempt had been made to discuss human rights from different perspectives. Each of these writers may belong to different groups and therefore one cannot find a single style in these articles. The worrying views suggest the worrying options of Iranian scholars.

Prof. Tahir Mahmood, in his edited work entitled "Human Rights in Islamic Law", has expressed that today the human rights are being treated and studies all over the world as an independent and full-fledged discipline, scholars of Islamic studies, too, have began examining the Islamic principles and precedence relating to the same. The book is suffixed also with texts of the two Universal Declarations of Human Rights.

Muhammad Hashim Kamali, in his valuable book entitled "Freedom, Equality and Justice in Islam", has discussed the general theme of human rights in detail. The first chapter on freedom is mostly concerned with a conceptual analysis of freedom, its manifestations in theological, social, and political contexts, and the various shades of meanings it has been given by commentators from different discipline. The chapter on
equality discusses mainly the normative evidence of the Qur'ān and Sunnah, which Muslim jurist has elaborated in reference to particular things. Justice, as elaborated in the third chapter, is the sum-total of all recognised rights and duties, as it often consist of nothing more than a balanced implementation of rights and duties and of due regard for equality and freedom. This chapter consists essentially of a review and analysis of the basic evidence of the Qur’ān and Sunnah on the subject. The book has discussed the notable modern scholars in detail and has assessed the theme in true Islamic perspective.

There are other considerable works on the topic, but no critical evaluation of the theme is made yet. The board of studies of the Department of Islamic Studies, Aligarh Muslim University, Aligarh, therefore entrusted me to do research for the doctoral thesis on the Topic entitled:

"Islamic Concept of Human Rights - A Critical Evaluation"

The present study is divided into an introduction, four chapters and conclusion; four appendices are attached to make the study useful and relevant. A detailed bibliography is also provided.

The first chapter deals in detail with the history of human rights and their origin in the ancient civilizations and different classical religions. This study reflects on some of the indications and glimpses of human rights even in the early civilizations. The codes of Hammurabi, the Old and New Testaments, the Vedas, the writings of Confucius are discussed in detail in this perspective.

The next chapter discuss in length the concept of human rights in Islam. The Right to Education, Right to Equality, Right to Justice, Right to Life, Right to

The fourth chapter deals with the contemporary declarations on the human rights, as made by the organization of Islamic countries, Islamic council of Europe, and some other prominent associations of global repute in order to justify the claim that Muslim still believes in the basic human rights.

The chapter consisting of conclusion discusses modern history of human rights. In this, I have examined the Magna Carta, English Bill of Rights, Petition of Rights, and Universal Declaration of Human Rights. Finally, a comparative study of Islam with the west is made.

All Praise and Thanks be to Allah, the Almighty, Creator and Sustainer of Worlds by Whose Grace it has been possible for me to accomplish this research work.

For all that I could do for my research work I owe a sincere gratitude to my supervisor Dr. Obaidullah Fahad, Reader, Department of Islamic Studies, Aligarh Muslim University, Aligarh, who had not only been a benevolent guide but throughout he has remained a constant source of inspiration to me. His keen interest and
supportive attitude has given me courage to carry on with such a challenging topic assigned to me.

I am immensely indebted to Professor Azduddin Khan, former Chairman Department of Islamic Studies who assigned me this topic for my research. Professor Muhammad Yasin Mazhar Siddiqui and Professor Abdul Ali, both also former Chairmen Department of Islamic Studies, and the present Chairman Professor Sayyid Ahsan, to them all I am equally indebted for their help they extended to me when I was in need of it.

I am thankful to all my well-wishers and friends, mainly the members of my family: my father Mr. Ehteshamul Hoda, Reader, Department of History, Aligarh Muslim University, Aligarh, my mother, my sisters, and specially my younger brother Mr. Ameerul Huda, and my brother-in-law, for their kind help, support and encouragement in various ways especially in discussion with them regarding my work by sharing their views on various aspects of the thesis.

Last but not the least, I offer my thanks to Mr. Kabir Ahmad Khan, Assistant Librarian, Mr. Muhammad Khalid Hameed, Professional Assistant and all the Staff of the Library, and the Office of the Department of Islamic Studies and Maulana Azad Library, Aligarh Muslim University, Aligarh.

IMTIAZUL HODA
Chapter - 1

Status of Human Rights in Jahi liyah Period
The subject of this chapter is the international concern of various nations with the human rights. The chapter would not however, concentrate on the activities of international organizations and conferences that purport the promotion of human rights in various respects. The instruments, institutions and operations of international organizations of our day are rooted in the philosophical, constitutional and legal developments of many nations spread over the centuries. The work on the international plane in its turn had considerable influence on constitutional, legal and political developments within nation states but it had not influenced the written law of many of the states of Asia, Africa, and the Caribbean, which have recently acceded to independence.

To say that there is widespread acceptance of the principle of human rights on the domestic and international plane is not to say that there is complete agreement about the nature of such right or their substantive scope—, which is to say, their definition. Some of the most basic questions have yet to receive conclusive answers. Whether human rights are to be viewed as divine, moral, or legal entitlement, whether they are to be validated by intuition, custom, social contracts theory, principles of distributive justice, or as prerequisites for happiness; whether they are to be understood as irrevocable or partially revocable; whether they are to be broad or limited in number and content- these and kindred issues are matters of ongoing debate and likely will remain so as long as there exist contending approaches to public order and scarcities among sources.

**Origin and Basic Concept**

The expression “Human rights”, as a term of art, is of recent origin. Even in its French – inspired form “rights of man” (*droite de l'homme*), it goes back only to the last decades of the eighteenth century. The idea, however, of the law, or the lawgiver,
defining and protecting the legal rights of men—mainly the mutual rights of the members of the community—is very old indeed. It would, perhaps protection of human rights in the code of the Babylonian King Hammurabi (about 2130 – 2088 B.C.), the most ancient code of law known at present. The sanctions, which it provides in trying to protect worthy human rights objectives (such as the administration of justice, marriage, and the family), are so disproportionately cruel that it is preferable to disregard this legislator in our context. However, as Rudolph Von Jhering pointed out a century ago, that the Law of Ancient Republican Rome guaranteed to the Roman citizens (not to the foreigner or to the slave). The right to take part in the government of the power of legislation, in the administration of criminal justice, in electing public officials, and even in having a share in the police power (Jhering 1852 – 1878).

An eminent American scholar has said (Yntema 1958) that the concept of the Roman Civil Law, which were formulated by the Rome juridical genesis in order to render justice in the mutual relations of individual men, are in essence a practical definition of the rights of man and a reasonable and authoritative criterion to which these who seek justice and protection of the inherent dignity of the human person can appeal. This hold true, in Yntema's view, of the common law of the Anglo – Saxon countries. The common law and the civil law, so different in their institutions and techniques and, at sometime, so similar in these criteria of what is fair, offer an objective yardstick for judging conduct in terms of individual rights and freedoms. These systems have, of course, also tolerated institutions and practices, which are inconsistent with the modern conception of a public order protecting human dignity. Nevertheless, through many centuries communities have existed where at least part of what are now considered fundamental human rights were well protected by elaborate and refined bodies of law.
In England of the seventeenth century, battles were fought against the non-observance of the ancient rights of Englishmen. Out of these struggles, there came two great documents: the Petition of Rights (1628), and the Bill of Rights (1689). These did not purport to define the basic human rights of all mankind. They were intended to give relief for specific grievances by limiting the power of the parliament and of the courts. Their ideas and even their texts are, however, reflected in the work of the American and French revolutionaries of the eighteenth century; in the immortal passages of the American Declaration of the Independence, in the Virginia Bill of Rights (1776), in the French Declaration of the Rights of Man and of the Citizen, and in the American Bill of Rights.

In the course of the nineteenth and twentieth centuries; their example set by the United States and France of adopting Bill of Rights or otherwise embodying such rights within constitutions, was followed on the entire continents of Europe, and the movement spread to the Americans, Asia and Africa, but until very recently Britain and the British dominions and possession remained aloof from this movements

**Historical Development**

After keen observation of the developments of the great ancient civilizations; viz., Ancient Arabian, Mesopotamian, Egyptian, Greece, the Indus Valley, the Chinese Civilization, etc. It may be concluded that, ‘human kind, when it was created, did not know bread to eat nor garments to cover itself. The people walked on all four and ate grass with there mouths like sheep and drank the water of the ditches’. It has been admitted that the ancient Egyptians, like other early races, could not have evolved a religious unless by the usual processes of religious growth. Thus, we discover, by means of numerous clues more or less strong, that they passed through the phase known as animism, or animalism. “It is generally presumed that the earliest form of
punishment was private revenge. Retaliation for an inflicted injury was the personal affair of the victim or his surviving next to kin, and the community did not interfere, private revenge often escalated into blood feuds between the family, clans, or tribe of the victim and those of the offender. The resulting losses of life and property become so great that the communities to which feuding families belonged started, very slowly, to impose trials and official penalties on offenders and to restrict private vengeance. However, feuds between dominant families of different communities were pre-eminent in the primordial origins of war.

Religious bodies were early moderators of conflicts and punishers of offenders. They threatened criminals with divine revenge at a time when, owing to the fear of Gods and supernatural forces, magic and religion were effective socio-political tools. Acts adversely affecting the well-being of the community or its members were considered different to the deities, who might express their anger through players, earthquakes, or other desolation. Punishment of the wrongdoers or other thought to lessen the God’s fury of there was a proper corresponding between the injury and the chastisement. This was the remote origin of lextalions (‘an eye for an eye and tooth for a tooth’) and the point at which the concepts of crime and sin began to overlap.

Finally, there was state revenge. It was believed that anti-personal or anti-social behaviour not only offended the Gods, but also affected the political stability and the welfare of the social group. The state acted independently of the temple in punishing the wrongdoers, and this state revenge is the origin of modern justice- the victim has to ask for redress from the proper authorities for the suffered wrong.6

Although the notions of crimes against humanity and genocide are treated comparatively recent, the concept of crimes as defined above is of much older origin. Virtually every recorded civilization placed some limitations on the conduct of its own
warfare, and violations of such rules could therefore be considered war crimes. In the Egyptian and Sumerian wars of the second millennium BC, there were rules defining the circumstances under which war might be initiated.

With these examples, some idea may be evolved about the concept of human rights. The essence of human rights may be traced in the roots of ancient times. These societies were evolved out of the Scriptures, which were of great prominence.

**Ancient Arabian Civilization**

In Bedouin society, the social unit was the group, not the individual. The latter had rights and duties only as member of his group. The group was held together externally by the need for self-defence against the hardships and dangers of desert life, internally by the blood – tie of descent and in the male line which was the basic social bond.

In pre-Islamic Arabia, the Bedouin woman, enjoys a measure of freedom deemed to her sedentary sister. She lived in a polygamous family and under a *baal* system of marriage in which the man was the master, nevertheless she was at liberty to choose a husband and leave him if ill-treated. When a person died and left a widow or widows, the nearest male relation had to cover her or they with his mantle and they became his wives. Even a son, in this way, took his step-mother as his wife. All this was possible because there was no authority to enforce any law in Arabia except tribal custom and because women were regarded as mere chattel.

The relations amongst men and women in pre-Islamic Arabs were such as were not and could not be controlled by any laws. The women were as lawless as the men were and that may have provided some excuse to fathers who killed their own daughters. Women put on their vest ornaments and clothes and went out singly, in
twos, and in parties, to the out skirts of the desert to satisfy their desires. There they met young men. Neither, the men nor the women were ashamed to indulge in the most lustful deeds and the most indecent talk by means of which the males enjoyed themselves and the females satisfied their desires. Fornication was not considered a crime or a sin.\textsuperscript{13}

In the Arabian Desert, women participated fully in the whole structures of society. There were no occupations to which she was limited and none from which she was excluded. She shared the hardships of desert life with her mate and like him developed the qualities of survival in its rugged environment. If she was deprived of the life of ease enjoyed by women infertile lands and among prosperous communities, she was spared the penalties of such a life. Here there was no room for the idle; consequently, society did not look upon woman as an ornament or an object of luxury and pleasure. With the hardships that she bore, she carried the reward and satisfactions of freedom and dignity and worth.\textsuperscript{14}

Sometime it had been observed that in many cases the wise women whose advice and counsel men sought and acted upon, were treated as dignified. There were priestesses also who, in the discharge of their religious functions, enjoyed the reputation of superior knowledge and foresight.\textsuperscript{15}

The women occasionally took part as fighters, but they were always on the battlefields to give moral support and ministers to the wounded women gave refuge to the enemy who sought their protection; and such was the chivalry of the desert that the whole tribe extended its protection to the enemy who sought asylum and in a women's tent.\textsuperscript{16}

It had been common custom of the ancient Arabia (before the advent of Islam) that queens ruled them. The Queen of Saba has achieved legendary fame for her
splendour, and for her love of wisdom, which impelled her to make the long journey to Sulayman the wise king and the Prophet. Even more celebrated is Zenobia, Queen of Palmyra, the caravan city of the Syria desert. Zenobia made a profound impression on her contemporaries, and later generations surrounded her name with a halo of romance and wonder. For Zenobia was richly endowed with the qualities that evoke administration and delight. She was of striking beauty with large, black eyes, and teeth as white as pearls. Her intellectual endowments were equally remarkable. She spoke several languages, studied history and philosophy, and wrote a short history of the East and Egypt. With the knowledge of a scholar, she combined the qualities of a great general. She rode at the head of her armies in battle and walked for miles with her foot soldiers. This dazzling queen built a kingdom in the eastern part of Roman Empire, which extended from Egypt to Asia Minor, and for a time challenged and defied the power of Rome herself.¹⁷

It had been observed that in this period, there had been the custom of female infanticide, ‘Amongst Bani Tamim and the Quraish, daughters were regarded as a nuisance and some fathers prided themselves on their feast of murdering their daughters. When a daughter grew up to the age of five or six, the father dug a deep pit in the desert, took his daughter to the pit, pushed her in it and in spite of her cries buried her alive. A man called Qais bin Asim buried ten daughters, of his in this way. Not all the Arabs were equally addicted to this cruelty but very few tribes were free from this atrocious custom. Some killed their children for fear of poverty.”¹⁸

There were no laws regulating marriage and divorce. A man married as many wives as he liked and divorced as he wished. A man had to say to his wife, ‘Thou art to me as the back of my mother’ and she was divorced but cold not marry another. So great was the force of this unjust custom that in the early days of the Prophet’s mission
even he had not know how to deal with it till God abolished it. The matter is explained in verse: Chapter 58 of the Qur'an\textsuperscript{19}.

The Arabs in Pre-Islamic days, were semi barbarous as they were cut off live flesh from the back of camels and the tails of fat sheep which they roasted and enjoyed eating. They were given to mutilating their captives (both men and women). Women were sometimes tied to the tails of horses which were then made to gallop so that the poor victims were crushed to death. This was the pastimes of the nobles. Sometimes a man was locked up in a cabin till he died of hunger and thirst\textsuperscript{20}.

The inhabitants of Arabia had always comprised of two types, the militant nomad and the peaceful settler. A mutual antagonism has divided them. In a land where famine and ignorance combined to prevent a rational way of life, the settled man regarded the nomad as a natural enemy; the nomad regarded the settled man as a legitimate prey. Arabia Deserta was an un-subjugated and savage, if thinly populated world, whose denizens, in the intervals of their pastoral pursuit, issued forth on plundering raids into the lands of the settled dwellers towards the coasts. Shedding innocent bloods had no terror for them. They had their own code of tribal honour and tribal sanctions. Nor was it entirely without mercy. The right to asylum, for instance, was sacrosanct, the custom whereby a refugee from another’s worth once given protection by a desert tribe could feel as safe as they; they would never surrender him whatever his offence, however influential the pursuer or tempting the inducement\textsuperscript{21}.

Marriage with the Arabs of antiquity was probably at first a very casual link bordering on promiscuity. It is likely to have differed little from the practice attributed to most primitive cultures, whereby the women remained in her own tribe and the children she bore came to be members of her totem\textsuperscript{22}. As time went on, men came to take wives unto themselves on the more enduring basis familiar to as, and children
were born into their father’s tribe. Endogamous marriages between cousins were doubtless the rule, and marriage by capture common. Men were of course polygamous, where they could afford it, there being no limit set to the number of wives one man could have. He had dominion over these wives and could divorce them at will, and if a man died, his brother inherited his widows as though they were chattels. Contraception must have been as repugnant then as now, yet the Arab traditions insist the female infanticide was commonly practised a sidelight on Arabia’s habitual hunger.  

**Mesopotamian Civilization**

In Mesopotamian civilization, being among the oldest civilizations had some concept of human rights, it can be analysed from the Codes of Hammurabi. Dating from about 1750 BC and inscribed in stone, the Code of Hammurabi was also divided into the traditional three sections. It is apparent that the prologue and epilogue were copied from earlier texts, but there is no evidence that its legal provisions were borrowed from other codes. The 282 extant classes are in the general style of older codes, there are some modifications: the code has more purely secular provisions, sanctions are largely based upon a new retributive principle, the arrangement of subjects is more systematic, and the language is perfectly clear. The codes covered offences committed during a trial, regulation of patrimonial rights, family laws and inheritance, bodily injuries, rights and obligations of special classes of society, and offence relating to prices and salaries and to slaves. In at least twenty-seven clauses capital punishment was prescribed for a variety of offences. Other clauses referred to retributive sanctions and severe corporal punishment was introduced. Homicides were a capital crime with no possibility of settlement by pecuniary compensation, and even an unintentional killer was held responsible in order to satisfy the victim’s family. The basic legal principle was a life for a life. Differences among social classes were well
established, and the nature and severity of the punishment imposed were related to the victim’s and the perpetrator’s respective social positions. The law of retribution, which made its first appearance in the code of Hammurabi and became a fundamental principle in all subsequent codes of law, replaced the pecuniary penalties of earlier systems. It in turn was gradually superseded by other forms of punishment.

"Babylonian society as represented in the Code of Hammurabi was consisting of three classes. The member of the highest of these who were called *awilum*, were the ‘patricians’, enjoying full liberty and the rights and privilege of citizenship. The second class is composed of citizens called *mushkinum*, who may be termed as ‘plebeians’: though free men, they were subject to certain legal restrictions, notably in connection with the transfer of immovable property. The third class is that of the *wardum*, that is, the ‘slaves’. The three classes differ from one another in legal status, for example, offence against plebeians is punished much less severely than offence against patricians; or rather, they are punished according to a different principle:

“If a patrician has destroyed the eye of another, they shall destroy his eye.

If he has broken the bone of another, they shall break his bone.

If he has destroyed the eye of a plebeian or broken the bone of a plebeian, he shall pay one mina of silver”.

From the examples cited above, we may infer the concept of human rights, as the foundation stone of the human rights as such. The Codes of Hammurabi, the Sumerian ruler Ur – Nammu (C.2050) code of law, which is oldest known code of law and law of Eshnunna (C.1760 B.C.), may be placed as the finest examples of tenets of human rights in early period. The right to women may also be traced in the ancient period as is quoted below:
The marriage was preceded by a gift made by the bridegroom to the parents of the bride. This gift served as a guarantee against the breach of the contract by either party. (Article 159-160)

The above-sited examples specify that the right of assuming security money or surety money by a wife is an essential part of the human rights. It is not difficult, therefore, to perceive that women would hold an important place in Babylonian and Assyrian religious life, and in the Phoenician cult. When the goddess plays an important part in religion, especially when the renovation and provocative powers of nature are worshipped, women will naturally find a place. While the Hebrew has their prophetesses, the religion of Babylonia and Assyria has its priestesses as well as prophetesses.

In the Code of Hammurabi, which is the most ancient of known codes of law, women fares well for so early a period? One of these quaint laws reads: “If a woman hates her husband and says, ‘Thou shalt not have me,’ they shall inquire into her antecedents for her defects. If she has been a careful mistress and without reproach and her husband has been going about and greatly belittling her, that woman has no blame. She shall receive her presents, and shall go to her father’s house.” “If she has not been a careful mistress, has gadded about, has neglected her house and belittled her husband, they shall throw that woman into the water!” under this Code, a man might sell his wife to pay his debts. For three years, she might work in the house of the purchaser after which she was to be given her freedom. Where the law of Moses says: “He that smiteth his father or his mother shall be surely put to death,” Hammurabi’s code enjoins, “Who smites his father, loses the offending limb.”

Apart from this, the women of Babylonia and Assyria enjoyed a measure of freedom that was exceptional for the Orient, and yet the Egyptian women were more independent still. Indeed, the respect that was paid to womankind by the Egyptians is
one of the fairest elements in the civilization of the valley of the Nile. Motherhood also was highly respected. A woman while enceinte, condemned to death for murder or any other crime, could not be executed till after the birth of the child; for it was considered that height of injustice to make the innocent participate in the punishment of the guilty, and to visit the crime of one person upon two. Or if the judge who put to death an innocent person were held as guilty as if they had acquited a murderer.

Before the law, women's rights were respected. In the division of the parental estate, the daughters shared equally with the sons, and were more responsible than the sons were for the care of the parents. In worship, the queen is sometime depicted as standing near her husband in the temple – behind him, to be sure, as the king was the head of the religion and indeed “son of the sun”, but with him, like Isis behind Osiris, lifting her hand in sympathetic protection and shaking the sistrum, or beating the tambourine to dispel all evil sprits, or holding the libation vase or bouquet.

In Babylonia, the woman did not suffer greatly before the law from the fact that she was the weaker vessel. Indeed, the scales were held quite evenly as between sexes. A woman might hold her own property, appear in public, and attend to her own business. Frequently, Assyrian women are depicted upon monuments riding on the highways upon mules. Woman might even hold office and plead in a court of justice—so far, Babylonia anticipates the progress of modern western ideas.

The issue of Slavery may also be discussed here. In Ancient societies like Mesopotamian society, the Slavery was very much prevalent. The condition of Slaves were very miserable, as may be deduced from the following passage,

"The institution of Slavery dates back to the earliest times. Even on the state of Manishtusu (c. 2800 B.C.), we find a slave girl who is worth thirteen Shekels, while nine other slaves, male and female, are reckoned for one-third of a mana each. (A mina or mana weighed approx. 500gm; it
contains 60 Shekels and was 1/60 of a talent). According to the Code (XVI—XVII), it is clear that the slaves was personally the property of his owner; he might not run away (which he did occasionally), it was illegal to harbour him if a fugitive, and a reward was fixed for his recapture. A slave was subject to the 'levy' for forced labour (XVI); he might be sold or pledged for debt (CXVIII) and in theory, his property belongs to his owner. (cf. CLXXVI) but on the other hand, it was his master's duty to pay the doctors fees if he were sick (CCXIX, CCXXII)^{36}.

The Canaanites^{37} people were very savage. This point may be deduced from the following passage that reads:

"In Canaanite sacrifice, along with the usual offerings of animals human victims are also attested. They were offered, for example, on the occasion of great calamities, as man's supreme gift to the 'gods. It is not certain however, though it has often been asserted, that the Canaanites sacrificed children in connection with the erection of buildings"^{38}

"Canaanite religion contains elements of remarkable crudity, such as human sacrifice and sacred prostitution. These testify to some degree of barbarity, to the absence of a developed civilization such as is found among the great peoples of the environment"^{39}

Here it is important to mention one more significant event in ancient history, the conquest of Babylonia by the Persian king, Cyrus the Great (559-530 BCE), the ruler of the Achaemenid empire. 'His conquests mark one of the most rapid periods of imperial expansion ever known. He inherited the small Persian kingdom, defeated the neighbouring kingdoms of Susa and the Medes within a decade and then moved westwards. The Anatolian kingdom of Lydia was defeated and its king, Croesus, taken prisoner. Finally, in 539 BCE the king of Babylonia, Nabonidus, was defeated at the battle of Opis and his empire collapsed"^{40}. As quoted by the historians that this very campaign of Cyrus, conquered Babylon on October 4^th 539 B.C. was bloodless and even not a single person was taken as captive. Five days later (i.e., 9^th October 539 B.C.) when Cyrus the Great visited the city, he was greeted by the people, who spread
a pathway of green twigs before him as a sign of honour. It is unimportant to go in
detail that, what caused him to conquer Babylon.

On this event, Cyrus the Great issued a declaration. This declaration may be
viewed as one among the earliest examples of human rights of ancient times. Cyrus's
declaration is as follows:

"I am Cyrus, the king of the world, great king, legitimate king ... son of
Cambyses ... whose rule Bel and Nebo loved and whom they wanted as
king to please their hearts.

"When I entered Babylon as a friend and established the seat of government
in the place of the ruler under jubilation and rejoicing, Marduk, the great
lord (induced) the magnanimous inhabitants of Babylon (Din Tir) (to love
me) and I daily endeavoured to praise him. My numerous troops walked
around in Babylon in peace, I did not allow anybody to terrorize (any of the
people) of the country of Sumer and Akkad. I strove for peace in Babylon
(Ka Dingir ra) and in all his other sacred cities. As to the inhabitants of
Babylon (who) against the will of the gods (had/were ...) I abolished the
corvee (yoke) which was against their (social standing). I brought relief to
their dilapidated housing, putting an end o their main complaints. Marduk,
the great lord, was well pleased with my deeds and sent friendly blessing to
myself, Cyrus, the king, who reveres him, to Cambyses, my son, as well as
to all my troops, and we all (praised) his great (name) joyously, standing
before him in peace ... I returned to (these) sacred cities on the other side
of the Tigris, the sanctuaries of which have been ruins for a long time, the
images which (used) to live therein and established for them permanent
sanctuaries. I (also) gathered all their (former) inhabitants and returned (to
them) their habitations. Furthermore, I resettled upon the command of
Marduk, the great lord, all the gods of Sumer and Akkad who Nabonidus
has brought to Babylon (su sa na) to the anger of the lord of the gods
unharmed in their chapels, the places which make them happy.

May all the gods whom I have resettled in their sacred cities ask Bel and
Nebo daily for a long life... (six lines destroyed) and always with good
words remember my good deeds ... that Babylonians incessantly cherished
me because I resettled them in comfortable habitations ... I endeavoured to
strengthen the fortification of Imgur—Enlil and the great fortification of the
City of Babylon ... the side brick wall by the city’s trench which the former
king (had built and had not finished). This was finished around (the city),
hat none of the former kings, despite the labour of their yoked people, had
not accomplished. I rebuilt and completed with tar and brick ... and
installed large gates ... entrances were built by cedar wood covered with
brass and copper pivot ... I strengthened all the gates ... I saw inscribed the
name of my predecessor, King Ashurbanipal41.

Greek Civilization

Like Mesopotamian Civilization, the moral of the social class, and the position
of women in the society is wretched one, in the ancient Greece42, for example

“In classical times, strong homosexual attachments were another way in
which values were inculcated, passes on the older man (the erastes) to the
younger eromenos, or beloved. The gymnasium was the venue where such
relationships typically developed.” “To date however, at which Greek
homosexuality became a central cultural institution is problematic”. The
more plausible view is that homosexuality was in some way connected with
the rise of the polis and was part of what has been called ‘the 8th century
renaissance’43.

The women in ancient Greece occupied a degraded position in the family and
society. They looked upon as human machines for procreation. In Athens, the wives
were a mere chattel, marketable and transferable to others and a subject of testamentary
disposition.

In the classical Greece, little is known about their primitive laws. The exiguous
remains of the early-seventh century B.C., Draconian Code in Athens and the Gortyn
Code of Crete, dating from the transition between the primitive and later codes. Greek
laws were never systematised. There were originally only two kinds of crime: an
offence committed by a stranger against a member of the clan, which was not. The
distinction between the two eventually disappeared, but for a long time homicide
remained a matter for private revenge. The Greek philosophers never considered law a
serious subject for study, but they did deal with the definition and classification of crime, as well as with its causes and dynamics.\footnote{44}

For Plato\footnote{45} (429 – 347 BC), the basis of law was the prevailing morality, and every action against that morality constituted a crime. In his *Republic* and *Laws*, he delineated four types of offences: (1) against religion (theft within a temple, impiety, or disrespect); (2) against the state (treason); (3) against persons (poisoning, use of drugs, witchcraft, sorcery, infliction of injury); and (4) against private property (killing a thief caught stealing at night was not punishable). The Greeks were convinced that ‘fate’ was the main cause of crime, with different consequences determined by the gods, and even Plato accepted the prevailing fatalism, although he considered crime the product of a faulty education.\footnote{46}

Aristotle\footnote{47} (384 – 322 BC), based his ideas on observation of facts, not on moral concepts. Man was for him a synthesis of a body and a soul, endowed with intelligence, emotion and desire. In his *Nicomachean Ethics*, Aristotle defined crime as the act not of a sick individual, but of one who acted of his own volition, stimulated by his own desires. Thus, children, idiots, the mentally ill, and individuals in a state of early were absolved from criminal responsibility.

According to Aristotle, the social reaction to crime could be preventive or repressive. His concept of a preventive reaction included three elements: (1) Eugenic (he distinguished between children who should be abandoned and left to die because of some deformity). (2) Demographic (the number of births should be limited, and unnecessary pregnancies should be terminated) and (3) Deterrent (intelligent punishment was originally limited to private revenge, but it includes such measures as nodal abandonment (turning the offender over to the victim’s family) and atimy (perpetual banishment).
As early as the time of the Draconian Code, Greek law drew a distinction between premeditated and involuntary homicide. Plato described four kind of crime: voluntary, involuntary, accidental, and mixed, the last taking place when passion exceeded reason and led to violence. The severity of the imposed punishment was a function of the degree of culpability and was retributive in nature. Plato also introduced the idea of ‘social utility’: a criminal is a sick individual who must be cured he must be disposed of.\[48\]

Stoicism a school of thought that flourished in Greek and Roman antiquity. It was one of the loftiest and most sublime philosophies in the record of Western civilization. In urging participation in the affairs of man, Stoics have always believed that the goal of all inquiry is to provide man with a mode of conduct characterized by tranquillity of mind and certainty of moral worth. It took its name from the place where its founder, Zeno of Cittium (Cyprus), customarily lectured – *Stoa Poikile* (painted colonnade).\[50\]

Zeno, who flourished in the early 3rd century B.C., showed in his own doctrines the influence of earlier Greek attitudes. He was apparently well versed in platonic thought, for he had studied at Plato’s Academy both with Xenocrates of Chalcedon and with Polemon of Athens, successive heads of the Academy. Zeno thought comprised, essentially, a dogmatized Socratic philosophy, with added ingredients derived from Heraclites. The basis of human happiness, he said, is to live “in agreement” (with oneself), a statement that was later replaced by the formula “to live in agreement with nature”. The only real good man is the possession of virtue; everything else (wealth or poverty, health or illness, life or death) is completely indifferent.\[53\]
Both Plato and Aristotle had thought in terms of the city-state. But Aristotle’s pupil Alexander the Great swamped the cities of old Greece and brought them into a vast empire that included Egypt, Persia, and the Levant. Though the civilization of antiquity remained concentrated in city-states, they became part of an imperial power that broke up into kingdoms under Alexander’s successors. This imperial power was reasserted on an even greater scale by Rome, whose empire reached from central Scotland to the Euphrates and from Spain to eastern Anatolia. Civilization itself became identified with empire, and the development of eastern and Western Europe was conditioned by it.

Since the city-state was no longer self-sufficient, universal philosophies developed that gave men something to live by in a wider world. Of these philosophies, Stoicism and Epicureanism were the most influential. The former inspired a rather grim self-sufficiency and sense of duty, as exemplified by the writings of the Roman emperor Marcus Aurelius the later, a prudent withdrawal from the world of Affairs.

The setting of political philosophy thus became much wider, relating individuals to universal empire, thought of, as in China, as coterminal with the civilization itself. Its inspiration remained Hellenic; but derivative Roman philosophers re-interpreted it, and Roman legists enclosed the old concepts of political justice in a carapace of legal definitions, capable of surviving their civilisation’s decline.

Cicero, as he lived in a time of political confusion during which old institutions of the republic were breaking down before military dictators. His De re publica and Laws are both dialogues and reflects the classical sense of purpose: ‘to make human life better by our thought and effort’.

Cicero defined the res publica (commonwealth as an association held together by laws); he further asserted, as Plato had maintained with his doctrines of Forms manifest in the just city, the cosmic order.
Cicero express the pre-Christian stoic attempt to moralize public power, appoint in the exacting sense of public responsibility shown by Hadrian and Marcus Aurelius in the 2nd century AD.

In the days of the Ptolemies and in the Roman period, it became very common for men to marry their own sisters, especially in the royal families. During the later Archaic period, Solon was the first politician who speaks to the 20th century in a personal voice (Tyrtaeus reflects an ethos and an age). Like the other archaic poets mentioned, Solon write for Symposia, and his more frivolous poetry should not be lost sight of in preoccupation with what he wrote in self-justification. He was man who enjoyed life and wanted to preserve rather than destroy. He had formulated laws for the good governance of the society.

Here it will be important to mention the case of slavery in ancient Greece. The institution of slavery in Greece is very ancient; it is impossible to trace its origin, and we find it even in the earliest times as a necessity of nature, a point of view that even the following ages and the most enlightened philosophers adopted. In later times voices were heard from time to time protesting against the necessity of the institution, showing some slight conception of the idea of human rights, but these were only isolated opinions. From the very earliest times, the right of the strongest had established the custom that captives taken in war, if not killed or ransomed, became the slaves of the conqueror, or were sold into slavery by them... Besides the wars, privacy, originally regarded as by no means dishonourable, supplied the slave markets; and though in later times endeavours were made to set a limit to it, yet the trade in human beings never ceased, since the need for slaves was considerable, in not only Greece, but also still more in Oriental countries. In historic period, the slaves in Greece were for the most part barbarians, chiefly from the districts north of the Balkan Peninsula and...
Asia Minor. The Greek markets held in the towns on the Black Sea and on the Asiatic coast of the Archipelago, not only by the barbarians themselves, but also even by Greeks, in particular in chains, which carried on a considerable slave trade. These slaves were then put for sale at home at Athens on the first of every month... A large portion of the slaves or of a free father and slave mother, who as a rule become slaves, unless the owner disposed otherwise. We have no means of knowing whether the number of these slaves' children born in the houses in Greece was large or small. At Rome, they formed a large proportion of the slave population, but the circumstances in Italy differed greatly from those in Greece, and the Romans landowners took as much thought for the increase of their slaves as of their cattle. Besides these two classes of slave population, those who were born slaves, there was also a third, though not important class. In early times, even free men might become slaves by legal methods; for instances foreign residents, if they neglected their legal obligations, and even Greeks, if they were insolvent, might be sold to slavery by their creditors, a severe measure which was forbidden by Solon's legislation at Athens, but still prevailed in other Greek states. Children when exposed, become the property of those who found and educated them, and in this manner, many of the hetaerae and flute girls had become the property of their owners. Finally, we know that in some countries the Hellenic population, originally resident they were subdued by foreign tribes, and become the slaves of their conquerors, and their position differed in but few respects from that of the barbarians slaves purchased in the markets. Such native serfs were the Helots at Sparta, the Penestae in Thessaly, the Clarotae in Crete, etc. We have most information about the position and treatment of the Helots; but here we must receive the statements of writers with great caution, since they undoubtedly exaggerated a good deal in their accounts of the cruelty with which the Spartans treated the Helots; still, it
is certain that in many respects their lot was a sad one .... The rights assigned by law to the masters over slaves were very considerable. He might throw them in chains, put them in the stocks, condemn them to the hardest labour – for instance, in the mills – leave them without food, brand them, punish them with strips, and attain the utmost limit of endurance; but, at any rate at Athens, he was forbidden to kill them .... Legal marriages between slaves were not possible, since they possessed no personal rights; the owner could at any moment separate a slave family again, and sell separate member of it. On the other hand, if the slave were in a position to earn money, they could acquire fortunes of their own; they then worked on their own account, and only paid a certain proportion to their owners, keeping the rest for themselves, and when they had saved the necessary amount, they could purchase their freedom, supposing the owner was willing to agree, for he was not compelled.... The protection given to the slave was very small, but here again, there were differences I different states.... It would be impossible to make a guess at the subject are extent, but these are insufficient to give as any general idea. There can be no doubt that the number was a very large one; it was a sign of the greatest poverty to own no slaves at all, and Aeschines mentions, as a mark of a very modest household, that there were only seven slaves to six persons. If we add to these domestic slaves the many thousands working in the country, in the factories, and the mines, and those who were the property of the states and the temples, there seems no doubt that their number must have considerably exceeded that of the free population"59.

Rome was the source of the world's most powerful legal influences. The Twelve Tables are considered to be the basis of all Roman law, public and private, and it is thought that they were promulgated about 450 BC. The Tables were secular laws, clearly different from religions or moral ruler, and included some forty clauses.
The Eighth Table was similar to a body of criminal law and detailed crimes and their punishments. Intentional homicides, setting fire to a dwelling or harvested crop, treason, and parricide were all capital crimes. One who inflicted an injury was subject to a pecuniary sanction or retributive penalty if he did not pay the agreed compensation. Punishments for theft were also prescribed, varying between compensation equal to double the value of the stolen goods and the death penalty for the thief caught in the act. If the thief was a free man, he could be given to his victim as a slave. Death sentences were also imposed on judges or arbitrators caught taking bribes and no witness giving false testimony. However, the sentences could only be carried out with the consent of the whole assembly of citizens, and citizens of Rome were rarely put to death. After the 2nd century AD, exile and banishment became common punishments. The institution of slavery decisively influenced the evolution of the penal system in Rome because the special and very severe sanctions devised for slaves were later extended to the entire population, with the exception of a limited number of privileged and wealthy citizens. When the population of Rome reached one million, during the 2nd century AD; permanent tribunals were established, composed of thirty or more jurors presided over by a proctor. At first, the jurors had to be of the senatorial class, but gentleman, wealthy citizens, and soldiers later became eligible. These tribunals were empowered to deal with cases of treason, homicides, parricide, adultery, corruption, and kidnapping, and there was no appeal from their decisions.

The Greeks and Romans introduced further notions of humane and civilized treatment of non-combatants in war. Plato wrote in his Republic that war among the Hellenes should have as its end 'friendly correction', and not destruction of the enemy. The Romans developed the concept of the 'Just War' that alone warranted resort to force. Truces, safe-conduct passes, and armistices were prohibited. This is not to say
that the Greeks or Romans did not engage in barbarous acts in time of war. But the development of ruler of restrain, although frequently violated, established the principle that limits had to be placed forward over the coming centuries.61

The Roman Civilization society is more or less similar to the Greek Civilization as we will observed in the passage, “Accordingly, society was ordinarily described by contemporaries simply in terms of two classes, the upper and the lower, rich and poor, powerful and dependent, well known and nameless. The upper classes consisted of little more than 600 Roman senators, 25,000 *equites*, and 100,000 city senators; hence, a total amounting to 2 percent of the population. The stratum, from the mid – 2nd century defined in law as ‘the more honourable,’ *honestiores* was minutely subdivided into degrees of dignity, the degrees being well advertised and jealously asserted; the entire stratum, however, was entitled to receive especially tender treatment in the courts. The remaining population was lumped together as ‘the more lowly,’ *humiliores*, subject to torture when giving witness in court; to beatings, not fines; and to execution (in increasingly savage forms of death) rather than exile for the most serious crimes. Yet because of the existing patterns of power, which directed the *humiliores* to turn for help to the upper stratum, the lower classes did not form a revolutionary mass but constitute a stable element.62

Slavery, under the Roman Empire, ‘was carried to an excess never known elsewhere, before or since. Christianity found it permeating and corrupting every domain of human life, and in six centuries of conflict succeeded in reducing it to nothing…. Christianity, in the early ages, never denounced slavery as a crime; never encouraged or permitted the slaves to the yoke; yet she permeated the minds of both masters and slaves with ideas utterly inconsistent with the spirit of slavery. Within the Church, masters and slaves stood on an absolute equality.”63
In ancient Egyptian society, we find that the women enjoyed the high and respectable status, "The queen, whether royal mother or royal wife, though not mentioned in the earliest monument, no doubt occupied the same exalted position as was assigned to her in later days. In the reign of third king of the IIInd dynasty, 'it was determined that women should enjoy royal privileges, i.e., that they should not be disqualified from ascending the throne and enjoying all the dignity and state which appertained thereto'. This is not to be wondered at, for the social position of women in Egypt was always much higher than in other Eastern countries; an Egyptian generally traced his pedigree from a maternal ancestor, as is the case with many primitive peoples, and the mother, or 'lady of the house', enjoyed in Egypt a position of authority and importance rarely met with among other nations". But this status is shameful in the views of human rights, this we can observe through the following passage,

“The high status which 'respective' women enjoyed in ancient Egypt arose in part from the matriarchal descended in the female line from mother to daughter. When a man married an heiress, he enjoyed her property only as long his wife lived. On her death, it passed to her daughter and her daughter's husband. This practice was never more strictly observed than in the Royal Family, which explains why so many of the Pharaohs married their sisters, or even their infant daughters. Often these marriages were purely formal affairs”.

Ramses II married his two sisters, Nefert – ari – meri – Maat and Ast – nefert, by whom he had several children, both sons and daughters, and he married at least three of his own daughters, namely, Bantu – Antu, and Amen – merit and Nebt – tau’.

We find here that, in ancient Egypt the woman was queen of her own house, the real mistress of domestic life. When the husband was at home, he was looked upon
rather in the light of a “privileged guest”, and the housewife was the respected hostess, holding everything beneath her undisputed sway. In short, she was the very soul and centre of the domestic activity, rising early and stirring the house – hold into life and movement.67

Passage from the book “The Splendour that was Egypt” by Margaret Murray says:

“The marriage laws of Ancient Egypt were never formulated, and Knowledge of them can be obtained only by working out the marriages and genealogies. It then becomes evident that a Pharaoh safeguarded himself from abdication by marrying every heiress without any regard to consanguinity, so that if the chief heiress died, he was already married to the next in succession and thus retained the sovereignty... the throne went strictly in the female line. The great wife of the king was the heiress; by right of marriage with her, the king came to the throne. The king's birth was not important. He might be of any rank, but if he married the queen he at once became king; the queen was queen by right of birth, the king by the right of marriage.”68

There is no evidence that marriage was ever regarded as indissoluble, or that any religious ceremony was connected with it. It was surely a civil contract, with a heavy fine imposed on the person breaking it.

**Indus Valley Civilization**

Brahmanic India, one of history’s most absolute theocracies, produced the laws, or Code of Manu, generally thought to date from between the thirteenth and ninth century B.C. It specified that part of the Judge's faction was to probe the heart of the accused and the witness by studying their posture, mien, and changes in voice and eyes. Thus, this was the first code of law to take account of judicial psychology.

According to the code, litigants were entitled to present witnesses, who were selected from among the middle caste. Women could testify only in matters related to
Killing a Brahman or stealing his gold, drinking alcoholic beverages, and incest were capital crimes. Punishments for lesser offences included mutation, restriction of liberty, banishment, corporal punishment, and fines.

Caste, in India, dominates everything from the cradle to the grave, and has greatly affected the life of women. The lines of demarcation are deep—drawn and inexorable. The social gulfs are impassable. As one has remarked, the only tie between the castes is the cow, which is revered by all. There are four castes. To quote Manu, 'The Brahmana, the Kshatriya, and the Vaisya castes are the twice born one, but the fourth, the Shudra, has one birth only; there is no fifth caste.' The passages from the Law book i.e. Manu Smriti; can better frame the outline of the society. In book five of Manu Smriti, we find the status of women, which is very well defined, in the ancient Indian society.

Girls were not welcomed so eagerly as boys; hence the custom of the exposure of girl babies arose, this began in early prehistoric times.

When the Hindu patriarchal family began to develop, and the father became more important, the rule arose that a man must not eat with his wife. This regulation probably dates from the seventh or eighth century B.C.

By the fifth century B.C., it was the rule that a girl must be married before puberty. The natural consequence of this religious law was that parents, in their eagerness to secure a marriage for their daughter, betrothed them and had the marriage became the Hindu custom. Hence, through the death of
boy - husbands, virgin child widows of all ages, from a few months old, are common.

The custom of sati, widow burning, came gradual into use before 1000 B.C.

At the same time it became the rule that a widow does not mount the pyre but must spend her life in perpetual mourning and ascetism.”

But, it is considered that, ‘During the early Vedic period, a patriarchal extended family structure gave rise to practice of niyoga (‘levirate’), which permitted a widow to marry her husband’s brother.”

In ancient India however, the society was divided into four-class viz. Brahman, Kshatriya, Vaisya and Shudra. The Brahmans were the religious persons and were considered the supreme class and they had all the privileges to be enjoyed. The Kshatriya composed the second class of the society; they were only meant for ruling and governing, this class was the little but inferior than the Brahman. The third class Vaisyas, who were related only with the business and farming and were more subservient, and although their status was not as inferior as that of the Shudras, they appear to have been crucial to the economy. The traditional view of the Shudras, the fourth class, in that they were non – Aryan cultivators, who came under the domination of the Aryans, and in many cases were enslaved and therefore have to serve the upper three castes.

This fourth class or caste of the ancient Indian Hindu society was considered degraded and was subject to compulsion and atrocities by the higher class. They cannot also, come in front of the priest (Brahman) class, or if by chance they were there or had heard or listen any portion of the sacred hymn (or Slokas), they (Brahman), get their eyes punctured and hot lead was poured in their ear. The Sudras also cannot live in the village along with the other members of the society (i.e. the upper three classes), as they were subjected to racial discrimination.
An important characteristic of caste in that an individual is born into a particular caste and cannot acquire the status of any other caste. The lower the status of women the stronger was the legal tie of marriage. The patriarchal system tended to keep the status of women at a low level, and the emergence of the joint family with special property rights for the male members reinforced male dominance. Yet another aspect of community living where caste discriminating applied was in education. The Law Books are very clear on the point that only the three upper castes are entitled to education. Frequently it was only the Brahmans and the aristocracy who received formal education.

Brahmanism, which is defined as "the religion which has been defined as the religion which exalts the cow and degrades the woman", has been one of the most potent factors in shaping the life of woman in India. Among the Hindus, woman has no independent spiritual life. Her hope is in being married to a man.

As is discussed earlier, "The caste system of India is not based upon an exclusive descent as involving purity of blood. In the old materialist religion, which prevailed so largely in the ancient world, and was closely associated with sexual ideas, the maintenance of purity of blood was regarded as a sacred duty. The individual had no existence independent of the family. Male or female, the individual was but a link in the life of the family; and any intermixture would be followed by the separation of the impure branch from the parent stem. In a word, caste was the religion of the sexes, and as such exists in India to this day.... The Hindus are divided into an infinite number of castes, according to their hereditary trades and professions; but in the present day, they are nearly all comprehended in four great castes, namely the Brahmans, or priest; the Kshatriyas, or soldiers; the Vaisyas, or merchants; and the Sudras, or servile class. The Brahmans are the mouth of Brahma; the Kshatriyas are his arms; the Vaisyas are his
thighs; and the Sudras are his feet. The first three castes of priests, soldiers, and merchants, are distinguished from the fourth cases of Sudras by the thread, or paita, which is worn depending from the left shoulder and resting on the right side below the loins. The investiture usually takes place between the eighth and twelfth year, and is known as the second birth, and those who are invested are termed the 'twice born'. It is difficult to say whether the thread indicates a separation between the conquerors and the conquered or whether it originated in a religious investiture from which Sudras were excluded".78.

**Chinese Civilization**

Through historical records available, we cannot get the exact position of status of human rights in China, but it does not mean that they were not just people. However, we find some aspects of barbarism for, “Burials became markedly less egalitarian - one young male was buried with over a hundred jade objects and in other human victims accompanied the dead".79. There are much more articles to support this point, as being the earlier civilized societies and the cradle of Confucianism, Taoism, etc., having good teaching of their religious or spiritual head had forgotten there teachings and acted cruelly with the poor people just to shows pride.

Ancient Chinese law were secular, entirely indigenous, and political intent. Rather than upholding religious values or protecting private property, the law was designed to impose tighter controls upon a society that was losing its old cultural values before new ones had appeared. The first Chinese Empirical Code, although promulgated only in the third century B.C., was based on laws dating from at least three centuries earlier.
The Confucians, who considered that government by law, was secondary to government by moral precepts and example, at first opposed the new law, but eventually as a necessity. The legalists, ardent advocates of the law, were tough-minded men of affairs with no regard for 'human rights'. Although not power-hungry, unscrupulous politicians, they believed that only through total methods could peace and unity be brought to their war torn world. The imperial codes of China were based on four major principles: (1) Prescribing punishment to fit the crime. (2) Differentiating by social status that is, distinguishing among officials, commoners, and slaves. (3) Differentiating among eight privileged groups, the first including members of the imperial family and the last the, ass of commoners, and (4) differentiating within the family according to sex, seniority, and degree of kinship.

Confucianism attached great importance to filial piety, and close relatives were permitted to conceal the crimes of family members without legal penalty. Death sentences in imperial China had to be confined by the highest judicial body, even by the emperor himself, before being carried out. Confucian humanitarianism was expressed in special exemptions and lesser sentences for the aged, the young, and the physically or mentally infirm. In ancient China, it was forbidden in wartime to kill wounded enemies or to strike elderly armed opponents. The Chinese philosopher Sun Tzu wrote in The Art of War (400 BC): 'Treat the captives well and care for them. All the soldiers taken must be cared for with magnanimity and sincerity so that they may be used by us.'

Some basic features of human rights, in the context of the ancient civilization were discussed. However, it is very important to analyse the theme in the perspective of Scriptures of the older religions. The distinction between patricians and plebeians, typical of Mesopotamian society, corresponded to social conditions much more highly
developed than, those of the Hebrews. Among whom practically no distinction existed between free citizens, who all enjoyed the same rights after attaining their majority, which was fixed in the book of Numbers (1, 3) at twenty years, and served also the lowest age for military services.

In addition to the free citizens, there were the slaves, whether foreign or Israelite. The majority were foreign, and for the most part prisoners of war, though slaves might also be bought: especially the Phoenicians carried on the slave trade.

In the ancient Near East, as above, the slaves were regarded as a mere chattel of his master's. This conception is partly reflected in Hebrew law, which fixes, for example, the damages to be paid for the killing of another's slave, and does not punish the master who beats his slave so violently as to cause his death some days later. On the other hand, there are not lacking signs of a more humane conception, and in certain points the law protects the slave against his master. Thus the master who puts out an eye or tooth of his slave is obliged to set him free (Exodus 21, 26-27); the Sabbath is a day of rest for slaves as well as for free men; runaway slaves must be harboured and protected, and not restored to their masters (Deuteronomy 23, 15-16).

In addition to the slaves, there was another social class, which did not enjoy the rights as the free citizen, namely the foreigners. The Hebrew divided foreigners into two classes: those who were linked with the Hebrew tribes, and had some claim to their protection, and those who had no such claim. The former were of course a comparatively favoured class, but did not enjoy that equality of rights which was accorded in Mesopotamian law.

From the writing of the Old Testament, a fairly distinct conception can be formed of slavery among the Hebrews. In the book of Genesis, the picture of the slavery is of the patriarchal age. Although the Hebrew, are described as having shown
extreme ferocity in the conquest of Canaan, their legislation as to slavery was, on the whole, considerate and humane. Slaves were not numerous among them, at least after the exile.

It gives us a clear idea of the status of slave in ancient Hebrew society, or among the people of Hebrew Scripture. It will also be worthy to discuss the set-up of the family of the ancient Hebrew society.

To an even greater degree, if possible, than was the case in the ancient nomadic society, the real nucleus of Hebrew social life was the family. As was usual, the father’s authority was here supreme. Polygamy was legalised, and betrothal took place in the usual Semitic manner, of which we have already spoken. The bridegroom pays the marriage-price and so attains authority over the bride. Formal contracts are attested but do not seem to have necessary for the validity of the marriage. The marriage-price (or Mohar), is the basic right of the wife, and not a single person could discharge her from having it. The system of marriage-price is still prevailing in Jewish and as well as Muslim societies. It seems that the institution of divorce was also prevalent in the ancient Hebrew society. Unlike the Mesopotamian society in which divorce was the wife prerogative, here it was exclusively that of the husband. The husband can divorce his wife by simply pronouncing the formula: “This woman is not my wife, and I am not his husband”. However, the book of Deuteronomy, sets certain limits to the right of divorce, with the evident intention of safeguarding and strengthening the institution of marriage: a man who unjustly accused his bride of not being a virgin was not only obliged to pay a fine, but also precluded from ever divorcing her; similarly, the man who violated an un-betrothed virgin and obliged to marry her and could never divorce her. Adulterers were condemned to death stoning, along with the women, if she had consented.
In Hebrew law of Deuteronomy 21, 17, states about the right of inheritance, that, the property was divided among the sons, and that the first-born had a double share. Sons of concubines also must have had a right to inherit, as is shown indirectly by the episode in which Sarah induces Abraham to drive away his concubine Hagar and her son Ishmael, in order the Isaac may not have to share his inheritance with the later (Genesis 21, 10). There is however no indication of the extant of such a right.

As far as the position of women in the case of inheritance is concern, in the ancient Hebrew law it was very precarious one. "A man's wife inherited nothing from him, indeed there are even indications which seems to show that at one time she was herself regarded as part of the inherited property; with this state of affairs we may contrast the provision of the Code of Hammurabi, whereby the widow retained her dowry and the gift made to her by her late husbands. Daughters had no right of inheritance in the Old Testament, except in there were no sons to inherit."

Here is another view regarding the status of women in ancient Israel. Just as the unmarried woman was under the authority of her father, the married also was under the authority of her husband. The Decalogue list a wife among a man's possessions, along with his servants and maids, his ox and his ass. The husband is called the ba'al of a house or field; a married women is therefore the 'possession' of her ba'al. Indeed, 'to marry a wife' is expressed by the verb ba'al, the root meaning of which is 'to became master'.

If we consider the above situation prevalent in the ancient Israelite society, the position of women (or status) is wretched one. The wife was considered as property of her husband, as man owns other property and wife belongs to that category. This was due to the custom that, they practice 'marriage by purchase'. This theory of marriage by purchase gets it support through the custom of the Mohar. The term Mohar occurs...
only three times in Bible. While the Bible does not mean, that wife is commodity like all other day-to-day use commodities. Instead it, give this as the basic right of wife, it is the surety money. The law doctors misinterpreted and made the ancient Israelite women a commodity.

The bible frequently and unequivocally endorses the death penalty as the proper mode of punishment for many crimes. The Mosaic Code mentions murder, kidnapping, witchcraft, idolatry, sodomy, adultery, incest, blasphemy, and several other offences as punishable by death. The method of execution was to be either by stoning or by burning; hanging was originally a posthumous insult to the offender. Crucifixion was later introduced by the Romans. Opponents of the death penalty sometimes point to the biblical story of the first murderer, Cain, whom God did not punish with death but with banishment and a curse (Genesis 4:8-15). Proponents of the death penalty reply by citing the Noachian commandment, ‘Whosoever sheddeth man’s blood, by man shall his blood be shed’ (Genesis 9:6). The biblical lex talionis (‘eye for eye, tooth for tooth, life for life’), probably a borrowing from the code of Hammurabi, is also often cited as proof of divine authority for the death penalty. But most biblical scholars to day construe this as a limitation on merited punishment (no more than a life for a life), and they point out as well that post – biblical Talmudists favoured a penology built around monetary compensation rather bodily injury, thereby reflecting a shift from punishment as retaliation in kind to proportional punishment.

From the above discussions, it may be concluded that, the concept of some of human rights, is rightly traced in the ancient societies and civilizations. The concept that was later developed into a systematic discipline, by the West in the modern world was basically an upgraded and evolved form of laws and practices, prevailed in the ancient times. Muslims had a system of thought and practice incorporated in the two
basic sources of Islamic Shari'ah – Holy Qur'an and the Sunnah of the Prophet. This system of human right was well elaborated and executed by the Prophet of Islam in the Arabian society. The same was transmitted through the various translations of the Islamic literature to the modern world.
Notes & References:

11. This most heinous custom was abolished by the Qur’ân! (4:22); And marry not those women whom your fathers have married, But what is past (is past); Surely (such marrying) is an indecency and a heinous affair; And an evil way.
13. Ibid. pp. 24-25
15. Ibid. p. 297
16. Ibid.
17. Ibid.
19. Ibid. p. 25
20. Ibid. p. 28
22. Ibid., p. 16
23. Ibid. pp. 16-17

25. King Hammurabi succeeded to the throne of Babylon (2130 to 2088 B.C.), young vigorous, and a genius full of fire, destined to be both a law giver and a fighter, a man who would have made an admirable Governor-general of modern Iraq. He was good soldier and pious ruler, great though his deeds may have been, as they are set out, they pale before his wonderful creation, the Code of Laws, one of the most important document with history of the human race. He codified or formulated the laws (around 282 Codes of law), which, even down to seventh century BC it was studied apparently under the name of 'The Judgement of Righteousness which Hammurabi, the great king set up; For Codes of Hammurabi, see Appendix I


28. Codes of Hammurabi; See Appendix I.

29. Kadish, *op. cit.*, Vol. 2, p. 547. The oldest known fragments of a Code of Law are associated with the Sumerian ruler Ur – Nammu (c. 2050 BC). King of the ancient city of Ur, sometimes called Zur-Nammu or Ur-Engur. He founded a new Sumerian dynasty, the third dynasty of Ur that lasted a century. Ur-Nammu was the promulgator of the oldest code of law yet known, older by about three centuries than the code of Hammurabi. It consists of a prologue and seven laws; the prologue describes Ur-Nammu as a divinely appointed king who established justice throughout the land. This code is of great importance to the study of biblical law, which it predates by about five centuries. The two most famous monuments of Ur-Nammu's reign are the great ziggurat (temple) at Ur and his stele, of which fragments remain. The code consisted of a prologue the text and an epilogue. The prologue explained how Ur-Nammu was selected by the Gods as their earthly representative to rule over Sumer and Ur. the body of the text was so badly damaged that only five of the Laws have be interpreted with any degree of certainty: one refers to a trait by some kind of water ordeal, and a second to the returning of a slave to his rightful owner, the other three establish pecuniary compensation for injuries. The epilogue prescribes blessings for those who honour the code and curses for those who desecrate it.

30. Ibid, The Sumerian Law of Eshnunna (c. 1760 BC), includes five groups of delicts: offences against persons and property, abduction of married or betrothed women, sexual
offences, and damage caused by animals. Delicts always called forth penalties, mostly of a pecuniary nature, but the most serious offences were punishable by death.

31. Moscati, op. cit., p. 81
33. Ibid. pp. 105-106
34. Ibid. p. 121
36. Shashi, op. cit., p. 106
37. Canaanite, an inhabitant of the land of Canaan; specifically, one of the inhabitants before the return of the Israelites from Egypt: *Webster’s Dictionary of the English Language*, op. cit., p. 262.
42. Roman Civilization is discussed along with the Greece, as most of the time it had been observed that, both the civilizations had more or less common culture and their societies are mostly intermingled.
44. Kadish, op. cit., pp. 548-49.
45. *The New Encyclopaedia Britannica*, Vol. 9, p. 509; Plato the ancient Greek philosopher, the second of the great trio of ancient Greeks – Socrates, Plato, and Aristotle. He developed a wide-ranging system of philosophy that was strongly ethical, resting on a foundation of eternal Ideas, or Forms, that are universals or absolutes. Platonism influenced currents of philosophy up to the 20th century.

Born of a distinguished Athenian family, Plato had political ambitions until he became convinced that there was no place for men of conscience in active politics. After the execution of Socrates, men took temporary refuge at Megara. Plato spent the next five years travelling in Greece, Egypt, Italy and Sicily, where he found a kindred spirit in Dion, brother-in-law of Dionysius I, the tyrant of Syracuse. About 387, he founded the Academy in Athens as an institute for the systematic pursuit of philosophical and
scientific research. He presided over it for the rest of his life, making it the recognised authority also in mathematics and jurisprudence. On he death of Dionysius I in 367 Plato went to Syracuse at the request of Dion to be the tutor for Dionysius II, but the plan to educate a constitutional king failed, and Plato returned to the Academy.

Although, Plato considered the foundation and organization of the Academy his chief work, his importance to later generation, has been as one of the greatest of philosophical writers. His dialogues are divided into two groups – the earlier and the later – on the basis of a real difference in thought, perhaps indicating the distinction between the more Socratic thought and the more distinctively Platonic thought.


47. *The New Encyclopaedia Britannica*, Vol. 1, p. 556; Aristotle another ancient Greek philosophers Scientist, and organiser of research, one of the two greatest intellectual figures produced by the Greeks (the other being Plato). He surveyed the whole field of human knowledge, as it was known in the Mediterranean world in his; and his writings long influenced Western and Muslim thoughts.

The son of the court physician to the king of Macedonia, Aristotle was probably, introduced to Greek medicine and biology at an early age. Following of his father, he was sent to the Athenian Academy of Plato (367) and there engaged in dialogue for 20 yrs. On Plato’s death in 349, he left Athens and travelled for 12 years, establishing new academies at Assus and Mytilene. He lived at Pella, the capital of Macedonia, for about three years (beginning in 343), tutoring the future Alexander the Great, and retired to his paternal property at Stagira about 339. In 335, he returned to Athens and, at nearly the age of 50, opened the Lyceum, an institution to rival the Academy. For the next 12 years, he organised it as a centre for speculation and research in every department of inquiry; the chief contributions of the Lyceum lay in biology and history. On the death of Alexander in 323, an anti-Macedonian agitation broke out in Athens, and Aristotle withdrew to Chaleis, north of Athens, where he died the following year.

*Aristotle’s extant works comprise mostly, it seems notes used in giving Lyceum courses and are of a concentrated, academic nature. The forms, titles, and order of the texts, were given to them by Andronicus of Rhodes, the last head of the Lyceum, almost three centuries after the philosophers death.*


49. [http://www.kat.gr/kat/history/Rel/Stoicism.htm](http://www.kat.gr/kat/history/Rel/Stoicism.htm)

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51. http://neptune.spaceports.com/~words/zeno.html; Zeno of Cittium (about the turn of the 3rd century B.C.), he went to Athens as a merchant but lost his fortune at sea. He was consoled by the cynic philosopher Crates, who taught him material possessions were of no importance whatsoever for a man's happiness. He therefore stayed at Athens, heard the lectures of various philosophers, and after he had elaborated his own philosophy, began to teach in a public hall, the *Stoa Poikili* (hence the named Stoicism).


53. Ibid. p. 740


55. http://en.wikipedia.org/wiki/Cicero; also, *The New Encyclopaedia Britannica*, Vol. 3 p. 315; Marcus Tullius Cicero (b. 106 BC), was the Roman statesman, lawyer, scholar, and writer. He served as a quaestor in Western Sicily in 75 BC. He built an extremely successful career as an advocate, and first attained prominence for his successful prosecution in August 70 BC of Gaius Verres, the former governor of Sicily. Despite his great successes as an advocate, Cicero suffered from his lack of reputable ancestry; as no Tullius Cicero had been consul before him, he was neither noble nor patrician, and his family considered unimportant. He studied philosophy under the Epicurean Phaedrus (c. 140 - 70 BC), the stoic Diodotus (d. c. 60 BC), and the Academic Philo of Larissa (c. 160 - 80 BC), and thus he had a thorough grounding in three of the four main schools of philosophy. Cicero called himself a Academic, but this applied chiefly to his theory of knowledge, in which he preferred to be guided by probability rather than to allege certainly; in this way, he justified contradictions in his own works. In ethics, he was more inclined to dogmatism and was attracted by the stoics to Socrates. In religion, he was an agnostic most of his life, but he had religious experience of some profundity during an early visit to Eleusis and at the death of his daughter in 45. he usually writes as a theist, but the only religious exaltation in his writings is to be found in the 'Somnium Scipioni' ('Scipio's Dream') at the end of *De republica*.

Cicero did not write seriously on philosophy before about 54, a period of uneasy political truce, when he seems to have begun *De republica*, following it with *De legibus* (begun in 52). These writing were an attempt to interpret Roman history in terms of Greek political theory. The Greek of his philosophical writing belong to the period between February 45 & 44. His output and range of subjects were astonishing the lost *De consolatione*, prompted by his daughter's death. Hortensius, an exhortation to the study of philosophy, which proved instrumental in St. Augustine's conversion; the difficult *Academica* (Academic Philosophy), which defends suspension of judgement; *De officus* (Moral obligation). Except in the last book of *De officus*, Cicero lays no claim to
originality in these works. Writing to Atticus, he says of them 'they are transcripts; I simply supply words, and I've plenty of those'. His aim was to provide Rome with a kind of philosophic encyclopaedia. He derived his material from stoics Academic, Epicuriean, and Peripatitic sources. The form he used was the dialogue, but his models were Aristotle and the scholar Heraclides Ponticus rather than Plato. Cicero's importance in the History of Philosophy is as a transmitter of Greek thought. In the cover of this role, he gave Rome and, therefore; Europe its philosophical vocabulary.

67. Shashi, *op. cit.*, p. 132
68. Murray, Margaret A., *The Splendour that was Egypt*, Sidgwick and Jackson Limited, London, 6th impression, 1957, pp. 100-102
73. Ibid, pp. 38-39
74. Thapar, Romila, *Ancient Indian Social History Some Interpretations*, Orient Longman, Delhi, 1979, p. 31
75. Ibid, p. 32
76. Ibid.
91. Mohar, was a sum of money which the fiancé was bound to pay to the bride's father. Mahr, Hebrew Mohar, Syriac Mahra, 'bridal gift', originally 'purchase money', synonymous with Sadak which properly means 'friendship', then 'present', a gift given voluntarily and not as a result of contract, is in Muslim law the gift which the bridegroom has to give the bride when the contract of marriage is made and which becomes the property of the wife. Shorter Encyclopaedia of Islam, Mahr, pp. 314–315, (n.d.)
Chapter - 2

Islamic Concept of Human Rights
**Concept of Human Rights**

The ‘Rights’ in the modern term are those conditions of social life without which no man can seek in general to be himself at his best. If men have to live in a society, they must have rules by which to regulate their conducts towards one another. If rights are privileges, they also involve duties and obligations.

It is through the exercise of rights and performance of duties that an individual becomes a citizen. The rights and duties arise out of social relations of the people and form the basis of an organised society. It is claimed that the verses of Holy Qur’ān and the Sunnah of the Prophet (صلى الله عليه وسلم) are not directly related to the modern concept of human rights. The common impression is that the Qur’ān emphasises human duties rather than rights. It should not be overlooked, however that the free performance of a divinely ordained duty becomes the correlative of a right that may have an individual as well as a collective frame of reference. It is the supreme object of the good life contemplated by the Qur’ān that would fix the contours of the rights of human individuals or groups. The concepts of human dignity receive clear exposition in the Qur’ān and some right would seem to be defensive ramparts of the citadel of human dignity. But there are various verses which can be treated as the foundation stone of human rights in Islam. It would be better to discuss the verses of Holy Qur’ān and the Sunnah of the Prophet (صلى الله عليه وسلم) to elaborate the viewpoint.

**Right to Education**

Islam recognizes this right as one of the most important basics and first among the rights which is granted to humankind by the Almighty Allah. This concept we can trace in the very first revelation of the Holy Qur’ān. This was revealed for the benefit of humanity. It is for individuals to learn more day by day; nations and humanity at
large to learn fresh knowledge at every stage. The main emphasis behind to select and place the right to education as primary, is that without education no right in its proper context and background would be understood. Verse as follows;

اقرأ باسم ربك الذي خلق. خلق الإنسان من علق. أقرأ وربك الامكر.
الذي علم بالقلم. علم الإنسان مالم يعلم.

"Proclaim! (Or Read!) In the name of thy Lord and Cherisher Who created. Created man out of a (mere) clot of congealed blood: Proclaim! And thy Lord is Most Bountiful. He Who taught (the use of) the Pen. Taught man that which he knew not".

Iqraa may mean ‘read’, or ‘recite or rehearse’, or ‘proclaim aloud’, the object understood being God’s Message. For an account of the circumstances in which this first revelation – the divine commission to preach, and proclaim God’s Message came to the Holy Prophet (صلى الله عليه وسلم), in the cave of Hira. In worldly letters he was unversed, but with spiritual knowledge his mind and soul were filled, and now had come the time when he must stand forth to the world and declare his mission.

The declaration or proclamation was to be in the name of God the Creator. It was not for any personal benefit to the Prophet (صلى الله عليه وسلم): to him there was to come, bitter persecution, sorrow, and suffering. It was the call of God for the benefit of erring humanity. God is mentioned by his title of “thy Lord and Cherisher”, to establish a direct nexus between the source of the Message and the one addressed. The Message was not merely an abstract proposition of philosophy, but the direct concrete message of a personal God to the creatures whom He loves and cherishes. “Thy” addressed to the Prophet (صلى الله عليه وسلم) in appropriate in two ways: (1) he was in direct contact with the divine Messenger (Gabriel) and Him Who sent the Messenger; (2) he represented the whole of humanity, in a fuller sense than that in which Christ Jesus is the “Son of Man”.
The lowly origin of the animal in man is contrasted with the high destiny offered to him in his intellectual, moral, and spiritual nature by his “most bountiful” Creator. No knowledge is withheld from man. On the contrary, through the faculties freely given to him, he acquires it in such measure as outstrips his immediate understanding, and leads him ever to strive for newer and newer meaning.

The symbol of a permanent revelation is the mystic Pen and the mystic Record.

The Arabic word for ‘teach’ and ‘knowledge’ are from the same root. It is impossible to produce in a Translation the complete orchestral harmony of the words for ‘read’, ‘teach’, ‘pen’ (which implies reading, writing, books, study, research), ‘knowledge’(including science, self knowledge, spiritual understanding), ‘proclaim’, an alternative meaning of the word for ‘to read’. This proclaiming or reading implies not only the duty of blazoning forth God’s message, as going with the prophetic office, but also the duty of promulgation and wide dissemination of the Truth by all who read and understand it. The comprehensive meaning of qaraa refers not only to a particular person and occasion but also gives a universal direction. And this kind of comprehensive meaning, as we have seen, runs throughout the Qur’ān for those who will understand.

God teaches us new knowledge at every given moment. Individuals learn more and more day by day; nations and humanity at large learn fresh knowledge at every stage. This is even more noticeable and important in the spiritual world.

All our knowledge and capacities comes as gifts from God. But man, in his inordinate vanity and insolence, mistakes God’s gifts for his own achievements. The gifts may be strength or beauty, wealth, position, or power, or the more subtle gifts of knowledge or talents in individuals, -or Science, or Arts, or Government, or Organization for mankind in general.
Some other verses are quoted below:

يرفع الله الذين امروا منكم والذين اوتوا العلم درجت، والله يمتعمون خبير.

Allah will raise up to (suitable) ranks (and degrees) those of you who believe and who have been granted Knowledge: and Allah is well-acquainted with all ye do.

Seeking knowledge is obligatory for every human being. In the following verse Allah Almighty had commanded his supreme creation to acquire all the knowledge which his mental faculty can grasp.

يمشرون الجن والأنس ان استطعتم ان تنفذوا من أقفار السموت والأرض فانذروا لا تنذرون الا بسلطن.

"O ye assembly of Jinns and men! If it be ye can pass beyond the zones of the heavens and the earth pass ye! Not without authority shall ye be able to pass!"

قل انظروا ماذا في السموت والأرض

"Behold all that is in the heavens and on earth."

وتلك الامثال نضر بها الناس، وما يعقلها الا العلمون.

"And such are the Parables We set for mankind but only those understand them who have Knowledge."

طلب العلم فريضة على كل مسلم

"Search for knowledge is a sacred duty imposed on every Muslim man and woman."

ومن سلك طرقا يطلب به علما سهل الله له طريقا إلى الجنة

"If anybody goes on his way in search of knowledge, Allah will thereby make easy for him the way to Paradise."

طلب العلم فريضة على كل مسلم. ووضاع العلم عند غير أهله كمقدد الجنائزير الجوهر واللوز والذهب.
“Seeking of knowledge is incumbent upon every Muslim and he who imparts knowledge to the persons who do not deserve it is like one who puts on a necklace of pearls, jewels and gold around the necks of swine”

من طلب العلم فادر ك كان له كفلان من الا جد فان لم يدركه كان له كفل من الله جد

“Who seeks the knowledge and acquires it, there are two rewards for him, and if he does not acquire it, there is only one reward for him.”

Right to Life

Concept of right to life and respect and security for human life and its necessities is the foremost fundamental right as taught by Islam. The human life is sacred and is the sacrosanct aspect of the faith itself. Allah Almighty has granted us it as a gift, which we should protect it, and one shall abstain himself from taking one’s or others life. Thus the Qur‘ān upholds the sanctity of human life for all people for all time to come, there being no special privilege for those of noble birth, no royal prerogative, no diplomatic immunity and no discrimination on the basis of faith or wealth. The Holy Qur‘ān states:

ولا تقتلوا النفيس التى حرَّم الله الا بالحقك

“Nor take life which God has made sacred except for just cause”

The above cited verse explicitly defines that it is the heinous crime to slay life, the greatest gift of Allah Almighty.

من قتل نفساً بغير نفس اجوسف في الأرض فكانما قتل الناس جميعاً،
ومن احياها فكانما احيا الناس جميعاً.

“If anyone slew a person unless it be for murder or for spreading mischief in the land it would be as if he slew the whole people.”

ورمن احياها فكانما احيا الناس جميعاً.

“And if anyone saved a life, it would be as if he saved the life of whole mankind”
"Kill not your children for fear of want, We shall provide sustenance for them as well as for you. Verily the killing of them is a great sin."

"And that ye slay not your children because of penury- We provide for you and for them- and that ye draw not high to lewd things whether open or concealed. And that ye slay not the life which Allah had made sacred, save in the course of justice. This He hath commanded you, in order that ye may discern"

This particular verse warns the parents to kill their babies due to lack of any provision, as it was prevalent during pre-Islamic period, because of their financial crises, poverty, etc. The Almighty Allah has provided many resources of income, which is being temporarily hidden and unexposed.

"And those who cry not unto any other God along with Allah, nor take the life which Allah hath forbidden save in (course of) justice, nor commit adultery- and who so doth this shall pay the penalty"

The mentioned verse deals with the gravity of the said crime. This heinous crime is punishable.

"Whoso slayeth a believer of set purpose, his reward is hell for ever. Allah is wroth against him and He hath cursed him and prepared for him an awful doom"
And when We made with you a covenant (saying): Shed not the blood of your people nor turn (a party of) your people out of your dwellings. Then ye ratified (Our Covenant) and ye were witnesses (there to)”.17

The verses are related to the people of Israel (or children of Israel), that they had taken oath and pledge with Allah Almighty not to take life or kill human kind, which is sacred and precious. The verse addresses to all the human beings as well.

**Right to Equality**

Islam not only recognizes absolute equality between human beings irrespective of any distinction of colour, sex, language, religion, and race or nationality but makes it an important and significant principle of its teachings. The basic teachings of equality of mankind is declared in the Holy Qur’ān,

"O mankind! We have created you from a single (pair) of a male and a female, and made you into nations and tribes: that you may know each other (not that you may despise each other). Verily the most honoured of you in the sight of Allah is (he who is) the most righteous of you. And Allah had full knowledge and is well acquainted (with all things)”.18

"It is not (allowed) that a man, to whom is given the Book, and the wisdom, and the Prophetic office, should say to people; ‘be all of you my slaves (worshippers) rather than God’s’. On the contrary (he would say): ‘be all of you slaves (or worshippers) of Him who is truly the cherisher of all: for you have been taught the Book and you have studied it earnestly”19
"Verily this Brotherhood of yours is a single Brotherhood and I am your Lord and Cherisher: therefore serve Me (and no other)"20

وأن هذه امتكم امة واحدة وانا ربكم فاتقون.

"And verily this Brotherhood of yours is a single Brotherhood and I am your Lord and Cherisher: therefore fear Me (and no other)"21

The Holy Prophet (صلى الله عليه وسلم) declared in the Sermon of the Farewell Pilgrimage, that all human beings are brethren.

"No Arab is superior to an Ajam (non-Arab) and no Ajam (non-Arab) has superiority over an Arab. You all are in the progeny of Adam and Adam was created out of dust"22

كافل اليتيم، له أو لغيره، أنا وموه كباركين في الجنة

"One who looks after the orphans whether he is his relative or not, I and he would be together in paradise".23

Right to Individual Freedom

In Islam there is total prohibition to enslave a free person. The slavery was practiced not only by the Arabs by all the nations before the advent of Islam. The Prophet of Islam was the first in history of the world to abolish the slavery system which was practiced by the Arabs in the similar way as it was practiced by the west during the days of colonization. He empathetically declared that to Allah Almighty no service was more acceptable than the emancipation of slave. Freeing of slave was encouraged in many ways. He was the first to marry the divorced wife of his freed slave, Zaid (then his adopted son). The laws protecting the honour of human being is very well mentioned in the following two verses.

ياياها الذين امنوا لا يسخر قوم من قوم عسي ان يكونوا خيرا منهم ولا نساء من نساء عسي ان يكن خيرا منهن ولا تلمزوا نفسكم ولا تتابروا.


"O ye who believe! Let not a folk deride a folk who may be better than they care. O ye who believe! Shun much suspicion; for lo! Some suspicion is a crime. And spy not, neither back bite one another. Would one of you love to eat the flesh of his dead brother? Ye abhor that (so abhor the other)! And keep your duty (to Allah). Lo! Allah is Relenting, Merciful."

The Qur’ân also condemns the character assassination in the following verses,

"The desert Arabs who lagged behind will say to thee: "We were engaged in (looking after) our flocks and herds and our families; do thou then ask forgiveness for us." They say with their tongues what is not in their hearts. Say: "Who then has any power at all (to intervene) on your behalf with Allah if His will is to give you some loss or to give you some profit? But Allah is well acquainted with all that ye do. Nay ye thought that the Apostle and the Believers would never return to their families; this seemed pleasing in your hearts and ye conceived an evil thought for ye are a people lost (in wickedness)."

"And that He may punish the Hypocrites men and women and the Polytheists men and women who imagine an evil opinion of Allah. On them is a round of Evil: the Wrath of Allah is on them: He has cursed them and got Hell ready for them: and evil is it for a destination."

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"These are nothing but names which ye have devised ye and your fathers for which Allah has sent down no authority (whatever). They follow nothing but conjecture and what their own souls desire! Even though there has already come to them Guidance from their Lord!"  

The Prophet (صلى الله عليه وسلم) clearly and categorically forbade the primitive practice of capturing a free man, to make him a slave or to sell him into slavery. On this point the clear and unequivocal words of the Prophet (صلى الله عليه وسلم) are as follows:

"There are three categories of people against whom I shall myself be a plaintiff on the Day of Judgement. Of these three, one is he who enslaves a free man, then sells him and eats this money"

"He, who has a slave-girl and educates and treats her nicely then manumits her and marries her, will get a double reward"

Islam has not only prohibited cruelty and tyranny upon human beings in particular and living beings in general, but it has conferred upon human beings the right to protest against a government’s tyranny.

لا يجب الله الجهر بالسوء من القول إلا من ظلم.
“Allah does not love evil talk in public unless it is by some one who has been subjected to injustice (and cruelty)”  

Islam puts great stress upon the honour and dignity of man and has made him the most honoured of the creatures. The Qur’ān says:

ولقد كرمنا بنى ادم وحمالتهم في البر والبحر ورزقهم من الطيب وفضلنهم على كثير ممن خلقنا تفضيلاً.

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

Right to Freedom of Thought

Islam is the progenitor of this concept as this is the most basic human rights. Without it mankind would sink to subhuman level. It is on the condition, that, it should be used for the propagation of virtue and truth, and not for spreading evil and wickedness. This concept is much superior and not only allows freedom of speech but elevates this fundamental right to the position of an obligation. It also asks everyone to express his view freely in case one is witnessing one’s own relatives. It forbids the people to distort the fact and commands them to speak plainly.

كنتم خير امة اخرجت للناس تامرون بالمعروف وتنهون عن المنكر وتؤمنون بالله.

“You are best nation raised up for men; you enjoin good and forbid evil”

بأيها الذين امتو كانوا قوامين بالJUSTICE شهداء الله ولو على انفسكم أو الوالدين والأقربين ان يكن غنيا أو فقيرا فان الله أولى بهما فلا تتبوعوا الهوى ان تعملوا وإن تلو او تعرضوا فان الله كان بما تعملون خيرا.

“O ye who believe! Stand out firmly for justice as witnesses to Allah even as against yourselves or your parents or your kin and whether it be (against) rich or poor: for Allah 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 Allah is well-acquainted with all that ye do”
"It is not (possible) that a man to whom is given the Book and Wisdom and the prophetic office should say to people: "Be ye my worshippers rather than Allah's; on the contrary (he would say): "Be ye worshippers of Him Who is truly the Cherisher of all for ye have taught the Book and ye have studied it earnestly."

وَأَيْنَ قَبْلَ لَهُمْ تَعَلَّمُوا يَسْتَفْقَرُ لَكُمْ رِسُولُ اللَّهِ لَوْ أَرْسُلَنَّهُ بِكُلِّ شَيْئٍ أَرْضَيْنَهُ وَرَأَيْنَهُ يَصَدُّونَ وَهُمْ مَسْتَكْبِرُونَ

"The similitude of those who were charged with the (obligations of the) Mosaic Law but who subsequently failed in those (obligations) is that of a donkey which carries huge tomes (but understands them not). Evil is the similitude of people who falsify the Signs of Allah: and Allah guides not people who do wrong."

Right of Expression and Conscience

The Holy Qur'ān declares that, compulsion is in compatible with religion, because (1) religion depends upon faith and will, and there would be meaningless if, induced by force, (2) truth and Error have been so clearly shown up by the mercy of God that there should be no doubt in the minds of any persons so good will as to the fundamental of faith; (3) God's protection is continuous, and His Plan is always to lead us from the dept of darkness into the clearest light.

لاَ إِكْرَاهُ فِي الْدِينِ قَدْ تَبِينَ الرَّشْدُ مِنَ الْغَيِّ

"There is no compulsion in religion (and in the matter of faith) the right way is indeed clearly distinct from error."

فَذَّكْرِكَ أَنَّا أَنتُ مَذْكُورٌ لَّسْتُ عَلَيْهِم بِمَصِيبَتِهِمْ

"Therefore do thou give admonition for thou art one to admonish. Thou art not one to manage (men's) affairs."
This verse corroborates what has been explained in other verses of the Holy Qur'an that, there should be no compulsion: not only in the sense of subjugating to religion and submitting to it; one must not compel others to submit; but in the sense that even with oneself wholeheartedly and willingly, and love and enjoy the submission. Unwillingly submission betrays arrogance, disobedience and rebellion, and is tantamount to misbelieve, which is one God alone is sufficient in true religion, and that such belief guarantees security and salvation. Iblis (Satan), who believes in the One True God and knows and acknowledges Him as his Creator, Cherisher and Sustainers, his Rabb, is nevertheless a misbeliever (Kafir). Although Iblis submits to God, yet he submits grudgingly and insolently, and his Kufr is due to arrogance, disobedience and rebellion. His is the submission, then, is not the mark of true belief, and a Kafir might therefore be also one who, through professing belief in One God, does not submit in real submission, but prefers instead to submit in his own obstinate way—a way, or manner, or form neither approved nor revealed and commanded by God. Real submission is that which has been perfected by the Holy Prophet (صلى الله عليه وسلم) as the model for mankind, for that is the manner of submission of all the Prophets and Messengers before him, and the form approved, revealed, and commanded by God. Thus fundamentally, the submission; for the submission confirms and affirms the belief to be true and genuine.

"O ye who believe! Obey Allah and obey the Apostle and those charged with authority among you. If ye differ in anything among yourselves refer it to Allah and His Apostle if ye do believe in Allah and the Last Day: that is best and most suitable for final determination."
"If it had been Allah's Plan they would not have taken false gods: but We made thee not one to watch over their doings nor art thou set over them to dispose of their affairs."

"The believers, men and women are protectors one of another: they enjoin what is just and forbid what is evil: they observe regular prayers practice regular charity and obey Allah and His apostle. On them will Allah pour His mercy: for Allah is Exalted in power Wise.

"If it had been thy Lord's will, They would all have believed, - All who are on earth! Wilt thou then compel mankind, against their will, to believe?

"Say: Is it that ye Deny Him Who created the earth in two Days? And do ye join equals with Him? He is the Lord of (all) the Worlds.

Right to Equality of Law

Concept of right to equal protection of laws and justice is traced in the Qur'an and the Sunnah of the Prophet (صلى الله عليه وسلم),

"Allah doth command you to render back your trusts to those to whom they are due; and when ye judge between man and man that ye judge with justice: verily how excellent is the teaching which He giveth you! For Allah is He who heareth and seeth all things."
“O ye who believe! Stand out firmly for justice as witnesses to Allah even as against yourselves or your parents or your kin and whether it be (against) rich or poor: for Allah 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 Allah is well-acquainted with all that ye do.”

“We ordained therein for them: "Life for life eye for eye nose for nose ear for ear tooth for tooth and wounds equal for equal." But if anyone remits the retaliation by way of charity it is an act of atonement for himself. And if any fail to judge by (the light of) what Allah hath revealed they are (no better than) wrong-doers.”

“And this (He commands): Judge thou between them by what Allah hath revealed and follow not their vain desires but beware of them lest they beguile thee from any of that (teaching) which Allah hath sent down to thee.”

And this (He commands): Judge thou between them by what Allah hath revealed and follow not their vain desires but beware of them lest they beguile thee from any of that (teaching) which Allah hath sent down to thee.”

“O ye who believe! stand out firmly for Allah as witnesses to fair dealing and let not the hatred of others to you make you swerve to wrong and depart from justice. Be just: that is next to Piety: and fear Allah for Allah is well-acquainted with all that ye do.”
“O ye who believe! Take not the Jews and the Christians for your friends and protectors: they are but friends and protectors to each other. And he amongst you that turns to them (for friendship) is of them. Verily Allah guideth not a people unjust”.

"O ye who believe! Ask not questions about things which if made plain to you may cause you trouble. But if ye ask about things when the Qur'an is being revealed they will be made plain to you."

قل امر ربي بالقسط.

“Say: My lord has commanded (to do) justice...”

ان فرعون علا في الأرض وجعل اهلها شيئاً يستضعف ظانة منهم يذبح ابنائهم ويستحى نساءهم: إنه كان من المفسدين.

“Truly Pharaoh elated himself in the land and broke up its people into sections depressing a small group among them: their sons he slew but he kept alive their females: for he was indeed a maker of mischief.

فذلك قد فعل واستعدكم كما أمرت ولا تتبع اهواءهم وقل امتن بما أنزل الله من كتب وأمرت لاعDEL بينكم.

“And (tell O Muhammad!) I have been commanded to judge justly between you”.

لقد أرسلنا رسالنا بالبينت ونزلنا معهم الكتاب والميزان ليقوم الناس بالقسط ونزلنا الحديد فيه يأس شديد ومنا فللم حسن وليعم الله من ينصره ورسله بالغيب: ان الله قوي عزيز.

“We sent aforetime our apostles with Clear Signs and sent down with them the Book and the Balance (of Right and Wrong) that men may stand forth in justice; and We sent down Iron in which is (material for) mighty war as well as many benefits for mankind that Allah may test who it is that will help unseen Him and His apostles; for Allah is Full of Strength exalted in Might (and able to enforce His will)."
“Say: I seek refuge with the Lord and Cherisher of Mankind. The King (or Ruler) of Mankind. The Allah (or Judge) of Mankind.”

Islam has also laid down the principle that no citizen can be imprisoned unless his guilt has been proved in an open court. To arrest a man on the basis of suspicion only and to throw him into prison without proper court proceedings and without providing him a reasonable opportunity to produce his defence is not admissible in Islam. Here it is important to cite a verse of Qur’an and a Hadith.

بيتنما رسول الله صلى الله عليه وسلم: يقسم قسماً إقيل رجل فاكب عليه فقتته رسول الله صلى الله عليه وسلم برجعون كان معه فجرح وجهه فقال له رسول الله صلى الله عليه وسلم تعال فاستقد قال بل عقوت يارسول الله.

“When the Apostle of Allah (صلى الله عليه وسلم) was distributing something, a man came toward him and bent down on him. The Apostle of Allah (صلى الله عليه وسلم) struck him with a bough and his face was wounded. The Apostle of Allah (صلى الله عليه وسلم) (said to him): come and take retaliation. He said: No, I have forgiven. Apostle of Allah!”

إِنَّمَا هَذَا الَّذِينَ مِنْ قَبْلِكُمْ أَنْ هُمْ كَانُوا أَذًا سَرَقُوا فِيهِمْ الشَّرِيفُ تَرَكَوهُمْ سَرَقُوا فِيهِمْ الْضَّعِيفُ أَقَامُوا عَلَيْهِمْ الْحَدَّ، وَأَيْمَ اللهُ نَوْانُ فَاطِمَةُ بْنَتِ رَسُولِ اللَّهِ صلى الله عليه وسلم سُرِقت لَقَطَعَتْ يَدهَا.

“What destroyed your predecessors was just that when a person of rank among them committed a theft, they left him alone, and when a weak one of them committed a theft, they inflicted the prescribed punishment on him. I swear by Allah that if Fatmah daughter should steal, I would have her hand cut off.”

جَطَبَنَا عِمْرُ بن النَّخَابَ فَقَالَ أَفِى لِمْ أَبَعَثُ عَمَلًا لَيُضِربُوا أَبَشَارُمِهِ وَلَا لَيْسَ أَحِدًا فَعَلََّفَ فَعِمَّ نَظِمَ فِي إِقْصَاصِهِ فَقَالَ عَمَّرُ بِنِ النَّخَابَ لَوْ أَنَّ رَحِى أَدَبَّ بضَعْ دِعَاهُ اقْصَاسَهُ فَقَالَ إِيَّاهُ وَالذِّي نَفْسِي بَيْدَاهُ اقْصَاصُهُ وَقَدْ رَأَيْتُ رَسُولِ اللَّهِ صلى الله عليه وسلم اقْصَاصَهُ مَنْ نَفْسِهِ.

“Umar b. al-Khattab (Allah be pleased with him) addresses us and said: I did not send my collectors (of Zakat) so that they strike your bodies and
that they take your property. If that is done with some one and he appeals to me. I shall take retaliation on him. ’Amr b. al-Ās said: If any man (i.e. governor) inflicts disciplinary punishment on his subjects, would in whose hand my soul is, I shall take retaliation on him. I saw that the Apostle of Allah (صلى الله عليه وسلم) had given retaliation on himself.

"Allah curses a thief who steals an egg and gets his hand cut off, or steals a rope and gets his hands cut off.'

"You people will be keen to have the authority of ruling which will be a thing of regret for you on the Day of Resurrection. What an excellent wet nurse it is, yet what a bad weaning on it is.

"Let the curse of Allah upon be the thief who steals an egg and his hand is cut off, and steals a rope and his hand is cut off.'

"If the people were given according to their claims, they would claim the lives of persons and their properties, but the oath must be taken by the defendant'.

"He who makes peace between the people by inventing good information or saying good things, is not a lair'.

"O Prophet of God! For what crime have my neighbour been arrested". The Prophet heard the question and continued his speech. The man rose once again and repeated his question but the Prophet did not answer and continued his speech. The man rose for the third time and repeated the same question. Then the Prophet ordered that the man’s neighbour be released.

The above ahadith are the finest example that no one can be illegally detained without being convicted in the court of law. The backdrop of this Hadith is that in the
same mosque the police officer was also present; who had arrested the neighbour of the
said man, when he made a plaintiff to the Prophet Muhammad (صلى الله عليه وسلم) for the
three consecutive times even then the police officer did not explain his position, and
the cause of arrest, and remained silent.

Some of the basic evidence that was reviewed under the principles of *ibāhah*
above can equally be brought in here.

The Qur’ān provides basic authority with regard to the claims that some people
make against others, in that they must be investigated before any conclusion is drawn
from them, even if the claimant happens to be a person of compromised integrity (*al-
Hujurat*, 49: 6). Elsewhere, the Qur’ān proclaims that,

ان الظن لا يغنى من الحق شيئًا

“Conjecture avails nothing against the truth”66

An unproven claim is tantamount to conjecture (*al-zann*) and therefore amounts
to nothing. And then according to the clear terms of a hadīth-cum-legal maxim,

البينة على المدعى والبيمين على من أنكر

“The burden of proof is on the claimant, but the defendant must take an
oath”67

The plaintiff may, in other words, ask the court to put the defendant on oath, in
the event where the latter denies the claim, and there is no other evidence to confirm
that he is telling the truth. This is the basic position, supported by the analysis that it
would be extremely difficult for the defendant if he or she were in all cases required to
prove his or her innocence. The claimant and prosecutor are therefore required, as in
the above Hadīth, to prove their allegations. If the claimant as in all cases required to
prove his claim, then it follows that until he proves it, the defendant is presumed
innocent. According to Ibn Qayyim al-Jawziyyah, if the claimant proves his claim, the
court will adjudicate the dispute in his favour; otherwise, the last word is that of the
defendant and the court shall credit what he says provided that he takes a solemn oath
to affirm that he is telling the truth. It is thus concluded that no one may be granted
anything on the basis merely of a claim, suspicion or accusation alone, and that the
claim must in all cases be supported by evidence. This conclusion is also upheld in
another Hadith, as follows:

لا يعطى الناس بدعواهم لأدعى الناس دماء رجال وأموالهم، ولكن
اليمين على المدعو عليه

"If people were to be granted what they claim on the basis only of their
claims, they would claim the blood and property of others, but the oath is
on the shoulder of the defendant."

This Hadith clearly lays down the requirement that every claim must be proven
by evidence and that nothing is proven by a claim which is not accompanied by proof.
The basic liberty of the people and their original freedom from liability is, in other
words, not affected by mere allegations, and the authorities are also not permitted to
take any action on that basis alone. Both Bassiouni and Weeramantry drew from this
Hadith the conclusion that 'Islamic criminal law consequently throws the onus of proof
heavily upon the prosecution and in the absence of such proof the accused must be
acquitted'. The presumption of innocence is also upheld in the Hadith declaring that,

كل أمتي معارض إلا المجاهرين

"The whole of my community is innocent except for those who broadcast
[and boast about] their sinful conduct."

If there is any doubt in the evidence presented by the prosecution, the defendant
will be given the benefit of this doubt, is to be resolved in favour of the accused. This
is in purport of the following Hadith:
“Drop the prescribed punishments in cases of doubt as far as you can. For it is better to err in forgiveness than making an error in punishment”

Right to Privacy

The Qur’ān is extremely solicitous to one’s fair name and of the right of privacy of the individual.

"Those who calumniate chaste, unwary, believing women, without proof, are cursed in this world and the Hereafter and for them there is a grievous punishment"

Allah Almighty had already said that;

"O believer! Enter not houses other your own, until you have asked permission and saluted those who are in them: that is best for you, in order that you may heed (what is seemly). If you find no one in the house, enter not until permission is given to you: (but) you for greater purity for yourselves: and Allah knows well all that you do"

"يا بيايا الذين امنوا لاتد خلووا بيوتا غير بيوتكم حتى تستأنسوا وتسلموا على اهلها، ذئكم خير لكم لكم تذكرون. فان لم تجدوا فيها احدا فان خلوها حتى يؤمن لكم وان قتل لكم ارجعوا فارجعوا هوازكم لكم، والله بما تعملون عليكم."

"يا بيايا الذين امنوا ليستا ذنكم الذين ملكت ايمانكم والذين لم يبلغوا الحلم منكم ثلاث مرات، من قبل صلوة الفجر وحين تضعون نبكم من الظهيرة ومن بعد صلوة العشاء، ثلاث عورت لكم، ليس عليكم ولا عليهم جناح، بعد هن طوفون عليكم بعضكم على بعض، كذلك بيين الله لكم الابت، والله عليكم حكيم. و اذا بلغ الاطفال منكم الحلم فليسنا ذنوا كما استذان الذين من قبلهم، كذلك بيين الله لكم ابتيه، والله عليكم حكيم."
“O ye who believe! let those whom your right hands possess and the (children) among you who have not come of age ask your permission (before they come to your presence) on three occasions before morning prayer; the while ye doff your clothes for the noonday heat; and after the late-night prayer: these are your three times of undress: outside those times it is not wrong for you or for them to move about attending to each other: thus does Allah make clear the Signs to you: for Allah is full of knowledge and wisdom. But when the children among you come of age let them (also) ask for permission as do those senior to them (in age): thus does Allah make clear His Signs to you: for Allah is full of knowledge and wisdom.”

Islam has also prohibited any undue interference or encroachment on the privacy of an individual. Therefore, the Qur’ān has ordered not to spy on one another in one’s private life.

In this context the Qur’ān has also ordered to avoid suspicion as much (as possible), for suspicion in some cases is sin.

“A grace and favour from Allah; and Allah is full of Knowledge and Wisdom. If two parties among the Believers fall into a quarrel make ye peace between them: but if one of them transgresses beyond bounds against the other then fight ye (all) against the one that transgresses until it complies with the command of Allah; but if it complies then make peace between them with justice and be fair: for Allah loves those who are fair.
and just). The believers are but a single Brotherhood: So make peace and reconciliation between your two (contending) brothers: And fear Allah that ye may receive Mercy. O ye who believe! let not some men among you laugh at others: it may be that the (latter) are better than the (former): Nor let some women laugh at others: it may be that the (latter) are better than the (former): nor defame nor be sarcastic to each other nor call each other by (offensive) nicknames: Ill-seeming is a name connoting wickedness (to be used of one) after he has believed: And those who do not desist are (Indeed) doing wrong. O ye who believe! Avoid suspicion as much (as possible): for suspicion in some cases is a sin: and spy not on each other nor speak ill of each other behind their backs. Would any of you like to eat the flesh of his dead brother? Nay, ye would Abhor it .... But fear God: for God is oft Returning Most Merciful."

"Woe to every (kind of) scandal-monger and backbiter"

"Beware of suspicion, for suspicion, is the worst of false tales; and do not look for the others faults and do not spy, and do not be jealous of one another, and do not desert (cut your relation with) one another, and do not hate one another; and O Allah’s worshipper! Be brothers (as Allah has ordered you!)"

"If (that failing) is actually found (in him) what you assert, you in fact back bitted him, and if that is not in him it is a slander"

"None is more zealous than Allah and it is because of this that He has prohibited obscenity - both visible and invisible - and no one praise more than Allah Himself"
"Permission (to enter the house) should be taken three times. Enter if permission granted other wise return".

Right to Freedom of Movement and Residence

Islam has recognized this right and has asked the oppressed person to move to the place of safety.

"And yet, it is you who slay one another and drive some of your own people from their homelands, aiding one another against them in sin and hatred; but if they come to you as captives, you ransom them- although the very (act of) driving them away has been made unlawful to you."

"When the angels take the souls of those who die in sin against their souls, they say: In what (plight) were you? They (i.e. the angel) say: ‘Was not the earth of Allah spacious enough for you to move themselves away?’"

"O, my servants who believe! Truly, spacious is My earth: therefore serve ye Me (wherever you want)."

"Say (O Muhammad): O my servant who believe! Fear your Lord. Good is (the reward) for those who do good in this world. Spacious is Allah’s earth!"

Here the great event of migration of Muslims of Makkah to Abyssinia (Habshah, or modern Ethiopia), is referred. The Prophet Muhammad (صلی الله عليه وسلم), who along with his numerous companions migrated to Medinah (ancient Yathreb), to
take asylum, as the non-Muslims of Makkah were making hardships for the Muslims, and were persecuting them.

**Right to Own Property**

Islam fully recognizes it and has provided categorical ordinances in this regard. The ordinance regarding the purchase and sale, interest, charity and Zakat, measurement, and spending in the cause of Allah Almighty—all are applied when one owns property or wealth; otherwise no ordinance would be applied in this regard. Some of the verses of Qur'an state:

> ولا تأكلوا أموالكم بنكيم بالباطل وت كوا بها إلى الحكم لتأكلوا أفريقًا من
> اموال الناس بالظلم وانت تم تعلمون.

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

> الذين ينفقون أموالهم في سبيل الله ثم لا يتبعون ما انفقوا منا ولا لا آذى
> لهم إجرهم عند ربهم ولا خوف عليهم ولاهم يحزنون.

“Those who spend their substance in the cause of Allah and follow not up their gifts with reminders of their generosity or with injury for them their reward is with their Lord; on them shall be no fear nor shall they grieve.”

> يابها الذين امنوا انفقوا من طيبت ماكسبتم وما اخرجنا لكم من الأرض
> ولا تجعلوا الخبث منه تنفقون ولستم باخذيه الا ان تغمضوا فيه،
> واعلموا ان الله غني حميد.

“O ye who believe! Give of the good things which ye have (honourably) earned and of the fruits of the earth which We have produced for you and do not even aim at getting anything which is bad in order that out of it ye may give away something when ye yourselves would not receive it except with closed eyes. And know that Allah is free of all wants and worthy of all praise.”

> واتوا النساء صدقتهن نحلة، فإن طين لكم عن سيء منه نفسه فكلوه
> هئينا مرينا.
"And give the women (on marriage) their dower as a free gift; but if they of their own good pleasure remit any part of it to you take it and enjoy it with right good cheer."

"From what is left by parents and those nearest related there is a share for men and a share for women whether the property be small or large a determinate share. But if at the time of division other relatives of orphans or poor are present feed them out of the (property) and speak to them words of kindness and justice. Let those (disposing of an estate) have the same fear in their minds as they would have for their own if they had left a helpless family behind: let them fear Allah and speak words of appropriate (comfort). Those who unjustly eat up the property of orphans eat up a fire into their own bodies: they will soon be enduring a blazing fire! Allah (thus) directs you as regards your children's (inheritance): to the male a
portion equal to that of two females: if only daughters two or more their share is two-thirds of the inheritance; if only one her share is a half. For parents a sixth share of the inheritance to each if the deceased left children; if no children and the parents are the (only) heirs the mother has a third; if the deceased left brothers (or sisters) the mother has a sixth. (The distribution in all cases is) after the payment of legacies and debts. Ye know not whether your parents or your children are nearest to you in benefit. These are settled portions ordained by Allah and Allah is All-Knowing All-Wise. In what your wives leave your share is a half if they leave no child; but if they leave a child ye get a fourth; after payment of legacies and debts. In what ye leave their share is a fourth if ye leave no child; but if ye leave a child they get an eighth; after payment of legacies and debts. If the man or woman whose inheritance is in question has left neither ascendants nor descendants but has left a brother or a sister each one of the two gets a sixth; but if more than two they share in a third; after payment of legacies and debts; so that no loss is caused (to anyone). Thus is it ordained by Allah and Allah is All-Knowing Most Forbearing. Those are limits set by Allah: those who obey Allah and His Apostle will be admitted to Gardens with rivers flowing beneath to abide therein (for ever) and that will be the Supreme achievement.

"O ye who believe! Eat not up your property among yourselves in vanities: but let there be amongst you traffic and trade by mutual good-will: nor kill (or destroy) yourselves: for verily Allah hath been to you Most Merciful.

"And in no wise covet those things in which Allah hath bestowed his gifts more freely on some of you than on others: to men is allotted what they earn and to women what they earn: but ask Allah of His bounty: for Allah hath full knowledge of all things."
“(Nor) those who are niggardly or enjoin niggardliness on others or hide the bounties which Allah hath bestowed on them; for We have prepared for those who resist faith a punishment that steeps them in contempt. (Nor) those who spend of their substance to be seen of men but have no faith in Allah and the Last Day: if any take the Evil One for their intimate what a dreadful intimate he is!”

وَفِي امْوَالِهِمْ حُقُّ لِلْمَسَائِلِ وَالْمَحْرُومِ

“And in this wealth and possessions is the right of the (needy) who asks (for that); and for him who is deprived of (owing wealth or worldly property)”

اْمْنُوا بِالله وَرَسُولِهِ وَاتَّقُوا مَا جَعَلْكُمُ الْمُسَلِّمِينَ فِيهِ

“Believe in Allah and his Apostle, and spend (in charity) out of the (substance) where of he has made you heirs (i.e. owners in this world)”

وَالْذِينَ فِي امْوَالِهِمْ حُقُّ مَعْلُومٍ لِلْمَسَائِلِ وَالْمَحْرُومِ

“And those in whose is a recognized right for the (needy) who asks (for that), and him who is deprived of (owing wealth or worldly property)”

مِن اَرْضِيَ ارْضَى مِبَالَةً فَهُمْ لَنِ يُصَابُ بِظَالَمَةٍ حَقٍّ

“Who brings dead land back to life shall himself possess it and he who by force wants to make use of it has no right or title to it at all”

Right to Wage not Undue Liberty

In Qur’ān, Allah Almighty has commanded us not to wage undue liberty, unless conscious is not harmed. The verses are as follows;

أَحْلَ لَكُمْ لَيْلَةُ الصَّيْامِ الرَّفَثِ إِلَى نَسَأَلِكمْ هِنَا لِبَاسُ لَكُمْ وَاتَّمْنُ لِبَاسَ لَهَنَّ،

عَلَمَ اللَّهُ انَّكُمْ كَانْتُمْ تَخَانُوتُنَّ أَنفُسَكُمْ فَتَابَ عَلَيْكُمْ وَعَفَفَ عَنْكُمْ فَالنَّفْنَ

بَاشَرُوهُنَّ وَابْتَغُوا مَا كَانَتْ اللَّهُ لَكُمْ وَكُلُوهُ وَاشْرُبُوا حَتَّى يَتَبَينَ لَكُمُ الْخِيطُ الأَبْيَضُ مِنَ الْخِيطِ الْأَسْوَدِ مِنَ الفِجْرِ ثُمَّ اتَّمَّوا الصَّيَامِ إِلَى الْوَيْلِ وَلَا
"Permitted to you on the night of the fasts is the approach to your wives. They are your garments. And ye are their garments. Allah knoweth what ye used to do secretly among yourselves; but He turned to you and forgave you; so now associate with them and seek what Allah hath ordained for you and eat and drink until the white thread of dawn appear to you distinct from its black thread; then complete your fast till the night appears; but do not associate with your wives while ye are in retreat in the mosques. Those are limits (set by) Allah; approach not nigh thereto. Thus doth Allah make clear His signs to men that they may learn self-restraint."

"A divorce is only permissible twice: after that the parties should either hold together on equitable terms or separate with kindness. It is not lawful for you (men) to take back any of your gifts (from your wives) except when both parties fear that they would be unable to keep the limits ordained by Allah. If ye (judges) do indeed fear that they would be unable to keep the limits ordained by Allah there is no blame on either of them if she give something for her freedom. These are the limits ordained by Allah; so do not transgress them. If any do transgress the limits ordained by Allah such persons wrong (themselves as well as others)."

"And why should ye not fight in the cause of Allah and of those who being weak are ill-treated (and oppressed)? Men women and children whose cry is: "Our Lord! Rescue us from this town whose people are oppressors; and raise for us from Thee one who will protect; and raise for us from Thee one who will help!"
O ye who believe! Enter not houses other than your own until ye have asked permission and saluted those in them: that is best for you in order that ye may heed (what is seemly). If ye find no one in the house enter not until permission is given to you: if ye are asked to go back go back: that makes for greater purity for yourselves: and Allah knows well all that ye do.

Avoid suspicion, for suspicion is the gravest lie in talk and do not be inquisitive about one another, also do not spy upon one another, and do not feel envy with the other, nurse no malice, and, nurse no aversion and hostility against one another. And be fellow – brothers and servants of Allah.

When two persons indulge in hurling (abuses) upon one another, it would be the first one who would be the sinner as long as the oppressed does not transgress the limits.

Permission is needed as a protection against glance.

Right to Social Security

Islam has provided every individual, and has asked its nationals to spend their wealth for the welfare of the needy. At many places in the Qur’an, Allah Almighty has ordered the well-off persons to spend or spare wealth upon the poor and needy, and also praised such persons who do so. Some of the verses are as follows:
And they ask you (i.e. the Messenger of Allah) as to what they should? Say: what is beyond your needs.

And (they) give away (their) wealth out of love Him to the near of the kin; orphans; the needy; the wayfarer; to those who ask (for their need); and to set slaves free (or to pay off the loan of borrowers).

And they give food (i.e. feed), out of love for Him (i.e. Allah), to the poor, the orphans; and the captive; (and say) we feed you, for Allah’s pleasure only – we desire from you neither reward not thanks (for this).

The severe of the tie of kinship would not get into paradise.

Right to Work and Livelihood

Islam not only commands every individual to work but also to pay the wages justly and immediately or in accordance with the contract or terms and conditions settled. It has also recognized the basic standard of life. The Qur’an states that,

"And in their wealth there is acknowledged right for the one who asks (for his needs) for the destitute."

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

"He who receives something (as means of livelihood), should cling to it"
"Pay to the labourer his wages before his sweat becomes dry".113

Right to Defend Individually

In Qurʾān, Islam has provided this right to human being, so that, they may defend themselves against aggression and unhealthy retaliation. The following verses clearly indicate this point.

"The prohibited month for the prohibited month and so for all things prohibited there is the law of equality. If then anyone transgresses the prohibition against you transgress ye likewise against him. But fear Allah and know that Allah is with those who restrain themselves".114

"Allah doth command you to render back your trusts to those to whom they are due; and when ye judge between man and man that ye judge with justice: verily how excellent is the teaching which He giveth you! For Allah is He who heareth and seeth all things".115

"And pursue not that of which thou hast no knowledge; for every act of hearing or of seeing or of (feeling in) the heart will be enquired into (on the Day of Reckoning)".116

"And those who when an oppressive wrong is inflicted on them (are not cowed but) help and defend themselves. The recompense for an injury is an
injury equal thereto (in degree): but if a person forgives and makes reconciliation His reward is due from Allah: for (Allah) loveth not those who do wrong. But indeed if any do help and defend themselves after a wrong (done) to them against such there is no cause of blame.  

Though there is a restriction to take life (i.e. to kill) as life is the precious gift of Allah Almighty. But it could be taken for the just cause or for the welfare of the society or for the protection of other rights which was hampering the other rights. We find this commandment in the following verse.

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

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

"O ye who believe! If a wicked person comes to you with any news ascertain the truth lest ye harm people unwittingly and afterwards become full of repentance for what ye have done."

"قل تعالوا إلّا ماهرم ربيكم إلا تشركوا به شينا و بالي الدين احسانا، ولا تقتلوا أوادكم من مملق، نحن نرزقكم وياهم ولا تقربوا الفواحش ماظهر منها وما بطن ولا تقتلوا النفس التي حرم الله إلا بالحق، ذلكم ونصكم به للحكم تعقلون."

"ولا تقتلوا النفس التي حرم الله إلا بالحق، ومن قتل مظلوما فقد جعلنا لوليه سلطتنا فلا يسرف في القتل، إنه كان منصورا."

"ياها الذين أمنوا إن جاءكم قاسق؟ بنبا فتبينوا ان تصبيروا قوما بجهالة فتصبحوا على مافعلتم ندمين."

"O ye who believe! If a wicked person comes to you with any news ascertain the truth lest ye harm people unwittingly and afterwards become full of repentance for what ye have done."
Right to Economic Stability

The Qur’an guarantees this right for the sustenance of human being and for the maintenance of their standard of living. Allah Almighty has provided sustenance to all his creations.

"And their Lord hath accepted of them and answered them: "Never will I suffer to be lost the work of any of you be he male or female: ye are members one of another; those who have left their homes or been driven out there-from or suffered harm in My cause or fought or been slain verily I will blot out from them their iniquities and admit them into gardens with rivers flowing beneath; a reward from the presence of Allah and from His presence is the best of rewards". 

"And in no wise covet those things in which Allah hath bestowed his gifts more freely on some of you than on others: to men is allotted what they earn and to women what they earn: but ask Allah of His bounty: for Allah hath full knowledge of all things."

"Allah has made it obligatory for them to pay Sadaqa from their properties and it is to be taken from the wealthy among them and given to the poor among them".
Right to Inheritance

In the Qur‘an we find that, Allah Almighty, has set rules of inheritance as the basic right, and fixes shares of several heirs in the property of a deceased person.

وانتوا اليمى اموالهم ولا تتبالوا الخبيث بالطيب ولا تأكلوا اموالهم الى اموالكم، انها حوبا كبيرا.

“To orphans restore their property (when they reach their age) nor substitute (your) worthless things for (their) good ones; and devour not their substance (by mixing it up) with your own. For this is indeed a great sin”\textsuperscript{124}

بوصيكم الله في اولادكم للذكر مثل حظ الاثنين فإن كن نساء فوق اثنتين فلهن ثلث ماترك وإن كانت واحدة فلها النصف، ولابيوبه لكل واحد منهما السدس مما ترك ان كان له ولد فان لم يكن له ولد وورثه ابوه فلامه الثالث فان كان له اخوه فلامه السدس من، بعد وصية يوصى بها اودين، اباؤكم واياباؤكم لا تدرعن ابهم اقرب لكم نفعا، فرضيوا من الله، إن الله كان عليما حكما. ولكم نصف ماترك ازواجكم ان لم يكن لهن ولد فان كان لهن ولد فلكم الربع مما تركتم من، بعد وصية يوصى بها اودين، ولهن الربع مما تركتم ان لم يكن لكم ولد فان كان لكم ولد فلهن الثمن مما تركتم من، بعد وصية توصون بها اودين، وإن كان رجل بورث كتلة او امرأة وله اخ اواخت فلكل واحد منهما السدس فان كانوا أكثر من ذلك فهم شركاء في الثالث من، بعد وصية يوصى بها اودين غير مضار وصية من الله، والله عليم حليم.

“Allah (thus) directs you as regards your children’s (inheritance): to the male a portion equal to that of two females: if only daughters two or more their share is two-thirds of the inheritance; if only one her share is a half. For parents a sixth share of the inheritance to each if the deceased left children; if no children and the parents are the (only) heirs the mother has a third; if the deceased left brothers (or sisters) the mother has a sixth. (The distribution in all cases is) after the payment of legacies and debts. Ye know not whether your parents or your children are nearest to you in benefit. These are settled portions ordained by Allah and Allah is All-Knowing All-Wise. In what your wives leave your share is a half if they
leave no child; but if they leave a child ye get a fourth; after payment of legacies and debts. In what ye leave their share is a fourth if ye leave no child; but if ye leave a child they get an eighth; after payment of legacies and debts. If the man or woman whose inheritance is in question has left neither ascendants nor descendants but has left a brother or a sister each one of the two gets a sixth; but if more than two they share in a third; after payment of legacies and debts; so that no loss is caused (to anyone). Thus is it ordained by Allah and Allah is All-Knowing Most Forbearing.\(^{125}\)

ولكل جعلنا موالى مما ترك الوالدين و الأقربون، والذين عقدت إيمانكم فاتوهم نصيبهم، إن الله كان على كل شيء شهيدا.

"To (benefit) everyone We have appointed sharers and heirs to property left by parents and relatives. To those also to whom your right hand was pledged give their due portion: for truly Allah is Witness to all things."\(^{126}\)

أَلْحَقَوا الْفَرَائضُ بَأَهْلِهَا، فَما بَقَى فَهُوَ لأُولِي رَجُلٍ ذِكْرٍ

"Give the Faraid (the shares of the inheritance that are prescribed in the Qur'an) to those who are entitled to receive it. Then what ever remains, should be given to the closest male relative of the deceased."\(^{127}\)

وَمَن ترَكْ كَلا وَلِيَتُهُ

"That who left inheritors is entitled to get it."\(^{128}\)

إِن اللَّهُ قد أُعْطِيَ كُل ذِي حَقٍّ حَقِّهُ. فَلا صِيَانَةٌ لَّوْارِثٍ

"Indeed, Allah has granted him, who is entitled to aright his (due) right. Therefore, a will is (not permissible) for the heir."\(^{129}\)

إِذَا استَهِلّ الصَّبِي صُلِّي عَلَيْهِ، وَوَرَثُ

"When an infant has raised his voice (after birth and then died), funeral prayer would be offered over him and he would become an inheritor."\(^{130}\)

فَقَالَ الْأَخْرُ إِلَّا مَن وَلِيُّ بِهَا لَهُ مَالُ صَلِيْتُدُ فِيهِ وَلَا يَتَرَكْ حَتَّى يَبَكِّيهَا الصَّدَقَةَ

"Beware! Whoever is entrusted with an orphan having property let him make merchandise therewith, and let not leave it till Zakat eats it up."\(^{131}\)
Freedom of Association

The right to freedom of association is the natural corollary to freedom of expression. The Qur'ān has not only given, this right, but has been ordered to exercise it in order to check the evils and wrongs in the society.

"Let there arise out of you a band of people inviting to all that is good enjoining what is right and forbidding what is wrong; they are the ones to attain felicity"\(^\text{132}\)

Right to Protest

In the Qur'ān, Allah Almighty has given us, the right to protest against the tyranny or oppression. It is the fundamental right to raise the voices against the oppression and suppression. We find this commandment of Allah Almighty, in the following verse,

"Allah loveth not that evil should be noised abroad in public speech except where injustice hath been done; for Allah is He who heareth and knoweth all things"\(^\text{133}\)

Let us have a look on a Hadīth Qudsi, mentioned below, in which Allah Almighty spoke to humankind through the Prophet Muhammad (صلی الله علیه وسلم), this Hadīth very clearly indicate that it is the right (or incumbent upon), of a person to raise voice towards an injustice incurred on them.
"O my servants! I have forbidden injustice for Myself and forbade it also for you. So avoid being unjust to one another."

"If two parties among the Believers fall into a quarrel make ye peace between them: but if one of them transgresses beyond bounds against the other then fight ye (all) against the one that transgresses until it complies with the command of Allah; but if it complies then make peace between them with justice and be fair: for Allah loves those who are fair (and just)."

With the above discussion we could deduce that, being part and parcel of injustice is considered to be harām.

**Right to Avoid Sin**

"But if they strive to make the join in worship with Me things of which thou hast no knowledge obey them not; Yet bear them company in this life with justice (and consideration) and follow the way of those who turn to Me (in love): in the End the return of you all is to Me and I will tell you the truth (and meaning) of all that ye did."

Islam confers the right on every citizen to refuse to commit a sin or a crime; if any government or administrator orders an individual to do a wrong, he may refuse to comply. Refusal is not an offence, the giving of an order to one’s subordinates to commit a sin or do a wrong instead, is itself an offence and such an officer, whatever his rank, is liable to summary dismissal.
These clear instructions of the Prophet (صلى الله عليه وسلم) are summarized in the following Hadith:

إن تزاني حليلة جارك

"To commit illegal sexual intercourse with the wife of your neighbour".

In other words, no one has the right to order his subordinates to act against the laws of God. No offender may seek to prove his innocence or escape punishment by saying that the offence was committed on the order of a superior. If such a situation arises, the person who commits the offence and the person who orders it are equally liable to criminal proceedings.

**Right to Honour and Dignity**

The right to honour and dignity in Islam is so all-pervasive. It is the Islamic determination that the dignity of a human person should be protected without any distinction between one man and another under the impetus of the divine Islamic creed. The laws protecting the dignity and honour of human being have been beautifully illustrated in the following verses;

ٍ إن الله يأمركم ان تؤدوا الأمانت إلى اهلها واذا حكمتم بين الناس ان تحكموا بالعدل، ان الله نعماً يعظكم به، ان الله كان سمحاً بصيراً.

"Allah doth command you to render back your trusts to those to whom they are due; and when ye judge between man and man that ye judge with justice: verily how excellent is the teaching which He giveth you! For Allah is He who heareth and seeth all things."

وعرد الله الذين امنوا وعملوا الصلحت لهم مغفرة واجر عظيم.

"To those who believe and do deeds of righteousness hath Allah promised forgiveness and a great reward."

بابها الذين امنوا لا يسخر قوم من قوم عسى ان يكونوا خيرا منهم ولا نساء من نساء عسى ان يكن خيرا منهن ولا تملزوا أنفسكم ولا تتبيزا بالألباب، بنس الاسم الفسوق بعد الإيمان ومن لم يتب فاولن كهم.
O ye who believe! let not some men among you laugh at others: it may be that the (latter) are better than the (former); Nor let some women laugh at others: it may be that the (latter) are better than the (former): nor defame nor be sarcastic to each other nor call each other by (offensive) nicknames: Ill-seeming is a name connoting wickedness (to be used of one) after he has believed: And those who do not desist are (Indeed) doing wrong. O ye who believe! Avoid suspicion as much (as possible): for suspicion in some cases is a sin: and spy not on each other nor speak ill of each other behind their backs. Would any of you like to eat the flesh of his dead brother? Nay ye would abhor it...but fear Allah: for Allah is Oft-Returning Most Merciful.\textsuperscript{142}

ولقد كرمنا بنى ادم

“We have honoured the sons of Adam”\textsuperscript{143}

أمك. ثم أمك. ثم أمك. ثم أبوك. ثم أنتاك أدنائك

“But your mother, again your mother, again your mother, then your father, then your nearest relatives according to the order (of nearness)”\textsuperscript{144}

Rights of Minorities

Islam applies equally to both Muslims and non-Muslims citizens in the sphere of public law and worldly affairs, but, non-Muslims are free to follow their own laws and traditions in the religious and customary matters. The non-Muslims who are citizens of an Islamic State are known as Dhimmis and the non-Muslims who are aliens and are granted safe-conduct (aman) and reside in Islamic State temporarily for a particular purpose are known as Mustamin.

Some of the Muslim scholars are of the view that, the complete equality before the law is not the norm in the Shari‘ah; they do not qualify the Dhimmis equality to the Muslim citizens. The two Qur’anic verses are quoted in this regard:
"You are the best community evolved for mankind, enjoining what is right, forbidding what is wrong and you believe in God. If only the People of the Scriptures had believed, it would have been better for them. Some of them are believers but most of them are transgressors."

"Fight those who believe not in Allah nor the Last Day nor hold that forbidden which hath been forbidden by Allah and His apostle nor acknowledge the religion of truth (even if they are) of the People of the Book until they pay the Jizya with willing submission and feel themselves subdued."

These scholars have also made reference to the following verse of the Holy Qur'ān:

"O ye who believe! Take not the Jews and the Christians for your friends and protectors: they are but friends and protectors to each other. And he amongst you that turns to them (for friendship) is of them."

The scholars in the light of above quoted verses conclude the Muslims/non-Muslims in equality.

Most of the Muslim scholars in the contemporary world however are very clear about the equality of the law in respect of Muslim and non-Muslim citizens of an Islamic State. They have differentiated between the neutral and aggressing non-Muslims of the time. Those non-Muslim who have maintained normal relations and
are friendly to the Muslims, have equal rights. In whole the hostile non-Muslims are
debanned from the right mentioned in the Holy Qur'ān and Sunnah.

“Quite a number of the people of the Book wish they could turn you (people) back to infidelity after ye have believed from selfish envy after the truth hath become manifest unto them; but forgive and overlook till Allah accomplish His purpose; for Allah hath power over all things”.

“Restrain thyself from doing harm to anyone for that is also charity towards thyself.”

“O ye who believe! violate not the sanctity of the Symbols of Allah nor of the Sacred Month nor of the animals brought for sacrifice nor the garlands that mark out such animals nor the people resorting to the Sacred House seeking of the bounty and good pleasure of their Lord. But when ye are clear of the Sacred Precincts and of pilgrim garb ye may hunt and let not the hatred of some people in (once) shutting you out of the Sacred Mosque lead you to transgression (and hostility on your part). Help ye one another.
in righteousness and piety but help ye not one another in sin and rancour: fear Allah: for Allah is strict in punishment''

"Revile not ye those whom they call upon besides Allah lest they out of spite revile Allah in their ignorance. Thus have We made alluring to each people its own doings. In the end will they return to their Lord and We shall then tell them the truth of all that they did''

"Hold to forgiveness; command what is right; but turn away from the ignorant. If a suggestion from Satan assail thy (mind) seek refuge with Allah; for He heareth and knoweth (all things)"

"If one amongst the pagans ask thee for asylum grant it to him so that he may hear the word of Allah and then escort him to where he can be secure: that is because they are men without knowledge"

"Repel evil with that which is best: We are well-acquainted with the things they say"

"And dispute ye not with the People of the Book except with means better (than mere disputation) unless it be with those of them who inflict wrong (and injury): but say "We believe in the Revelation which has come down to us and in that which came down to you; Our Allah and your Allah is one; and it is to Him we bow (in Islam)"
“Nor can Goodness and Evil be equal. Repel (Evil) with what is better: then will he between whom and thee was hatred become as it were thy friend and intimate!”160

"It may be that Allah will grant love (and friendship) between you and those whom ye (now) hold as enemies: for Allah has power (over all things); and Allah is Oft-Forgiving Most Merciful"161

"Surely those who believe, and those who are Jews, and the Christians and the Sabians, whoever believes in God and the Last Day and does good, they have their reward with their Lord, and there is no fear for them, nor shall they grieve"162

"This day [all] things good and pure are made lawful to you. The food of the People of the Book is lawful to you and your food is lawful to them. And so are the chaste from among the believing women and the chaste women from among those who have been given the Scriptures before you"163

"God forbids you not to be good and just to those who have not fought you over your religion, nor have they evicted you from your homeland. For god loves those who are just"164

The minorities are protected, against the oppression and tyranny, this we can deduce from the following Ahadîth;
"Beware, if anyone wrongs a contracting (confederate) man, or diminishes his right, or forces him to work beyond his capacity, or takes from him anything without his consent, I shall plead for him on the Day of Judgement"\(^{165}\)

لا يدخل الجنّة من لا يأمن جاره بواقعة

"He will not enter paradise whose neighbour is not secure from his wrongful conduct"\(^{166}\)

"Allah Most High will punish those who punish the people in this world"\(^{167}\)

من قتل معاهدًا، لم يرح دائحة الجنة وإن ربحها ليو جد من مسيرة أربعين عاما

"He who kills a person who has been given a covenant, will not experience the odour of the paradise and verily, its odour is experienced from the distance (to be covered in) forty years"\(^{168}\)

لا ترجعوا بعدي كفارا يضرب بعضكم رقاب بعض

"Do not turn non-believer after me by striking off the necks of one another"\(^{169}\)

أجاز شهادة أهل الكتاب، بعضهم على بعض

"Witness of the people of the book (Jews and Christians) lawful for one another"\(^{170}\)

إذا رأيت الجناءة فقوموا حمى تخلفكم.

"Wherever you see a funeral procession, should stand up till the procession goes ahead of you"\(^{171}\)

إذا مرت بك جناءة يهودى أو نصوانى أو مسلم فقو موا لها فلستم لها تقو مون انا تقو مون لمن معها من ملكة

"When the bier of a Jew, Christian or Muslim passes by you, stand up for it. You do not stand up for it, but you stand up for those angles who are with it"\(^{172}\)

لهم مالنا وعلىهم ماعلينا.

"They have the same rights as we do and the same obligations as we have"\(^{173}\)
"Whoever annoys a dhimmi, I shall be a litigant against him on the Day of Judgment."

"I am committed, more than anyone else, to fulfilling my covenant."

"When the litigants appear before you, do not decide for one until you hear the other. It is more likely that by doing so, the reasons for a judgement will become clear to you."

They can also participate in the public, administrative and civil affairs of the state. The only limitation is that they are not liable to be appointed as the head of an Islamic State, since it is based upon an ideology in which a non-Muslim has no faith.
(They are fond of) listening to falsehood of devouring anything forbidden. If they do come to thee either judge between them or decline to interfere. If thou decline they cannot hurt thee in the least. If thou judge, judge in equity between them; for Allah loveth those who judge in equity. But why do they come to thee for decision when they have (their own) laws before them? Therein is the (plain) command of Allah; yet even after that they would turn away. For they are not (really) people of faith. It was We who revealed the law (to Moses); therein was guidance and light. By its standard have been judged the Jews by the Prophet who bowed (as in Islam) to Allah's will by the Rabbis and the doctors of Law: for to them was entrusted the protection of Allah's Book and they were witnesses thereto: therefore fear not men but fear Me and sell not My Signs for a miserable price. If any do fail to judge by (the light of) what Allah hath revealed they are (no better than) unbelievers. We ordained therein for them: "Life for life eye for eye nose for nose ear for ear tooth for tooth and wounds equal for equal." But if anyone remits the retaliation by way of charity it is an act of atonement for himself. And if any fail to judge by (the light of) what Allah hath revealed they are (no better than) wrong-doers. And in their footsteps We sent Jesus the son of Mary confirming the law that had come before him: We sent him the Gospel: therein was guidance and light and confirmation of the law that had come before him: a guidance and an admonition to those who fear Allah. Let the people of the Gospel Judge by what Allah hath revealed therein. If any do fail to judge by (the light of) what Allah hath revealed they are (no better than) those who rebel. To thee We sent the Scripture in truth confirming the scripture that came before it and guarding it in safety; so judge between them by what Allah hath revealed and follow not their vain desires diverging from the truth that hath come to thee. To each among you have We prescribed a Law and an Open Way. If Allah had so willed He would have made you a single people but (His plan is) to test you in what He hath given you: so strive as in a race in all virtues. The goal of you all is to Allah; it is He that will show you the truth of the matters in which ye dispute”
The Holy Qur'ān very clearly defined in its chapter IV, verse 59, that, Muslims are obligated to follow Allah Almighty, His Apostle and those who are in authority among the Muslim community. This verse implies two important points:

1. In an Islamic State Ulū al-Amr (those in authority), would be elected or selected from among the Muslim community. Because the word minkum clearly indicated the appointment of the head, must be among the Muslims themselves.

2. The Holy Verse orders the faithful to turn to Allah Almighty and the Messenger in case of any disputes in between various groups of the Muslim communities. It is very clear that, in a dispute between the ruler and the subject, Allah Almighty and His Messenger as the arbitrators would be accepted only by those rulers who are Muslims, and not by the non – Muslims. Maulana Maududi very clearly elaborates the point and says that there is no scope for the non – Muslims to be appointed as the head of the state of Islam as in a socialist state no one who oppose socialism would be appointed as its head. Nor an opponent of democracy in a democratic state has any chance for the highest post of administration 179

Dhimmis have been exempted from military duty, because the defence of state against its enemies has been made the responsibility of its Muslims population only. Evidently only those people who believe in the basic ideology of the state sincerely can and should fight from it protection. Again, only the believers in that ideology can be expected to honour the moral principles which have been prescribed by Islam for warfare. Others can fight for it only as mercenaries and, consequently; they cannot be expected to observe the Islamic Ethical Code in the heat of the battle. These are the main reasons why the dhimmis have been exempted from military service and have only been enjoyed to pay their monetary share in the defence of the state. Jizyah is thus not only a symbol of loyalty to the state but it is also the contributory compensation for
exemption from military service, and that is why it is imposed only on males, capable of military service. Whenever Muslims are unable to protect the Dhimmis, the Jizyah and Kharaj that might have been realized from them, have to be returned.¹⁸⁰

**Political Rights**

In the Qur’ān, Allah Almighty has commanded the Muslims to participate in the political affairs of the state, so that, a person may choose or elect a good and Allah fearing as the ruler of the state. This can lead to smooth running of the state, and one should work freely for the welfare of the community. The best way to participate is through mutual consultation, every person has a direct say in the affairs of the state or his participation is acknowledged indirectly through a representative assembly chosen by him. The verses are as follows;

"And perform your duties by mutual consultation amongst you"¹⁸¹

وعدد الله الذين امنوا منكم وعملوا الصلاحت ليستخلقنهم في الأرض كما استخلف الذين من قبلكم ولهم ميراثهم ولم يدينهم الذين ارتدوا منهم من بعد خوفهم امنا، يعدونون لايشركون بى شينا، ومن كفر بعد ذلك فأولئك هم الفسقون.

"Allah has promised to those among you who believe and work righteous deeds that He will of a surety grant them the land inheritance (of power) as He granted it to those before them; that He will establish in authority their religion the one which He has chosen for them; and that He will change (their state) after the fear in which they (lived) to one of security and peace: 'They will worship Me (alone) and not associate aught with Me.' If any do reject faith after this they are rebellious and wicked"¹⁸²

وامرهم شوري بينهم

"Who (conduct) their affair by mutual consultation"¹⁸³
Right to Abstain

Allah Almighty has commanded the Muslims not to take what is harmful to them. The verse is as follows;

“Forbidden to you (for food) are: dead meat blood the flesh of swine and that on which hath been invoked the name of other than Allah that which hath been killed by strangling or by a violent blow or by a headlong fall or by being gored to death; that which hath been (partly) eaten by a wild animal; unless ye are able to slaughter it (in due form); that which is sacrificed on stone (altars); (forbidden) also is the division (of meat) by raffling with arrows: that is impiety. This day have those who reject faith given up all hope of your religion: yet fear them not but fear Me. This day have I perfected your religion for you completed my favour upon you and have chosen for you Islam as your religion. But if any forced by hunger with no inclination to transgression Allah is indeed Oft-Forgiving Most Merciful.”

The hadith regarding in this context are given below:

“Whoever abstains from asking others, Allah will make him contended, and whoever tries to make himself self-sufficient, Allah will make him self-sufficient. And whoever remains patient, Allah will make him patient. Nobody can be given a blessing better and greater then patience.”

"يكون فتنة تستثنف العرب. فقتلاها في النار. اللسان فيها أشد من وقع السيف"
"A turmoil will rise that will embrace the entire mankind (and bring about their destruction). They will be in the Hell-fire. The tongue (i.e. uttering of the tongue) in it (turmoil) is more severe than the blow of a sword"\textsuperscript{186}

"Worship during the blood-shed is like emigration towards me (as the reward is concerned)"\textsuperscript{187}

"So your blood, your property and your honour are sacred to one another like the sanctity of this day of yours, in this town of yours, in this month of yours; and surely, you will meet your Lord, and he will ask you about your deeds. Beware! Do not become like those who went astray (as infidels) after me, cutting the necks of one another. It is incumbent on those who are present to convey this message (of mine) to those who are absent. May be that some of those to whom it will be conveyed might comprehend (what I have said) better than the present audience"\textsuperscript{188}

"The strong is not the one who overcomes the people by his strength, but the strong is the one who controls himself while in anger"\textsuperscript{189}

"No one of you should judge between two persons when he is angry"\textsuperscript{190}

"Any drink that intoxicates is forbidden"\textsuperscript{191}

**Rights of Women**

Islam has explicitly discussed the position of women. As we have observed in the previous chapter, every ancient civilization had dealt with the women differently.
The Qur'an has honoured women to the extent that, there is a whole chapter on her entitled 'Women' (i.e. Surah Nisa), and her status and dignity are explicitly stated therein as also in so many other verses of the Qur'an. Some of her rights and indications of her status are stated below.

Islam recognized women as a full and equal partner of man in the procreation and survival of mankind. Her role is no less vital than man's. As a consequence of this partnership she has an equal share in every aspect and is entitled to equal rights. She undertakes equal responsibilities to her partner. In the Qur'an we read,

بَلْ هَمْنَاسِ ۖ أَنَا خَلَقْتُكُمْ مِنْ ذَكْرٍ وَأُمَّةٍ ۖ جَعَلْتُكُمْ شُعُوبًا وَقَبَائلٌ لِتَعَارَفُوا

"O mankind verily! We have created you from a single (pair) of a male and female and made you into nations and tribes that ye may know each other."\(^{192}\)

هن لباس لكم وانتم لباس لهن.

"They are your garments. And ye are their garments."\(^{193}\)

من نفسكم ازواجنا لتسكنوا اليها وجعل بينكم مودة ورحمة.

"He created for you help mates from yourselves that ye may find rest in them and he ordained between you love and mercy."\(^{194}\)

She is acknowledged as an independent personality, possessing all human qualities and worthy of spiritual aspirations. Her human nature is neither inferior nor to deviates from men. She is equal to man in bearing personal and common responsibilities and in receiving rewards for her deeds.

فَأَسْتَجِبَ لَهُمْ رَبُّهُمْ إِنَّهُ لَا أَضِيعُ عَمَلَ عَامِلٍ مَنْ كَنَّا مِنْ ذَكْرٍ أَوْ أُنثى

"And their Lord hath accepted of them and answered them: 'Never will I suffer to be lost the work of any of you be he male or female: ye are
members one of another; those who have left their homes or been driven out there-from or suffered harm in My cause or fought or been slain verily I will blot out from them their iniquities and admit them into gardens with rivers flowing beneath; a reward from the presence of Allah and from His presence is the best of rewards.°

The believers men and women are protectors one of another: they enjoin what is just and forbid what is evil: they observe regular prayers practice regular charity and obey Allah and His apostle. On them will Allah pour His mercy: for Allah is Exalted in power Wise.

For Muslim men and women for believing men and women for devout men and women for true men and women for men and women who are patient and constant for men and women who humble themselves for men and women who give in charity for men and women who fast (and deny themselves) for men and women who guard their chastity and for men and women who engage much in Allah's praise for them has Allah prepared forgiveness and great reward. It is not fitting for a Believer man or woman when a matter has been decided by Allah and His Apostle to have any option about their decision: if anyone disobeys Allah and His Apostle he is indeed on a clearly wrong Path.

Islam grants women equal rights to contract, to enterprise and to earn and possess independently. Her life, her property, her honour are sacred as those of man. If she commits an offence she is no less or more guilty than a man in a similar case. If she
is harmed or wronged, she is entitled to the same compensation as a man in her position would get.

"O ye who believe! The law of equality is prescribed to you in cases of murder; the free for the free the slave for the slave the woman for the woman. But if any remission is made by the brother of the slain then grant any reasonable demand and compensate him with handsome gratitude; this is a concession and a Mercy from your Lord. After this whoever exceeds the limits shall be in grave penalty".

Islam does not state the right of women in dry statistical terms. It puts them into practice as integral articles of faith. It does not tolerate any prejudice against women or any discrimination between men and women. Time and again, the Qur’ān criticizes those who used to believe women to be inferior to men. It says;
And when to any one of them the tidings of the birth of a daughter is conveyed, dark shadows settle on his face, and he is filled with grief. He keepth himself aloof because of this tidings and begins to think whether he shall keep it as a sign of disgrace or bury it in the earth. Mark! How vile is their line of thought.°°°

And to Allah belongs the dominion of the heavens and the earth. He creates what He wills (and plans). He bestows (children) male or female according to His Will (and Plan). Or He bestows both males and females and He leaves barren whom He will: for He is Full of knowledge and power.°°°

For Muslim men and women for believing men and women for devout men and women for true men and women for men and women who are patient and constant for men and women who humble themselves for men and women who give in charity for men and women who fast (and deny themselves) for men and women who guard their chastity and for men and women who engage much in Allah's praise for them has Allah prepared forgiveness and great reward.°°°

She is entitled to freedom of expression as much as man is. Her sound opinions cannot be disregarded just because she belongs to the fairer sex. The Qur'an and history of Islam bear testimony that the women not only expressed their opinion but
also agreed and participated in serious discussions with the Prophet Muhammad (صلى الله عليه وسلم), himself and with other Muslim leaders.

"O, ye who believe! When there come to you believing women refugees examine (and test) them: Allah knows best as to their Faith: if ye ascertain that they are Believers then send them not back to the Unbelievers. They are not lawful (wives) for the Unbelievers nor are the (Unbelievers) lawful (husbands) for them. But pay the Unbelievers what they have spent (on their dower). And there will be no blame on you if ye marry them on payment of their dower to them. But hold not to the guardianship of unbelieving women: ask for what ye have spent on their dowers and let the (Unbelievers) ask for what they have spent (on the dowers of women who come over to you). Such is the command of Allah: He judges (with justice) between you: and Allah is Full of Knowledge and Wisdom. And if any of your wives deserts you to the Unbelievers and ye have an accession (by the coming over of a woman from the other side) then pay to those whose wives have deserted the equivalent of what they had spent (on their (dower): and fear Allah in. Whom ye believe. O Prophet! when believing women come to thee to take the oath of fealty to thee that they will not associate in worship any other thing whatever with Allah that they will not steal that they will not commit adultery (or fornication) that they will not kill their children that they will not utter slander intentionally forging falsehood and that they will not disobey thee in any just matter then do thou receive their fealty and pray to Allah for the forgiveness (of their sins): for Allah is Oft-Forgiving Most Merciful.«

The Holy Prophet Muhammad (صلى الله عليه وسلم) elevated the dignity and status of women by saying:
"The best among you are those who behave best towards their wives.”

"The whole world is a place of useful things and the best thing of this world is a virtuous woman (wife)."

"Even paradise lies underneath the feet of your mothers"

The case regarding marriage of the widower, divorced, or virgin girl. The Prophet Muhammad (صلى الله عليه وسلم), had said that,

"A Tayyib should not be married till she is consulted; nor should the virgin be married till her consent is sought and her consent is her silence"

"A matron should not be given in marriage except after consulting her; and a virgin should not be given in marriage except after her permission"

Islam equally grants the political right and participation in government to the women, though there are some difference between the sexes in the area of family law including marriage, divorce, and inheritance, but deals do not actually amount to inequality. As far as women’s eligibility to public office, such as the judges, governor, officer-in-charge, the head of the public grievance tribunal, and the public post, modern Muslim scholars had declared the women eligible, provided there is no encroachment on the post of women in discharging the basic religious obligations. The scholars however have precluded women from the post of caliph/head of state, basing there argument upon the below text:

"And stay in your houses, and make not a dazzling, like that of the former times of ignorance"
"Such people as ruled by a lady will never be successful."

We could trace Hadith that women also participated in serious discussion with Prophet Muhammad (صلى الله عليه وسلم).

Islam as the ultimate divine revelation does not only prescribe in detail the human rights and the legal codes and conduct in this regard; it also provides a complete system of morality and ethics that contains a complete safeguard to the spirit of the execution of these fundamental rights. The moral values enshrined in the Holy Qur'an and Islamic History basically ensure the honest implementation of the legal codes. Islamic ethics deals with the minds and hearts of the people and prepare them to accept the will of God eagerly and wholeheartedly. The Holy Qur'an is clearly opposed to any kind of socio-economic or politico-psychological compulsion in the context of practising any religion or code. This is the unique feature of Islam that distinguishes it from other ideologies and religions.
Notes & References:

1. The Qur’an 96: 1-5
2. The Qur’an 58: 11
3. The Qur’an 55: 33
4. The Qur’an 10: 101
5. The Qur’an 29: 43
7. Al-Bukhari, Kitab Jamī al-Sahih, English translation, Muhammad Mohsin Khan, Kitab Bhawan, New Delhi, 1984, See Kitab al Ilm, Chapter 11, Vol. 1, p. 59
10. The Qur’an 17: 33
11. The Qur’an 5: 32
12. The Qur’an 5: 35
13. The Qur’an 17: 31
14. The Qur’an 6: 151
15. The Qur’an 25: 68
16. The Qur’an 4: 93
17. The Qur’an 2: 84
18. The Qur’an 49: 13
19. The Qur’an 3: 79
20. The Qur’an 21: 92
21. The Qur’an 23: 52

24. The Qur’an 49: 11-12

25. The Qur’an 48: 11-12

26. The Qur’an 48: 6

27. The Qur’an 53: 23

28. The Qur’an 33: 10


31. The Qur’an 4: 148

32. The Qur’an 17: 70

33. The Qur’an 3: 110

34. The Qur’an 4: 135

35. The Qur’an 3: 78

36. The Qur’an 63: 5

37. The Qur’an 2: 256

38. The Qur’an 88: 21-22


40. The Qur’an 4: 59

41. The Qur’an 6: 107

42. The Qur’an 9: 71

43. The Qur’an 10: 99

44. The Qur’an 41: 9

45. The Qur’an 4: 58

46. The Qur’an 4: 135

47. The Qur’an 5: 8

48. The Qur’an 5: 45

49. The Qur’an 5: 49
50. The Qur'an 5: 51
51. The Qur'an 5: 101
52. The Qur'an 7: 29
53. The Qur'an 28: 4
54. The Qur'an 42: 15
55. The Qur'an 57: 25
62. Al-Muslim, Kitab Jamī al-Sahih, op. cit., See Kitab al-Hudud, Hadith No. 1687, Chapter 1, Vol. 3, p. 128
66. The Qur'an 10: 36
68. Ibn Qayyin, al-Turuq, p. 28
69. Muslim, *Mukhtasar Sahih Muslim*, p. 280, Hadith no. 1053.


72. Mahmassani, *Arkân*, p. 106


74. The Qurʾān 24: 23.

75. The Qurʾān 24: 27-28

76. The Qurʾān 24: 58-59

77. The Qurʾān 49: 8-12

78. The Qurʾān 104: 1


81. Al-Muslim, *Kitab Jamāl al- Sahih*, *op. cit.*, See *Kitab al-Tauba*, Hadith No. 2760 R1, Chapter 6, Vol. 4A, p. 265


83. The Qurʾān 2: 85

84. The Qurʾān 4: 97

85. The Qurʾān 29: 56

86. The Qurʾān 39: 10

87. The Qurʾān 2: 188

88. The Qurʾān 2: 262

89. The Qurʾān 2: 267

90. The Qurʾān 4: 4

91. The Qurʾān 4: 7-13

92. The Qurʾān 4: 29

93. The Qurʾān 4: 32
94. The Qur'an 4: 37-38
95. The Qur'an 51: 19
96. The Qur'an 57: 7
97. The Qur'an 70: 24-25
99. The Qur'an 2: 187
100. The Qur'an 2: 229
101. The Qur'an 4: 75
102. The Qur'an 24: 27-28
103. Al-Muslim, Kitab Jam' al-Sahih, See op. cit., Kitab al-Birr was Salat-i-wal-Adab, Hadith No. 2563, Chapter 9, Vol. 4, pp. 172-173
104. Al-Muslim, Kitab Jam'i al-Sahih, op. cit., See Kitab al-Birr was Salat-i-wal-Adab, Hadith No. 2587, Chapter 9, Vol. 4, p. 183.
106. The Qur'an 2: 219
107. The Qur'an 2: 177
108. The Qur'an 76: 8-9
109. Al-Muslim, Kitab Jam'i al-Sahih, op. cit., See Kitab al-Birr was Salat-i-wal-Adab, Hadith No. 2556R1, Chapter 6, Vol. 4, p. 170.
110. The Qur'an 51: 19
111. The Qur'an 70: 24-25
114. The Qur'an 2: 194
115. The Qur'an 4: 58
116. The Qur'an 17: 36
117. The Qur'an 42: 39-41
118. The Qur'an 6: 151
119. The Qur'an 17: 33
120. The Qur'an 49: 6
121. The Qur'an 3: 195
122. The Qur'an 4: 32
124. The Qur'an 4: 2
125. The Qur'an 4: 11-12
126. The Qur'an 4: 33
128. Al-Muslim, Kitab Jamī al-Sahih, op. cit., See Kitab al-Faraid, Hadith No. 1619R5, Chapter 4, Vol. 3, p. 71
132. The Qur'an 3: 104
133. The Qur'an 4: 148
135. Al-Tabrīzī, Mishkāt, Vol. II, Hadith no. 2325
136. The Qur'an 49: 9
138. The Qur'an 31: 15
140. The Qur'an 4: 58
141. The Qur'an 5: 9
142. The Qur'an 49: 11-12
143. The Qur'an 17: 70
144. Al-Muslim, Kitab Jamī al-Sahih, op. cit., See Kitab al Birr was Dalat -i- wal- Adab, Hadith No. 2548R1, Chapter 1, Vol. 4, p. 164.
145. The Qur'ān 3: 110
146. The Qur'ān 9: 29
147. The Qur'ān 5:51
150. The Qur'ān 2: 109
151. The Qur'ān 2: 256
152. The Qur'ān 3: 65
154. The Qur'ān 5: 2
155. The Qur'ān 6: 108
156. The Qur'ān 7: 199-200
157. The Qur'ān 9: 6
158. The Qur'ān 23: 96
159. The Qur'ān 29: 46
160. The Qur'ān 41: 34
161. The Qur'ān 60: 7
162. The Qur'ān 2: 62
163. The Qur'ān 5:5
164. The Qur'ān 60:8


175. Al-Īlī, Hurriyyāt, p. 331


177. Maududi, S. Abul Ala, *The Islamic Law and Constitution*, English translation, Khurshid Ahmad, Lahore, Islamic Publication Limited, 1980, p. 295. He has debarred, the non-Muslims from the membership of Majlis Shura / Parliament, according to the basic principles of Islam. He, however has allowed them to be the member of shura in the modern democratic state provided, the constitution of the country contains the clear-cut assurance that, the parliament would have no right to legislate against the Holy Qur‘ān and Sunnah; the prime sources of the country would be Holy Qur‘ān and Sunnah; and the laws made by the parliament will be finally approved only be such a man who will be compulsorily be a Muslim.

178. The Qur‘ān 5: 42-48


181. The Qur‘ān 3: 159

182. The Qur‘ān 24: 55

183. The Qur‘ān 42: 38

184. The Qur‘ān 5: 3

192. An-Nawawi, Riyadh-us-Saleheen, op. cit., Hadith no. 280, chapter 34, p. 181. (Hadith reported in Sahih Muslim)

209. The Qur’ān 33: 33

Chapter - 3

Islamic Safeguards to Human Rights
Moral and Ethical Dimensions

Morality or ethics deals with conduct, in so far as this is considered as right or wrong, good or bad. Morality is generally considered as a code or set of principles by which men live. Its theoretical study concerns itself with such questions as ‘what is the good life’ and ‘how ought men to behave’ and so on. The Qur’an is the code of moral conduct. As we had discussed in the first chapter regarding the status of human rights during the ancient period, we had observed that, throughout the ancient societies there were right and laws which were very strict, but there weren’t any morality check or we could say that, the citizens of the ancient societies were not bound to follows the moral norms of the society.

Life based on morality is the outcome of a well-founded faith. Faith is a light which guides its bearer on his way: or again faith is a clear spring from which one quenches his thirst in the course of his life. Indeed, faith is a heaven in which we seek shelter from the storms of life. Without faith youth cannot lead a life of happiness, nor would it be possible and difficulties. On the contrary, a person with no faith would be easily drawn by currents wherever they run. Such person may sometimes be obstinate, or wasted, with little or no use to himself or to his community; his judgements being mostly unsteady and spasmodic.

Islam is an all-embracing mode of life. Not only does it prescribe beliefs but also the rules of social behaviour; moreover, it occupies itself with the nicer application and functioning of its laws. We know that Islam does not believe in the life of this world as an end in itself, or in body without any relation to soul. On contrary, it teaches belief in the Hereafter. Its motto, as enunciated by the Qur’an, is “The best in the hereafter”. It is thus that not only does it praise the good and condemn the evil, but also provides rewards and sanctions, both spiritual and material. As far as its injunctions
and prohibitions are concerned, Islam inculcated in the spirit, the fear of God, the last Judgment after the resurrection, and not content with this, it takes all possible precaution in order to deter man from permitting himself acts of injustice and violation of the rights of others. It is thus that when he is not coerced to do that; he pays the tax even when government ignores fixation of the amount or finds itself unable to obtain payment by force.

Often, it so happened that motives or circumstances bring about a profound change in the imports of acts which outwardly seem to resemble one another. For instance, the death occasioned at the hands of a brigand, of a hunter mistaking his victim for a game, of a fool, or a minor, in self-defence, by a headsman executing the capital punishment ordered by a tribunal, a soldier defending his country against an aggressive invasion, etc., in all these cases the killing is sometimes pushed more or less severely, sometimes pardoned, sometimes considered a normal duty entailing neither praise nor condemnation, and sometimes obtains high praise and honour. Almost all human life is composed of acts whose good and evil are relative. This is why the Prophet Muhammad (صلى الله عليه وسلم) has often declared:

إنما الاّعما بالثنّيات، وإنما لكل امرء مانوي,

"The reward of deeds upon the intentions and every person will get the reward according to what he has intended".

Islam is based on the belief of a Divine revelation sent to men through Prophets as intermediary. Its law and morality, even as its faith, are therefore based on Divine commandments. It is possible that in the majority of cases human reason also should arrive at the same conclusion, but essentially it is the Divine aspect which has the decisive significance in Islam, and not the reasoning of a philosopher, a jurist or a moralist, the more to because the reasoning of different individuals may differ and lead
to completely opposite conclusions. Sometimes the motive of discipline is found underlying as obligation and practices which is apparently superfluous.

One may divide human actions, first of all, into good and evil, represented by orders and prohibitions. The acts from which one must abstain are divided into two big categories: Those against which there is temporal sanction or material punishment in addition to condemnation on the day of the final Judgement, those which are condemned by Islam without providing a sanction other than that of the Hereafter.

In a saying attributed to the Prophet (صلى الله عليه وسلم); in this we see the conception of life envisaged by Islam:

ان رجا قتل تسعة وتسعين نفسا. فجعل يسأل: هل له من توبة؟ فأتى راهبا فسأله فقال: ليست لك توبة. فقتل الراهب. ثم جعل يسأل. ثم خرج من قرية إلى قرية فيها قوم صالحون. فلما كان في بعض الطريق أدركه الموت. فتأى بصدره. ثم مات. فاختصمت فيه ملائكة الرحمة وملائكة العذاب. فكان إلى القرية الصالحة أقرب منها بشير. فجعل من أهلها

"There was a man of those before you killed ninety-nine souls. He inquired about the learned people of the world (who could show him the way to salvation). He was directed to a monk. He came to him and told him that he had killed ninety-nine people and asked him whether there was any scope for his repentance to be accepted. He said: no. he killed him also and thus completed hundred. He then asked about the learned people of the earth and he was directed to a scholar, and the told him that he had killed hundred souls and asked him whether there was any scope of repentance? You better go to such land; there are people devoted to prayer and worship and you also worship along with them and do not come to the land of yours since, it was an evil land (for you). So he went away and he hardly covered half the distance when the death came to him and there was a dispute between the angels of mercy and the angels of punishment. The angels of mercy said: This man has come as a penitent and remorseful to Allah and the angels of punishment said: he has done no good at all. Then there came another angel in the form of a human being in order to decide between them. He said: you measure the land to which he has drawn near. They measure the land to
which he has drawn near. They measured it and found nearer to the land where he intended to go (the land of piety), and so the angels of mercy took possession of it."

On another occasion, the Prophet Muhammad (صلى الله عليه وسلم) said:

"لأنا أعلمهم بالله وأشدهم له خشية

"I have the best knowledge of Allah amongst them, and fear Him most amongst them." 4

Islamic Morality begins with the renunciation of all adoration outside god, be it adoration of the self (egoism), or adoration of our own handicrafts (idols, superstitions), etc: and the renunciation of all that degrades humanity (atheism, injustice, etc.).

Abolishing the inequalities-based on race, colour of skin, language, place of birth- Islam has proclaimed (and realized more than any other system) the superiority of the individual based solely on morality, which is a thing accessible and open to everybody without exception. This it is that Qur’ān has said:

"O mankind! We created you from a single (pair) of a male and a female and made you into nations and tribes that ye may know each other (not that ye may despise each other). Verily the most honoured of you in the sight of Allah is (he who is) the most righteous of you. And Allah has full knowledge and is well acquainted (with all things)." 6

Islam has laid down some universal fundamental rights for humanity as a whole, which are to be observed and respected under all circumstances. To achieve these rights Islam provides not only legal safeguards but also a very effective moral system. Thus whatever leads to the welfare of the individual or a society is morally good in Islam and whatever is injurious is morally bad. Islam attaches so much
importance to the love of God and love of man that it warns against too much of formalism.

A Study of the Qur'anic Chapter Bani Israel

The Qur'anic Chapter Bani Israel especially the verses (23-39), provide a model for Islamic Human Rights and their legal and moral safeguards. They emphasises upon the basic human values and rights to be incorporated in the society as well as the ethical and legal safeguards, that, sanctions the implementation and execution of human rights in Islamic society and guarantee its transferring in the realities. With these verses we can deduce the exact morality charter which Allah Almighty has ordained to human being, for the good and, smooth functioning of the society and the moral responsibilities to safeguard them as well. These verses were revealed on Prophet Muhammad (صلى الله عليه وسلم), on the night of his ascension to heaven (laylah al-Isra).
Thy Lord hath decreed that ye worship none but Him and that ye be kind to parents. Whether one or both of them attain old age in thy life say not to them a word of contempt nor repel them but address them in terms of kindness. And out of kindness lower to them the wing of humility and say: "My Lord! Bestow on them Thy Mercy even as they cherished me in childhood". Your Lord knoweth best what is in your hearts: if ye do deeds of righteousness verily He is Most Forgiving to those who turn to Him again and again (in true penitence). And render to the kindred their due rights as (also) to those in want and to the wayfarer: but squander not (your wealth) in the manner of a spendthrift. Verily spendthrifts are brothers of the Evil Ones; and the Evil One is to his Lord (Himself) ungrateful. And even if thou hast to turn away from them in pursuit of the Mercy from thy Lord which thou dost expect yet speak to them a word of easy kindness. Make not thy hand tied (like a niggard's) to thy neck nor stretch it forth to its utmost reach so that thou become blameworthy and destitute. Verily thy Lord doth provide sustenance in abundance for whom He pleaseth and He provideth in a just measure: for He doth know and regard all His servants. Kill not your children for fear of want: We shall provide sustenance for them as well as for you: verily the killing of them is a great sin. Nor come nigh to adultery: for it is a shameful (deed) and an evil opening the road (to other evils). Nor take life which Allah has made sacred except for just cause. And if anyone is slain wrongfully We have given his heir authority (to demand Qisās or to forgive): but let him not exceed bounds in the matter of taking life: for he is helped (by the Law). Come not nigh to the orphan's property except to improve it until he attains the age of full strength; and fulfil (every) engagement for (every) engagement will be enquired into (on the Day of Reckoning). Give full measure when ye measure and weigh with a balance that is straight: that is the most fitting and the most advantageous in the final determination. And pursue not that
of which thou hast no knowledge; for every act of hearing or of seeing or of
(feeling in) the heart will be enquired into (on the Day of Reckoning). Nor
walk on the earth with insolence: for thou canst not rend the earth asunder
nor reach the mountains in height. Of all such things the evil is hateful in
the sight of thy Lord. These are among the (precepts of) wisdom which thy
Lord Has revealed to thee. Take not with Allah another object of worship
lest thou shouldst be thrown into Hell blameworthy and rejected. 8

Let us see how the Qur’ān speaks of the social behaviour of the average man;

“Serve Allah and join not any partners with Him: and do good to parents
kinsfolk orphans those in need neighbours who are near neighbours who
are strangers the companion by your side the way-farer (ye meet) and what
your right hands possess: for Allah loveth not the arrogant the vainglorious;
(Nor) those who are niggardly or enjoin niggardliness on others or hide the
bounties which Allah hath bestowed on them; for We have prepared for
those who resist faith a punishment that steeps them in contempt. (Nor)
those who spend of their substance to be seen of men but have no faith in
Allah and the Last Day: if any take the Evil One for their intimate what a
dreadful intimate he is!” 9

Here below I am quoting another passage from the Qur’ān, to show the
characteristics of Muslim society;

"whom the Lord has not knowledge; for every act of hearing or of seeing or of
feeling in the heart will be enquired into (on the Day of Reckoning). Nor
walk on the earth with insolence: for thou canst not rend the earth asunder
nor reach the mountains in height. Of all such things the evil is hateful in
the sight of thy Lord. These are among the precepts of wisdom which thy
Lord Has revealed to thee. Take not with Allah another object of worship
lest thou shouldst be thrown into Hell blameworthy and rejected."

Let us see how the Qur'an speaks of the social behaviour of the average man;

“Serve Allah and join not any partners with Him: and do good to parents
kinsfolk orphans those in need neighbours who are near neighbours who
are strangers the companion by your side the way-farer (ye meet) and what
your right hands possess: for Allah loveth not the arrogant the vainglorious;
(Nor) those who are niggardly or enjoin niggardliness on others or hide the
bounties which Allah hath bestowed on them; for We have prepared for
those who resist faith a punishment that steeps them in contempt. (Nor)
those who spend of their substance to be seen of men but have no faith in
Allah and the Last Day: if any take the Evil One for their intimate what a
dreadful intimate he is!”

Here below I am quoting another passage from the Qur'an, to show the
characteristics of Muslim society;
The believers are but a single Brotherhood: So make peace and reconciliation between your two (contending) brothers: And fear Allah that ye may receive Mercy. O ye who believe! let not some men among you laugh at others: it may be that the (latter) are better than the (former): Nor let some women laugh at others: it may be that the (latter) are better than the (former): nor defame nor be sarcastic to each other nor call each other by (offensive) nicknames: Ill-seeming is a name connoting wickedness (to be used of one) after he has believed: And those who do not desist are (Indeed) doing wrong. O ye who believe! Avoid suspicion as much (as possible): for suspicion in some cases is a sin: and spy not on each other nor speak ill of each other behind their backs. Would any of you like to eat the flesh of his dead brother? Nay ye would abhor it. But fear Allah: for Allah is Oft-Returning Most Merciful.”

Nobody could object to the good counsel, offered in the above-mentioned verse; but man has his weaknesses. He is constituted simultaneously of the elements of good and evil. By his inmate defects, he gets angry; he is subject to temptations, and is driven to do harm to themselves. Similarly, his noble sentiments make him repent afterwards; and in proportion to the force of his repentance, he tries more or less to rectify the harm he had done.

Islam divides faults into two big categories; those which are committed against the rights of God (unbelief, neglect of worship, etc.), and those against the rights of men. Moreover, God does not pardon the harm done by a man to his fellow-being: if one does harm to another creature, be it man, animal or any other one commits in fact a double crime: a crime against one’s immediate victim, and also a crime against God, since the criminal conduct in question constitutes a violation of the Divine prescriptions. It is thus that, when there is an injustice or crime against another creature, one has not only to try to repair the damage, by restitution to the victim of
one’s violation the right which had been taken away from him, but he has also to beg
pardon of God\textsuperscript{11}. In a famous saying of his, he Prophet Muhammad (صلى الله عليه وسلم) gave a warning, that on doomsday, a certain person would be thrown in hell because he had tied up a cat with a rope giving it neither to eat nor to drink, nor letting it go and seek itself the food, thus causing the death of the poor animal in inanition. In another Hadith the Prophet (صلى الله عليه وسلم) spoke of Divine punishment to those men who did not fulfil their duty against even the animals, by not giving them sufficient food, or loading them beyond their strength, etc. the Prophet (صلى الله عليه وسلم) prohibited even the hewing down of trees without necessity. Men should profit by what God has created, yet in an equitable and reasonable measure, avoiding all dissipation and waste.

When one causes damage to another and wishes to repair it, there are several ways he could adopt. Sometimes by merely asking pardon everything is set right; at other times it may be necessary to restitute the rights which were taken away, or replace them if the original rights could not be restituted, and so on\textsuperscript{12}.

To show clemency to others and pardon them is a noble quality, and upon this Islam has often insisted. In eulogizing it, Qur’\textsuperscript{an} says;

وسارعوا الى مغفرة من ربك وجنّة عرضها السموم وفوائد الأرض اعتذاء

للمتقين. الذين ينفقون في الضراء والضراء والكاظمين الغيظ والعافين

عن الناس، والله يحب المحسنين.

"Be quick in the race for forgiveness from your Lord and for a garden whose width is that (of the whole) of the heavens and of the earth prepared for the righteous. Those who spend (freely) whether in prosperity or in adversity; who restrain anger and pardon (all) men; for Allah loves those who do good"\textsuperscript{13}

Pardon is recommended, yet vengeance is also permitted (for the average man).

In this respect, the Qur’\textsuperscript{an} says;
The recompense for an injury is an injury equal thereto (in degree): but if a person forgives and makes reconciliation His reward is due from Allah: for (Allah) loveth not those who do wrong” 14

God is incomparably more forgiving and merciful of men. Among the names with which Islam calls God, there is Rahman (Most Merciful), Tauwab (Most Pardoning), ‘Afu (one who effaces faults), Ghaffar (Most Forgiving) etc. those who commit a sin against God, and then repent, find God full of indulgence 15.

Two verses of the Qur’ān may show the Islamic notion of the bounty of God:

“Allah forgiveth not (the sin of) joining other gods with Him: but He forgiveth whom He pleaseth other sins than this: one who joins other gods with Allah hath strayed far away (from the right)” 16

“Say: “O my Servants who have transgressed against their souls! Despair not of the Mercy of Allah: for Allah forgives all sins: for He is Oft-Forgiving Most Merciful” 17

If one gives up disbelief and turns to God to beg pardon of Him, one can always hope for His clemency. Man is weak, and often breaks his resolutions; but true repentance can always restore the grace of God. There is no formality, no buying of divine pardon by the meditation of other men; but one must turn directly to God, present Him one’s sincere regrets in a tête-à-tête conversation (munajat); for he is the knower of all and nothing could concealed from Him, “the love of God for His creatures is hundred and more times greater than of a mother for her child”, as has once
been remarked by the Prophet (صلى الله عليه وسلم). For Prophet Muhammad (صلى الله عليه وسلم) has said:

جَعَلَ اللَّهُ الرَّحْمَةَ مَائَةَ جَزءٍ فَأَمَسَكَ عَنْهُ تَسْعَةً وَتَسَعَى. وَأَنْزَلَ فِي الأَرْضِ جَزءًا واحِدًا. فَمَنْ ذَلِكَ الْجَزءُ تَتَراَحَمُ الخَلَاقُ. حَتَّى تَرْفَعَ الْدَابَّةُ حَافاَرُ هَاعِنَ وَلَدِهَا، خَشْبَةً أَنْ تَصِيبَهُ.

“Allah created mercy of hundred parts ad He retained with Him ninety-nine parts, and He has sent down upon the earth one part, and it is because of this one part that there is mutual love among the creatures so much so that the animal lifts up its hoofs from its young one, fearing that it might harm it.”

In the saintly saying (hadith qudsi) the Prophet reports God as saying:

يَقُولُ اللَّهُ عَزَّ وَجَلَّ: أَنَا عِندَ الْمَلَأِ عَبْدِي بِي، وَأَنَا مَعَهُ حِينَ يُذْكِرُني فِي نَفْسِهِ، ذُكِرَتِهِ فِي نَفْسِي. وَإِنْ ذُكِرَتِي فِي مَلَأِ ذُكِرَتِهِ فِي مَلَأِ خَيْرٍ مِنْهُمْ. وَإِنْ تَقْرِبَ مِنِي شَيْءٌ، تَقْرِبِهِ إِلَى ذِرَاعِي. وَإِنْ تَقْرِبَ إِلَى ذِرَاعِي تَقْرِبِهِ مِنْهُ بَاعاَرًا، وَإِنِّي أَتَانِي يَمَشِي، أَتِيْهُ هُزْوَةً.

“Allah, the exalted and glorious, thus stated: I am close to My servants supposition as to what he thinks about Me, and I am with him as he remembers me. And if he remembers Me in his heart I also remember him in assembly, better than his (remembrance), and if he draws near Me with the distance of a span of the Hand, I draw near him by the cubit, and if he draws near Me by the cubit I draw near him by the space of the out stretched arms. And if he comes to me walking, I come to him, with quick pace.”

The Qur’ān announces no doubt:

فَأَلَمْ يَسْتَجِبُوا لَكُمْ فَاعْلُوْا أَنْمَا أَنْزَلَ بِلْهَـٰلِلَّهُ وَانْلَا إِلَٰهَ إِلَّا هُنَّ مُسْلِمُونَ.

“If then they (your false gods) answer not your (call) know ye that this Revelation is sent down (replete) with the knowledge of Allah and that there is no god but He! Will ye even then submit (to Islam)!”
The teaching of Islam concerning social responsibilities, are based on kindness and consideration of others. Since a broad injunction to be kind is likely to be ignored in specific situations, Islam lays emphasis on specific acts of kindness and defines the responsibilities and rights of various relationships.

In a widening circle of relationship, then, our first obligation is to our immediate family – parents, husband or wife and children, then to other relatives, neighbours, friends and acquaintances, orphans and widows, the needy of the community, our fellow Muslims, all our fellow human beings and animals.

We had observed the verses 23 and 24, above, where respect and care for parents is very much stressed in the Islamic Teaching and is a very important part of a Muslim's expression of faith.

Actually, according to the Qur'an and Sunnah, a Muslim has to discharge his moral responsibility not only to his parents, relatives and neighbour but to the entire mankind, animals and trees and plants. Thus, on the basic moral characteristics, Islam builds a higher system of morality by virtue of which mankind can realize its greatest potential.

The spiritual and moral duties are now brought into juxtaposition. We are to worship none but God, because none but God as worthy of worship, not because "the Lord thy God is a jealous God, visiting the iniquity of the fathers upon the children unto the third and fourth generation of them that hate me".

The Qur'an often employs two characteristic terms to designate the good and the evil. Thus it refers to mârûf (the good known to every body and recognised as such) and munkar (the evil denounced by everybody and recognised as such). In other words, the Qur'an has confidence in human nature, in the common sense of man;
“Ye are the best of peoples evolved for mankind enjoining what is right
forbidding what is wrong and believing in Allah. If only the People of the
Book had faith it were best for them; among them are some who have faith
but most of them are perverted transgressors”

In the above mentioned verse, the Qur’ān deals with the superiority of the
mankind, and explains that this is so because they “enjoin the good (maruf) and forbid
the evil (munkar) and believe in the One God”. Here I mention another passage of the
Qur’ān;

الهِيْمُ الْكَثَّارُ. حَتَّىِ زَرَّتِ الْمَقَابِرُ. كَلَا سُوْفِ تَعْلَمُونَ

“But (by the Token of) time (through the Ages). Verily Man is in loss. Except
such as have Faith and do righteous deeds and (join together) in the mutual
teaching of Truth and of Patience and Constancy.”

But there are also injunctions against particular evils. As has already been
remarked, there are those which accompany a sanction and a public punishment, and
those regarding which there is only a warning of punishment in the Hereafter, and,
except in cases of extraordinary gravity, the public authorities do not take cognizance
of them.

In his celebrated speech of the Farewell Pilgrimage, the Prophet (صلى الله عليه وسلَّم) declared the inviolability of the rights of a man in all the three categories of
person, property and honour. In fact the Muslim penal law takes it into account,
declaring that the principal crimes are the following: murder, damage to body,
fornication and adultery (which are all crimes against person), and calumny against
chastity, and consumption of alcoholic drinks (constituting crimes against honour). All
these are punished.
As for the damages against person, the punishment is in principle retaliation: life, for life, eye, for eye, tooth. But there is first of all the great principle of motive and intention. Has one caused damage voluntarily or only by accident? Again, there is the choice for the victim (or the heirs of his rights) to agree to a pecuniary reparation, or even pardon completely. If the judicial proof establishes that the crime was intentional, the public authorities have no right to pardon: the matter rests with the sufferer.

Entirely different is the case of fornication and adultery. For the consent of the parties does not attenuate its gravity. The Prophet (صلى الله عليه وسلم) had so greatly succeeded in developing justice and self-criticism among his companions that they preferred severest public punishment in this world to the one in the Hereafter; and they presented themselves voluntary before the Prophet (صلى الله عليه وسلم), to confess their sins and submit themselves cheerfully to the legal sanction. Outside confession, it is always very difficult to prove illicit sexual relations if the parties were willing. In order to diminish the temptation, Islam has taken other precautions also: prohibition of promiscuity, of easy and unsupervised meetings between the young of opposite sexes if they are not near relative, and even the recommendation of the evil to cover the face of the woman if she goes out in the street or meets strangers by her coquetry, it is the duty of a Muslim woman to reserve her beauty and her attraction only for her husband. The veil has other advantages also for the woman. One knows the great difference between the exterior of those women who works in the fields, for instance, and of those who are not exposed to the sun. One knows also the difference between the outer and inner feathers of a bird. In fact the veil preserves for a longer time the charm and freshness of the skin. One can see the plainly on comparing the skin of the face or hands with that of other parts of the body which are habitually covered by the dress. The veil does not
at all signify seclusion, but it does diminish the temptation that could draw strangers. It is abusing the credulity of the simpleton to make-believe that covering the face with veil generates tuberculosis. This disease is prevalent among people where women folk never uses the veil, not only in Black Africa, but even in the most highly developed societies from Finland to Italy, as the latest research has brought to light. In passing, it may be mentioned that there is no legal penalty for the neglect of this Qur'ânic recommendation.

We do not require entering into the details of the different aspects of the injunction against theft and highway robbery, or other crimes against property.

It is characteristic if Islam to have imposed a penalty on the defamation of women in the matter of their chastity. When one indulges in conjectures against neighbours or other women and the case with which one women gives liberty to one’s tongue, in the company of friends, one will admit that this Islamic break is well founded in the interests of society. If someone intends to accuse a woman, one should produce judicial proofs; otherwise, conjectures touching the honour of a woman will be punished with severe sanctions.  

The prohibition of alcoholic drinks is one of the most well-known traits of Islam. It was by gradual steps that the Qur’ân had enforced it:

"They ask thee concerning wine and gambling. Say: "In them is great sin and some profit for men; but the sin is greater than the profit." They ask thee how much they are to spend; say: "What is beyond your needs." Thus doth Allah make clear to you His Signs: in order that ye may consider."
"O ye who believe! approach not prayers with a mind befogged until ye can understand all that ye say nor in a state of ceremonial impurity (except when travelling on the road) until after washing your whole body if ye are ill or on a journey or one of you cometh from offices of nature or ye have been in contact with women and ye find no water then take for yourselves clean sand or earth and rub therewith your faces and hands. For Allah doth blot out sins and forgive again and again." 28

"On those who believe and do deeds of righteousness there is no blame for what they ate (in the past) when they guard themselves from evil and believe and do deeds of righteousness (or) again guard themselves from evil and do good. For Allah loveth those who do good. O ye who believe! Allah doth but make a trial of you in a little matter of game well within reach of your hands and your lances that He may test who feareth Him unseen: any who transgress thereafter will have a grievous penalty." 29

It will nor pass unnoticed that in this last verse, the Qur’ān includes alcoholic drinks and idolatry in the same category. During his life, the Prophet Muhammad (صلى الله عليه وسلم) administered forty stripes to these who violated the injunction. The caliph Umar doubled the punishment, arguing that drunkenness leads to obscene loquacity in which one calumniates the chastity of women, for which latter crime the Qur’ān (24: 4) has imposed the punishment of eighty stripes therefore alcoholic drinks should also have the same sanction. What enormous economic loss would be avoided, and how
many homes would recover peace, if drink, so dangerous to health and morality, were given up!

Among the acts for which no definite penalty had been prescribed but which are left to the discretion of the judge, we may mention games of chance of all kinds (including lotteries, gambling on the results of races, etc). Who does not know the tragedies of casinos? How many homes have not been ruined in the vain hope of easy gain – and therefore illicit gain? Lotteries, on national scales, gradually upset the equitable distribution of the country’s wealth, and prove to be the source of all economic ills. They affect politics too.\(^{30}\)

In order to ameliorate public morality, the Prophet ( صلى الله عليه وسلم) said one day:


“Allah, the Exalted and Glorious, said: The son of Adam causes Me pain and he says: Woe be upon the Time. No one of you should say this: Woe be upon the Time, as I am the Time (because) I alternate the day and the night, and when I wish I can finish them up.” \(^{31}\)

This is an admonition that deserves to be considered by our contemporaries even today. After all what avails our malediction of the weather so many times every day, if not to prove our own stupidity? \(^{32}\)

Islam does not exact the impossible; it seeks only to bring a constant betterment of human morals, in all walks of life, by means available to individuals and collectivises. And the responsibility will always remain personal. Thus in the Qur‘ān we observe;
"On no soul doth Allah place a burden greater than it can bear. It gets every good that it earns and it suffers every ill that it earns. (Pray): "Our Lord! Condemn us not if we forget or fall into error; our Lord! Lay not on us a burden like that which Thou didst lay on those before us; Our Lord! Lay not on us a burden greater than we have strength to bear. Blot out our sins and grant us forgiveness. Have mercy on us. Thou art our Protector; help us against those who stand against faith." 33

A noble spirit does not permit itself evil on the pretext that other also indulges in the same. Instead of imitating the vices of others, one should rather set other an example of good and of integrity of character.

Here Islam lays the foundation stone of the principles of moral standard. These principles were revealed to Holy Prophet (صلى الله عليه وسلم) at the end of his Makkan period and at the beginning of the Medinan period. These principles were in accordance that, the foundation of din-i Islam was laid, on the standard of moral, cultural, social and judicial principles 34.

Note that the act of worship may be collective as well as individual; hence the plural ta’budū. The kindness to parents is an individual act of pity; hence the singular taqul, qul, etc.

The metaphor is that of a high flying bird which lowers her wings out of tenderness to her offspring. There is a double opt ness. (1) When the parents was strong and the child was helpless, parental affection was showered on the child: when the child grows up and is strong, and the parent is helpless, can he do less than bestow similar tender care on the parent? (2) But more: he must approach the matter with
gentle humility: for does not parental love remind him of the great love with which God cherishes His creatures? There is some thing here more than simple human gratitude: it goes up into the highest spiritual region.

Note that we are asked to honour our father and mother, not “that thy days may be long upon the land which the Lord thy God giveth thee”\(^{35}\), but upon much higher and more universal grounds, such as befit a perfected revelation. In the first place, not merrily respect, but cherishing kindness, and humility to parents are commanded. In the second place, this command is bracketed with the command to worship the One True God; parental love should be to us a type of divine love; nothing that we can do can ever really compensate for that which we have received. In the third place our spiritual advancement is tested by this: we cannot expect God’s forgiveness if we are rude or unkind to those who unselfishly brought us up\(^{36}\).

The basic principle of Islamic teaching is not only based on morality, but later onwards after the inception of government at Medina, more standard rule and regulations were formulated for the betterment of the society, which were directly or indirectly related to the moral principles, laws of inheritance, rights of orphans and its protection, rules for the visitors and their rights in the society, that the visitor should strictly been provided hospitality for at least three days. All such rules were so much beautifully formulated that, all the members of the society, could automatically abide it.

The principle is not only restricted to moral and individual teaching, it clearly indicates, that lavish expenditure could only be controlled by the pressure of laws and establishment of good and civilized society. Thus we had seen throughout the Medinan administration which leads as the role model to the later societies.
According to Allama Shabbir Ahmad Usmani, observe all kind of financial and moral obligations to the kinsmen, and have care for the indigent and traveller and never squander what God had given you wealth. Squandering is, that wealth is expended in sins and meaningless things, or expended, in permissible things extravagantly which may mark the observation of obligations and lead to unlawful committals.

Wealth is a great bounty of God because it is a source of peacefulness in worship; it is a means to earning many virtues and performing excellent services of Islam. To squander wealth is a great un-thankfulness, which is committed due to satanic insinuation and temptation, and man becomes like the Satan. As the Satan expended the energies given by god in sins and misgivings, similarly a squanderer expends his wealth and bounty given by God in disobedience.

If a man always expends with generosity and sometime he has nothing to give. God is not happy at the empty-handed going of the hopeful beggar. He gives the generous men by virtue of the beggar's fortune. So if sometime thou art not able to give, speak gentle and sweet words to the comers that their hearts may not be broken. For examples he should say that he would serve the where god will give. Answering with harsh tone and immediately – there is the danger that previous virtues may be spoiled.

If the hand is narrowed they will reproach and say he is a miser. If the hand is outspread widespread they will reproach and say why so much is given away that indigence income. Neither the hand should be cherished in miserliness, nor should be outspread extremely. The middle course should be adopted and it is the best way.

It is the heart, and its hidden and secret motive, by which we are judged: for God knows them all.
In the Jewish Decalogue, which was given to a primitive and hard-hearted people, this refinement of kindness, to those in want and to wayfarer (i.e. total strangers whom you come across) find no place. Nor was there much danger of their wasting their substance out of exuberance. Even the command “to honour thy father and mother” comes after the ceremonial observance of this Sabbath. With us, the worship of God is linked up with kindness to parents, Kindred, those in want, those who are far from their homes though they may be total strangers to us. It is not mere verbal kindness. They have certain rights which must be fulfilled.

All charity, kindness, and help are conditioned by our own resources. There is no merit if we merrily spend out of bravado or for idle show. How many families are ruined by extravagant expenses of wedding, funerals, etc., or (as they may call it) to “oblige friends or relatives”, or to give to able bodied beggars? To no one was this command more necessary than it is to Muslims of the present day.

Spend thrifts are not merely fools. They are of the same family as the Evil Ones. And the chief of the Evil Ones (notice the transition from the plural to the singular) – Satan himself – fell by his ingratitude to God. So those who misuse or squander God’s gifts are also ungrateful to God.

You may have to “turn away” from people for two reasons. (1) You may not have the where withal with which to entertain them and give them their rights; or (2) You may have to give them a wide berth because their thoughts are not as your thoughts. In either case there is no need to speak harshly to them. Your ward should be those of “easy kindness”, i.e., the sort of kindness (not merely frigid politeness) which flows from piety and understanding and smoothes over unnecessary difficulties in human intercourse.
We are not to be so lavish as to make ourselves destitute and incur the just censure of wise men, nor is it becoming to keep back our resources from the just needs of those who have a right to our help. Even strangers have such a right, as we saw in verse no. 26 of Surah Bani Israel. But we must keep a just measure between our capacity and other people’s needs.

If a foolish spendthrift pretends that his generosity, even if it ruins himself, is good for other people, he is reminded that God will take care of all. He knows every one’s true needs and cares for them. He gives in abundance to some, but in all cases He gives just measure. Who are we to pretend to greater generosity? A foolish Hindi saying current in Oudh: jis ko na de Maula, tis ko de Asafud Daula: “To thou to whom the lord gives not, Asafud Daula gives”. It was extravagance that ruined his family and wiped his Kingdom of Oudh of the map.

The Arabs were addicted to females’ infanticides. In a society perpetually at war a son was a source of strength where as daughter was a source of weakness. Even now infanticide is not unknown in other countries for economic reasons. This crime against children’s lives is now characterized as one of the greatest of sins.

According to Maulana Maududi, the verse strictly deals to the prohibition of killing young ones, which were prevalent in the ancient societies, as they commit this crime due to lack or shortage of income, and for the fear of starvation use to kill their children. Though they weren’t aware that the Allah Almighty already provided the means of sustenance, but it is the matter that they are blind to get benefit from it. It is Allah Almighty who has created us and settled us on this land. Only Allah Almighty has the right to decide the fate of humankind.

Fornication is a very grievous crime. One should not even draw near fornication. It means he should not even commit those actions which are done by the
preliminary impulses of lewdness as seeing a woman without legitimate authority of Shari'ah, kissing a woman, shaking hand with a woman, etc, as customary in western society 40.

Literally, “It is evil as a road (on a way)”. Adultery is not only shameful in itself and in consistent with any self respect or respect for others, but it opens the road to many evils. It destroys the basis of the family; it works against the interest of children born or to be born; it may cause murders and feuds and loss of reputation and property, and also loosen permanently the bonds of society. Not only should it be avoided as a sin, but any approach or temptation to it should be avoided.

Under the strict limitations there lay down, a life may be taken for a life. The heir is given the right to demand the life; but he must not exceed due bounds, because he is helped by the law. Some commentators understand “he” in “he is helped (by the law)” to refer to the heir of the person against whom Qisas is sought. He too will be helped by the law, if the heir of the first slain exceeds the bounds of law 41.

In Maududi words, ‘do not take life’, does not only means the banishment of killing the other human being, it could also mean suicide or in other word taking one’s own life. Allah Almighty had made life sacred for us. The grievous sin murder is considered, it is under the same category. One should not consider that, he is the master of his owe life, and has full right over it. The life is the precious gift for us bestowed by Allah Almighty, of which one has no right to take, whether by murder or suicide.

Life is the property of Allah Almighty, so we should only protect this from any illegal use. The world is the transitory place, and here our purpose is to testify the Almightyness of Allah, the way He wish from us 42.

In Allama Usmani’s view, the kins of the murdered are empowered or authorized to take the vengeance of blood through the Government. But they should
not cross the limits when taking the vengeance, e.g. they should not get any other man beside the real culprit punished by the Government, or should not accuse the innocent man who has no hand in the murder, or should not cut the nose, ear, etc., of the murderer.

God helped him that He gave him the right of demanding vengeance of murder, and ordered he rulers not to fail in getting the vengeance of blood for the heirs; finally everyone is bound by driving law to help in getting, the vengeance. So it is not fair and just to help the murderer contrariwise. The heirs should also observe justice in vengeance i.e. they should not kill two for the one, or should not kill the son or brother of the murderer, if the murderer is not caught, as was the custom in the days of ignorance.

In Maulana Maududi’s view, according to Islamic Shari‘ah, permission to take life is based on five clauses;

1. Qisas for intentional murder.
2. To wage Jihad for the cause of Islam.
3. To punish the conspirator who tries to deride Islamic Government.
4. Death sentence for the fornication by the married male with other female or vice-versa.
5. Death sentence for apostasy.

If an orphan’s property is touched at all, it should be to improve it, or to give him something better than he had before, -never to take a personal advantage for the benefit of the guardian. A bargain that may be quite fair as between two independent persons would be, under this verse, unfair as between a guardian and his orphan ward until the latter attains the full age of understanding.
\textit{Ashuddahu} means the age when the orphan reaches his full maturity of strength and understanding, say between the ages of 18 and 30. The age of legal majority may be 18 (as for certain purposes in India) or 21 (as in England). For certain purposes in Muslims law it may be less than 18. In the orphan’s interest a much stricter standard is required in his case.

The definite article \textit{al} has here a generic meaning, and is best translated by “every”.

From the context the engagement referred to would relate to beneficial contracts connected with the orphan’s property or promise or undertakings given by the guardian or implied in the terms of his appointment. But the words are general and may be interpreted in the general sense. Note that this sentence does not occur in the similar passages in 6: 152, where there was a discussion of social laws, it is appropriate here, where there was a discussion is about the guardian’s personal and individual responsibility in a spiritual sense.

Giving just measure and weight is not only right in itself but is ultimate to the best spiritual and material advantage of the person who gives it.

Idle curiosity may lead us to nose into evil, through our ignorance that it is evil. We must guard against every such danger. We must only hear the things that are known to us to be of good report, and such things that are good and instructive, and entertain in our hearts feelings or in our minds ideas that we have reason to expect will be spiritually profitable to us. We shall be called to account for the exercise of every faculty that has been given to us. This goes a little farther than a famous sculpture and Japanese temple in which three monkeys are shown as putting their hands to their ears, eyes and mouth, respectively, to show that they were not prepared to hear any evil, or
see any evil, or speak any evil. Here idle curiosity is condemned. Futility is to be avoided even if it does not reach the degree of positive evil 45.

According to Maulana Maududi, the aspect deals that the humankind should pursue to path of knowledge, avoiding suspicion in individual and social life. This Islamic principle had mean with the courteousness, legal, political, administration, education and its development or we could say at every aspect of life.

Actually morality has been discussed, to avoid suspicion, indecency and do not be plaintiff to any one without clear proofs. Thus it has been made law that one will not be imprisoned only on the basis of suspicion, instead after the due judicial processes 46.

Insolence, or arrogance, or undue elation at our power or capacities, is the first slip to many evils. Besides, it is unjustified. All our gift are from God.

The moral law, as expounded in verse nos. 23-39, is far in advance of the bare Decalogue in that it searches out motives, and draws pointed attention to the weak and helpless if we are to reach any spiritual understanding of God. It begins with a mention of the worship of the One True God and ends with a similar mention to close the argument, thus emphasizing the fact that the love of God embraces the love of man and practical help to our fellow- creatures 47. The invaluable and profound instructions which are given above are those things of knowledge, wisdom and moralism which is secure wisdom recognizes, and which are communicated to the Ummi Prophet (صلى الله عليه وسلم) directly under the series of divine Revelations, and sent to the Ummi Ummat indirectly through the Prophet (صلى الله عليه وسلم) 48.

"Blameworthy" carries us back by reminiscence to verse 29, between which and this verse there is mention of crimes committed out of covetousness and a selfish disregard of other people’s fights. "Rejected" carries back our reminiscence to verse
18, from which to here we have a reference to course wider than the former. Note how subtle the two streams of thought are here co-joined.49

The Sermon at the Farewell Pilgrimage

This Historical Prophetic Sermon (Khutbah Hujjatul Wida) is treated by the Islamic scholars and historians alike as a landmark in the history of international law and human rights. The Prophet صلى الله عليه وسلم in his last speech has emphasised upon the basic human values and the safeguards for their implementation in the society in their real sense.

On the twenty-fifth of Dhū al Qa‘dah of the year 10 AH, the Prophet صلى الله عليه وسلم set forth toward Makkah accompanied by all his wives, each riding her own carriage. He was followed by a great multitude, numbering 90,000 according to some historians, 114,000 according to others. These men marched with consciences deeply moved by faith, with hearts full of joy and contentment at their intended accomplishment of pilgrimage to the holy sanctuary of God. They reached Dhū al Hulayfah at the end of the day and there they spent the night. On the following morning, the Prophet صلى الله عليه وسلم put himself into a sacral state and the Muslims followed his example. Everyone shed his clothes and put on two pieces of unsewn white cloth, the simplest of all garments. In this way, they expressed the absolute egalitarianism of Islam in its most eloquent and highest sense. Muhammad صلى الله عليه وسلم turned to God with all his heart and mind praying, “At your service, O God! At your service! You have no associates! At your service, O God! Praise be to God! Thanks be to God! At your service, O God! You have no associates! At your service, O God! You have no associates, O God! At your service, O God!” and all the Muslims repeated these words after him. Deserts, valleys, and mountains reverberated with this prayer. The sky itself reverberated with the call of those pious, believing, and
worshiping souls. Thus the procession continued on its way to Makkah, its thousands and hundreds of thousands filling the air with the sound of this prayer. At every mosque on the way to Makkah, the procession would stop to pray, and the voices of the thousands would rise proclaiming the unity of God, their praise and blessing in anticipation of the great day of pilgrimage that awaited them. Everyone was impatient to reach the sanctuary of God that he revered and honoured more than anything else in the world. Undoubtedly, the deserts, mountains, and valleys, the trees, birds and skies were moved by what they witnessed in this great call, the like of which they had never heard before! They and the Peninsula had been blessed by the advent of this illiterate Prophet Muhammad (صلى الله عليه وسلم), the Servant of God and His Apostle.

When the procession reached Sarif, midway between Makkah and Madinah, Muhammad (صلى الله عليه وسلم) said to his companions: “Those of you who do not have any sacrificial animals with them may perform the lesser pilgrimage. But those who do must perform the complete ritual”. The procession continued and reached Makkah on the fourth of Dhū al Hijjah. Upon arrival, the Prophet (صلى الله عليه وسلم), followed by the Muslims, hastened to the Ka’bah. There, the Prophet (صلى الله عليه وسلم) went to the Black Stone and kissed it. Then he circumambulated the holy sanctuary seven times, the first three of which he did at a trotting pace, just as he had done in the lesser pilgrimage. He then proceeded to the Sanctuary of Ibrahim where he performed a prayer. returning back to the Black Stone, he kissed it once more and then left the temple area for the Mount of al Safā, and from there performed the Sa’y between that mount and the mount of Marwah⁵⁰. He then announced to the Pilgrims that whoever did not have an animal to sacrifice should now desacralize himself and bring his pilgrimage ritual to a close. Some pilgrims hesitated, and this angered the Prophet (صلى الله عليه وسلم). He repeated his command. When he entered his tent, the anger visible on
his face, 'Aishah inquired about it. He answered, “How can I be otherwise when my commands are not obeyed?” As a visiting companion inquired again, adding, “Whoever angers the Prophet (صلى الله عليه وسلم) of God will taste of the fire,” the Prophet (صلى الله عليه وسلم) said, “Is it not strange that I command the people and find them hesitant to obey? If it were permissible to come to pilgrimage without animals to sacrifice, I too would have been content to perform the lesser pilgrimage and desacralize at this moment”. So relates Muslim. When the news of the Prophet’s anger reached the people, thousands of them terminated their pilgrimage regretfully. Even the wives of the Prophet (صلى الله عليه وسلم), including his daughter Fātimah, did likewise. Only those people who had brought sacrificial animals with them kept themselves in the sacral state.

While the Muslims were performing their pilgrimage, ‘Ali returned from his campaign in Yemen. Before entering Makkah, and upon hearing that the Prophet (صلى الله عليه وسلم) of God was leading the pilgrimage, ‘Ali put himself in a sacral state and wore the pilgrim garments. Upon finding that his wife Fātimah, had desacralized herself, he asked for an explanation. He was told that the Prophet (صلى الله عليه وسلم) had commanded that only lesser pilgrimage was permitted to those who did not bring their sacrificial animals with them. ‘Ali went to the Prophet (صلى الله عليه وسلم) and there related to him the news of his campaign in Yemen. When he finished, the Prophet (صلى الله عليه وسلم) asked him to circumambulate the holy sanctuary and then to desacralize himself like the rest. ‘Ali retorted: “Prophet (صلى الله عليه وسلم) of God, I have recited exactly the same prayers as you have”. The Prophet (صلى الله عليه وسلم) said. “Even so, desacralize yourself as your companions have done”. ‘Ali rejoined again: “Prophet (صلى الله عليه وسلم) of God, when I put myself in the sacral state, I recited: ‘O god, I intend to perform this pilgrimage in identically the same manner as Your Prophet, Servant,
and Apostle Muhammad’." The Prophet (صلى الله عليه وسلم) then asked ‘Ali whether he had any sacrificial animals and, when ‘Ali answered in the negative, Muhammad (صلى الله عليه وسلم) gave him some of his own. For this reason, ‘Ali kept his sacral state and performed the ritual of pilgrimage in its complete form.

On the eighth day of Dhū al Hijjah, the day of al Tarwiyāh, Muhammad (صلى الله عليه وسلم) went to Minā and spent the day and night in that locality. There, he performed all the prayers incumbent during that period. The following day, Muhammad (صلى الله عليه وسلم) recited his dawn prayer and, at sunrise, proceeded on his camel, al Qaswā’, to the Mount of ‘Arafāt, followed by all the pilgrims. As he ascended the mountain, he was surrounded by thousands of his companions reciting the talbiyah and the takbir ⁵² The Prophet (صلى الله عليه وسلم) naturally heard their recitations but made no effort either to stop them or to encourage them. He commanded some of his companions to put up a tent for him on the east side of the mountain at a spot called Namirah. When the sun passed the zenith, he ordered his camel to be saddled, and rode on it until he reached the valley of ‘Uranah.

It was there that he, while sitting on his camel delivered his sermon in a loud voice to his people. Rabī‘ah ibn Umayyah ibn Khalaf repeated the sermon after him sentence by sentence. He began by praising God and thanking Him, and then turning to the people, he said:

"O Men, listen well to my words, for I do not know whether I shall meet you again on such an occasion in the future. O Men, your lives and your property shall be inviolate until you meet your Lord. The safety of your lives and of your property shall be as inviolate as this holy day and holy month. Remember that you will indeed meet your Lord, and that. He will indeed reckon your deeds. Thus do I warn you. Whoever of you is keeping a trust of someone else shall return that trust to its rightful owner. All interest obligation shall henceforth be waived. Your capital, however, is
yours to keep. You will neither inflict nor suffer inequity. God has judged that there shall be no interest and that all the interest due to ‘Abbas ibn ‘Abd al Muttalib shall henceforth be waived. Every right arising out of homicide in pre-Islamic days is henceforth waived. And the first such right that I waive is that arising from the murder of Rabī’ah ibn al Hārith ibn ‘Abd al Muttalib. O Men, the devil has lost all hope of ever being worshipped in this land of yours. Nevertheless, he still is anxious to determine the lesser of your deeds. Beware of him, therefore, for the safety of your religion. O Men, intercalation or tampering with the calendar is evidence of great unbelief and confirms the unbelievers in their misguidance. They indulge in it one year and forbid it the next in order to make permissible that which God forbade, and to forbid that which God has made permissible. The pattern according to which the time is reckoned is always the same. With God, the months are twelve in number. Four of them are holy. Three of these are successive and one occurs singly between the months of Jumādā and Sha‘bān. O Men, to you a right belongs with respect to your women and to your women a right with respect to you. It is your right that they not fraternize with any one of whom you do not approve, as well as never to commit adultery. But if they do, then God has permitted you to isolate them within their homes and to chastise them without cruelty. But if they abide by your right, then to them belongs the right to be fed and clothed in kindness. Do treat your women well and be kind to them, for they are your partners and committed helpers. Remember that you have taken them as your wives and enjoyed their flesh only under God’s trust and with His permission. Reason well, therefore, O Men, and ponder my words which I now convey to you. I am leaving you with the Book of God and the Sunnah of His Prophet. If you follow them, you will never go astray. O Men, harken well to my words. Learn that every Muslims is a brother to every Muslim and that the Muslims constitute one brotherhood. Nothing shall be legitimate to a Muslim which belongs to a fellow Muslim unless it was given freely and willingly. Do not, therefore, do injustice to your own selves. O God, have I conveyed Your message?”

As the Prophet (صلى الله عليه وسلم) delivered his speech, Rabī’ah repeated it sentence by sentence and asked the people every now and then whether or not they had understood the prophet’s words and committed them to memory. In order to make sure
that the people understood and remembered, the Prophet (صلی الله علیه وسلام) used to ask his crier to say: “The Prophet (صلی الله علیه وسلام) of God asks, ‘Do you know which day is this?’” The audience would answer, “Today is the day of the greater pilgrimage”. The Prophet (صلی الله علیه وسلام) then would say, “Tell them that God has declared inviolate your lives and your property until the day you will meet your Lord; that he has made the safety of your property and of your lives as inviolate as this day”. At the end of his speech, the Prophet (صلی الله علیه وسلام) asked, “O God, have I conveyed your message?” And the people answered from all corners, “Indeed so! God be witness”.

When the Prophet (صلی الله علیه وسلام) finished his sermon, he dismounted and waited until noon, at which time he performed both the noon and the mid afternoon prayers. He then mounted his camel and proceeded to al Sakharát where he recited to the people the concluding divine revelation: “Today I have completed for you your religion, and granted you the last of my last of my blessings. Today I have accepted for you Islām as the religion.” When Abū Bakr heard this verse he realized that with the completion of the divine message, the Prophet’s life was soon to come to a close.

The Prophet (صلی الله علیه وسلام) left ‘Arafāt and spent his night at Muzdalifah. In the morning, he visited first the sanctuary of al Mash‘ar, and then Minā on the road to which he threw pebbles against the symbol of Satan. When he reached his tent, he sacrificed 63 camels, one for each year of his life. ‘Ali sacrificed the rest of the animals which the Prophet (صلی الله علیه وسلام) had brought with him from Madinah. The Prophet (صلی الله علیه وسلام) then shaved his head and declared his pilgrimage completed. This pilgrimage is sometimes called “the Farewell Pilgrimage”. Others have called it the “Pilgrimage of the Annunciation” and others, the, “Pilgrimage of Islām”. In truth, the Prophet’s pilgrimage was all these at ones. It was the “Farewell Pilgrimage” because Muhammad (صلی الله علیه وسلام) saw Makkah and the holy sanctuary for the last time. It
was also the “Pilgrimage of Islām” because God completed His religion for the benefit of mankind and granted to them His total blessing. Finally, it was also the “Pilgrimage of the Annunciation” because the Prophet (صلى الله عليه وسلم) had completed his announcement and conveyance to the people of what he has been commanded by God to announce and to convey. Muhammad (صلى الله عليه وسلم) was truly only an announcer, a conveyor, and a warner sent to a people who see the truth and believe.

The Prophet (صلى الله عليه وسلم) publicly announced:

الحمد لله نhammad ونستعينه ونستغفره ونتوب إليه ونتعوذ بالله من شرور أنفسنا ومن سيئات أفعالنا من يهدى الله فلا مضلل له ومن يضللنه فلا هادي له، وأشهد أن لا إله إلا الله وحده لا شريك له وأشهد أن محمداً عهد ورسوله.

أو صيكم إзыاب الله بيتقوى الله وأحكم على طاعته وأستفتح بالذى هو خيرًا أما بعد أيها الناس اسمعوا منى أبين لكم فإني لا أدري لعلى لا ألقاكم بعد عاصي هذا في موقف هذا

ايمها الناس إن دماءكم وأموالكم وأعرا ضكم حرام عليكم إلى أن تلقوا ربكم كحرم بومكم هذا في شهركم هذا — الأهل بلغت اللهم، فاشهد فمن كانت عنده أمانة فإليدها إلى من أدمنه عليها

إذا ربا الجاهلية موضوع ولكن لك رعوسم أن تظلمون ولا تظلمون قضي الله أنه لاربأ. وإن أول ربا أبداً به عمي العباس بن عبد المطلب

إذا نداء الجاهلية موضوعة وإن أول دم نبدأ به دم عامر بن ربيعة بن الحارث بن عبد المطلب

إذا نظر الجاهلية موضوعة غير السدانة والسقية

والعدم قد وشهد العدم ماقتل بالعصا والحجر وفيه مانة بغير، فمن زاد فهو من أهل الجاهلية — ألا هل بلغت اللهم فاشهد.
أما بعد أيها الناس إن الشيطان قد ينس أن يعبد في أرضكم هذه، ولكنه قد رضى أن يطاع فيها سوى ذلك مما تحرون من أعمالكم فاحذروه على دينكم

أيها الناس إنما النسيء زيادة في الكفر يضل به الذين كفروا بحلونه عاماً ويحر موهبه عالماً ليوهبوه عدة ما حرم الله فيبلوهم ماحرم الله ويحرموا ما أحل الله. وإن الزمان قد استدار كهينته يوم خلق الله السماوات والأرض، وإن عدة الشهور عند الله اثنا عشر شهرا في كتاب الله يوم خلق السماوات والأرض منها أربعة حرماً محرماً وحده فرد ذي القدر وذو الحجة والحرم ورغب مشرب الذي بين جمادى وسعيان—لا هل بلغت الله فاشهد

أما بعد أيها الناس إن ننساكم عليكم حقاً ولكم عليها حق. لكم علينا أن لا يوطن فرشكم عبركم ولا يد خلق أحداً تكر حونه بيوتكم إلا بالذكيم ولا يتنين بالحشة. فإن فعل فإن الله قد أذن لكم أن تعزووه وتهجرون في المضايع خيراً فأنتم عنكم عوان لا يملكون لأنفسهم شيئاً وإنكم إذا أخذ تموهون بأمات الله واستحللتم فروهن بكلمة الله فاتقوا الله في النساء وا ضر بوهن ضرباً غير مبرح، فإن انتهين واطعنكم فكلكم رقعون وكسوتهن بالمعروف واستوصوا بالنساء خيراً ستوصوا بهن جيراً—لا هل بلغت الله فاشهد

أيها الناس إنما المؤمنون إخوة ولا يحل لامرأة مال أخيه إلاعن طيب نفس منه. لا هل بلغت الله فاشهد

فلا تر جهن بعدى كفاراً يضرب بعضكم رقاب بعض فإن قاتكم ما إن أخدتم به لن تضروا بهما: كتاب الله وسنة نبيه. لا هل بلغت الله فاشهد

أيها الناس إن ريك واحد وإن ابكم واحد كلكم لأدم وآدم من تراب أكرمكم عند الله أتقاكم، وليس لعربي على عمجم فضل إلا بالتقوى. لا هل بلغت الله فاشهد قالوا: نعم- قال: فثبب الشاهد الغائب

أيها الناس إن الله قدقص لكل وارث نصيبه من الميراث ولا يجوز لوارث وصية ولا يجوز وصية في أكثر من الثالث والولد للفرش ولعاهر
The Holy Qur’ān and the Prophetic Seerah alike provided full safeguards to the preservation and implementation of the fundamental rights in the society. That the reason why these basic values were fully observed by the Muslim society through the ages inspire of all the perversion and deviations. The Muslim scholars, reformers and revivalist, throughout the Islamic History provided full support to the implementation of these values. It is not only a historical fact even in the modern times where the Muslim Ummah was disintegrated into various nation states and had no power and its commitment and sincerity towards the implementation of these values. The Muslim intelligentsia and the sincere rulers are always been agreed to sign so many treatise and declarations regarding the full observations of fundamental rights in the Muslim society. It is not only due to modern western pressures in the form of democratic parliamentarianism, but due to the inherent shura of teaching and democratic attitude and behaviour reflected in the text, Muslims are committed to observe these human values.
Notes & References:


4. Al-MusHm, Kitab Jami-al Sahih, Hadith No. 2356, chapter 35, see *Kitab al Fada 'il*, Vol. 4, p. 51


6. The Qur'an 49: 13


8. The Qur'an 17: 23-39

9. The Qur’an 4: 36-38

10. The Qur’an 49: 10-12

11. Hamidullah, *op. cit.*, pp. 29-30


13. The Qur’an 3: 133-134

14. The Qur’an 42: 40

15. Hamidullah, *op. cit.*, p. 30

16. The Qur’an 4: 116

17. The Qur’an 39: 53

18. Al-MusHm, Kitab Jami-al Sahih, Hadith No. 2752, chapter 4, see *Kitab al Tauba*, vol. 4A, p. 261

19. Al-MusHm, Kitab Jami-al Sahih, Hadith No. 2675, chapter 1, see *Kitab al Zikr wa al Dua wa al Tauba wa al Istighfar*, Vol. 4A, p. 228

20. The Qur’an 11: 14


24. The Qurʾān 3: 110
25. The Qurʾān 103: 1-3
27. The Qurʾān 2: 219
28. The Qurʾān 4: 43
29. The Qurʾān 5: 93-94
30. Hamidullah, *op. cit.*, p. 32
31. Al-Muslim, Kitab Jami-al Sahih, Hadith No. 2246R2, chapter 1, see *Kitab Al Alfaz Min Al-Adab Wa Ghairiha*, Vol. 4, p. 4.
32. Hamidullah, *op. cit.*, p. 33
33. The Qurʾān 2: 286
40. Usmani, *op. cit.*, note no. 42, p. 1287
42. Maududi, *op. cit.*, p. 614
43. Usmani, *op. cit.*, note no. 45-46, p. 1288
44. Maududi, *op. cit.*, p. 614
46. Maududi, *op. cit.*, p. 616
50. i.e., running to and fro between the two mountains. This part of the pilgrimage ritual is a re-creation of Hagar’s desperation running on the same plain in search of water for her son Isma'il. —Tr.

51. Muslim ibn al Hajjaj, 817-865 CE, compiler of the Sahih, the second canonical collection of Hadith. —Tr.

52. The invocations which include either “At your service, O Lord” or “God is Great” as dominant theme. —Tr.


Chapter 4

Muslim Declarations of the Modern World
The theory and practices of human rights in Islam, throughout the ages is a well established fact recognised by Muslims, and non-Muslims alike, in the modern world. Though there are severe challenges to the Muslim community, it is committed to the basic teachings and values inherited in the Islamic sources. The writings and ideas of Muhammad Abduh (d. 1905), Rashid Rida (d. 1935), Muhammad Iqbal (d. 1938), Syed Abul Ala Maududi (d. 1979), Syed Qutb (d. 1966), and many others accompanied by attempts to create an Islamic platform to represent and seek, a modern expression of Islamic unity and observation of human rights. The Caliphate abolished in 1924 by Mustafa Kemal Ataturk (d. 1938), was the tragedy that necessitated the creation of alternative arrangement to fill the gap. The Muslim political leadership, as well as the intelligentsia apparently felt, that International Islamic Organization could play the role of homogenising the thinking and policy of Muslim political units and acting as a collective spokesman for their interest\(^1\). The Organization of Islamic Conferences established in 1969 and other international Muslim associations reaffirmed their commitment and sincere following to the Islamic unity and observation of human rights. In the modern times, they necessitated to issue a number of declarations and statements in order to announce publicly the Islamic theory and practice of human rights. These modern Muslim declarations provide reaffirmation of the faith and practice of human values, taught by the Holy Qur‘ān and Sunnah. They prove the human values as the basic Islamic teaching to be implemented at any cost and in all the situations and circumstances, whether Muslims are in majority or minority. A study of the some of important Muslim declarations in this regard, testifies the continuation of Muslim commitment to the observation of Islamic teachings in their personal and collective life.
Paris Declaration of Human Rights

Adopted by the Islamic Council of Europe on 21 Dhul Qadah 1401, i.e., 19 September 1981 in Paris France. This is a declaration for mankind, a guidance and instruction to those who fear God. (Al Qur’an, Al-Imran 3:138)

Foreword

Islam gave to mankind an ideal code of human rights fourteen centuries ago. These rights aim at conferring honour and dignity on mankind and eliminating exploitation, oppression and injustice.

Human rights in Islam are firmly rooted in the belief that God, and God alone, is the Law Giver and the Source of all human rights. Due to their Divine origin, no ruler, government, assembly or authority can curtail or violate in any way the human rights conferred by God, nor can they be surrendered.

Human rights in Islam are an integral part of the overall Islamic order and it is obligatory on all Muslim governments and organs of society to implement them in letter and in spirit within the framework of that order.

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 more and more people throughout the world.

I sincerely hope that this Declaration of Human Rights will give a powerful impetus to the Muslim peoples to stand firm and defend resolutely and courageously the rights conferred on them by God.

This Declaration of Human Rights is the second fundamental document proclaimed by the Islamic Council to mark the beginning of the 15th Century of the
Islamic era, the first being the Universal Islamic Declaration announced at the International Conference on The Prophet Muhammad (صلى الله عليه وسلم) and his Message, held in London from 12 to 15 April 1980.

The Universal Islamic Declaration of Human Rights is based on the Qur'ān and the Sunnah and has been compiled by eminent Muslim scholars, jurists and representatives of Islamic movements and thought. May God reward them all for their efforts and guide us along the right path.

Paris 21 Dhul Qaidah 1401 Salem Azzam
19th September 1981 Secretary General

O men! Behold, We have created you all out of a male and a female, and have made 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. (Al Qur’ān, Al-Hujurat 49:13)

Preamble

WHEREAS the age-old human aspiration, for a just world order wherein people could live, develop and prosper in an environment free from fear, oppression, exploitation and deprivation, remains largely unfulfilled;

WHEREAS the Divine Mercy unto mankind reflected in its having been endowed with super-abundant economic sustenance is being wasted, or unfairly or unjustly withheld from the inhabitants of the earth;

WHEREAS Allah Almighty (God) has given mankind through His revelations in the Holy Qur’ān and the Sunnah of His Blessed Prophet Muhammad (صلى الله عليه وسلم) an abiding legal and moral framework within which to establish and regulate human institutions and relationships;
WHEREAS the human rights decreed by the Divine Law aim at conferring dignity and honour on mankind and are designed to eliminate oppression and injustice;

WHEREAS by virtue of their Divine source and sanction these rights can neither be curtailed, abrogated or disregarded by authorities, assemblies or other institutions, nor can they be surrendered or alienated;

Therefore we, as Muslims, who believe

a) In God, the Beneficent and Merciful, the Creator, the Sustainer, the Sovereign, the sole Guide of mankind and the Source of all Law;

b) In the Vicegerency (Khilafah) of man who has been created to fulfil the Will of God on earth;

c) In the wisdom of Divine guidance brought by the Prophets, whose mission found its culmination in the final Divine message that was conveyed by the Prophet Muhammad (صلی الله عليه وسلم) to all mankind;

d) That rationality by itself without the light of revelation from God can neither be a sure guide in the affairs of mankind nor provide spiritual nourishment to the human soul, and, knowing that the teachings of Islam represent the quintessence of Divine guidance in its final and perfect form, feel duty-bound to remind man of the high status and dignity bestowed on him by God;

e) In inviting all mankind to the message of Islam;

f) That by the terms of our primeval covenant with God our duties and obligations have priority over our rights, and that each one of us is under a bounden duty to spread the teachings of Islam by word, deed, and indeed in all gentle ways, and to make them effective not only in our individual lives but also in the society around us;
g) In our obligation to establish an Islamic order:

i) Wherein all human beings shall be equal and none shall enjoy a privilege or suffer a disadvantage or discrimination by reason of race, colour, sex, origin or language;

ii) Wherein all human beings are born free;

iii) Wherein slavery and forced labour are abhorred;

iv) Wherein conditions shall be established such that the institution of family shall be preserved, protected and honoured as the basis of all social life;

v) Wherein the rulers and the ruled alike are subject to, and equal before, the Law;

vi) Wherein obedience shall be rendered only to those commands that are in consonance with the Law;

vii) Wherein all worldly power shall be considered as a sacred trust, to be exercised within the limits prescribed by the Law and in a manner approved by it, and with due regard for the priorities fixed by it;

viii) Wherein all economic resources shall be treated as Divine blessings bestowed upon mankind, to be enjoyed by all in accordance with the rules and the values set out in the Qur’ān and the Sunnah;

ix) Wherein all public affairs shall be determined and conducted, and the authority to administer them shall be exercised after mutual consultation (Shura) between the believers qualified to contribute to a decision which would accord well with the Law and the public good;

x) Wherein everyone shall undertake obligations proportionate to his capacity and shall be held responsible pro rata for his deeds;
xi) Wherein everyone shall, in case of an infringement of his rights, be assured of appropriate remedial measures in accordance with the Law;

xii) Wherein no one shall be deprived of the rights assured to him by the Law except by its authority and to the extent permitted by it;

xiii) Wherein every individual shall have the right to bring legal action against anyone who commits a crime against society as a whole or against any of its members;

xiv) Wherein every effort shall be made to

(a) Secure unto mankind deliverance from every type of exploitation, injustice and oppression,

(b) Ensure to everyone security, dignity and liberty in terms set out and by methods approved and within the limits set by the Law;

Do hereby, as servants of Allah Almighty and as members of the Universal Brotherhood of Islam, at the beginning of the Fifteenth Century of the Islamic Era, affirm our commitment to uphold the following inviolable and inalienable human rights that we consider are enjoined by Islam.

I Right to Life

a) Human life is sacred and inviolable and every effort shall be made to protect it. In particular no one shall be exposed to injury or death, except under the authority of the Law.

b) Just as in life, so also after death, the sanctity of a person's body shall be inviolable. It is the obligation of believers to see that a deceased person's body is handled with due solemnity.
II Right to Freedom

a) Man is born free. No inroads shall be made on his right to liberty except under the authority and in due process of the Law.

b) Every individual and every people has the inalienable right to freedom in all its forms — physical, cultural, economic and political — and shall be entitled to struggle by all available means against any infringement or abrogation of this right; and every oppressed individual or people has a legitimate claim to the support of other individuals and/or peoples in such a struggle.

III Right to Equality and Prohibition against Impermissible Discrimination

a) All persons are equal before the Law and are entitled to equal opportunities and protection of the Law.

b) All persons shall be entitled to equal wage for equal work.

c) No person shall be denied the opportunity to work or be discriminated against in any manner or exposed to greater physical risk by reason of religious belief, colour, race, origin, sex or language.

IV Right to Justice

a) Every person has the right to be treated in accordance with the Law, and only in accordance with the Law.

b) Every person has not only the right but also the obligation to protest against injustice; to recourse to remedies provided by the Law in respect of any unwarranted personal injury or loss; to self-defence against any charges that are preferred against him and to obtain fair adjudication before an independent judicial tribunal in any dispute with public authorities or any other person.
c) It is the right and duty of every person to defend the rights of any other person and the community in general (Hisbah).

d) No person shall be discriminated against while seeking to defend private and public rights.

e) It is the right and duty of every Muslim to refuse to obey any command which is contrary to the Law, no matter by whom it may be issued.

V Right to Fair Trial

a) No person shall be adjudged guilty of an offence and made liable to punishment except after proof of his guilt before an independent judicial tribunal.

b) No person shall be adjudged guilty except after a fair trial and after reasonable opportunity for defence has been provided to him.

c) Punishment shall be awarded in accordance with the Law, in proportion to the seriousness of the offence and with due consideration of the circumstances under which it was committed.

d) No act shall be considered a crime unless it is stipulated as such in the clear wording of the Law.

e) Every individual is responsible for his actions. Responsibility for a crime cannot be vicariously extended to other members of his family or group, who are not otherwise directly or indirectly involved in the commission of the crime in question.

VI Right to Protection against Abuse of Power

Every person has the right to protection against harassment by official agencies.

He is not liable to account for himself except for making a defence to the charges made
against him or where he is found in a situation wherein a question regarding suspicion of his involvement in a crime could be reasonably raised

VII Right to Protection against Torture

No person shall be subjected to torture in mind or body, or degraded, or threatened with injury either to himself or to anyone related to or held dear by him, or forcibly made to confess to the commission of a crime, or forced to consent to an act which is injurious to his interests.

VIII Right to Protection of Honour and Reputation

Every person has the right to protect his honour and reputation against calumnies, groundless charges or deliberate attempts at defamation and blackmail.

IX Right to Asylum

a) Every persecuted or oppressed person has the right to seek refuge and asylum. This right is guaranteed to every human being irrespective of race, religion, colour and sex.

b) Al Masjid Al Haram (the sacred house of Allah Almighty) in Mecca is a sanctuary for all Muslims.

X Rights of Minorities

a) The Qur'anic principle "There is no compulsion in religion" shall govern the religious rights of non-Muslim minorities.

b) In a Muslim country religious minorities shall have the choice to be governed in respect of their civil and personal matters by Islamic Law, or by their own laws.
XI Right and Obligation to Participate in the Conduct and Management of Public Affairs

a) Subject to the Law, every individual in the community (Ummah) is entitled to assume public office.

b) Process of free consultation (Shura) is the basis of the administrative relationship between the government and the people. People also have the right to choose and remove their rulers in accordance with this principle.

XII Right to Freedom of Belief, Thought and Speech

a) Every person has the right to express his thoughts and beliefs so long as he remains within the limits prescribed by the Law. No one, however, is entitled to disseminate falsehood or to circulate reports which may outrage public decency, or to indulge in slander, innuendo or to cast defamatory aspersions on other persons.

b) Pursuit of knowledge and search after truth is not only a right but a duty of every Muslim.

c) It is the right and duty of every Muslim to protest and strive (within the limits set out by the Law) against oppression even if it involves challenging the highest authority in the state.

d) There shall be no bar on the dissemination of information provided it does not endanger the security of the society or the state and is confined within the limits imposed by the Law.

e) No one shall hold in contempt or ridicule the religious beliefs of others or incite public hostility against them; respect for the religious feelings of others is obligatory on all Muslims.
XIII Right to Freedom of Religion

Every person has the right to freedom of conscience and worship in accordance with his religious beliefs.

XIV Right to Free Association

a) Every person 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 right (ma'roof) and to prevent what is wrong (munkar).

b) Every person is entitled to strive for the establishment of institutions where under an enjoyment of these rights would be made possible. Collectively, the community is obliged to establish conditions so as to allow its members full development of their personalities.

XV The Economic Order and the Rights Evolving There from

a) In their economic pursuits, all persons are entitled to the full benefits of nature and all its resources. These are blessings bestowed by God for the benefit of mankind as a whole.

b) All human beings are entitled to earn their living according to the Law.

c) Every person is entitled to own property individually or in association with others. State ownership of certain economic resources in the public interest is legitimate.

d) The poor have the right to a prescribed share in the wealth of the rich, as fixed by Zakah, levied and collected in accordance with the Law.

e) All means of production shall be utilized in the interest of the community (Ummah) as a whole, and may not be neglected or misused.
f) In order to promote the development of a balanced economy and to protect society from exploitation, Islamic Law forbids monopolies, unreasonable restrictive trade practices, usury, the use of coercion in the making of contracts and the publication of misleading advertisements.

g) All economic activities are permitted provided they are not detrimental to the interests of the community (Ummah) and do not violate Islamic laws and values.

XVI Right to Protection of Property

No property may be expropriated except in the public interest and on payment of fair and adequate compensation.

XVII Status and Dignity of Workers

Islam honours work and the worker and enjoins Muslims not only to treat the worker justly but also generously. He is not only to be paid his earned wages promptly, but is also entitled to adequate rest and leisure.

XVIII Right to Social Security

Every person has the right to food, shelter, clothing, education and medical care consistent with the resources of the community. This obligation of the community extends in particular to all individuals who cannot take care of themselves due to some temporary or permanent disability.

XIX Right to Found a Family and Related Matters

a) Every person is entitled to marry, to found a family and to bring up children in conformity with his religion, traditions and culture. Every spouse is entitled to such rights and privileges and carries such obligations as are stipulated by the Law.
b) Each of the partners in a marriage is entitled to respect and consideration from the other.

c) Every husband is obligated to maintain his wife and children according to his means.

d) Every child has the right to be maintained and properly brought up by its parents, it being forbidden that children are made to work at an early age or that any burden is put on them which would arrest or harm their natural development.

e) If parents are for some reason unable to discharge their obligations towards a child it becomes the responsibility of the community to fulfil these obligations at public expense.

f) Every person is entitled to material support, as well as care and protection, from his family during his childhood, old age or incapacity. Parents are entitled to material support as well as care and protection from their children.

g) Motherhood is entitled to special respect, care and assistance on the part of the family and the public organs of the community (Ummah).

h) Within the family, men and women are to share in their obligations and responsibilities according to their sex, their natural endowments, talents and inclinations, bearing in mind their common responsibilities toward their progeny and their relatives.

i) No person may be married against his or her will, or lose or suffer diminution of legal personality on account of marriage.

**XX Rights of Married Women**

Every married woman is entitled to:

a) Live in the house in which her husband lives;
b) Receive the means necessary for maintaining a standard of living which is not inferior to that of her spouse. and, in the event of divorce, receive during the statutory period of waiting (iddah) means of maintenance commensurate with her husband's resources, for herself as well as for the children she nurses or keeps, irrespective of her own financial status, earnings, or property that she may hold in her own rights;

c) Seek and obtain dissolution of marriage (Khul'a) in accordance with the terms of the Law. This right is in addition to her right to seek divorce through the courts.

d) Inherit from her husband, her parents, her children and other relatives according to the Law;

e) Strict confidentiality from her spouse, or ex-spouse if divorced, with regard to any information that he may have obtained about her, the disclosure of which could prove detrimental to her interests. A similar responsibility rests upon her in respect of her spouse or ex-spouse.

XXI Right to Education

a) Every person is entitled to receive education in accordance with his natural capabilities.

b) Every person is entitled to a free choice of profession and career and to the opportunity for the full development of his natural endowments.

XXII Right of Privacy

Every person is entitled to the protection of his privacy.

XXIII Right to Freedom of Movement and Residence

a) In view of the fact that the World of Islam is veritably Ummah Islamia, every Muslim shall have the right to freely move in and out of any Muslim country.
b) No one shall be forced to leave the country of his residence, or be arbitrarily deported there from without recourse to due process of Law.

Declaration of International Commission of Jurists

International Commission Of Jurists together with the University Of Kuwait, and the Union Of Arabs Lawyers, organised an International Seminar On Human Rights In Islam in December 1980, in order to provide a forum for Muslim lawyers and scholars from all parts of the Islamic world, to discuss among themselves, some of the subjects of critical importance to them, both in Muslim states and in secular states. After many vigorous and learned debates, the participants agreed upon a detailed statements of the Secretary of commission of jurists, Niall MacDermot, published the recommendations with the hopes that this publication maybe of value not only to Muslims, but to a wider public interest in the problems facing the world of Islam.

Recommendations of the Seminar are as follows:

Economic Social and Cultural Rights

In the economic sphere:

1. Fresh efforts are needed to replace the present economic system, considered to be a remnant of colonial times, with one applying Islam principles. Islam is man’s only hope of salvation from social and economic exploitation, and at the same time it enables Islamic states to relate to the rest of the world from a position of equality and justice.

2. National constitutions and covenants must include provisions for safeguarding economic rights in conformity with Islamic principles.

3. Ways and means should be provided for bringing help and relief to needy, deprived and oppressed groups at the local and universal legal instruments.
4. Islamic states are called upon to provide adequate guarantees for the social and economic rights provided for in local and universal legal instruments.

5. The Seminar recommends that Islamic states work out economic development plans inspired by the principles of Islamic law, and also provide for economic programmes aimed at raising their level of self-sufficiency and ensuring social justice.

6. Every Islamic state is called upon to reform its economic system to achieve social justice and guarantee human dignity. With these ends in view, the Seminar recommends consideration of the following measures.

   (1) Conservation and careful use of natural resources while taking account of the requirements of state security and the national economy;

   (2) Redistribution of income and wealth on an equitable basis in conformity with the principles of Islam;

   (3) Revision of wages policies to meet the needs of the individual and guarantee him a decent life;

   (4) A reappraisal of private governorship with a view to serving the interest of the community and guaranteeing proprietor’s rights;

   (5) Cooperation between private and public enterprise to promote economic development, increase production, raise living standards, and promote the well-being of all citizens;

   (6) Combating monopolies and imposing duties on capital so as to promote state and public interest;

   (7) Increase of governmental expenditure on public services, such as education and health, so that they are made available to all; and
(8) Enhancement of social security and realization of social and economic justice.

In the socio-cultural sphere:

*Education:*

7. As the quest for knowledge is the duty of every Muslim and its spread is the responsibility of the state, the Seminar recommends that education become compulsory in Islamic states at the primary stage and free of charge at all levels.

8. Islamic states are called upon to pay special attention to the physical, moral and mental health of youth, to prescribe religious education as a basic course in all curricula, to instruct Muslims in all the duties they are expected to perform in Islam, and to teach the life of the Prophet and his four successors (*the caliphs named Al-Rashideen*) at all stages of education.

9. The Seminar affirms the role of education in forming the human personality and developing it on the basis of the moral values of Islam, so as to enable the individual to confront the threats and hazards of contemporary scientific materialism. Thus, it calls upon Islamic states to lay down a solid educational foundation derived from Islamic values and principles, and to use as their models to pioneering programmes recommended by the Islamic conferences of Mecca in 1977, Dakar in 1978 and Islamabad in 1980.

10. In recognition of the important connection between religious education and those who teach it, the Seminar recommends that the teaching of topics pertaining to Islam be entrusted exclusively to Muslims teachers whose religious background and culture make them better fitted for the task.

11. Islamic states are called upon to take all measures necessary to give women the opportunity to pursue their studies in any field they wish in accordance with
Islamic principles. In this respects curricula must be laid down aimed at the full development of women within the framework of these principles.

12. The Seminar draws the attention of Islamic states to the grave consequences of constructing their education systems on a secular basis and calls upon the Islamic Conference Organization and the Islamic Education Centre to attach the greatest importance to encouraging scholarly research aimed at explaining Islamic attitudes to and concepts of various fields of knowledge.

13. Islamic states are called upon to institute Islamic universities to teach all branches of knowledge in accordance with the Islamic spirit, so that these universities may be emulated in multinational communities and set as example for regional and international organizations entrusted with the task of developing education at a regional or world level.

14. Islamic states are called upon to rectify international conventions on education and economic, social and cultural rights in as far as these conventions conform to Islamic principles.

15. The Seminar recommends that the study of human rights in Islam be a compulsory part of school curricula.

16. The Seminar recommends that an Islamic Human Rights Committee be set up to study the theory underlying these rights and practical means of implementing them in Islamic countries and countries with Muslim minorities.

17. The Seminar recommends that foreign and missionary schools in Islamic states should provide opportunities for Muslim students to be educated in their religion by specialised Muslim teachers.
18. The Seminar recommends that minorities in Islamic states should have the right to educate their children in their respective faiths in accordance with the Universal Declaration of Human Rights.

The right to work:

19. Islamic states are called upon to guarantee to every citizen the right to work and to choose the kind of work which suits his capabilities and potentials, and to ensure that their legislation includes provisions which both prohibits and eliminate all forms of debt bondage and forced labour, except where compulsory labour is established to meet national needs and is justly remunerated.

20. Realising that the guarantee of the right to work recognised by Islam makes it necessary to provide appropriate vocational training and qualification opportunities, the Seminar recommends that policies and programmes be laid down to provide adequate training in technical fields that require certain minimum standards of skill.

21. In pursuance of Islamic principles of justice and equality, the Seminar recommends for all workers, both men and women, the enforcement of the principle of equal pay for equal work and, also, of a guaranteed minimum wage.

22. In recognition of Islam's concern to safeguard human dignity and of the need to compensate workers fairly and without delay for their labour, and with a view to preserving the productive human resources in Islamic society, the Seminar calls upon the governments of Islamic states to regulate the right to work on a sound economic basis. This, while taking into account the rules of social justice in the relationship between workers and employers, should guarantee a minimum wage, limited working hours, suitable working conditions and right to leave of absence, to leisure time and to retirement payments, all of which would also provide a strong incentive to increase production. The Seminar also recommends that employment
of children be prohibited and that no women be employed in types of work that are not suited to their nature and physical capabilities.

23. In consideration of the important economic and social roles of professional organisations, the Seminar calls upon Islamic states to guarantee to employers and employees alike the right to form their own organisations and unions and become voluntarily affiliated to them. It recommends that such organisations should not be in danger of being dissolved or suspended by the administrative authorities, provided they abide by the law, and that they be allowed to carry out their proper functions to raise the economic, cultural and social standards of their members.

24. The Seminar calls on Islamic states to rectify international labour agreements, including the International Labour Organisation’s Convention on Child Labour, in so far as they do not conflict with Islamic principles.

The rights of minorities:

25. It is incumbent upon Islamic states to include provisions in their respective constitutions for the safeguards ordered by Islam for non-Muslim minorities, so that these minorities may enjoy their basic rights and freedoms on an equal footing with Muslims. The emphasis laid so strongly by Islam on the need to protect the rights and freedoms of non-Muslims itself provides a refutation of the allegations unjustly levelled against Islam in this respect and also obligates Islamic states to enforce the relevant provisions of Islam concerning non-Muslims.

26. In considerations of the fact that article 27 of the international covenant on civil and political rights of 1966, which prohibits the denial to ethnic, religious or linguistic minorities of the right to enjoy their own culture, practice their own religion and express themselves in their native tongue, does not conflict with the principles of Islamic law but indeed represents a minimum of the human rights guaranteed to
minorities by Islam, the Seminar recommends that this covenant be ratified by all Islamic states, a step which would also assist Islamic minorities in non-Islamic states to regain the freedom to exercise their traditions and rites.

27. Islamic states should provide Muslim minorities in other states with material and moral support to strengthen their bonds with Islam in the face of modern materialism, to further their right to educate their children in accordance with their national and Islamic traditions, to help them in the free exercise of their religion and to assist them in teaching their members their basic religious duties and in studying the lives of the Prophets and his four successors.

28. The Seminar calls upon all nations not only to respect the rights of minorities to follow their cultural traditions and their religious convictions, and to be guided by them in their personal affairs, but also to provide the necessary support for all initiatives which encourage this spirit and strengthen this orientation and outlook.

Civil and Political Rights

Freedom of opinion, thought, expression and assembly:

29. The necessary effort should be exerted at all levels to explain the rules and principles of Islamic law in a way that makes them understandable to everyone, particularly to ordinary people.

30. The constitutions and legislation of Islamic states should incorporate provisions on the rights and freedoms recognised by Islam and the necessary organs should be created to ensure the implementation of these rights and to fend off any encroachments upon them.

31. Political and legal rights and rights to information capable of protecting basic rights and freedoms in Islam should be assured.
32. A comparative study should be made of the provisions of international documents on basic rights and freedoms and their counterparts in Islamic law, with a view to adopting those considered concordant with the spirit of Islam.

33. Islamic states should allow their citizens to exercise their freedom of opinion and expression in accordance with the teachings of Islam, since the exercise them is considered a sin. Similarly, Islamic states should provide the necessary safeguards to free people from fear and establish a proper climate to strengthen their faith by constructive debate and respect for freedom of opinion and expression, Islamic stated are also called upon to guarantee freedom of assembly as an indispensable element in exercise of the freedom of opinion and expression.

*Legal protection of human rights:*

34. Those states whose judges are selected on the strength of their party affiliations are called upon to abandon this wrong practice which is contrary to the rules and conditions stipulated by Islam concerning the appointment of judges.

35. Special courts and courts of exception of any kind should be prohibited and legislation should be passed to prevent an accused person being deprived of his right to have his case tried by an ordinary court of law.

36. Capital punishment for political offences should be abolished in Islamic states as it is contrary to the true principles of Islamic jurisprudence.

37. Islamic states are called upon to include a provision in their penal codes making it a crime for the authorities to resort to torture or kidnapping, and stating that no period of limitation would absolves culprits of their guilt during their lifetime. Islamic states are also urged to take action to put an end to any such malpractices perpetrated in violation of Islamic principles.
38. Islamic governments are requested to support the UN Draft Convention against Torture and also the draft optional protocol thereto, provided that their provisions are found to be in agreement with Islamic jurisprudence.

Women's rights and status:

39. Islamic states are called upon to include provisions in their legislation ensuring the political rights of women as guaranteed by Islam, notably their right to vote, to nominate themselves for election, to be appointed to public post, and to participate in decision-making.

40. Islamic states are recommended to adapt their legislation and the training of their judges so as to ensure the protection of women's rights as recognised by Islam.

41. Commissions should be created to study all factors pertaining to the status of women and in particular the situation of women in education, employment and personal status, and to ensure that women's rights are respected in conformity with the principles of Islamic jurisprudence.

42. As women's rights will be safeguarded to a considerable degree through respect for human rights in general. Islamic and Arab governments are called upon to ratify international conventions on human rights, especially as they do not conflict with Islam's attitude to woman. Such ratification would, on the contrary, enhance international respect for these rights and emphasize Islam's vanguard role in the promotion of human rights.

General Recommendations

43. Islamic states are recommended to take all necessary measures, legislative or otherwise, to implement within their territories the principles and recommendations
adopted by the Seminar on political, civil, economic, social and cultural rights, as recognised by Islam.

44. The need is emphasized to revive the tradition of Islamic jurisprudence, through concerted efforts of the universities and other institutes of learning and through the material and moral support of governments, to provide the necessary safeguards for the exercise of human rights. The importance is also emphasized of individual endeavour (ijtihad), as a source of Islamic jurisprudence to deal with issue that have not been dealt with elsewhere in Islamic law, especially those issue that relate to our contemporary way of life. In this respect, cooperation between Muslims must be intensified at both governmental and non-governmental levels.

45. Enlightened members of the various Islamic states are called upon to assume their role of informing public opinion and making the people aware of their rights as recognised by Islam. Governments are similarly called upon to inform and educate the public objectively, stressing the leading role of Islam in the establishment both of human rights and their means of protection. At the same time, steps should be taken to crate ad promote a common awareness, in the spirit of Islamic legislation, as this would lead to a mobilization of the forces of social change.

46. Islamic states are recommended to adopt effective policies and measures to guarantee the participation of all members of the public al all levels of the decision-making process.

47. An Islamic charter of human rights should be established, in keeping with Islam’s vanguard role in this respect, as a contribution to the endeavours to preserve and develop human rights in the world and to guarantee a better future.
48. The Seminar appeals to the heads of Islamic governments to ensure that the above recommendations are discussed and put into effect, especially at the Islamic Summit Conference, when the present topic will be considered.

**Final Resolution**

49. The participants in the Seminar affirm their full solidarity with those Islamic peoples who continue to suffer from the yoke of colonialism, and declare:

(a) Their full support for the legitimate rights of the Palestinian people in their armed struggle, their right to self-determination, their right to return to their country and to establish an independent state under the leadership of the Palestinian Liberation Organization, their sole lawful representative;

(b) Their absolute solidarity with the two peoples of western Somalia (Ogaden) and Eritrea in their heroic struggle against colonialism, and their demand that they be given the right to determine their own future, and that all foreign troops be withdrawn from their territories;

(c) Their backing for the holy war (Al-Jihad) waged by the Muslim Afghan people, their condemnation of armed intervention in this Islamic country, and their insistence that all foreign forces be immediately withdrawn from Afghanistan to enable its people freely to determine their own future;

(d) Their support for the struggle of Muslims in the Southern Philippines and for the struggle of other minorities who seek to obtain their lawful rights; and

(e) Their appeal to the Islamic states, Iran, and Iraq, to put an end on equitable terms to the war which divides them.

50. The Seminar expresses its deep appreciation to the sponsoring organisations for their exceptional work of preparation, and its gratitude to the government and
people of Kuwait for their generous hospitality, mentioning in particular the
collection of the Faculty of Law and Shari'ah of the University of Kuwait
towards the success of the Seminar.

51. The Seminar finally addressed itself to almighty God in a fervent prayer that all
Muslims be brought together in justice and goodness, and that this humanitarian
effort be pursued until the dignity of man is assured, the foundations of his rights
and his life firmly established and consolidated, and the roots of arbitrariness and
injustice eradicated from the world.

Mecca Declaration

Adopted by the 3rd Islamic Summit of Organization of Islamic Conference at
Mecca on 25 January 1981

We, the kings, presidents, Emirs, and Heads of Government of the member-
states of the organisation of the Islamic conference.

Assembled at the 3rd Islamic summit conferences held in Mecca al-
Mukarramah, from 19-22 Rabi-ul-Awwal 1401 H, corresponding to 25-28 January
1981.

Bow in gratitude to Allah Almighty, the almighty, who has, in His Infinite
Grace, enabled us to congregate in this Sacred City, in the vicinity of the Holy Kaaba,
venue of Divine Revelation and the Qibla of all Muslims, at the dawn of the new
Hijrah Century in an assembly which we consider to be a monotonous event in the
history of the Islamic Ummah and the beginning of an all-embracing Islamic
resurgence, demanding of all Muslims to pause and take stock of their past, evaluate
their present, and look forward with confidence to a better future in a spirit of Islamic
solidarity in order to restore the unity in their ranks, work for their prosperity and
advancement, and achieve, once again, and exalted positions in the world community
and human civilization.

Strict adherence to Islamic principles and values, as a way of life, constitutes
the highest protection for Muslims against the dangers which confront them. Islam is
the only path which can lead them to strength, dignity and prosperity and a better
future. It is the pledge and prosperity and a better future. It the pledge and guarantee of
the authenticity of the Ummah safeguarding it from the tyrannical on-rush of
materialism. It is the powerful stimulant for both leaders and peoples in their struggle
to liberate their Holy places and to regain their rightful place in this world so that they
may, in consort with other nations, strike for the establishment of equality, peace and
prosperity for the whole of mankind.

The belief of all Muslims in the eternal principles of liberty, justice, human
dignity, fraternity, tolerance and compassion and their constant struggle against
injustice, and aggression, reinforce their determination to establish just peace and
harmony among peoples, to ensure respect for human rights, and to work for the
strengthening of international organisations based on humanitarian principles and
peaceful co-existence among nations. Thus, a new age would drawn where in relations
between nations would be governed by principles and not by force, and where in all
forms of oppression, exploitation, domination injustice, colonialism and neo-
colonialism as well as all kinds of discrimination on grounds of race, colour, creed or
sex would be banished for ever from his earth.

We declare that only firm adherence to our faith will enable us to retain the
strength of our social structures and help our communities to avoid succumbing to the
disunity and degradation of the past when many Muslim homelands, particularly Al-
Quds Al-Sharif— the first Qibla and the third holiest shrine of the world of Islam—fell
prey to foreign domination. History is replete with instances where Muslims communities have fallen victim to injustices and aggression; where intellectual achievements eroded; their share of their own material resources diminished. Indeed the dawn of the century saw the Muslims world confronting dangers and challenges to its independence, security, honour and dignity.

We are saddened to note that despite all its material and scientific and technological achievement mankind today suffers from poverty of the spirit, from moral and ethical decay and societies are marred by inequities, economies, and cripples by severe crises and international political order is in constant danger of destabilization. The force of evils are now on the march, multiplying the hotbeds of war, sowing the seeds of dissensions, threatening the security of the world, man's peace of mind, and jeopardizing human civilization.

We consider that the innate qualities of the Muslims Ummah point the way to unity and solidarity, to progress and advancement, to prosperity and power. It possesses the Book of God and the Sunnah of the Holy Prophet (صلى الله عليه وسلم). In them can we found a complete way of life leading us, guiding us along the path of goodness, righteousness, and salvation. This is our cultural heritage: it enables us to break the shackles of subservience and mobilises in us the spiritual strength to utilise to the fullest extant our inherent capabilities. It is our sheet anchor for a righteous life.

It is our conviction that the Ummah of thousand million peoples composed of various races, spread over vast areas of the globe and possessing enormous resources fortified by its spiritual power and utilising to the full its human and material potential, can achieve an outstanding position in the world and ensure for itself the means prosperity in order to bring about a better equilibrium for the benefit of all mankind.
We meet today in this August assembly and in this Serene City at this momentous juncture in the annals of Islam, determined to reinforce our solidarity and set in motion the process of our renaissance. To this end, we make the following solemn declaration:

1. All Muslims, differing though they may be, in their language, colour, domicile or other conditions, for but one nation, bound together by their common faith, moving in a single direction, drawing on one common cultural heritage, assuming one nation through out the world. Thus, they stand as a nation of moderation, rejecting alignment to any and all blocks and ideology, steadfastly refusing to surrender to divisive influences or to conflicts of interest.

We are, therefore, determined to move forward to reinforce our solidarity, to overcome rifts and division and to settle in a peaceful manner all disputes that may arise amongst us on the basis of covenant and the principles of brotherhood, unity and interdependence and our belief in the justice and compassion derived from the holy book of Allah Almighty and that Sunnah of His prophet (صلی الله عليه وسلم), which constitute for us the eternal source for justice.

In fulfilment of the aspirations of our peoples we shall intensify consultations amongst ourselves and compliment and coordinate our endeavours in the international fields in order to better defend our common causes and thus to enhance our prestige and positions in the world.

We are equally determined to engage in Jihad with all the means at our disposal, to liberate our occupied territories to support one another in defending our independences and territorial integrity, in vindicating our rights and in eliminating the injustice wrecked on our nation, depending on our own strength and firm solidarity.
2. Conscious that Muslims today are victims of innumerable injustices and are faced with multiple dangers due to reign of force and aggression and the politics of violence in international behaviour;

Conscious also of the fact that Islam enjoins justice and equity both upon its followers and others and it also enjoin tolerance and magnanimity towards those who do not combat us, do not force us to leave our homes and do not violate our sacred values which never take the side of wrongdoing, injustice and oppression;

We reaffirm our unflinching resolve to combat the Zionist usurpation by force of arms of Palestinian lands and other Arab territory and to frustrate all Zionist design and action in this regard. We condemn and reject the policies of those who assist this aggression by giving the Zionist entity political, economic, demographic and military support, we equally rejects all initiatives that are not consistent with the Palestinian question, based on the realisation of the inalienable national rights of the Palestinian people, including the right to self-determination, including the right to establish an independent Palestinian state in their homeland, under the leadership of Palestine Liberation Organisation, the sole and legitimate representative of the Palestinian people. We also reject all attempts to exert pressure on us or on other countries of the world to accept a fate accompli and to surrender to unjust solutions. We affirm our resolve to confront this aggression and pressure with all the means at our disposal to prepare ourselves for Jihad in order to liberate the occupied Palestinian and Arab territories and the holy places and to recover the incontrovertible rights of the Palestinian people as recognized by International Law and the UN Resolutions relating to the question of Palestine.

The violation committed against the Harem of Al-Quds Al-sharif, the aggression against the people of Palestine and their established national and religious
rights, and the continuation of aggression through the annexation of *Al-Quds Al-sharif* leaves us no choice but to firmly stand up to this aggression and to denounce its supporter. We, therefore, pledge to wage *Jihad* with all the liberation struggle the prime Islamic cause of this generation until, God willing *Al-Quds Al-sharif* and all the occupied Palestinian and Arab territories are restored to their legitimate owners.

Faced with the open invasion of the territory of Afghanistan, a sovereign Muslim State, and the violation of the rights of Afghan people to freedom and self-determination and their rights to preserve their Muslim identity, we are determined to continue to support the struggle of the people of Afghanistan and to feel deeply concerned over the situation created by the foreign military intervention in Afghanistan.

We reaffirm our determination to seek a political solution of this crisis, on the basis of an immediate and complete withdrawal of foreign forces from Afghanistan, respect for political independence and territorial integrity, as well as the non-aligned status of Afghanistan and respect for the inalienable rights of the heroic Afghan people to self-determination without any foreign intervention or pressure.

We declare our full solidarity with the people of Afghanistan who are engaged in a Jihad to attain their freedom and independence.

We express our deep concern over the increasing rivalry between the Superpowers, their competition for spheres of influence and their increasing endeavours to intensify their military presence in the areas near and adjacent to the states of the Islamic world, such as the Indian Ocean, the Arabian Sea, the Red Sea and the Gulf.

We affirm our common conviction that the peace and stability of the Gulf and the security of its sea lanes, is the exclusive responsibility of the Gulf States without any foreign interference.
The persecution of Muslim minorities and communities in many parts of the world constitutes a violation of human rights and is contrary to the dignity of man. We call upon all countries which have Muslims minorities to enable them to perform their religious rites in full freedom and to extend to them equal rights as citizens protected by the State, in accordance with the sanctity of Law.

3. Taking note of the present state of international relations which are characterized by the evils of bigotry and racism, dominated by the rule of force and the arms race, by greed and injustice, colonialism and exploitation of weak nations, factors which threaten our civilization and disturb social and material equilibrium of the world: desirous of seeing that the forces of good throughout the world establish the human values of fraternity, humanity and justice; we call upon all states and peoples of the world to rebuild it anew, through sincere and concerned efforts, so that peace may prevail conflicts and wars may be avoided. We call for the disputes to be settled peacefully, and for relations to be conducted constructively, for man’s capacities to be harnessed in the service of humanity, instead of being wasted in a race for the acquisition of armaments and of weapons of death and destruction. Should this come to pass, justice would prevail and human relations would be established on the basis of equality and fraternity, benevolence and compassion, and not on the basis of discrimination and injustice, thus would the oppressed peoples of the earth be liberated: thus would they avoid the misbelieve of warmongers: thus would mankind be blessed with peace, and basic human rights be once again triumphant.

We resolutely support, and call upon others to support, the United Nations Organization and all other inter-governmental institutions which provide a suitable framework for cooperation, an important platform for dialogue and understanding, and an instrument for setting disputes and resolving crises. We strongly denounce any
tendency to impose tutelage on and obstruct the activity of the UN. We condemn Israel
and the States which systematically violate the principles and aims of non-alignment
and support the League of Arab States and the Organization of African Unity, and our
full solidarity with the countries of the Third World.

4. Convinced of the need of our people to adhere strictly to their faith and to rely on
their heritage in the building up of a society committed to faith, justice and morality,
we confirm our determination to be guided by the Book of Allah Almighty and the
Sunnah of the Holy Prophet صلى الله عليه وسلم in shaping our lives and our societies and
in strengthening our relations with peoples and countries of the world. In this, we
proceed from the belief that this is the best guarantee for the triumph of truth and virtue
and for the establishment of justice and peace; it is also the surest path to dignity,
prosperity and security for the Islamic Ummah.

We reiterate our desire to establish the practice of Shura (consultation) among
all Muslims, to normalize this principle in all walks of life, in order that the doing of
good deeds may be promoted and wrongdoing eliminated. Thus would solidarity be
implanted in the collective conscience and people would participate in the running of
their affairs putting an end to dissension and discord. We shall make every effort to
facilitate contacts between individual Muslims and between specialized institutions in
order to provide opportunities for continuous consultation. Inspired by the Book of
God and the Sunnah of the Holy Prophet صلى الله عليه وسلم which are the basic course
of guidance in this regard, we affirm our determination to protect human rights and
dignity. We likewise affirm our determination to ensure the rights, freedoms and basic
needs of mankind. We shall endeavour, to this end, to establish the basis and the means
for the protection of rights and sacred values, for the removal of injustices for the
triumph of all people struggling to achieve independence, freedom and justice and dignity whenever they are violated, including Palestine and South Africa.

5. Aware of our common interests, we declare our determination to eliminate poverty from which some of our peoples continue to suffer, by consolidating our economic cooperation on the basis of complimentarily and pooling of our resources to achieve coordinated development of our countries. We also declare our resolve in a spirit of Islamic solidarity, to promote economic development of the countries, which are least, developed amongst us.

We further pronounce our resolve to rationalize our development policies in order to ensure balanced progress in both the material and spiritual domains.

We call for efforts to be made to establish economic relations in the world on bases of justice, interdependence and mutual interest, to ensure the disappearance of the wide gap separating the industrialized countries and the developing and poor countries, and the institution of a new economic order based on equity and solidarity, under which development policies are rationalised and integrated to eliminate, once and for all, famine and its dangers, as well as all kinds of deprivation and all forms of exploitation of peoples backwardness and to ensure the development of these countries and the proper utilization of their resources. We reaffirm the right of States to have sovereignty over their natural recourses and to control their exploitation.

6. Believing the tenets of Islam which preach that the quest of knowledge is an obligation on all Muslims we declare ourselves determined to cooperate in spreading education more widely and strengthening educational institutions until ignorance and illiteracy have been eradicated and to take measures aimed towards the strengthening of Islamic educational curricula and to encourage research and *Ijtihad* among Muslims thinkers and *Ulema* while expanding the studies of modern sciences and technologies.
We also pledge ourselves to coordinate our efforts in the field of education and culture, so that we may draw on our religious and traditional sources in order to unite the Ummah, consolidate its culture and strengthen its solidarity, cleanse our societies of the manifestations of moral virtues, protecting our youth from ignorance and from exploitation of material needs of Muslims to alienate them from their religion.

Believing in the need to propagate the principles of Islam and the spread of its culture, glory throughout the Islamic societies and in the world and to emphasize its rich heritage, its spiritual strength, moral values and laws conducive to progress, justice and prosperity, we are determined to cooperate to provide the human and material means to achieve these objectives. We pledge to exert further efforts in various cultural fields to achieve rapprochement in the thinking of Muslims and to purify Islamic thought of all that may be alien or divisive.

We further pledge ourselves, within a framework of cooperation and a joint progress to develop our mass-media and information institutions, guided in this efforts by the precepts and teachings of Islam, in order to insure that these media and institutions will have an effective role in reforming societies, in a manner that helps in establishment of an international information order characterised by justice, impartiality and morality, so that our nation may be able to show to the world its true qualities, and refuse the systematic media campaigns aimed at isolated, misleading, slandering and defaming our nation.

7. Recalling with satisfaction with establishment of the organization of the Islamic Conference, and noting with pleasure the progressive development of this Organization, as well as its growing status in international forums symbols of the unity of Muslims and a framework of understanding and rapprochement among them and noting also the establishment of other institutions emanating from the Organization,
and the continuation of joint efforts in this direction, we commit ourselves to support and develop our organization, and to provide it with appropriate skills and adequate resources, so it may discharge the noble tasks assigned to it, and further to support Islamic solidarity funds and Al-Quds funds, as well as other organs and projects of the organization to ensure their success.

We jointly pledge to support all international and inter-governmental Islamic bodies and institutions which confirms to the objectives of our organization for the purpose of strengthening the bonds of brotherhood between Muslims, intensifying their cooperation in various fields and reinforcing their international role. We also jointly pledge to support non-official Islamic bodies and institutions which serve the purposes and principles of the charter of our organization in a manner that is not contrary to the legislation of the member states.

We appeal to our peoples to hold fast to the teaching and cultural values of our religion, to unify their forces so as to face the challenges that confront them and to support one another in improving their conditions and achieving strength, dignity and prosperity.

We appeal to all other States and peoples to reciprocate the sentiments of the member States of the OIC and their peoples in a sincere spirit of human brotherhood. Let us banish all hatred, injustice and oppression so that we may together build a world fit for mankind and so that we may enhance the level of our spiritual and material life.

We pray to god to set us on right path, to crown our efforts with success, and to lead us to a righteous life.

“Allah Almighty hath promised such of you as believe and do good work that He will surely make them to succeed (the present rulers) in the earth even as He cause those who were before them to succeed and that He will surely establish for them their
religion which He hath approved for them, and will give them in exchange safety after
their fear. They serve Me. They ascribe nothing as partner unto Me. Those who
disbelieve henceforth, they are the miscreants”.

Cairo Declaration^6

Adopted and Issued at the Nineteenth Islamic Conference of Foreign Ministers
in Cairo on 5 August 1990.

The Member States of the Organization of the Islamic Conference,

Reaffirming the civilizing and historical role of the Islamic Ummah which God
made the best nation that has given mankind a universal and well-balanced civilization
in which harmony is established between this life and the hereafter and knowledge is
combined with faith; and the role that this Ummah should play to guide a humanity
confused by competing trends and ideologies and to provide solutions to the chronic
problems of this materialistic civilization.

Wishing to contribute to the efforts of mankind to assert human rights, to
protect man from exploitation and persecution, and to affirm his freedom and right to a
dignified life in accordance with the Islamic Shari’ah

Convinced that mankind which has reached an advanced stage in materialistic
science is still, and shall remain, in dire need of faith to support its civilization and of a
self-motivating force to guard its rights; Believing that fundamental rights and
universal freedoms in Islam are an integral part of the Islamic religion and that no one
as a matter of principle has the right to suspend them in whole or in part or violate or
ignore them in as much as they are binding divine commandments, which are
contained in the Revealed Books of God and were sent through the last of His Prophets
to complete the preceding divine messages thereby making their observance an act of
worship and their neglect or violation an abominable sin, and accordingly every person is individually responsible — and the Ummah collectively responsible — for their safeguard.

Proceeding from the above-mentioned principles,

Declare the following:

Article 1

(a) All human beings form one family whose members are united by submission to God and descent from Adam. All men are equal in terms of basic human dignity and basic obligations and responsibilities, without any discrimination on the grounds of race, colour, language, sex, religious belief, political affiliation, social status or other considerations. True faith is the guarantee for enhancing such dignity along the path to human perfection.

(b) All human beings are God’s subjects, and the most loved by him are those who are most useful to the rest of His subjects, and no one has superiority over another except on the basis of piety and good deeds.

Article 2

(a) Life is a God-given gift and the right to life is guaranteed to every human being. It is the duty of individuals, societies and states to protect this right from any violation, and it is prohibited to take away life except for a Shari’ah-prescribed reason.

(b) It is forbidden to resort to such means as may result in the genocidal annihilation of mankind.

(c) The preservation of human life throughout the term of time willed by God is a duty prescribed by Shari’ah.
(d) Safety from bodily harm is a guaranteed right. It is the duty of the state to safeguard it, and it is prohibited to breach it without a Shari'ah-prescribed reason.

**Article 3**

(a) In the event of the use of force and in case of armed conflict, it is not permissible to kill non-belligerents such as old men, women and children. The wounded and the sick shall have the right to medical treatment; and prisoners of war shall have the right to be fed, sheltered and clothed. It is prohibited to mutilate dead bodies. It is a duty to exchange prisoners of war and to arrange visits or reunions of the families separated by the circumstances of war.

(b) It is prohibited to fell trees, to damage crops or livestock, and to destroy the enemy's civilian buildings and installations by shelling, blasting or any other means.

**Article 4**

Every human being is entitled to inviolability and the protection of his good name and honour during his life and after his death. The state and society shall protect his remains and burial place.

**Article 5**

(a) The family is the foundation of society, and marriage is the basis of its formation. Men and women have the right to marriage, and no restrictions stemming from race, colour or nationality shall prevent them from enjoying this right.

(b) Society and the State shall remove all obstacles to marriage and shall facilitate marital procedure. They shall ensure family protection and welfare.
**Article 6**

(a) Woman is equal to man in human dignity, and has rights to enjoy as well as duties to perform; she has her own civil entity and financial independence, and the right to retain her name and lineage.

(b) The husband is responsible for the support and welfare of the family.

**Article 7**

(a) As of the moment of birth, every child has rights due from the parents, society and the state to be accorded proper nursing, education and material, hygienic and moral care. Both the foetus and the mother must be protected and accorded special care.

(b) Parents and those in such like capacity have the right to choose the type of education they desire for their children, provided they take into consideration the interest and future of the children in accordance with ethical values and the principles of the Shari‘ah.

(c) Both parents are entitled to certain rights from their children, and relatives are entitled to rights from their kin, in accordance with the tenets of the Shari‘ah.

**Article 8**

Every human being has the right to enjoy his legal capacity in terms of both obligation and commitment. Should this capacity be lost or impaired, he shall be represented by his guardian.

**Article 9**

(a) The quest for knowledge is an obligation, and the provision of education is a duty for society and the State. The State shall ensure the availability of ways and means to acquire education and shall guarantee educational diversity in the
interest of society so as to enable man to be acquainted with the religion of Islam and the facts of the Universe for the benefit of mankind.

(b) Every human being has the right to receive both religious and worldly education from the various institutions of education and guidance, including the family, the school, the university, the media, etc., and in such an integrated and balanced manner as to develop his personality, strengthen his faith in God and promote his respect for and defence of both rights and obligations.

Article 10

Islam is the religion of unspoiled nature. It is prohibited to exercise any form of compulsion on man or to exploit his poverty or ignorance in order to convert him to another religion or to atheism.

Article 11

(a) Human beings are born free, and no one has the right to enslave, humiliate, oppress or exploit them, and there can be no subjugation but to God the Most-High.

(b) Colonialism of all types being one of the most evil forms of enslavement is totally prohibited. Peoples suffering from colonialism have the full right to freedom and self-determination. It is the duty of all States and peoples to support the struggle of colonized peoples for the liquidation of all forms of colonialism and occupation, and all States and peoples have the right to preserve their independent identity and exercise control over their wealth and natural resources.

Article 12

Every man shall have the right, within the framework of Shari’ah, to free movement and to select his place of residence whether inside or outside his country
and, if persecuted, is entitled to seek asylum in another country. The country of refuge shall ensure his protection until he reaches safety, unless asylum is motivated by an act which Shari’ah regards as a crime.

**Article 13**

Work is a right guaranteed by the State and Society for each person able to work. Everyone shall be free to choose the work that suits him best and which serves his interests and those of society. The employee shall have the right to safety and security as well as to all other social guarantees. He may neither be assigned work beyond his capacity nor be subjected to compulsion or exploited or harmed in any way. He shall be entitled — without any discrimination between males and females — to fair wages for his work without delay, as well as to the holidays, allowances and promotions which he deserves. For his part, he shall be required to be dedicated and meticulous in his work. Should workers and employers disagree on any matter, the State shall intervene to settle the dispute and have the grievances redressed, the rights confirmed and justice enforced without bias.

**Article 14**

Everyone shall have the right to legitimate gains without monopolization, deceit or harm to oneself or to others. Usury (*riba*) is absolutely prohibited.

**Article 15**

(a) Everyone shall have the right to own property acquired in a legitimate way, and shall be entitled to the rights of ownership, without prejudice to oneself, others or to society in general. Expropriation is not permissible except for the requirements of public interest and upon payment of immediate and fair compensation.
(b) Confiscation and seizure of property is prohibited except for a necessity dictated by law.

**Article 16**

Everyone shall have the right to enjoy the fruits of his scientific, literary, artistic or technical production and the right to protect the moral and material interests stemming there from, provided that such production is not contrary to the principles of Shari‘ah.

**Article 17**

(a) Everyone shall have the right to live in a clean environment, away from vice and moral corruption, an environment that would foster his self-development; and it is incumbent upon the State and society in general to afford that right.

(b) Everyone shall have the right to medical and social care, and to all public amenities provided by society and the State within the limits of their available resources.

(c) The State shall ensure the right of the individual to a decent living which will enable him to meet all his requirements and those of his dependents, including food, clothing, housing, education, medical care and all other basic needs.

**Article 18**

(a) Everyone shall have the right to live in security for himself, his religion, his dependents, his honour and his property.

(b) Everyone shall have the right to privacy in the conduct of his private affairs, in his home, among his family, with regard to his property and his relationships. It is not permitted to spy on him, to place him under surveillance or to besmirch his good name. The State shall protect him from arbitrary interference.
(c) A private residence is inviolable in all cases. It will not be entered without permission from its inhabitants or in any unlawful manner, nor shall it be demolished or confiscated and its dwellers evicted.

Article 19

(a) All individuals are equal before the law, without distinction between the ruler and the ruled.

(b) The right to resort to justice is guaranteed to everyone.

(c) Liability is in essence personal.

(d) There shall be no crime or punishment except as provided for in the Shari’ah.

(e) A defendant is innocent until his guilt is proven in a fair trial in which he shall be given all the guarantees of defence.

Article 20

It is not permitted without legitimate reason to arrest an individual, or restrict his freedom, to exile or to punish him. It is not permitted to subject him to physical or psychological torture or to any form of humiliation, cruelty or indignity. Nor is it permitted to subject an individual to medical or scientific experimentation without his consent or at the risk of his health or of his life. Nor is it permitted to promulgate emergency laws that would provide executive authority for such actions.

Article 21

Taking hostages under any form or for any purpose is expressly forbidden.

Article 22

(a) Everyone shall have the right to express his opinion freely in such manner as would not be contrary to the principles of the Shari’ah
(b) Everyone shall have the right to advocate what is right, and propagate what is good, and warn against what is wrong and evil according to the norms of Islamic Shari’ah.

(c) Information is a vital necessity to society. It may not be exploited or misused in such a way as may violate sanctities and the dignity of Prophets, undermine moral and ethical values or disintegrate, corrupt or harm society or weaken its faith.

(d) It is not permitted to arouse nationalistic or doctrinal hatred or to do anything that may be an incitement to any form of racial discrimination.

Article 23

(a) Authority is a trust; and abuse or malicious exploitation thereof is absolutely prohibited, so that fundamental human rights may be guaranteed.

(b) Everyone shall have the right to participate, directly or indirectly in the administration of his country's public affairs. He shall also have the right to assume public office in accordance with the provisions of Shari'ah.

Article 24

All the rights and freedoms stipulated in this Declaration are subject to the Islamic Shari’ah.

Article 25

The Islamic Shari’ah is the only source of reference for the explanation or clarification to any of the articles of this Declaration.

Tehran Declaration

The Eighth Islamic Summit Conference the Session of Dignity, Dialogue, Participation Sha'aban, 1418 - December 1997
In the name of God, the Compassionate, the Merciful

And thus We have made you a justly balanced nation that you may be the bearers of witness to the people and (that) the Apostle may be a bearer of witness to you. (Qur'ān, II: 143)

The Kings, Heads of State and Government of the Member-States of the Organization of the Islamic Conference, assembled at the Eighth Islamic Summit Conference, the Session of Dignity, Dialogue, Participation, held in Tehran, the Islamic Republic of Iran, from 8 to 10 Sha'aban 1418 H, corresponding to 9-11 December, 1997,

Stressing their full adherence to Al-Tawhid, as the foundation for man's true freedom, and their devotion to the progressive precepts of Islam which provide a delicate balance between spiritual and material dimensions of human life, and between liberty and salvation, based on tolerance and compassion, wisdom, justice and participation.

Affirming their strong determination to realize the purposes and principles of the Charter of the Organization of the Islamic Conference, in particular as regards the unity and solidarity of the Islamic Ummah, safeguarding of Islamic values and principles,

Determined to realize the legitimate aspirations of Islamic nations and peoples for peace and security as well as comprehensive, balanced and sustainable development through active participation and the realization of the fundamental right to self determination of peoples under colonial or alien domination or foreign occupation,

Recognizing the importance of preserving the identity of the Ummah and of holding fast to their tradition and historical heritage as the main factor in cementing the fabric of the Society and enhancing social stability,
Emphasizing the imperative of positive interaction, dialogue and understanding among cultures and religions; and rejecting the theories of clash and conflict which breed mistrust and diminish the grounds for peaceful interaction among nations,

Noting the transitional international environment and the enormous capabilities and potentials of the Islamic Ummah to play a constructive role in shaping a more just, equitable and peaceful global order,

Expressing their full confidence that Iran, under the leadership of His Eminence Ayatollah Khamene’i and the Presidency of His Excellency Khatami, will lead the OIC during its Chairmanship in the most able and constructive manner, further enhancing the role and participation of the Organization in international affairs.

Solidarity and Security in the Islamic World

1. Pledge solemnly to promote solidarity, peace and security within the Islamic world as their top priority, and to pursue consultations on a forum for security cooperation, and entrust the Inter-Governmental Expert Group on Solidarity and Security of Islamic States to study and recommend appropriate strategies and practical measures to achieve this objective.

2. Reaffirm their resolve to consolidate cooperation and coordination among the Member States and their expectation from all regional organizations within the Islamic world to take effective practical measures in order to expand cooperation in all fields,

3. Emphasize that the goal of establishment of Islamic common Market constitutes a significant step towards strengthening Islamic solidarity and enhancing the share of the Islamic world in global trade.
4. Condemn the continued occupation by Israel of Palestinian and other Arab territories including Al-Quds Al-Sharif, the Syrian Golan and Southern Lebanon; salute the steadfastness of the Palestinian Lebanese and Syrian peoples in their resistance to the Israeli occupation; call for the liberation of all occupied Arab territories and restoration of the usurped rights of the Palestinian people; condemn the expansionist policies and practices by Israel such as the establishment and expansion of Jewish settlements in the occupied Palestinian territory, as well as acts to change the demographic and geographic status of the Holy City of Al-Quds; and emphasize the need for Israel to desist from state-terrorism which it continues to practice in utter disregard for all legal and moral principles; call for making the Middle East a zone free of all nuclear weapons and weapons of mass destruction and the necessity for Israel to join the Non-Proliferation Treaty and to put all its nuclear installations under IAEA safeguards.

5. Underline their resolve and determination to regain the Holy City of Al-Quds and the noble sanctuary of Masjid Al-Aqsa and to restore the inalienable national rights of the Palestinian people, the exercise of the right of the Palestinians to return to their homes and property and the attainment and exercise of the right of the Palestinian people to self-determination and the establishment of the independent and sovereign Palestinian State with Al-Quds Al-Sharif as its capital, and their right to leave and return freely to their country.

6. Stress their solidarity with the Muslim people of Bosnia and Herzegovina and underscore their confidence that the Ministerial Contact Group will continue to actively pursue the process of peace and reconstruction,

7. Deplore continuation of conflict and violence in Afghanistan, and express their full support for inter-Afghan dialogue, formation of a broad-based government, and
activities at the regional and international level to stop the bloodshed and to establish lasting peace in Afghanistan.


9. Reiterate their full support to the people of Jammu and Kashmir in the realization of their right to self-determination in accordance with UN resolutions.

10. Strongly condemn terrorism in all its forms and manifestations while recognizing the right of peoples under colonial or alien domination or foreign occupation for self-determination, declare that the killing of innocent people is forbidden in Islam; reiterate their commitment to the provisions of the OIC Code of Conduct for combating international terrorism, and their resolve to intensify their efforts to conclude a treaty on this issue, and call on the international Community to deny asylum to terrorists, assist in bringing them to justice, and take all necessary measures to prevent or to dismantle support networks helpful in any form to terrorism.

11. Pledge their commitment to extend full support to Muslim communities and minorities in non-Muslim countries in collaboration with their governments, and call upon all states to ensure their religious, political civil, economic, social and cultural rights.

Revival of the Islamic Civilization and Identity

12. Consider the revival of the Islamic civilization a peaceful global reality, express their concern at tendencies to portray Islam as a threat to the world, and emphasize that the Islamic civilization is firmly and historically grounded in peaceful
coexistence, cooperation and mutual understanding among civilizations, as well as constructive discourse with other religions and thoughts.

13. Reaffirm the need to establish understanding and interaction among various cultures, in line with the Islamic teachings of tolerances justice and peace, denounce various manifestations of cultural invasion disregard for religious and cultural traditions of other nations particularly as regards Divine values and principles, and call for the speedy conclusion of an internationally binding document to prevent blasphemy in accordance with existing decisions.

14. Entrust "the Group of Experts on the Image of Islam" to formulate and recommend pragmatic and constructive steps to encounter negative propaganda, to remove and rectify misunderstandings, and to present the true image of Islam, the religion of peace, the liberty and salvation.

15. Welcome the increasing inclination towards the flourishing message of Islam in the world, and decide to take advantage of the technological achievements in the field of information and communications in order to present the rich culture and eternal principles of Islam to the whole mankind.

Comprehensive, Balanced and Sustainable Development

16. Consider sustainable and balanced development in the moral, political, social, economic, cultural and scientific fields as vital for the Islamic world, and inspired by the noble principles and values of Islam, reaffirm their unwavering determination to ensure free exchange of ideas and the fullest participation of broadest segments of the Islamic Ummah in various activities of the society, reiterate their support for the aims and principles of "the Cairo Declaration on Human Rights in Islam", and decide to undertake adequate measures to institutionalize and operationalize this declaration.
17. Invite the Member States to make a collective effort towards substantial increase in
trade and investments within the Islamic world and to put in place instruments
including those decided within the context of COMCEC in order to expand the
existing exchange of goods and services and transfer of technology and expertise,

18. Emphasize their full respect for the dignity and the rights of Muslim women and
enhancement of their role in all aspect of social life in accordance with Islamic
principles, and call on the General Secretariat to encourage and coordinate
participation of women in the relevant activities of the OIC.

19. Underline the need for coordination among the Member-States to enhance their role
and participation in the global economic system and the international economic
decision-making processes; reject, at the same time, unilateralism and
extraterritorial application of domestic law, and urge all States to consider the so-
called D'Amato Law as null and void.

20. Stress the need for environmental cooperation among Islamic countries in various
fields at the bilateral, regional and international levels to achieve sustained
economic growth and sustainable development, as well as collaboration and
coordination of positions regarding these issues in international fora.

International Participation

21. Welcome the participation of the UN Secretary General, H.E. Kofi Annan, at the
Tehran Summit as a sign of excellent relation and cooperation between the United
Nations and the OIC, invite the UN Secretary General to pursue reform of the
United Nations in a manner that ensures maximum democratization of the decision
making within the UN system and stress, in this context, on the need for a more
effective and equitable role and representation of the OIC membership in the UN
organs particularly the Security Council.
22. Emphasize that effective, constructive and meaningful participation of Islamic countries in the management of international affairs is essential for maintaining peace and security in the world, and establishing the new world order on the basis of equality, justice and shared prosperity and promoting morality and Divine values and, in this connection, call upon the General Secretariat to facilitate effective consultation and coordination among Islamic countries in all international fora.

**Strengthening the Organization of the Islamic Conference**

23. Recognize that concerted measures to strengthen and revitalize the Organization of the Islamic Conference is also imperative, and express their determination to provide all necessary support with strong conviction to the ongoing process of reform and restructuring of the Organization to reach higher levels of efficiency and competence and enhance its effectiveness, operationalize and implement its decisions, and to constantly adapt the Organization with evolving international circumstances, mandate the "Open-ended Expert Group", in coordination with the Secretary General and the Chairman of the Organization, to study this issue with a view to achieving practical solutions.

**FOLLOW-UP**

24. Request the Chairman of the Organization to carry out regular and substantive consultations with member-states and take all necessary measures to pursue the implementation, of this Declaration with the cooperation of the Secretary General.

A careful study of the Muslim declarations of human rights in the modern times clearly demonstrate the commitment of the Muslim society with the basic human values and rights of Islam, but the most crucial point as raised by Professor Dr. Husayn Mihrpur of Iran, is that these declarations have not gone beyond the declarations. They could not be sincerely practised in the most of the Muslim countries.


Professor Tahir Mahmood in his article on the Human Rights in Islamic Law, has concluded that, more relevant to the observers in such a set up in the extent to which the Islamic states are actually protecting and honouring their citizens human rights than the Qur'ānic or tradition-based theories or the past precedents on the subjects. These theories and precedents are now too well-known and too established to be distorted or disbelieve. But, it is the practice of the ruling classes in the contemporary Muslim states on which the attention of the world is focussed. All modern Islamic governments must realise this and discharge these sacred obligation of faithfully implementing, in minutest detail, Islam’s comprehensive charter of basic human rights.
Notes & References:


4. Ibid., pp. 13-17


Conclusion
The Modern Concept

It was not until the Middle Ages, in the west, that natural law doctrine became closely associated with liberal political theories about natural rights. In Greco-roman and medieval times, natural law doctrines taught mainly the duties, as distinguished from the rights, of "Man". Moreover, as evident in the writings of Aristotle as St. Thomas Aquinas, these doctrines recognized the legitimacy of slavery and serfdom and, in so doing, excluded perhaps the central most ideas of human rights as they are understood today—the ideas of freedom (or liberty) and equality.

For the idea of human (i.e., natural) rights to take hold as a general social need and reality, it was necessary that basic changes in the beliefs and practices of society take place, changes of the sort that evolved from about the 13th century to the Peace of Westphalia (1648), during the Renaissance and the decline of feudalism. When resistance to religious intolerance and political-economic bondage began the long transition and liberal notions of freedom and equality, particularly in relation to the use and ownership of property, then were the foundations of what today are called human rights truly laid. During this period, reflecting the failure of rulers to meet their natural law obligations as well as the unprecedentedly committed to individual expression and worldly experience that was characteristic of the Renaissance, the shift from natural law as duties to natural as rights was made. The teachings of Aquinas (1224/25-1274), and Hugo Grotius (1583-1645), on the European continent, and the Magna Carta (1215), the Petition of Rights (1628), and the English Bill of Rights (1689) in England, were proof of this change. All testified to the increasingly popular view the human being are endowed with eternal and inalienable rights, never renounced when humankind “contracted” to enter the social from the primitive state and never diminished by the claim of “the divine right of kings”.
It was primarily for the seventeenth and eighteenth centuries, however, to elaborate upon this modernist conception of natural law as meaning or implying natural rights. The scientific and intellectual achievements of the seventeenth century – the discoveries of Galileo and Sir Isaac Newton, the materialism of Thomas Hobbes, the rationalism of René Descartes and Gottfried Wilhelm Leibniz, the pantheism of Benedict de Spinoza, the empiricism of Francis Bacon and John Locke – encouraged a belief in natural law and universal order; and during the eighteenth century, the so-called Age of Enlightenment, a growing confidence in human reason and in the perfectibility of human affairs led to its more comprehensive expression. Particularly to be noted are the writings of the seventeenth century English philosopher John Locke – arguably the most important natural law theorist of modern times – and the works of the eighteenth century Philosophers centred mainly in Paris, including Montesquieu, Voltaire, and Jean-Jacques Rousseau Locke argued in detail, mainly in writings associated with the Revolution of 1688 (the Glorious Revolution), that certain rights self-evidently pertain to individuals as human beings (because they existed in "the state of nature" before humankind entered civil society); that chief among them are the rights to life, liberty (freedom from arbitrary rule), and property; that, upon entering civil society (pursuant to a "social contract"), humankind surrendered to the state only the right to enforce these natural rights, not the rights themselves; and that the states failure to secure these reserved natural rights (the state itself being under contract to safeguard the interests of its members) gives rise to a right to responsibilities, popular revolution. The Philosophies, building on Locke and others and embracing many other varied currents of thought with a common supreme faith in reason, vigorously attacked religious and scientific dogmatism, intolerance, censorship, and social – economic restraints. They sought to discover and act upon universally valid principles
harmoniously governing nature, humanity, and society, including the theory of the
inalienable "rights of man" that became their fundamental ethical and social gospel.

This entire liberal intellectual format had, not surprisingly, great influence on
the Western world of the late eighteenth and early nineteenth centuries. Together with
the practical example of England’s Revolution of 1688 and the resulting Bill of Rights,
it provided that rationale for the wave of revolutionary agitation that then swept the
west, most notably in North America and France. Thomas Jefferson, who had studies
Locke and Montesquieu and who asserted that his country men were a “free people
claiming their rights as derived from the laws of nature and not as the gift of their chief
magistrate”, gave poetic eloquence to the plain prose of the seventeenth century in the
Declaration of Independence proclaimed by the 13 American colonies on July 4, 1776:
“We hold these truths to be self-evident, that all men are created equal, that they are
endowed by their creator with certain unalienable Rights, that among these are life,
liberty and the pursuit of happiness”.

It seems that the idea of human rights, called by another name, played a key
role in the late eighteenth and early nineteenth century struggles against political
absolutism. It was, indeed, the failure of rulers to respect the principles of freedom and
equality, which had not central to natural law philosophy almost from the beginning
that was responsible of human rights, “……… absolutism prompted man to claim
[human, or natural] right precisely because it denied them”.

The idea of human rights as natural rights was not without its detractors,
however, even at this otherwise receptive time. In the first place, being frequently
associated with religious orthodoxy, the doctrine of natural rights became less and less
acceptable to philosophical and political liberals. Additionally, because they were
conceived in essentially absolutist – “inalienable”, “unalterable”; “eternal” – terms,
natural rights were found increasingly to come into conflict with one another. Most importantly the doctrine of natural rights came under powerful philosophical and political attack from both the rights and the left.

Today, the vast majority of legal scholars, philosophers, and moralist agree, irrespective of culture or civilization, that every human being is entitled, at least in theory, to some basic rights. Heir to the protestant reformation and to the English, American, French, Mexican, Russian, and Chinese revolutions, the last half of the twentieth century as seen, in the words of human rights scholar Louis Henkin, "essentially universal acceptance of human rights in principles" such that "no government dares to dissent from the ideology of human rights today". Indeed, except for some essentially isolated nineteenth century demonstrations of international humanitarian concern to be noted below, the last half of the twentieth century may fairly be said to mark the birth of the international as well as the universal recognition of human rights. In the treaty establishing the United Nations (U.N.O.), all members pledged themselves to take joint and separate action for the achievement of "universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion". In the Universal Declaration of Human Rights (1948), set forth "as a common standard of achievement for all peoples and all nations". And in 1976, the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights, each approved by the UN General Assembly in 1966, entered into force into force and effect.

Magna Carta (1215)

The great charter, the charter of English liberties granted by King John in 1215 under threat of civil war and reissued with alterations in 1216, 1217, and 1225.
The charter meant less to contemporaries than it has subsequent generations. The solemn circumstances of its first granting have given to Magna Carta of 1215 a unique place in popular imagination; quite early in its history it became a symbol and a battle cry against oppression, each successive generation reading into it a protection of its own threatened liberties. In England the Petition of Rights (1628) and the Habeas Corpus Act (1679) looked directly back to clause 39 of the charter of 1215, which stated that “no freeman shall be .... Imprisoned or diseased [dispossessed] ..... Except by the lawful judgement of and the state constitutions,” show idea and even phrases directly traceable to Magna Carta.

Earlier kings of England, Henry I, Stephen, and Henry II, had issued charters, making promises or concessions to their barons. But these were granted by, not exacted from, the king and were very generally phrased. Moreover, the steady growth of the administration during the 12th century weakened the barons’ position vis-à-vis the crown. But the need for heavy taxation for the third crusade, and for the ransom of Richard I after his capture by the Holy Roman Emperor Henry VI, increased his successor’s difficulties. John’s position was further weakened by a rival claim to the throne and the French attack upon John’s Duchy of Normandy. In 1199, 1201, and 1205 John’s barons had to be promised their “rights”; his financial exactions increased offer his loss of Normandy (1204) and during his quarrel (1208-13) with Pope Innocent III, he taxed the English church heavily. It is, therefore, not surprising that after 1213 Stephen Langton, Archbishop of Cantabury, directed baronial unrest into a demand for a solemn grant of liberties by the king. The document known as the articles of the bacons was at least agreed and became the text from which the final version of the charter was drafted at Runnymede (beside the River Thames, between Windsor and Staines, now in the county of surrey) and sealed by John on June 15, 1215.
Although written continuously, the charter has been traditionally discussed as consisting of a preamble and 63 clauses. Roughly, its content may be divided into nine groups. The first concerned the church, asserting that it was to be "free". A second group provided statements of feudal law of particular concern to those holding lands directly from the crown, and the third assured similar rights to subtenants. A fourth group of clause referred to towns, trade, and merchants. A particularly large group was concerned with the reform of the law and of justice, and another with control of the behaviour of royal official. A seventh group concerned the royal forest, and another dealt with immediate issues, requiring, for instance, the dismissal of John's foreign mercenaries. The final clauses provided a form of security for the King's adherence to the charter, by which a council of 25 barons should have the ultimate right to levy war upon him should he seriously infringe it³.

**Bill Of Rights (1689)**

Bill of Rights, formally an act declaring the rights and liberties of the subject and setting the succession of the crown (1689), one of the basic instrument of the British Constitution and the result of the long seventeenth century struggle between the Stuart Kings and the English people and parliament. It incorporated the provision of the Declaration of Rights, acceptance of which had been the condition upon which the throne, held to have been vacated by James III, was offered to the prince and princess of Orange, afterward William III and Mary II. With the Toleration Act (1689), granting religious toleration to all Protestants, the Triennial Act (1694), ordering general elections to be held every three years, and the Act of Settlement (1701), and providing for the Hanoverian succession, the Bill of Rights provided the foundation on which the government rested after the revolution of 1688. It purported to introduce no new principles but merely to declare explicitly the existing law. The revolution settlement,
however, made monarchy clearly conditional on the will of parliament and provided a freedom from arbitrary government of which most English men were notably proud during the eighteenth century.

 The main purpose of the act was unequivocally to declare illegal various practices of James II. Among such practices proscribed were the royal prerogatives of dispensing with the laws in certain cases, the complete suspension of laws without the consent of parliament, and the longing of taxes and the maintenance of a standing army in peacetime without specific parliamentary authorization. A number of clauses sought to eliminate royal interference in parliamentary matters, stressing that elections must be free and that members must have complete freedom of speech – certain forms of interference in the course of justice were also prescribed. The act also dealt with the proximate succession to the throne, settling it on Mary’s heirs, then on those of her sister, afterward Queen Anna, and then on those of William, provided they were Protestants.

 **Declaration of the Rights of Man and Of the Citizen (1789)**

 The French Declaration *Des Droits De L’homme et Du Citoyen*, one of the basic charter of human liberties, containing the principles that inspired the French revolution. Its 17 articles adopted between August 20 and August 26, 1789, by France’s National Assembly, served as the preamble to the constitution of 1791. It also served as the preamble to the constitution of 1793 (re-titled simply Declaration of the Rights of Man) and to the constitution of 1795 (re-titled Declaration of the Rights and Duties of Man and the Citizens).

 The basic principle of the Declaration was that “all men are born free and equal in rights” (Article 1), which was specified as the rights of liberty, private property, the
inviolability of the person, and resistance to oppression (Article 2). All citizens were
equal before the law and were to have the right to participate in legislation directly or
indirectly (Article 6); no one was to be arrested without a judicial order (Article 7).
Freedom of religion (Article 10) and freedom of speech (Article 11) was the safeguard
within the bounds of “public order” and “law”. The document reflected the interests of
the bourgeois who wrote it: properly was given the status of an inviolable rights, which
could be taken by the state only if an indemnity were given (Article 17); offices and
position were opened to the middle class (Article 6)\textsuperscript{7}.

**Universal Declaration of Human Rights (1948)\textsuperscript{8}**

The catalogue of right set out in the Universal Declaration of Human Rights,
which was adopted without dissent by the general assembly on December 10, 1948, is
scarcely less than the sum of all the important traditional political and civil rights of
national constitutions and the important traditional political and civil rights of national
constitutions and legal system, including equality before the law; protection against
arbitrary arrest; the right to a fair trail; freedom from ex post facto criminal laws; the
right to own property; freedom of thought, conscience, and religion; freedom of
opinion and expression; and freedom of peaceful assembly and association. Also
enumerated are such economic, social, and cultural rights as the right to work and to
choose one’s work freely, the right to equal pay for equal work, the right to form and
join trade unions, the right to education.

The Universal Declaration, it must be noted, is not a treaty. It was meant to
proclaim “a common standard of achievement for all peoples and all nations” rather
than enforceable legal obligation and the completion for signature and ratification of
the two covenants, the Universal Declaration has acquired a status juristically more
important than original intended. It has been widely used, even by national courts, as a means of judging compliance with human right obligation under the UN charter⁹.

**A Comparison**

A comparative study of the Western Declaration of Human Rights, and the Farewell Prophetic Sermon, clearly explained and updated in the form of Muslim Declarations, clearly shows that the idea of human rights announced publicly and implemented internationally in the west was basically borrowed from the Holy Qur’ān and Prophetic traditions. Both the Western and Islamic Declarations have foundations and common provision as well.

The original infrastructure of the first Universal Declaration of Human Rights is the unity of mankind. This view is not compatible with religious approach but it directly or indirectly arises from that as, except when addressed generally for which terms like “O People”, “O Men”, “O Mankind” and are used, it is clear that in Qur’ānic insight all men are equal.

The following sacred verse verifies this view,

ياها الناس إنا خلقتم من ذكر وأنثى وجعلنكم شعوبا وقبائل لتتعرفوا.

“O mankind verily! We have created you from a single (pair) of a male and female and made you into nations and tribes that ye may know each other”⁹

Furthermore, what is received from the oral and practical traditions of the Holy Prophet (صلى الله عليه وسلم) and our religious leaders indicate the same approach:

كلكم من آدم وآدم من تراب

“You are all the descendents of Adam and Adam came from dust”¹¹

The provision of the Universal Declaration of Human Rights also originate from a public and ideological approach governing at the time of formulating this
Declaration, i.e., after the end of the second world war, the formulatorms of the Declaration of the Human Rights believed that human family was a single entity with common gains and losses. This foundation per se originated from their ideology, which made them see external reality as this. Thus, the notion of man’s unity is based on the reality of the existence. Here, we also reach the linking bond of Islamic and Western Human Rights system, as in the Islamic approach. The human family is one unit with common gains and losses.

The other common element between the human rights in Islam and the western human rights is the natural value and respect for man.

The Holy Qur’ân states,

\[
\text{ان اكركم عند الله انظمكم}
\]

“Verily the most honoured of you in the sight of Allah is (he who is) the most righteous of you”\(^{12}\).

And the preamble to the Universal Declaration of Human Rights talks of the recognition of the innate value of all members of the human family; it comes to our mind that this Declaration has been, directly or indirectly, influenced by that Qur’ânic instruction or at least both of them are compatible with supreme reason and man’s wisdom. The deep difference between these two relates to the divine revelation by some intermediate factors.

Another linking bond between the Islamic and the Western Human Rights system is the issue of individual and the society and man’s individual and social dignity. Disregarding the theoretic and philosophical discussions related to individualism and socialism, in both legal systems, the interests of society are prevailing on the individuals. Means and instruments have been devised to protect the interests of each against the other. The interesting point is that the conflict of the
interests of the individuals and the society with the individual may be removed only by
social institutions. This deep-rooted experience has made mankind establish the
government in order to regulate the relations of individuals with one another and with
the society and give power and legitimacy to this institution. In this area, there may be
seen many similarities between the statutory laws of man and the provisions of the
Holy Qur’ān and the traditions of the Prophet (صلى الله عليه وسلم). The similarities may be
identified in the articles and principles of human rights too. Here, we shall give some
instances

A) Life

B) Freedom

C) Justice

Life

Some Muslim scientists have divided life into two parts: material and spiritual.
The attention to spiritual aspects in Islam and its deletion from the Universal
Declaration of Human Rights is the priority of Islamic human rights over the western
one. In Islamic and western human rights system, by material life we mean that man is
born one day and dies another day and paying attention to this very life (or the material
life) is another common point and a linking bond of these two systems. “Blood shed
and murder” is so vice and condemned in Islam that killing one person is regarded
equal to killing all mankind,

من قتل نفساً بغير نفس اوبساد في الأرض فكانما قتل الناس جميعاً،
ومن احياها فكانما احيا الناس جميعاً.

“If anyone slew a person unless it be for murder or for spreading mischief
in the land it would be as if he slew the whole people.”}^{13}
This verse is certainly about the common meaning we have in mind of "murder". Of course, a more general interpretation might be derived from the context of the verse as well.

**Freedom**

Concerning the sublime value of freedom which serves as another link between the two law systems involved, it is to be stated the fact that in this area, the religious concept of freedom which is freedom from carnal desires and slavery by everybody but by God. It is worth mentioning that man’s responsibility originates from his freedom. Man is by nature a free being. As he is wise, he himself regards restraints for his individual and social life based on wisdom and reason illumination and through divine revelation. As suggested at the outset, human wisdom when exalted from the ordinary restraints and elevated to the superior state becomes capable of achieving the truth and human laws and rules of life through revelation. Therefore, as a reasonable being, man puts curbs on his natural and innate freedoms in individual and social life. Any man with a religion or belief in a school; of thought have limits and regulations as well:

"How did you try to enslave the people while their mothers had born them free" 14

If some differences are observed in the Islamic and western human rights with respect to the limits of freedom, this does not impair the rational and fundamental freedoms.

In other words, the Islamic and the western human rights have set limits for man’s inherent freedom from epicurist view, the limits and restraints on sexual freedom are much less than divine value-oriented approach, but even in the same western view, there are limits for this freedom such as the ban on rape and overt sexual
activities. In other words, even in the freest of societies, human reason has not stopped working: it has restrained freedom though on a very small scale. In order to remove any misconception, the basis of western view toward sexual freedom is a mixture of feeling and desire and if it has any rational basis it is mixed with irrational and diverted extravagances and with a reaction against sexual ban guilt feeling concerning the sacred issue of marriage as sermonizing by church authorities. At any rate, this approach is condemned in Islam.

Justice

In the preamble to the Universal Declaration of Human Rights, it is expressed that lack of recognition of human rights had led to barbarous acts which have in turn made human souls revolt and in general, the rights of people should be protected by law enforcement so that man may not be urged to revolt against injustice and cruelty as a last resort. The following points may be seen in the articles provided in this Declaration.

Prohibition to slavery (Article 4), prohibition of torture, inhuman or degrading treatment or punishment (Article 5), Equality of everyone before the law (Article 7), the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted by the law (Article 8), prohibition of arbitrary arrest, detention or exile (Article 9), the right to be presumed innocent until proved guilty according to law in a public trail at which he has had all the guarantees necessary for his defence (Article 11, paragraph 2), prohibition of arbitrary interference with people’s privacy, family, correspondence, or attacks upon his honour and reputation (Article 12), prohibition of arbitrarily depriving others of their property (Article 17, paragraph 1).
These provisions are in fact evidence for enforcement of justice and removing injustice and the links of Islamic and western human rights systems are quite firm and stable in them. The concept of justice in the Islamic teachings is so extensive which is an attributes of the highest rank of existence (God) and this attribute, like other attributes of God, is His nature. What is stated is enough to show the superiority and the elevation of this issue, but the problem does not end here and the realm of justice has covered all the universe and all particles of the existence are covered by this general overwhelming issue so as it is said “The universe is made stable by justice”.

On the other hand, man with any religion, seek justice by virtue of reason and wisdom and hate cruelty and injustice and pressure in religious, social and economical domain. Therefore, what we see in the Declaration of Human Rights is a proper manifestation of man’s wishes. Man strives to actualize and realize in the individual and social life what originates from the creator of the world and what is current in the existence and what the cause is of is strength as instructed by his reason and wisdom.

The Holy Qur’an states that,

“O ye who believe! stand out firmly for Allah as witnesses to fair dealing and let not the hatred of others to you make you swerve to wrong and depart from justice. Be just: that is next to Piety: and fear Allah for Allah is well-acquainted with all that ye do”

“Whenever ye speak, speak justly even if a near relative is concerned”

Apart from similarities between the Islamic and western system of human rights there are so many provisions and concepts different from each other.
Article I of the Universal Declaration of Human Rights announces all the members of human family of equal rights without any difference between Muslims and non-Muslims. Islam differentiated between the two communities in the sphere of politics where the non-Muslims are not eligible for the appointment of head of any Islamic state.

Article II of the Universal Declaration of Human Rights treats the followers of all the religion entitled to all rights and freedoms. Islam does not allow a Muslim who converts into an apostate (murtada) to live more. It considers such a Muslim as one who rebels against it and become liable to death.

According to Article VI of Universal Declaration of Human Rights, all the men and women of full age are entitled to equal rights as to marriage, during marriage and its dissolution. The Holy Qur'an as declared men as the guardian and protector (Qawwam), the women and are awarded a degree above the women.

Some of these important points which are in confront with each other into two systems of human rights should be studied comparatively. The most important features in their comparison however is the right of Allah Almighty and His Will, this right is the basis of all human rights as weaved by the Holy Qur'an and traditions of the Holy Prophet (صلى الله عليه وسلم). This is totally neglected in the Universal Declaration of Human Rights.
Notes & References:

2. For original document text see Appendix II.
4. For original document text see Appendix III.
6. For original document text see Appendix IV.
8. For original document text see Appendix V.
9. *The New Encyclopaedia Britannica*, Chicago, 1994, vol. 20, p. 661; This is the most advance and updated declaration made by the west and is therefore selected here for a comparison with the Islamic concept.
10. The Qur'an 49: 13
12. The Qur'an 49: 13
13. The Qur'an 5: 32
15. The Qur'an 5: 8
16. The Qur'an 6: 152
17. The word *Qawwam* used in the Holy Qur'an (Q. 4: 34) has been translated by various commentators into various phrases, such as,

   Allama Abdullah Yusuf Ali
   
   "Men are the protectors and maintainers of women"

   Muhammad Marmaduke Picthall
   
   "Men are in charge of women"

   Abdul Majid Daryabadi
   
   "Men are overseers over women"

   Muhammad Mohsin Khan
   
   "Men are the protectors and maintainers of women"
Appendices

I Codes of Hammurabi
II Magna Carta
III Bill of Rights
IV Declarations of the Rights of Man and of the Citizen
V Universal Declaration of Human Rights
I – CODES OF HAMMURABI

PROLOUGE

When Anu the Sublime, King of the Anunaki, and Bel, the lord of Heaven and earth, who decreed the fate of the land, assigned to Marduk, the over-ruling son of Ea, God of righteousness, dominion over earthly man, and made him great among the Igigi, they called Babylon by his illustrious name, made it great on earth, and founded an everlasting kingdom in it, whose foundations are laid so solidly as those of heaven and earth; then Anu and Bel called by name me, Hammurabi, the exalted prince, who feared God, to bring about the rule of righteousness in the land, to destroy the wicked and the evil-doers; so that the strong should not harm the weak; so that I should rule over the black-headed people like Shamash, and enlighten the land, to further the well-being of mankind.

Hammurabi, the prince, called of Bel am I, making riches and increase, enriching Nippur and Dur-iliu beyond compare, sublime patron of E-kur; who re-established Eridu and purified the worship of E-apsu; who conquered the four quarters of the world, made great the name of Babylon, rejoiced the heart of Marduk, his lord who daily pays his devotions in Saggil; the royal scion whom Sin made; who enriched Ur; the humble, the reverent, who brings wealth to Gish-shir-gal; the white king, heard of Shamash, the mighty, who again laid the foundations of Sippara; who clothed the gravestones of Malkat with green; who made E-babbar great, which is like the heavens, the warrior who guarded Larsa and renewed E-babbar, with Shamash as his helper; the lord who granted new life to Uruk, who brought plenteous water to its inhabitants, raised the head of E-anna, and perfected the beauty of Anu and Nana; shield of the land, who reunited the scattered inhabitants of Isin; who richly endowed E-gal-mach; the protecting king of the city, brother of the god Zamama; who firmly founded the farms of Kish, crowned E-me-te-ursag with glory, redoubled the great holy treasures of Nana, managed the temple of Harsag-kalama; the grave of the enemy, whose help brought about the victory; who increased the power of Cuthah; made all glorious in E-shidlam, the black steer, who gored the enemy; beloved of the god Nebo, who rejoiced the inhabitants of Borsippa, the Sublime; who is indefatigable for E-zida; the divine king of the city; the White, Wise; who broadened the fields of Dilbat, who heaped up the harvests for Urash; the Mighty, the lord to whom come sceptre and crown, with which he clothes himself; the Elect of Ma-ma; who fixed the temple bounds of Kesh, who made rich the holy feasts of Nin-tu; the provident, solicitous, who provided food and drink for Lagash and Girsu, who provided large sacrificial offerings for the temple of Ningirsu; who captured the enemy, the Elect of the oracle who fulfilled the prediction of Hallab, who rejoiced the heart of Anunit; the pure prince, whose prayer is accepted by Adad; who satisfied the heart of Adad, the warrior, in Karkar, who restored the vessels for worship in E-ud-gal-gal; the king who granted life to the city of Adab; the guide of
E-mach; the princely king of the city, the irresistible warrior, who granted life to the inhabitants of Mashkanshabri, and brought abundance to the temple of Shidlam; the White, Potent, who penetrated the secret cave of the bandits, saved the inhabitants of Malka from misfortune, and fixed their home fast in wealth; who established pure sacrificial gifts for Ea and Dam-gal-nun-na, who made his kingdom everlastingly great; the princely king of the city, who subjected the districts on the Ud-kib-nun-na Canal to the sway of Dagon, his Creator; who spared the inhabitants of Mera and Tutul; the sublime prince, who makes the face of Ninni shine; who presents holy meals to the divinity of Nin-a-zu, who cared for its inhabitants in their need, provided a portion for them in Babylon in peace; the shepherd of the oppressed and of the slaves; whose deeds find favor before Anunit, who provided for Anunit in the temple of Dumash in the suburb of Agade; who recognizes the right, who rules by law; who gave back to the city of Ashur its protecting god; who let the name of Ishtar of Nineveh remain in E-mishmish; the Sublime, who humbles himself before the great gods; successor of Sumula-il; the mighty son of Sin-muballit; the royal scion of Eternity; the mighty monarch, the sun of Babylon, whose rays shed light over the land of Sumer and Akkad; the king, obeyed by the four quarters of the world; Beloved of Ninni, am I.

When Marduk sent me to rule over men, to give the protection of right to the land, I did right and righteousness in . . ., and brought about the well-being of the oppressed.

1 If any one ensnares another, putting a ban upon him, but he can not prove it, then he that ensnared him shall be put to death.

2 If any one bring an accusation against a man, and the accused go to the river and leap into the river, if he sink in the river his accuser shall take possession of his house. But if the river prove that the accused is not guilty, and he escape unhurt, then he who had brought the accusation shall be put to death, while he who leaped into the river shall take possession of the house that had belonged to his accuser.

3 If any one bring an accusation of any crime before the elders, and does not prove what he has charged, he shall, if it be a capital offence charged, be put to death.

4 If he satisfy the elders to impose a fine of grain or money, he shall receive the fine that the action produces.

5 If a judge try a case, reach a decision, and present his judgment in writing; if later error shall appear in his decision, and it be through his own fault, then he shall pay twelve times the fine set by him in the case, and he shall be publicly removed from the judge's bench, and never again shall he sit there to render judgement.

6 If any one steal the property of a temple or of the court, he shall be put to death, and also the one who receives the stolen thing from him shall be put to death.
If any one buy from the son or the slave of another man, without witnesses or a contract, silver or gold, a male or female slave, an ox or a sheep, an ass or anything, or if he take it in charge, he is considered a thief and shall be put to death.

If any one steal cattle or sheep, or an ass, or a pig or a goat, if it belong to a god or to the court, the thief shall pay thirty-fold; if they belonged to a freed man of the king he shall pay tenfold; if the thief has nothing with which to pay he shall be put to death.

If any one lose an article, and find it in the possession of another: if the person in whose possession the thing is found say "A merchant sold it to me, I paid for it before witnesses," and if the owner of the thing say, "I will bring witnesses who know my property," then shall the purchaser bring the merchant who sold it to him, and the witnesses before whom he bought it, and the owner shall bring witnesses who can identify his property. The judge shall examine their testimony—both of the witnesses before whom the price was paid, and of the witnesses who identify the lost article on oath. The merchant is then proved to be a thief and shall be put to death. The owner of the lost article receives his property, and he who bought it receives the money he paid from the estate of the merchant.

If the purchaser does not bring the merchant and the witnesses before whom he bought the article, but its owner bring witnesses who identify it, then the buyer is the thief and shall be put to death, and the owner receives the lost article.

If the owner do not bring witnesses to identify the lost article, he is an evil-doer, he has traduced, and shall be put to death.

If the witnesses be not at hand, then shall the judge set a limit, at the expiration of six months. If his witnesses have not appeared within the six months, he is an evil-doer, and shall bear the fine of the pending case.

If any one steal the minor son of another, he shall be put to death.

If any one take a male or female slave of the court, or a male or female slave of a freed man, outside the city gates, he shall be put to death.

If any one receive into his house a runaway male or female slave of the court, or of a freedman, and does not bring it out at the public proclamation of the major domus, the master of the house shall be put to death.

If any one find runaway male or female slaves in the open country and bring them to their masters, the master of the slaves shall pay him two shekels of silver.

If the slave will not give the name of the master, the finder shall bring him to the palace; a further investigation must follow, and the slave shall be returned to his master.
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19 If he hold the slaves in his house, and they are caught there, he shall be put to death.

20 If the slave that he caught run away from him, then shall he swear to the owners of the slave, and he is free of all blame.

21 If any one break a hole into a house (break in to steal), he shall be put to death before that hole and be buried.

22 If any one is committing a robbery and is caught, then he shall be put to death.

23 If the robber is not caught, then shall he who was robbed claim under oath the amount of his loss; then shall the community, and... on whose ground and territory and in whose domain it was compensate him for the goods stolen.

24 If persons are stolen, then shall the community and... pay one mina of silver to their relatives.

25 If fire break out in a house, and some one who comes to put it out cast his eye upon the property of the owner of the house, and take the property of the master of the house, he shall be thrown into that self-same fire.

26 If a chieftain or a man (common soldier), who has been ordered to go upon the king's highway for war does not go, but hires a mercenary, if he withholds the compensation, then shall this officer or man be put to death, and he who represented him shall take possession of his house.

27 If a chieftain or man be caught in the misfortune of the king (captured in battle), and if his fields and garden be given to another and he take possession, if he return and reaches his place, his field and garden shall be returned to him, he shall take it over again.

28 If a chieftain or a man be caught in the misfortune of a king, if his son is able to enter into possession, then the field and garden shall be given to him, he shall take over the fee of his father.

29 If his son is still young, and can not take possession, a third of the field and garden shall be given to his mother, and she shall bring him up.

30 If a chieftain or a man leave his house, garden, and field and hires it out, and some one else takes possession of his house, garden, and field and uses it for three years: if the first owner return and claims his house, garden, and field, it shall not be given to him, but he who has taken possession of it and used it shall continue to use it.

31 If he hire it out for one year and then return, the house, garden, and field shall be given back to him, and he shall take it over again.

32 If a chieftain or a man is captured on the "Way of the King" (in war), and a merchant buy him free, and bring him back to his place; if he have the means in his house to buy his freedom, he shall buy himself free: if he have nothing in his house with which to buy
himself free, he shall be bought free by the temple of his community; if there be nothing in the temple with which to buy him free, the court shall buy his freedom. His field, garden, and house shall not be given for the purchase of his freedom.

33 If a . . . or a . . . enter himself as withdrawn from the "Way of the King," and send a mercenary as substitute, but withdraw him, then the . . . or . . . shall be put to death.

34 If a . . . or a . . . harm the property of a captain, injure the captain, or take away from the captain a gift presented to him by the king, then the . . . or . . . shall be put to death.

35 If any one buy the cattle or sheep which the king has given to chieftains from him, he loses his money.

36 The field, garden, and house of a chieftain, of a man, or of one subject to quit-rent, can not be sold.

37 If any one buy the field, garden, and house of a chieftain, man, or one subject to quit-rent, his contract tablet of sale shall be broken (declared invalid) and he loses his money. The field, garden, and house return to their owners.

38 A chieftain, man, or one subject to quit-rent can not assign his tenure of field, house, and garden to his wife or daughter, nor can he assign it for a debt.

39 He may, however, assign a field, garden, or house which he has bought, and holds as property, to his wife or daughter or give it for debt.

40 He may sell field, garden, and house to a merchant (royal agents) or to any other public official, the buyer holding field, house, and garden for its usufruct.

41 If any one fence in the field, garden, and house of a chieftain, man, or one subject to quit-rent, furnishing the palings therefore; if the chieftain, man, or one subject to quit-rent return to field, garden, and house, the palings which were given to him become his property.

42 If any one take over a field to till it, and obtain no harvest there-from, it must be proved that he did no work on the field, and he must deliver grain, just as his neighbour raised, to the owner of the field.

43 If he do not till the field, but let it lie fallow, he shall give grain like his neighbour's to the owner of the field, and the field which he let lie fallow he must plough and sow and return to its owner.

44 If any one take over a waste-lying field to make it arable, but is lazy, and does not make it arable, he shall plough the fallow field in the fourth year, harrow it and till it, and give it back to its owner, and for each ten gan (a measure of area) ten gur of grain shall be paid.
If a man rent his field for tillage for a fixed rental, and receive the rent of his field, but bad weather come and destroy the harvest, the injury falls upon the tiller of the soil.

If he do not receive a fixed rental for his field, but lets it on half or third shares of the harvest, the grain on the field shall be divided proportionately between the tiller and the owner.

If the tiller, because he did not succeed in the first year, has had the soil tilled by others, the owner may raise no objection; the field has been cultivated and he receives the harvest according to agreement.

If any one owe a debt for a loan, and a storm prostrates the grain, or the harvest fail, or the grain does not grow for lack of water; in that year he need not give his creditor any grain, he washes his debt-tablet in water and pays no rent for this year.

If any one take money from a merchant, and give the merchant a field tillable for corn or sesame and order him to plant corn or sesame in the field, and to harvest the crop; if the cultivator plant corn or sesame in the field, at the harvest the corn or sesame that is in the field shall belong to the owner of the field and he shall pay corn as rent, for the money he received from the merchant, and the livelihood of the cultivator shall he give to the merchant.

If he give a cultivated corn-field or a cultivated sesame-field, the corn or sesame in the field shall belong to the owner of the field, and he shall return the money to the merchant as rent.

If he have no money to repay, then he shall pay in corn or sesame in place of the money as rent for what he received from the merchant, according to the royal tariff.

If the cultivator do not plant corn or sesame in the field, the debtor's contract is not weakened.

If any one be too lazy to keep his dam in proper condition, and does not so keep it; if then the dam break and all the fields be flooded, then shall he in whose dam the break occurred be sold for money, and the money shall replace the corn which he has caused to be ruined.

If he be not able to replace the corn, then he and his possessions shall be divided among the farmers whose corn he has flooded.

If any one open his ditches to water his crop, but is careless, and the water flood the field of his neighbour, then he shall pay his neighbour corn for his loss.

If a man let in the water, and the water overflow the plantation of his neighbour, he shall pay ten gur of corn for every ten gan of land.
57 If a shepherd, without the permission of the owner of the field, and without the knowledge of the owner of the sheep, lets the sheep into a field to graze, then the owner of the field shall harvest his crop, and the shepherd, who had pastured his flock there without permission of the owner of the field, shall pay to the owner twenty gur of corn for every ten gan.

58 If after the flocks have left the pasture and been shut up in the common fold at the city gate, any shepherd let them into a field and they graze there, this shepherd shall take possession of the field which he has allowed to be grazed on, and at the harvest he must pay sixty gur of corn for every ten gan.

59 If any man, without the knowledge of the owner of a garden, fell a tree in a garden he shall pay half a mina in money.

60 If any one give over a field to a gardener, for him to plant it as a garden, if he work at it, and care for it for four years, in the fifth year the owner and the gardener shall divide it, the owner taking his part in charge.

61 If the gardener has not completed the planting of the field, leaving one part unused, this shall be assigned to him as his.

62 If he do not plant the field that was given over to him as a garden, if it be arable land (for corn or sesame) the gardener shall pay the owner the produce of the field for the years that he let it lie fallow, according to the product of neighbouring fields, put the field in arable condition and return it to its owner.

63 If he transform waste land into arable fields and return it to its owner, the latter shall pay him for one year ten gur for ten gan.

64 If any one hand over his garden to a gardener to work, the gardener shall pay to its owner two-thirds of the produce of the garden, for so long as he has it in possession, and the other third shall he keep.

65 If the gardener do not work in the garden and the product fall off, the gardener shall pay in proportion to other neighbouring gardens.

[Here a portion of the text is missing, apparently comprising thirty-four paragraphs.]

100 . . . interest for the money, as much as he has received, he shall give a note therefore, and on the day, when they settle, pay to the merchant.

101 If there are no mercantile arrangements in the place whither he went, he shall leave the entire amount of money which he received with the broker to give to the merchant.

102 If a merchant entrust money to an agent (broker) for some investment, and the broker suffer a loss in the place to which he goes, he shall make good the capital to the merchant.
103 If, while on the journey, an enemy take away from him anything that he had, the broker shall swear by God and be free of obligation.

104 If a merchant give an agent corn, wool, oil, or any other goods to transport, the agent shall give a receipt for the amount, and compensate the merchant therefore. Then he shall obtain a receipt form the merchant for the money that he gives the merchant.

105 If the agent is careless, and does not take a receipt for the money which he gave the merchant, he can not consider the un-receipted money as his own.

106 If the agent accept money from the merchant, but have a quarrel with the merchant (denying the receipt), then shall the merchant swear before God and witnesses that he has given this money to the agent, and the agent shall pay him three times the sum.

107 If the merchant cheat the agent, in that as the latter has returned to him all that had been given him, but the merchant denies the receipt of what had been returned to him, then shall this agent convict the merchant before God and the judges, and if he still deny receiving what the agent had given him shall pay six times the sum to the agent.

108 If a tavern-keeper (feminine) does not accept corn according to gross weight in payment of drink, but takes money, and the price of the drink is less than that of the corn, she shall be convicted and thrown into the water.

109 If conspirators meet in the house of a tavern-keeper, and these conspirators are not captured and delivered to the court, the tavern-keeper shall be put to death.

110 -----text missing-----

111 -----text missing-----

112 If any one be on a journey and entrust silver, gold, precious stones, or any movable property to another, and wish to recover it from him; if the latter do not bring all of the property to the appointed place, but appropriate it to his own use, then shall this man, who did not bring the property to hand it over, be convicted, and he shall pay fivefold for all that had been entrusted to him.

113 If any one have consignment of corn or money, and he take from the granary or box without the knowledge of the owner, then shall he who took corn without the knowledge of the owner out of the granary or money out of the box be legally convicted, and repay the corn he has taken. And he shall lose whatever commission was paid to him, or due him.

114 If a man have no claim on another for corn and money, and try to demand it by force, he shall pay one-third of a mina of silver in every case.

115 If any one have a claim for corn or money upon another and imprison him; if the prisoner die in prison a natural death, the case shall go no further.
If the prisoner die in prison from blows or maltreatment, the master of the prisoner shall convict the merchant before the judge. If he was a free-born man, the son of the merchant shall be put to death; if it was a slave, he shall pay one-third of a mina of gold, and all that the master of the prisoner gave he shall forfeit.

If any one fail to meet a claim for debt, and sell himself, his wife, his son, and daughter for money or give them away to forced labour: they shall work for three years in the house of the man who bought them, or the proprietor, and in the fourth year they shall be set free.

If he give a male or female slave away for forced labour, and the merchant sublease them, or sell them for money, no objection can be raised.

If any one fail to meet a claim for debt, and he sell the maid servant who has borne him children, for money, the money which the merchant has paid shall be repaid to him by the owner of the slave and she shall be freed.

If any one store corn for safe keeping in another person's house, and any harm happen to the corn in storage, or if the owner of the house open the granary and take some of the corn, or if especially he deny that the corn was stored in his house: then the owner of the corn shall claim his corn before God (on oath), and the owner of the house shall pay its owner for all of the corn that he took.

If any one store corn in another man's house he shall pay him storage at the rate of one gur for every five ka of corn per year.

If any one give another silver, gold, or anything else to keep, he shall show everything to some witness, draw up a contract, and then hand it over for safe keeping.

If he turn it over for safe keeping without witness or contract, and if he to whom it was given deny it, then he has no legitimate claim.

If any one deliver silver, gold, or anything else to another for safe keeping, before a witness, but he deny it, he shall be brought before a judge, and all that he has denied he shall pay in full.

If any one place his property with another for safe keeping, and there, either through thieves or robbers, his property and the property of the other man be lost, the owner of the house, through whose neglect the loss took place, shall compensate the owner for all that was given to him in charge. But the owner of the house shall try to follow up and recover his property, and take it away from the thief.

If any one who has not lost his goods state that they have been lost, and make false claims: if he claim his goods and amount of injury before God, even though he has not
lost them, he shall be fully compensated for all his loss claimed. (I.e., the oath is all that is needed.).

127 If any one "point the finger" (slander) at a sister of a god or the wife of any one, and cannot prove it, this man shall be taken before the judges and his brow shall be marked. (by cutting the skin, or perhaps hair.)

128 If a man take a woman to wife, but have no intercourse with her, this woman is no wife to him.

129 If a man's wife be surprised (in flagrante delicto) with another man, both shall be tied and thrown into the water, but the husband may pardon his wife and the king his slaves.

130 If a man violate the wife (betrothed or child-wife) of another man, who has never known a man, and still lives in her father's house, and sleep with her and be surprised, this man shall be put to death, but the wife is blameless.

131 If a man bring a charge against one's wife, but she is not surprised with another man, she must take an oath and then may return to her house.

132 If the "finger is pointed" at a man's wife about another man, but she is not caught sleeping with the other man, she shall jump into the river for her husband.

133 If a man is taken prisoner in war, and there is a sustenance in his house, but his wife leave house and court, and go to another house: because this wife did not keep her court, and went to another house, she shall be judicially condemned and thrown into the water.

134 If any one be captured in war and there is not sustenance in his house, if then his wife go to another house this woman shall be held blameless.

135 If a man be taken prisoner in war and there be no sustenance in his house and his wife go to another house and bear children; and if later her husband return and come to his home: then this wife shall return to her husband, but the children follow their father.

136 If any one leave his house, run away, and then his wife go to another house, if then he return, and wishes to take his wife back: because he fled from his home and ran away, the wife of this runaway shall not return to her husband.

137 If a man wish to separate from a woman who has borne him children, or from his wife who has borne him children: then he shall give that wife her dowry, and a part of the usufruct of field, garden, and property, so that she can rear her children. When she has brought up her children, a portion of all that is given to the children, equal as that of one son, shall be given to her. She may then marry the man of her heart.

138 If a man wishes to separate from his wife who has borne him no children, he shall give her the amount of her purchase money and the dowry which she brought from her father's house, and let her go.
If there was no purchase price he shall give her one mina of gold as a gift of release.

If he be a freed man he shall give her one-third of a mina of gold.

If a man's wife, who lives in his house, wishes to leave it, plunges into debt, tries to ruin her house, neglects her husband, and is judicially convicted: if her husband offer her release, she may go on her way, and he gives her nothing as a gift of release. If her husband does not wish to release her, and if he take another wife, she shall remain as servant in her husband's house.

If a woman quarrel with her husband, and say: "You are not congenial to me," the reasons for her prejudice must be presented. If she is guiltless, and there is no fault on her part, but he leaves and neglects her, then no guilt attaches to this woman, she shall take her dowry and go back to her father's house.

If she is not innocent, but leaves her husband, and ruins her house, neglecting her husband, this woman shall be cast into the water.

If a man take a wife and this woman give her husband a maid-servant, and she bear him children, but this man wishes to take another wife, this shall not be permitted to him; he shall not take a second wife.

If a man take a wife, and she bear him no children, and he intend to take another wife: if he take this second wife, and bring her into the house, this second wife shall not be allowed equality with his wife.

If a man take a wife and she give this man a maid-servant as wife and she bear him children, and then this maid assume equality with the wife: because she has borne him children her master shall not sell her for money, but he may keep her as a slave, reckoning her among the maid-servants.

If she have not borne him children, then her mistress may sell her for money.

If a man take a wife, and she be seized by disease, if he then desire to take a second wife he shall not put away his wife, who has been attacked by disease, but he shall keep her in the house which he has built and support her so long as she lives.

If this woman does not wish to remain in her husband's house, then he shall compensate her for the dowry that she brought with her from her father's house, and she may go.

If a man give his wife a field, garden, and house and a deed therefore, if then after the death of her husband the sons raise no claim, then the mother may bequeath all to one of her sons whom she prefers, and need leave nothing to his brothers.

If a woman who lived in a man's house made an agreement with her husband, that no creditor can arrest her, and has given a document therefore: if that man, before he married that woman, had a debt, the creditor can not hold the woman for it. But if the
woman, before she entered the man's house, had contracted a debt, her creditor can not
arrest her husband therefore.

If after the woman had entered the man's house, both contracted a debt, both must pay
the merchant.

If the wife of one man on account of another man has their mates (her husband and the
other man's wife) murdered, both of them shall be impaled.

If a man be guilty of incest with his daughter, he shall be driven from the place (exiled).

If a man betroth a girl to his son, and his son have intercourse with her, but he (the
father) afterward defile her, and be surprised, then he shall be bound and cast into the
water (drowned).

If a man betroth a girl to his son, but his son has not known her, and if then he defile her,
he shall pay her half a gold mina, and compensate her for all that she brought out of her
father's house. She may marry the man of her heart.

If any one be guilty of incest with his mother after his father, both shall be burned.

If any one be surprised after his father with his chief wife, who has borne children, he
shall be driven out of his father's house.

If any one, who has brought chattels into his father-in-law's house, and has paid the
purchase-money, looks for another wife, and says to his father-in-law: "I do not want
your daughter," the girl's father may keep all that he had brought.

If a man brings chattels into the house of his father-in-law, and pays the "purchase price"
(for his wife): if then the father of the girl say: "I will not give you my daughter," he shall
give him back all that he had brought with him.

If a man brings chattels into his father-in-law's house and pay the "purchase price," if
then his friend slanders him, and his father-in-law says to the young husband: "You shall
not marry my daughter," the he shall give back to him undiminished all that he had
brought with him; but his wife shall not be married to the friend.

If a man marry a woman, and she bear sons to him; if then this woman die, then shall her
father have no claim on her dowry; this belongs to her sons.

If a man marry a woman and she bear him no sons; if then this woman die, if the
"purchase price" which he had paid into the house of his father-in-law is repaid to him,
his husband shall have no claim upon the dowry of this woman; it belongs to her father's
house.

If his father-in-law does not pay back to him the amount of the "purchase price" he may
subtract the amount of the "Purchase price" from the dowry, and then pay the remainder
to her father's house.
165 If a man give to one of his sons whom he prefers a field, garden, and house, and a deed therefore: if later the father die, and the brothers divide the estate, then they shall first give him the present of his father, and he shall accept it; and the rest of the paternal property shall they divide.

166 If a man take wives for his son, but take no wife for his minor son, and if then he die: if the sons divide the estate, they shall set aside besides his portion the money for the "purchase price" for the minor brother who had taken no wife as yet, and secure a wife for him.

167 If a man marry a wife and she bear him children: if this wife die and he then take another wife and she bear him children: if then the father die, the sons must not partition the estate according to the mothers, they shall divide the dowries of their mothers only in this way; the paternal estate they shall divide equally with one another.

168 If a man wish to put his son out of his house, and declare before the judge: "I want to put my son out," then the judge shall examine into his reasons. If the son be guilty of no great fault, for which he can be rightfully put out, the father shall not put him out.

169 If he be guilty of a grave fault, which should rightfully deprive him of the filial relationship, the father shall forgive him the first time; but if he be guilty of a grave fault a second time the father may deprive his son of all filial relation.

170 If his wife bear sons to a man, or his maid-servant have borne sons, and the father while still living says to the children whom his maid-servant has borne: "My sons," and he count them with the sons of his wife; if then the father die, then the sons of the wife and of the maid-servant shall divide the paternal property in common. The son of the wife is to partition and choose.

171 If, however, the father while still living did not say to the sons of the maid-servant: "My sons," and then the father dies, then the sons of the maid-servant shall not share with the sons of the wife, but the freedom of the maid and her sons shall be granted. The sons of the wife shall have no right to enslave the sons of the maid; the wife shall take her dowry (from her father), and the gift that her husband gave her and deeded to her (separate from dowry, or the purchase-money paid her father), and live in the home of her husband: so long as she lives she shall use it, it shall not be sold for money. Whatever she leaves shall belong to her children.

172 If her husband made her no gift, she shall be compensated for her gift, and she shall receive a portion from the estate of her husband, equal to that of one child. If her sons oppress her, to force her out of the house, the judge shall examine into the matter, and if the sons are at fault the woman shall not leave her husband's house. If the woman desires
to leave the house, she must leave to her sons the gift which her husband gave her, but she may take the dowry of her father's house. Then she may marry the man of her heart.

173 If this woman bears sons to her second husband, in the place to which she went, and then die, her earlier and later sons shall divide the dowry between them.

174 If she bears no sons to her second husband, the sons of her first husband shall have the dowry.

175 If a State slave or the slave of a freed man marry the daughter of a free man, and children are born, the master of the slave shall have no right to enslave the children of the free.

176 If, however, a State slave or the slave of a freed man marry a man's daughter, and after he marries her she bring a dowry from a father's house, if then they both enjoy it and found a household, and accumulate means, if then the slave die, then she who was free born may take her dowry, and all that her husband and she had earned; she shall divide them into two parts, one-half the master for the slave shall take, and the other half shall the free-born woman take for her children. If the free-born woman had no gift she shall take all that her husband and she had earned and divide it into two parts; and the master of the slave shall take one-half and she shall take the other for her children.

177 If a widow, whose children are not grown, wishes to enter another house (remarry); she shall not enter it without the knowledge of the judge. If she enters another house the judge shall examine the state of the house of her first husband. Then the house of her first husband shall be entrusted to the second husband and the woman herself as managers. And a record must be made thereof. She shall keep the house in order, bring up the children, and not sell the house-hold utensils. He who buys the utensils of the children of a widow shall lose his money, and the goods shall return to their owners.

178 If a "devoted woman" or a prostitute to whom her father has given a dowry and a deed therefore, but if in this deed it is not stated that she may bequeath it as she pleases, and has not explicitly stated that she has the right of disposal; if then her father die, then her brothers shall hold her field and garden, and give her corn, oil, and milk according to her portion, and satisfy her. If her brothers do not give her corn, oil, and milk according to her share, then her field and garden shall support her. She shall have the usufruct of field and garden and all that her father gave her so long as she lives, but she can not sell or assign it to others. Her position of inheritance belongs to her brothers.

179 If a "sister of a god," or a prostitute, receive a gift from her father, and a deed in which it has been explicitly stated that she may dispose of it as she pleases, and give her complete disposition thereof: if then her father die, then she may leave her property to whomsoever she pleases. Her brothers can raise no claim thereto.
180 If a father give a present to his daughter—either marriageable or a prostitute (unmarriageable)—and then die, then she is to receive a portion as a child from the paternal estate, and enjoy its usufruct so long as she lives. Her estate belongs to her brothers.

181 If a father devote a temple-maid or temple-virgin to God and give her no present: if then the father die, she shall receive the third of a child's portion from the inheritance of her father's house, and enjoy its usufruct so long as she lives. Her estate belongs to her brothers.

182 If a father devote his daughter as a wife of Mardi of Babylon (as in 181), and give her no present, nor a deed; if then her father die, then shall she receive one-third of her portion as a child of her father's house from her brothers, but Marduk may leave her estate to whomsoever she wishes.

183 If a man gives his daughter by a concubine a dowry, and a husband, and a deed; if then her father dies, she shall receive no portion from the paternal estate.

184 If a man do not give a dowry to his daughter by a concubine, and no husband; if then her father die, her brother shall give her a dowry according to her father's wealth and secure a husband for her.

185 If a man adopt a child and to his name as son, and rear him, this grown son can not be demanded back again.

186 If a man adopt a son, and if after he has taken him he injure his foster father and mother, then this adopted son shall return to his father's house.

187 The son of a paramour in the palace service, or of a prostitute, can not be demanded back.

188 If an artisan has undertaken to rear a child and teaches him his craft, he can not be demanded back.

189 If he has not taught him his craft, this adopted son may return to his father's house.

190 If a man does not maintain a child that he has adopted as a son and reared with his other children, then his adopted son may return to his father's house.

191 If a man, who had adopted a son and reared him, founded a household, and had children, wish to put this adopted son out, then this son shall not simply go his way. His adoptive father shall give him of his wealth one-third of a child's portion, and then he may go. He shall not give him of the field, garden, and house.

192 If a son of a paramour or a prostitute say to his adoptive father or mother: "You are not my father, or my mother," his tongue shall be cut off.
193 If the son of a paramour or a prostitute desire his father's house, and desert his adoptive father and adoptive mother, and goes to his father's house, then shall his eye be put out?
194 If a man gives his child to a nurse and the child die in her hands, but the nurse unbeknown to the father and mother nurse another child, then they shall convict her of having nursed another child without the knowledge of the father and mother and her breasts shall be cut off.
195 If a son strikes his father, his hands shall be hewn off.
196 If a man put out the eye of another man, his eye shall be put out. [An eye for an eye]
197 If he breaks another man's bone, his bone shall be broken.
198 If he put out the eye of a freed man, or break the bone of a freed man, he shall pay one gold mina.
199 If he put out the eye of a man's slave, or break the bone of a man's slave, he shall pay one-half of its value.
200 If a man knock out the teeth of his equal, his teeth shall be knocked out. [A tooth for a tooth]
201 If he knocks out the teeth of a freed man, he shall pay one-third of a gold mina.
202 If any one strikes the body of a man higher in rank than he, he shall receive sixty blows with an ox-whip in public.
203 If a free-born man strikes the body of another free-born man or equal rank, he shall pay one gold mina.
204 If a freed man strikes the body of another freed man, he shall pay ten shekels in money.
205 If the slave of a freed man strike the body of a freed man, his ear shall be cut off.
206 If during a quarrel one man strike another and wound him, then he shall swear, "I did not injure him wittingly," and pay the physicians.
207 If the man dies of his wound, he shall swear similarly, and if he (the deceased) was a free-born man, he shall pay half a mina in money.
208 If he was a freed man, he shall pay one-third of a mina.
209 If a man strikes a free-born woman so that she loses her unborn child, he shall pay ten shekels for her loss.
210 If the woman dies, his daughter shall be put to death.
211 If a woman of the free class loses her child by a blow, he shall pay five shekels in money.
212 If this woman dies, he shall pay half a mina.
213 If he strikes the maid-servant of a man, and she loses her child, he shall pay two shekels in money.

214 If this maid-servant dies, he shall pay one-third of a mina.

215 If a physician make a large incision with an operating knife and cure it, or if he opens a tumour (over the eye) with an operating knife, and saves the eye, he shall receive ten shekels in money.

216 If the patient be a freed man, he receives five shekels.

217 If he be the slave of some one, his owner shall give the physician two shekels.

218 If a physician make a large incision with the operating knife, and kill him, or open a tumour with the operating knife, and cut out the eye, his hands shall be cut off.

219 If a physician make a large incision in the slave of a freed man, and kill him, he shall replace the slave with another slave.

220 If he had opened a tumour with the operating knife, and put out his eye, he shall pay half his value.

221 If a physician heals the broken bone or diseased soft part of a man, the patient shall pay the physician five shekels in money.

222 If he were a freed man he shall pay three shekels.

223 If he were a slave his owner shall pay the physician two shekels.

224 If a veterinary surgeon perform a serious operation on an ass or an ox, and cure it, the owner shall pay the surgeon one-sixth of a shekel as a fee.

225 If he perform a serious operation on an ass or ox, and kill it, he shall pay the owner one-fourth of its value.

226 If a barber, without the knowledge of his master, cut the sign of a slave on a slave not to be sold, the hands of this barber shall be cut off.

227 If any one deceive a barber, and have him mark a slave not for sale with the sign of a slave, he shall be put to death, and buried in his house. The barber shall swear: "I did not mark him wittingly," and shall be guiltless.

228 If a builder build a house for some one and complete it, he shall give him a fee of two shekels in money for each sar of surface.

229 If a builder build a house for some one, and does not construct it properly, and the house which he built fall in and kill its owner, then that builder shall be put to death.

230 If it kills the son of the owner the son of that builder shall be put to death.

231 If it kills a slave of the owner, then he shall pay slave for slave to the owner of the house.
232 If it ruins goods, he shall make compensation for all that has been ruined, and inasmuch as he did not construct properly this house which he built and it fell, he shall re-erect the house from his own means.

233 If a builder build a house for some one, even though he has not yet completed it; if then the walls seem toppling, the builder must make the walls solid from his own means.

234 If a shipbuilder builds a boat of sixty gur for a man, he shall pay him a fee of two shekels in money.

235 If a shipbuilder build a boat for some one, and do not make it tight, if during that same year that boat is sent away and suffers injury, the shipbuilder shall take the boat apart and put it together tight at his own expense. The tight boat he shall give to the boat owner.

236 If a man rent his boat to a sailor, and the sailor is careless, and the boat is wrecked or goes aground, the sailor shall give the owner of the boat another boat as compensation.

237 If a man hire a sailor and his boat, and provide it with corn, clothing, oil and dates, and other things of the kind needed for fitting it: if the sailor is careless, the boat is wrecked, and its contents ruined, then the sailor shall compensate for the boat which was wrecked and all in it that he ruined.

238 If a sailor wreck any one's ship, but saves it, he shall pay the half of its value in money.

239 If a man hires a sailor, he shall pay him six gur of corn per year.

240 If a merchantman run against a ferryboat, and wreck it, the master of the ship that was wrecked shall seek justice before God; the master of the merchantman, which wrecked the ferryboat, must compensate the owner for the boat and all that he ruined.

241 If any one impresses an ox for forced labour, he shall pay one-third of a mina in money.

242 If any one hires oxen for a year, he shall pay four gur of corn for plough-oxen.

243 As rent of herd cattle he shall pay three gur of corn to the owner.

244 If any one hires an ox or an ass, and a lion kill it in the field, the loss is upon its owner.

245 If any one hire oxen, and kill them by bad treatment or blows, he shall compensate the owner, oxen for oxen.

246 If a man hire an ox and he break its leg or cut the ligament of its neck, he shall compensate the owner with ox for ox.

247 If any one hire an ox, and put out its eye, he shall pay the owner one-half of its value.

248 If any one hire an ox, and break off a horn, or cut off its tail, or hurt its muzzle, he shall pay one-fourth of its value in money.

249 If any one hire an ox, and God strike it that it die, the man who hired it shall swear by God and be considered guiltless.
250 If while an ox is passing on the street (market) some one push it, and kill it, the owner can set up no claim in the suit (against the hirer).

251 If an ox be a goring ox, and it shown that he is a gorer, and he do not bind his horns, or fasten the ox up and the ox gore a free-born man and kill him, the owner shall pay one-half a mina in money.

252 If he kills a man's slave, he shall pay one-third of a mina.

253 If any one agree with another to tend his field, give him seed, entrust a yoke of oxen to him, and bind him to cultivate the field, if he steal the corn or plants, and take them for himself, his hands shall be hewn off.

254 If he take the seed-corn for himself, and do not use the yoke of oxen, he shall compensate him for the amount of the seed-corn.

255 If he sublet the man's yoke of oxen or steals the seed-corn, planting nothing in the field, he shall be convicted, and for each one hundred gan he shall pay sixty gur of corn.

256 If his community will not pay for him, then he shall be placed in that field with the cattle (at work).

257 If any one hires a field labourer, he shall pay him eight gur of corn per year.

258 If any one hires an ox-driver, he shall pay him six gur of corn per year.

259 If any one steals a water-wheel from the field, he shall pay five shekels in money to its owner.

260 If any one steals a shadduf (used to draw water from the river or canal) or a plough, he shall pay three shekels in money.

261 If any one hires a herdsman for cattle or sheep, he shall pay him eight gur of corn per annum.

262 If any one, a cow or a sheep . . .

263 If he kills the cattle or sheep that were given to him, he shall compensate the owner with cattle for cattle and sheep for sheep.

264 If a herdsman, to whom cattle or sheep have been entrusted for watching over, and who has received his wages as agreed upon, and is satisfied, diminish the number of the cattle or sheep, or make the increase by birth less, he shall make good the increase or profit which was lost in the terms of settlement.

265 If a herdsman, to whose care cattle or sheep have been entrusted, be guilty of fraud and make false returns of the natural increase, or sell them for money, then shall he be convicted and pay the owner ten times the loss.
266 If the animal be killed in the stable by God (an accident), or if a lion kill it, the herdsman shall declare his innocence before God, and the owner bears the accident in the stable.

267 If the herdsman overlook something and an accident happen in the stable, then the herdsman is at fault for the accident which he has caused in the stable, and he must compensate the owner for the cattle or sheep.

268 If any one hires an ox for threshing, the amount of the hire is twenty ka of corn.

269 If he hires an ass for threshing, the hire is twenty ka of corn.

270 If he hires a young animal for threshing, the hire is ten ka of corn.

271 If any one hires oxen, cart and driver, he shall pay one hundred and eighty ka of corn per day.

272 If any one hires a cart alone, he shall pay forty ka of corn per day.

273 If any one hire a day labourer, he shall pay him from the New Year until the fifth month (April to August, when days are long and the work hard) six gerahs in money per day; from the sixth month to the end of the year he shall give him five gerahs per day.

274 If any one hire a skilled artisan, he shall pay as wages of the ... five gerahs, as wages of the potter five gerahs, of a tailor five gerahs, of ... gerahs, ... of a rope-maker four gerahs, of ... gerahs, of a mason ... gerahs per day.

275 If any one hires a ferryboat, he shall pay three gerahs in money per day.

276 If he hires a freight-boat, he shall pay two and one-half gerahs per day.

277 If any one hires a ship of sixty gur, he shall pay one-sixth of a shekel in money as its hire per day.

278 If any one buy a male or female slave, and before a month has elapsed the benu-disease be developed, he shall return the slave to the seller, and receive the money which he had paid.

279 If any one by a male or female slave and a third party claim it, the seller is liable for the claim.

280 If while in a foreign country a man buy a male or female slave belonging to another of his own country; if when he return home the owner of the male or female slave recognize it: if the male or female slave be a native of the country, he shall give them back without any money.

281 If they are from another country, the buyer shall declare the amount of money paid therefore to the merchant, and keep the male or female slave.

282 If a slave says to his master: "You are not my master," if they convict him his master shall cut off his ear.
EPILOUGE

Laws of justice which Hammurabi, the wise king, established. A righteous law, and pious statute did he teach the land.

Hammurabi, the protecting king am I.

I have not withdrawn myself from the men, whom Bel gave to me, the rule over whom Marduk gave to me, I was not negligent, but I made them a peaceful abiding-place. I expounded all great difficulties; I made the light shine upon them. With the mighty weapons which Zamama and Ishtar entrusted to me, with the keen vision with which Ea endowed me, with the wisdom that Marduk gave me, I have uprooted the enemy above and below (in north and south), subdued the earth, brought prosperity to the land, guaranteed security to the inhabitants in their homes; a disturber was not permitted.

The great gods have called me, I am the salvation-bearing shepherd, whose staff is straight, the good shadow that is spread over my city; on my breast I cherish the inhabitants of the land of Sumer and Akkad; in my shelter I have let them repose in peace; in my deep wisdom have I enclosed them. That the strong might not injure the weak, in order to protect the widows and orphans, I have in Babylon the city where Anu and Bel raise high their head, in E-Sagil, the Temple, whose foundations stand firm as heaven and earth, in order to declare justice in the land, to settle all disputes, and heal all injuries, set up these my precious words, written upon my memorial stone, before the image of me, as king of righteousness.

The king who rules among the kings of the cities am I. My words are well considered; there is no wisdom like mine. By the command of Shamash, the great judge of heaven and earth, let righteousness go forth in the land: by the order of Marduk, my lord, let no destruction befall my monument. In E-Sagil, which I love, let my name be ever repeated; let the oppressed, who have a case at law, come and stand before this my image as king of righteousness; let him read the inscription, and understand my precious words: the inscription will explain his case to him; he will find out what is just, and his heart will be glad, so that he will say:

"Hammurabi is a ruler, who is as a father to his subjects, who holds the words of Marduk in reverence, who has achieved conquest for Marduk over the north and south, who rejoices the heart of Marduk, his lord, who has bestowed benefits for ever and ever on his subjects, and has established order in the land."

When he reads the record, let him pray with full heart to Marduk, my lord, and Zarpanit, my lady; the lord, who fixes destiny, whose command can not be altered, who has made my kingdom great, order a rebellion which his hand can not control; may he let the wind of the overthrow of his habitation blow, may he ordain the years of his rule in groaning, years of scarcity, years of famine, darkness without light, death with seeing eyes be fated to him;
may he (Bel) order with his potent mouth the destruction of his city, the dispersion of his subjects, the cutting off of his rule, the removal of his name and memory from the land.

May Belit, the great Mother, whose command is potent in E-Kur, the Mistress, who harkens graciously to my petitions, in the seat of judgment and decision, turn his affairs evil before Bel, and put the devastation of his land, the destruction of his subjects, the pouring out of his life like water into the mouth of King Bel.

May Ea, the great ruler, whose fated decrees come to pass, the thinker of the gods, the omniscient, who makes long the days of my life, withdraw understanding and wisdom from him, lead him to forgetfulness, shut up his rivers at their sources, and not allow corn or sustenance for man to grow in his land.

May Shamash, the great Judge of heaven and earth, who supports all means of livelihood, Lord of life-courage, shatter his dominion, annul his law, destroy his way, make vain the march of his troops, send him in his visions forecasts of the uprooting of the foundations of his throne and of the destruction of his land. May the condemnation of Shamash overtake him; may he be deprived of water above among the living, and his spirit below in the earth.

May Sin, the Lord of Heaven, the divine father, whose crescent gives light among the gods, take away the crown and regal throne from him; may he put upon him heavy guilt, great decay, that nothing may be lower than he. May he destine him as fated, days, months and years of dominion filled with sighing and tears, increase of the burden of dominion, a life that is like unto death.

May Adad, the lord of fruitfulness, ruler of heaven and earth, my helper, withhold from him rain from heaven, and the flood of water from the springs, destroying his land by famine and want; may he rage mightily over his city, and make his land into flood-hills (heaps of ruined cities).

May Zamama, the great warrior, the first-born son of E-Kur, who goes at my right hand, shatter his weapons on the field of battle, turn day into night for him, and let his foe triumph over him.

May Ishtar, the goddess of fighting and war, who unfetters my weapons, my gracious protecting spirit, who loves my dominion, curse his kingdom in her angry heart; in her great wrath, change his grace into evil, and shatter his weapons on the place of fighting and war. May she create disorder and sedition for him, strike down his warriors that the earth may drink their blood, and throw down the piles of corpses of his warriors on the field; may she not grant him a life of mercy, deliver him into the hands of his enemies, and imprison him in the land of his enemies.
May Nergal, the might among the gods, whose contest is irresistible, who grants me victory, in his great might burn up his subjects like a slender reed-stalk, cut off his limbs with his mighty weapons, and shatter him like an earthen image.

May Nin-tu, the sublime mistress of the lands, the fruitful mother, deny him a son, vouchsafe him no name, and give him no successor among men.

May Nin-karak, the daughter of Anu, who adjudges grace to me, cause to come upon his members in E-kur high fever, severe wounds, that can not be healed, whose nature the physician does not understand, which he can not treat with dressing, which, like the bite of death, can not be removed, until they have sapped away his life.

May he lament the loss of his life-power, and may the great gods of heaven and earth, the Anunaki, altogether inflict a curse and evil upon the confines of the temple, the walls of this E-barra (the Sun temple of Sippara), upon his dominion, his land, his warriors, his subjects, and his troops. May Bel curse him with the potent curses of his mouth that can not be altered, and may they come upon him forthwith.

(Courtesy: http://eawc.evansville.edu/anthology/hammurabi.htm)
II - Magna Carta (1215)

JOHN, by the grace of God, King of England, Lord of Ireland, Duke of Normandy and Aquitaine, and Count of Anjou, to his archbishops, bishops, abbots, earls, barons, justiciars, foresters, sheriffs, stewards, servants, and to all his bailiffs and faithful subjects, greeting.

Know that we, out of reverence for God and for the salvation of our soul and those of all our ancestors and heirs, for the honour of God and the exaltation of the holy Church, and for the reform of our realm, on the advice of our venerable fathers, Stephen, archbishop of Canterbury, primate of all England, and cardinal of the holy Roman Church, Henry archbishop of Dublin, William of London, Peter of Winchester, Jocelin of Bath and Glastonbury, Hugh of Lincoln, Walter of Worcester, William of Conventry and Benedict of Rochester, bishops, of master Pandulf, subdeacon and member of the household of the lord pope, of brother Aymeric, master of the order of Knights Templar in England, and of the noble men William Marshal earl of Pembroke, William earl of Salisbury, William earl of Warenne, William earl of Arundel, Alan of Galloway constable of Scotland, Warin Fitz Gerold, Peter Fitz Herbert, Hubert de Burgh seneschal of Poitou, Hugh de Neville, Matthew Fitz Herbert, Thomas Basset, Alan Basset, Philip de Aubeney, Robert of Ropsley, John Marshal, John Fitz Hugh, and others, our faithful subjects:

1 In the first place have granted God, and by this our present charter confirmed for us and our heirs for ever that the English church shall be free, and shall have its rights undiminished and its liberties unimpaired; and it is our will that it be thus observed; which is evident from the fact that, before the quarrel between us and our barons began, we willingly and spontaneously granted and our charter confirmed the freedom of elections which is reckoned most important and very essential to the English church, and obtained confirmation of it from the lord pope Innocent III; the which we will observe and we wish to our heirs to observe it in good faith for ever. We have also granted to all free men of our kingdom, for ourselves and our heirs for ever, and all liberties written below, to be had and held by them and their heirs of us and our heirs.

2 If any of our earls or barons or others holding of us in chief by knight service dies, and at his death his heirs be of full age and owe relief he shall have his inheritance on payment of the old relief, namely the heir on heirs of an earl £100 for a whole earl's borony, the heir or heirs of a baron £100 for the whole barony, the heir or heirs of a knight 100s, at most, for a whole knight's fee; and he who owes less shall give less according to the ancient usage of fiefs.

3 If, however, the heir of any such be under age and a ward, he shall have his inheritance when he comes of age without paying relief and without making fine.
4 The guardian of the land of such an heir who is under age shall take from the land of the heir no more than reasonable revenues, reasonable customary dues, and reasonable services and that without destruction and waste of men or goods; and if we commit the wardship of the land of any such to a sheriff, or to any other who is answerable to us for its revenues, and he destroys or wastes what he has wardship of, we will take compensation from him and the land shall be committed to two lawful discreet men of fief, who shall be answerable for the revenues to us or to him to whom we have assigned them; and if we give or sell to any one the wardship of any such land and he causes destruction or waste there in, he shall lose that wardship, and it shall be transferred to two lawful and discreet men of that fief, who shall similarly be answerable to us as is aforesaid.

5 Moreover, as long as he has the wardship of the land, the guardian shall keep in repair the houses, parks, preserves, ponds, mills and other things pertaining to the land out of the revenues from it; and he shall restore to the heir when he comes of age his land fully stocked with ploughs and the means of husbandry according to what the season of husbandry requires and the revenues of the land can reasonably bear.

6 Heirs shall be married without disparagement, yet so that before the marriage is contracted those nearest in blood to the heir shall have notice.

7 A widow shall have her marriage portion and inheritance forthwith and without difficulty after the death of her husband; nor shall she pay anything to have her dower or her marriage portion, or the inheritance which she and her husband held on the day of her husband's death; and she may remain in her husband's house for forty days after his death, within which time her dower shall be assigned to her.

8 No widow shall be forced to marry so long as she wishes to live without a husband, provided that she gives security not to marry without our consent if she holds of us, or without the consent of her lord of whom she holds, if she holds of another.

9 Neither we nor our bailiffs will seize for any debt any land or rent, so long as the chattels of the debtor are sufficient to repay the debt; nor will those who have gone surety for the debtor be distrained so long as the principal debtor is himself able to pay the debt; and if the principal debtor fails to pay the debt, having nothing wherewith to pay it then shall the sureties answer for the debt; and they shall, if they wish, have the lands and rents of the debtor until they are reimbursed for the debt which they have paid for him, unless the principal debtor con sure that we have discharged his obligation in the matter to the said sureties.

10 If anyone who has borrowed from the Jews any sum great or small, dies before it is repaid, the debt shall not bear interest as long as the heir is under age, of whom so ever he holds;
and if the debt falls into the hands, we will not take anything except the principal mention in the bond.

11 If any one dies indebted to the Jews, his wife shall have her dower and pay nothing of that debt; and if the dead man leaves children who are under age, they will be provided with necessaries befitting the holding of the deceased; and the debt shall be paid out of the residue, reserving, however, service due to lords of the land. Debts owing to others than Jews shall be dealt with in like manner.

12 No scutage or aid shall be imposed in our kingdom unless by common counsel of our kingdom, except ransoming our person, for making our eldest son a knight, or for once marrying our eldest daughter; and for these purposes only a reasonable aid shall be levied. Be it done in like manner concerning aids from the city of London.

13 And the city of London shall have all its ancient liberties and free customs as well by land and by water. Furthermore, we will and grant that all other cities, boroughs, towns, and ports shall have all their liberties and free customs.

14 And to obtain the common counsel of the kingdoms about the assessing of an aid (except in the three cases aforesaid) or of a scutage, we will cause to be summoned the archbishops, bishops, abbots, earls, and greater barons, individually, or by letter; and in addition, we will cause to be summoned generally through our sheriffs and bailiffs all those holding of us in chief—for a fixed date, namely, after the expiry of at least forty days and to a fixed place; and in all letters of such summons we will specify the reason for the summons. And when the summons has thus been made the business shall proceed on the day appointed, according to the counsel of those present, though not all have come who were summoned.

15 We will not in future grant any one right to take an aid from his free men, except for ransoming his person, for making his eldest son a knight, and for once marrying his eldest daughter, and for these only a reasonable aid shall be levied.

16 No one shall be compelled to do greater service for a knight's fee, or for any other free holding than is due from it.

17 Common plea shall not follow our court, but shall be held in some fixed place.

18 Recognition Inquests of novel disseisin, of mort d'ancestor, and darrein presentment, shall not be held elsewhere than in the counties to which they relate, and in this manner—we, or, if we should be out of the realm, our justiciar, will send two justices through each county four times a year, who with four knights of the county chosen by the county, shall hold the said assizes in the county and on the day and in the place of meeting of the county court.
19 And if the said assizes cannot be taken on the day of the county court, there shall stay behind as many of the knights and freeholders who were present at the county court on that day as is necessary for the sufficient making of judgements, according to the amount of business to be done.

20 A free man shall not be amerced for a trivial offence except in accordance with the degree of the offence, and for a grave offence he shall be amerced in accordance with its gravity, yet saving his way of living; and a merchant in the same way, saving his stock-in-trade; and a villen shall be amerced in the same way, saving his means of livelihood—if they have fallen into our mercy: and none of the aforesaid amercements shall be imposed except by the oath of good men of the neighbourhood.

21 Earls and barons shall not be amerced except by their peers, and only in accordance with the degree of the offence.

22 No clerk shall be amerced in respect of his lay holding except after the manner of others aforesaid and not according to the amount of his ecclesiastical benefice.

23 No vill or individual shall be compelled to make bridges at river bank, except those who from of old are bound to do so.

24 No sheriff, constable, coroners, or others of our bailiffs, shall hold pleas of our crown.

25 All counties, hundreds, wapentakes, and trithings shall be at the old rents without any additional payment, except our demesne manors.

26 If any one holding a lay fief of us dies and our sheriff or bailiff shows our letters patent of summon for a debt that the deceased owed us, it shall be lawful for our sheriff or bailiff to attach and make a list of chattels of the deceased found upon the lay fief to the value of that debt under the supervision of the law-worthy men, provided that none of the chattel shall be removed until the debt which is manifest has been paid to us in full; and the residue shall be left to the executors for carrying out the will of the deceased, and if nothing is owing to us from him, all the chattels shall accrue to the deceased, saving to his wife and children their reasonable shares.

27 If any free man dies without leaving a will, his chattels shall be distributed by his nearest kinsfolk and friends, under the supervision of the Church, saving to every one the debts which the deceased owed him.

28 No constable or other bailiff of ours shall take anyone’s corn or other chattels unless he pays on the spot in cash for them or can delay payment by arrangement with the seller.

29 No constable shall compel any knight to give money instead of castle-guard if he is willing to do the guard himself or through another man, if for some good reason he cannot do it
himself; and if we lead or send him on military service, he shall be excused from guard in proportion to the time that because of us he has been on service.

30 No sheriff, or bailiff of ours, or anyone else shall take the horses or carts of any free man for transport work save with the agreement of that freeman.

31 Neither we nor our bailiff will take, for castles or other works of ours, timber which is not ours, except with the agreement of him whose timber it is.

32 We will not hold for more than a year and a day the lands of those convicted of felony, and then the land shall be handed over to the lords of the fiefs.

33 Henceforth all fish-weirs shall be cleared completely from the Thames and the Medway and throughout all England, except along the sea coast.

34 The writ called *Praecipe* shall not in future be issued to anyone in respect of any holding whereby a free man may lose his court.

35 Let there be one measure of wine, throughout our kingdom, and one measure for ale, and one measure for corn, namely "the London quarter"; and one width for cloth whether dyed, russett, or halberget, namely two ells within the selvedges. Let it be the same with weights and measures.

36 Nothing shall be given in future for the writ of inquisition of life all limbs: instead it shall be granted free of charge and not refused.

37 If any one holds of us by fee-farm, socage, or by burgage, and holds land of another by knight service, we will not, by reason of that fee-farm, socage, or burgage, have the wardship of his heir or of land of his that is of the fief of the other; nor will we have custody of fee-farm, socage, or burgage, unless such fee-farm owes knight service. We will not have custody of anyones heir or and which he holds of another by knight service y reason of any petty serjeanty which he hold of us by service of rendering to us knives or arrows or the like.

38 No bailiff shall in future put anyone to trial upon his own bare word, without reliable witnesses produced for this purpose.

39 No free man shall be arrested or imprisoned, or deseised or outlawed or exiled or in anyway victimised, neither will be attack him or send anyone to attach him, except by the lawful judgement his peer or by the law of the land.

40 To no one will we sell, to no one will we refuse or delay right or justice.

41 All merchants shall be able to go out of and come into England safely and securely and stay and travel throughout England, as well by land as by water, for buying and selling by ancient and right custums free from all evil tolls, except in time of war and if they are of the land that is at war with us. And if such are found in our land at the beginning of a war,
they shall be attacked, without injury to their persons or goods, until we, or our chief judiciar, known how merchants of our land are treated who were found in the land at war with us when war broke out, and if ours are safe there, the others shall be safe in our land.

42 It shall be lawful in future for anyone, without prejudicing the allegiance due to us, to leave our kingdom and return safely and sincerely by land and water, save, in the public interest, for a short period in time of war-except for those imprisoned or outlawed in accordance with the law of the kingdom and natives of a land that is at war with us and merchants (who shall be treated as aforesaid).

43 If anyone who holds of some escheat such as the honour of Wallingford, Nottingham, Boulogne, Lancaster, or of other escheats which are in our hands and are baronies dies, his heir shall give no other relief and do no other service to us than he would have done to the baron if that barony had been in the baron’s hands: and we will hold it in the same manner in which the baron held it.

44 Men who live outside the forest need not henceforth come before our justices of the forest upon a general summon, unless they are impleaded or are sureties for any person or persons who are attached for forest offences.

45 We will not make justices, constables, sheriffs or bailiff save of such as known the law of the kingdom and mean to observe it well.

46 All barons who have founded abbeys for which they have charters of the kings of English or ancient tenure shall have the custody of them during vacancies, as they ought to have.

47 All forests that have been made forest in our time shall be immediated disafforested; and so be it done with riverbanks that have been made preserves by us in our time.

48 All evil customs connected with forest and warrens, foresters and warreners, sheriffs and their officials, riverbanks and their wardens, shall immediately be inquired into in each county by twelve sworn knights of the same county, who are to be chosen by good men of the same county, and within forty days of the completion of the inquiry shall be utterly abolished by them so as never to be restored, provided that we, or our justiciar if we are not in England, no of it first.

49 We will immediately return all hostages and charters given to us by Englishmen, as security for peace or faithful service.

50 We will remove completely from office the relations of Gerard de Athée so that in future no office in England namely Engelard de Cigogné, Peter and Guy and Andrew de Chanceaux, Guy de Cigogné, Geoffreý de Martigny and his brothers, Philip Marc and his brothers, and his nephew Geoffreý, and all their following.
51 As soon as peace is restored, we will remove from the kingdom all foreign knights, crossbowmen, sergents, and mercenaries, who have come with horses and arms to the detriment of the kingdom.

52 If any anyone has desseised of or kept out of his lands, casles, franchise or his rights by us without the legal judgement of his peers, we will immediately restore them to him; and if a dispute arises over this, then let it be decided by the judgement of the twenty-five barons who are mentioned below in the clause for securing the peace: for all the things, however, which anyone has been disseised or kept out of without the lawful judgement of his peers by King Henry, our father, or by King Richard, our brother, which we have in our hand or held by others, to whom we are bound warrant them, we will have the usual period of respite of Crusaders, excepting those things about which a plea was started or an inquest made by our command before we took the Cross; when however we return our pilgrimage, or if by any chance we do not go on it, we will at once do full justice therein.

53 We will have the same respite, and in same manner, in the doing justice in the matter of the disafforested or retaining of the forests which Henry our father or Richard our brother afforested, and in the matter of the wardship of lands which are of the fief of another, wardships of which sort we have hitherto had by reason of a fief which anyone held of us by knight service, and in the matter of abbeys founded on the fief of another, not on a fief of our own, in which the lord of the fief claims he has a right; and when we have returned, or if we do not set our on our pilgrimage, we shall at once do full justice to those who complain of these things.

54 No one shall be arrested or imprisoned upon the appeal of a woman for the death of any person except her husband.

55 All fines made with us unjustly and against the law of the land, and all amercements imposed unjustly and against the law of the land, shall be entirely remitted, or else let them be settled by the judgement of the twenty-five barons, who are mentioned below in the clause for securing the peace, or judgement of the majority of the same, along with the aforesaid Stephen, archbishop of Canterbury, if he can be present, and such others as he wish to associate with himself for this purpose, and if he cannot be present the business shall nevertheless proceed without him, provided that if any one or more of the aforesaid twenty-five barons are in a like suit, they shall be removed from the judgement of the case in question, and others chosen, sworn and put in their place by the rest of the same twenty-five for this case only.

56 If we have dissiesed or kept out Welshmen from lands or liberties or other things without the legal judgement of their peers in England or in Wales, they shall be immediately restored to them and if a dispute arises over this, then let it be decided in the March by the
judgement of their peers—for holding in England according to the law of England, for holding in Wales according to the law of Wales, and for holdings in the March, Welshmen shall do the same to us and ours.

57 For all the things, however, which any Welshman was dispossessed of or kept out of without the lawful judgement of his peers by king Henry, our father, or king Richard, our brother, which we have in our hand or which held by others, to whom we are bound to warrant them, we will have the usual period of respite of crusaders, excepting those things about which a plea was started or an inquest made by our command before we took the cross; when we however we return, of if by any chance we do not out on our pilgrimage, we will at once do full justice to them in accordance with the laws of Welsh and the foresaid regions.

58 We will give back at once the son of Llywelyn and all the hostages from the Wales and the charters that were handed over to us as security for peace.

59 We will act towards Alexander, king of Scots, concerning the returns of his sisters and hostages and concerning his franching and his right in the same manner in which we act to our other barons of England, unless it ought to be otherwise by the charters which have from William his father, formerly king of the Scots, anf this shall be determined by the judgement of his peers in our court.

60 All these aforesaid customs and liberties that we have granted to be observed in our kingdom as far as it pertains to us towards our men, all of our kingdom, clerks as well as laymen, shall observe as far as it pertains to them towards their men.

61 Since, moreover, for God and the betterment of our kingdom and for the better allaying of the discord that has arisen between us and our barons we have granted all these things aforesaid, wishing them to enjoy to use of them unimpaired and unshaked forever we give and grant them the under-written security, namely, that the baron shall chose any twenty-five of the kingdom they wish, who must with all their might observe, hold and cause to be observed, the peace and liberties which we have granted and conformed to them by this present charter of ours, so that if we, or our justiciar, or our bailiff or any one of our servants offend in any way against anyone or transgress any of the articles of the peace or the security and the offence be notified to four of the aforesaid twenty-five barons, those four barons shall come to us, or to our justiciar if we are out of the kingdom, and, laying the transgression before us, shall petition us to have that transgression corrected without delay. And if we do not correct the transgression, or if we are out of the kingdom, if our justiciar does not correct it, within forty days, reconkoning from the time it was brought to our notice or to that of our justiciar if we were out of the kingdom, the aforesaid four barons shall refer that case to the rest of the twenty-five barons and those twenty-five
barons together with the community of the whole land shall distrain and distress us in every way they can, namely, by seizing castles, lands, possessions, and in such other ways as they can, saving our persons of our queen and our children, until, in their opinion, amend have been made; and when amends have been made, they shall obey us as they did before. And let anyone in the land who wishes take an oath to obey the orders of the said twenty-five barons for the execution of all the aforesaid matters, and with them to distress us as much as we can, and publicly and freely give anyone leave to take the oath who wishes to take it and we will never prohibit anyone from taking it. Indeed, all those in the land who are unwilling of themselves and of their own accord to take and oath to the twenty-five barons to help them to distrain and distress us we will make them take the oath as aforesaid at our command. And if any of the twenty-five barons dies or leaves the country, or is in anyway prevented from carrying out the things aforesaid, the rest of the aforesaid twenty-five barons shall chose as they think fit another one in his place, and he shall take the oath like the rest. In all the matters the execution of which is commited to these twenty-five barons, if it should happen that these twenty-five are present yet disagree amongst themselves about anything, or if some of those summoned will not or cannot be present, that shall be held as fixed and established which the majority of those present ordained or commanded, exactly as if all the twenty-five had consented to it; and the said twenty-five shall swear that they faithfully observe all the things aforesaid and will do all they can to get them observed. And we will procure nothing from anyone, either personally or through anyone else, whereby any of these concessions and liberties might be revoked or diminished; and if any such thing is procured, let it be void and null, and we will never use it either personally or through another.

62 And we have fully remitted and pardoned to everyone all the ill-will, indignation and rancour that have arisen between us and our men, clergy and laity, from the time of the quarrel. Furthermore-, we have fully remitted to all, clergy and laity, and as far as pertains to us have completely forgiven, all trespasses occasioned by the same quarrel between Easter in the sixteenth year of our reign and the restoration of peace. And, besides, we have caused to be made for them letters testimonial patent of the Lord Stephen archbishop of Canterbury, of the Lord Henry archbishop of Dublin, and of the aforementioned bishops and the Master Pandulf about this security and the aforementioned concessions.

63 Wherefore we wish and firmly enjoin that the English Church shall be free, and that men in our kingdom shall have and hold all the aforesaid liberties, rights and concessions well and peacefully, freely and quietly, fully and completely, for themselves and their heirs from us and our heirs, in all matters and in all places for ever, as is aforesaid. And oath, moreover, has been taken, as well on our part as on the part of the barons, that all these things
aforesaid shall be observed in good faith without evil disposition. Witness the above-
mentioned and many others. Given by our hand in the meadow which is called
Runnymede between Windsor and Staines on the fifteenth day of June, in the seventeenth
year of our reign.

III – Bill of Rights [1689]

An Act Declaring the Rights and Liberties of the Subject and Settling the Succession of the Crown

Whereas the Lords Spiritual and Temporal and Commons assembled at Westminster, lawfully, fully and freely representing all the estates of the people of this realm, did upon the thirteenth day of February in the year of our Lord one thousand six hundred eighty-eight [old style date] present unto their Majesties, then called and known by the names and style of William and Mary, prince and princess of Orange, being present in their proper persons, a certain declaration in writing made by the said Lords and Commons in the words following, viz.:

Whereas the late King James the Second, by the assistance of divers evil counsellors, judges and ministers employed by him, did endeavour to subvert and extirpate the Protestant religion and the laws and liberties of this kingdom;

By assuming and exercising a power of dispensing with and suspending of laws and the execution of laws without consent of Parliament;

By committing and prosecuting divers worthy prelates for humbly petitioning to be excused from concurring to the said assumed power;

By issuing and causing to be executed a commission under the great seal for erecting a court called the Court of Commissioners for Ecclesiastical Causes;

By levying money for and to the use of the Crown by pretence of prerogative for other time and in other manner than the same was granted by Parliament;

By raising and keeping a standing army within this kingdom in time of peace without consent of Parliament, and quartering soldiers contrary to law;

By causing several good subjects being Protestants to be disarmed at the same time when papists were both armed and employed contrary to law;

By violating the freedom of election of members to serve in Parliament;

By prosecutions in the Court of King's Bench for matters and causes cognizable only in Parliament, and by divers other arbitrary and illegal courses;

And whereas of late years partial corrupt and unqualified persons have been returned and served on juries in trials, and particularly divers jurors in trials for high treason which were not freeholders;

And excessive bail hath been required of persons committed in criminal cases to elude the benefit of the laws made for the liberty of the subjects;

And excessive fines have been imposed;
And illegal and cruel punishments inflicted;

And several grants and promises made of fines and forfeitures before any conviction or judgment against the persons upon whom the same were to be levied;

All which are utterly and directly contrary to the known laws and statutes and freedom of this realm;

And whereas the said late King James the Second having abdicated the government and the throne being thereby vacant, his Highness the prince of Orange (whom it hath pleased Almighty God to make the glorious instrument of delivering this kingdom from popery and arbitrary power) did (by the advice of the Lords Spiritual and Temporal and divers principal persons of the Commons) cause letters to be written to the Lords Spiritual and Temporal being Protestants, and other letters to the several counties, cities, universities, boroughs and cinque ports, for the choosing of such persons to represent them as were of right to be sent to Parliament, to meet and sit at Westminster upon the two and twentieth day of January in this year one thousand six hundred eighty and eight [old style date], in order to such an establishment as that their religion, laws and liberties might not again be in danger of being subverted, upon which letters elections having been accordingly made;

And thereupon the said Lords Spiritual and Temporal and Commons, pursuant to their respective letters and elections, being now assembled in a full and free representative of this nation, taking into their most serious consideration the best means for attaining the ends aforesaid, do in the first place (as their ancestors in like case have usually done) for the vindicating and asserting their ancient rights and liberties declare:

That the pretended power of suspending the laws or the execution of laws by regal authority without consent of Parliament is illegal;

That the pretended power of dispensing with laws or the execution of laws by regal authority, as it hath been assumed and exercised of late, is illegal;

That the commission for erecting the late Court of Commissioners for Ecclesiastical Causes, and all other commissions and courts of like nature, are illegal and pernicious;

That levying money for or to the use of the Crown by pretence of prerogative, without grant of Parliament, for longer time, or in other manner than the same is or shall be granted, is illegal;

That it is the right of the subjects to petition the king, and all commitments and prosecutions for such petitioning are illegal;

That the raising or keeping a standing army within the kingdom in time of peace, unless it be with consent of Parliament, is against law;
That the subjects which are Protestants may have arms for their defence suitable to their conditions and as allowed by law;

That election of members of Parliament ought to be free;

That the freedom of speech and debates or proceedings in Parliament ought not to be impeached or questioned in any court or place out of Parliament;

That excessive bail ought not to be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted;

That jurors ought to be duly impanelled and returned, and jurors which pass upon men in trials for high treason ought to be freeholders;

That all grants and promises of fines and forfeitures of particular persons before conviction are illegal and void;

And that for redress of all grievances, and for the amending, strengthening and preserving of the laws, Parliaments ought to be held frequently.

And they do claim, demand and insist upon all and singular the premises as their undoubted rights and liberties, and that no declarations, judgments, doings or proceedings to the prejudice of the people in any of the said premises ought in any wise to be drawn hereafter into consequence or example; to which demand of their rights they are particularly encouraged by the declaration of his Highness the prince of Orange as being the only means for obtaining a full redress and remedy therein.

Having therefore an entire confidence that his said Highness the prince of Orange will perfect the deliverance so far advanced by him, and will still preserve them from the violation of their rights which they have here asserted, and from all other attempts upon their religion, rights and liberties, the said Lords Spiritual and Temporal and Commons assembled at Westminster do resolve that William and Mary, prince and princess of Orange, be and be declared king and queen of England, France and Ireland and the dominions thereunto belonging, to hold the crown and royal dignity of the said kingdoms and dominions to them, the said prince and princess, during their lives and the life of the survivor to them, and that the sole and full exercise of the regal power be only in and executed by the said prince of Orange in the names of the said prince and princess during their joint lives, and after their deceases the said crown and royal dignity of the same kingdoms and dominions to be to the heirs of the body of the said princess, and for default of such issue to the Princess Anne of Denmark and the heirs of her body, and for default of such issue to the heirs of the body of the said prince of Orange. And the Lords Spiritual and Temporal and Commons do pray the said prince and princess to accept the same accordingly.
And that the oaths hereafter mentioned be taken by all persons of whom the oaths have allegiance and supremacy might be required by law, instead of them; and that the said oaths of allegiance and supremacy be abrogated.

"I, A.B., do sincerely promise and swear that I will be faithful and bear true allegiance to their Majesties King William and Queen Mary. So help me God."

"I, A.B., do swear that I do from my heart abhor, detest and abjure as impious and heretical this damnable doctrine and position, that princes excommunicated or deprived by the Pope or any authority of the see of Rome may be deposed or murdered by their subjects or any other whatsoever. And I do declare that no foreign prince, person, prelate, state or potentate hath or ought to have any jurisdiction, power, superiority, pre-eminence or authority, ecclesiastical or spiritual, within this realm. So help me God."

Upon which their said Majesties did accept the crown and royal dignity of the kingdoms of England, France and Ireland, and the dominions thereunto belonging, according to the resolution and desire of the said Lords and Commons contained in the said declaration.

And thereupon their Majesties were pleased that the said Lords Spiritual and Temporal and Commons, being the two Houses of Parliament, should continue to sit, and with their Majesties' royal concurrence make effectual provision for the settlement of the religion, laws and liberties of this kingdom, so that the same for the future might not be in danger again of being subverted, to which the said Lords Spiritual and Temporal and Commons did agree, and proceed to act accordingly.

Now in pursuance of the premises the said Lords Spiritual and Temporal and Commons in Parliament assembled, for the ratifying, confirming and establishing the said declaration and the articles, clauses, matters and things therein contained by the force of law made in due form by authority of Parliament, do pray that it may be declared and enacted that all and singular the rights and liberties asserted and claimed in the said declaration are the true, ancient and indubitable rights and liberties of the people of this kingdom, and so shall be esteemed, allowed, adjudged, deemed and taken to be; and that all and every the particulars aforesaid shall be firmly and strictly holden and observed as they are expressed in the said declaration, and all officers and ministers whatsoever shall serve their Majesties and their successors according to the same in all time to come.

And the said

Lords Spiritual and Temporal and Commons, seriously considering how it hath pleased Almighty God in his marvellous providence and merciful goodness to this nation to provide and preserve their said Majesties' royal persons most happily to reign over us upon the throne of their ancestors, for which they render unto him from the bottom of their hearts their
humblest thanks and praises, do truly, firmly, assuredly and in the sincerity of their hearts think, and do hereby recognize, acknowledge and declare, that King James the Second having abdicated the government, and their Majesties having accepted the crown and royal dignity as aforesaid, their said Majesties did become, were, are and of right ought to be by the laws of this realm our sovereign liege lord and lady, king and queen of England, France and Ireland and the dominions thereunto belonging, in and to whose princely persons the royal state, crown and dignity of the said realms with all honours, styles, titles, regalities, prerogatives, powers, jurisdictions and authorities to the same belonging and appertaining are most fully, rightfully and entirely invested and incorporated, united and annexed. And for preventing all questions and divisions in this realm by reason of any pretended titles to the crown, and for preserving a certainty in the succession thereof, in and upon which the unity, peace, tranquillity and safety of this nation doth under God wholly consist and depend, the said Lords Spiritual and Temporal and Commons do beseech their Majesties that it may be enacted, established and declared, that the crown and regal government of the said kingdoms and dominions, with all and singular the premises thereunto belonging and appertaining, shall be and continue to their said Majesties and the survivor of them during their lives and the life of the survivor of them, and that the entire, perfect and full exercise of the regal power and government be only in and executed by his Majesty in the names of both their Majesties during their joint lives; and after their deceases the said crown and premises shall be and remain to the heirs of the body of her Majesty, and for default of such issue to her Royal Highness the Princess Anne of Denmark and the heirs of the body of his said Majesty; and thereunto the said Lords Spiritual and Temporal and Commons do in the name of all the people aforesaid most humbly and faithfully submit themselves, their heirs and posterities for ever, and do faithfully promise that they will stand to, maintain and defend their said Majesties, and also the limitation and succession of the crown herein specified and contained, to the utmost of their powers with their lives and estates against all persons whatsoever that shall attempt anything to the contrary.

And whereas it hath been found by experience that it is inconsistent with the safety and welfare of this Protestant kingdom to be governed by a popish prince, or by any king or queen marrying a papist, the said Lords Spiritual and Temporal and Commons do further pray that it may be enacted, that all and every person and persons that is, are or shall be reconciled to or shall hold communion with the see or Church of Rome, or shall profess the popish religion, or shall marry a papist, shall be excluded and be for ever incapable to inherit, possess or enjoy the crown and government of this realm and Ireland and the dominions thereunto belonging or any part of the same, or to have, use or exercise any regal power, authority or jurisdiction within the same; and in all and every such case or cases the people of these realms shall be and are hereby absolved of their allegiance; and the said crown and government shall from time to time
descend to and be enjoyed by such person or persons being Protestants as should have inherited and enjoyed the same in case the said person or persons so reconciled, holding communion or professing or marrying as aforesaid were naturally dead; and that every king and queen of this realm who at any time hereafter shall come to and succeed in the imperial crown of this kingdom shall on the first day of the meeting of the first Parliament next after his or her coming to the crown, sitting in his or her throne in the House of Peers in the presence of the Lords and Commons therein assembled, or at his or her coronation before such person or persons who shall administer the coronation oath to him or her at the time of his or her taking the said oath (which shall first happen), make, subscribe and audibly repeat the declaration mentioned in the statute made in the thirtieth year of the reign of King Charles the Second entitled, _An Act for the more effectual preserving the king's person and government by disabling papists from sitting in either House of Parliament._ But if it shall happen that such king or queen upon his or her succession to the crown of this realm shall be under the age of twelve years, then every such king or queen shall make, subscribe and audibly repeat the same declaration at his or her coronation or the first day of the meeting of the first Parliament as aforesaid which shall first happen after such king or queen shall have attained the said age of twelve years.

All which their Majesties are contented and pleased shall be declared, enacted and established by authority of this present Parliament, and shall stand, remain and be the law of this realm for ever; and the same are by their said Majesties, by and with the advice and consent of the Lords Spiritual and Temporal and Commons in Parliament assembled and by the authority of the same, declared, enacted and established accordingly.

II. And be it further declared and enacted by the authority aforesaid, that from and after this present session of Parliament no dispensation be non obstinate of or to any statute or any part thereof shall be allowed, but that the same shall be held void and of no effect, except a dispensation be allowed of in such statute, and except in such cases as shall be specially provided for by one or more bill or bills to be passed during this present session of Parliament.

III. Provided that no charter or grant or pardon granted before the three and twentieth day of October in the year of our Lord one thousand six hundred eighty-nine shall be any ways impeached or invalidated by this Act, but that the same shall be and remain of the same force and effect in law and no other than as if this Act had never been made.

IV – Declaration of the Rights of Man and of the Citizen (1789)

Approved by the National Assembly during the French revolution on August 26, 1789, and reaffirmed by the constitution of 1958.

Preamble

The representatives of the French people, formed into a National Assembly, considering ignorance, forgetfulness or contempt of the rights of man to be the only causes of public misfortunes and of the corruption of Governments, have resolved to set forth, in a solemn Declaration, the natural, unalienable and sacred rights of man, to the end that this Declaration, constantly present to all the members of the body politic, may remind them unceasingly of their rights and their duties; to the end that the acts of the legislative power and those of the executive power, since they may be continually compared with the aim of political institutions, may thereby be more respected; to the end that the demands of the citizens, founded henceforth on simple and uncontestable principles, may always be directed toward the maintenance of the Constitution and the happiness of all.

In consequence whereof, the National Assembly recognizes and declares, in the presence and under the auspices of the Supreme Being, the following rights of man and of the citizen:

**Article 1:** Men are born and remain free and equal in rights. Social distinctions may be based only on consideration of the common good.

**Article 2:** The aim of every political association is the preservation of the natural and imprescriptibly rights of man. These rights are Liberty, Property, Safety, and Resistance to oppression.

**Article 3:** The source of all sovereignty lies essentially in the nation. No corporate body, no individual may exercise any authority that does not expressly emanate from it.

**Article 4:** Liberty consists in being able to do anything that does not harm others: thus, the exercise of the natural rights of every man has no bounds other than those ensure to the other members of society the enjoyment of these same rights. These bounds may be determined only by law.

**Article 5:** The Law has the right to forbid only those actions that are injurious to society. Nothing that is not forbidden by law may be hindered, and no one may be compelled to do what the law does not ordain.

**Article 6:** The law is the expression of the general will. All citizens have the right to take part, personally or through his representative, in its making. It must be the same for all, whether it protects or punishes. All citizens, being equal in its eyes shall be equally eligible to all all high
offices, public positions and employments, according to their abilities, and without other
distinction then that of their virtues and talents.

Article 7: No man may be accused, arrested, or detained except in the cases determined by the
law, and following the procedure that has prescribed. Those who solicit, expedite, carryout, or
cauised to be carried out arbitrary orders must be punished; but any citizen summoned or
apprehended by virtue of the law, must give instant obedience; resistance makes him guilty.

Article 8: The law must provide only the punishments that are strictly and evidently necessary;
and no one may be punished except by virtue of a law drawn up and promulgated before the
offence is committed, and legally applied.

Article 9: As every man is presumed innocent until he has been declared guilty, if it should
considered necessary to arrest him, any undue harshness that is not required to secure his
person must be severely curbed by law.

Article 10: No one may be disturbed on account of his opinions, every religious ones, as long
as the manifestation of such opinions does not interfere with the established by law and order.

Article 11: The free communication of ideas and of opinions is one of the most precious rights
man. Any citizen may therefore speak, write and publish freely, what is tantamount to the
abuses of this liberty in the cases determined by law.

Article 12: To guarantee the rights of man and of the citizen a public force is necessary; this
force therefore established for the benefit of all, and not for the particular use of those whom it
is intrusted.

Article 13: For the maintaininence of the public force, and for administrative expenses, a
general tax is indispensable; it must be equally distributed among all citizens in proportion to
their ability to pay.

Article 14: All citizens have the right to assertain, by themselves, or through their
representatives, the need for a public tax, to consent to it freely; to watch over its use, and to
determine its proportion, basis, collection and duration.

Article 15: Society has the right to ask the public official for an accounting of his
administration.

Article 16: Any society, in which no provision is made for gauranteing rights or for the
separation of powers, has no constitution.

Article 17: Since the right to property is an inviolable and sacred right, no one may be
deprived thereof, unless public necessity, legally ascertained, obviously requires it, and just and
prior indemninity has been paid.


PREAMBLE

Whereas recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

Whereas disregard and contempt for human rights have resulted in barbarous acts which have outraged the conscience of mankind, and the advent of a world in which human beings shall enjoy freedom of speech and belief and freedom from fear and want has been proclaimed as the highest aspiration of the common people,

Whereas it is essential, if man is not to be compelled to have recourse, as a last resort, to rebellion against tyranny and oppression, that human rights should be protected by the rule of law,

Whereas it is essential to promote the development of friendly relations between nations,

Whereas the peoples of the United Nations have in the Charter reaffirmed their faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women and have determined to promote social progress and better standards of life in larger freedom,

Whereas Member States have pledged themselves to achieve, in cooperation with the United Nations, the promotion of universal respect for and observance of human rights and fundamental freedoms,

Whereas a common understanding of these rights and freedoms is of the greatest importance for the full realization of this pledge,

Now, therefore,
The General Assembly,

Proclaims this Universal Declaration of Human Rights as a common standard of achievement for all peoples and all nations, to the end that every individual and every organ of society, keeping this Declaration constantly in mind, shall strive by teaching and education to promote respect for these rights and freedoms and by progressive measures, national and international, to secure their universal and effective recognition and observance, both among the peoples of Member States themselves and among the peoples of territories under their jurisdiction.

Article 1: All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.
Article 2: Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty.

Article 3: Everyone has the right to life, liberty and security of person.

Article 4: No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms.

Article 5: No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

Article 6: Everyone has the right to recognition everywhere as a person before the law.

Article 7: All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination.

Article 8: Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law.

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

Article 10: Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him.

Article 11: 1. Everyone charged with a penal offence has the right to be presumed innocent until proved guilty according to law in a public trial at which he has had all the guarantees necessary for his defence.

2. No one shall be held guilty of any penal offence on account of any act or omission which did not constitute a penal offence, under national or international law, at the time when it was committed. Nor shall a heavier penalty be imposed than the one that was applicable at the time the penal offence was committed.

Article 12: No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation. Everyone has the right to the protection of the law against such interference or attacks.

Article 13: 1. Everyone has the right to freedom of movement and residence within the borders of each State.
2. Everyone has the right to leave any country, including his own, and to return to his country.

**Article 14:**
1. Everyone has the right to seek and to enjoy in other countries asylum from persecution.

2. This right may not be invoked in the case of prosecutions genuinely arising from non-political crimes or from acts contrary to the purposes and principles of the United Nations.

**Article 15:**
1. Everyone has the right to a nationality.

2. No one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality.

**Article 16:**
1. Men and women of full age, without any limitation due to race, nationality or religion, have the right to marry and to found a family. They are entitled to equal rights as to marriage, during marriage and at its dissolution.

2. Marriage shall be entered into only with the free and full consent of the intending spouses.

3. The family is the natural and fundamental group unit of society and is entitled to protection by society and the State.

**Article 17:**
1. Everyone has the right to own property alone as well as in association with others.

2. No one shall be arbitrarily deprived of his property.

**Article 18:** Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.

**Article 19:** Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

**Article 20:**
1. Everyone has the right to freedom of peaceful assembly and association.

2. No one may be compelled to belong to an association.

**Article 21:**
1. Everyone has the right to take part in the government of his country, directly or through freely chosen representatives.

2. Everyone has the right to equal access to public service in his country.

3. The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures.
Article 22: Everyone, as a member of society, has the right to social security and is entitled to realization, through national effort and international co-operation and in accordance with the organization and resources of each State, of the economic, social and cultural rights indispensable for his dignity and the free development of his personality.

Article 23: 1. Everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment.

2. Everyone, without any discrimination, has the right to equal pay for equal work.

3. Everyone who works has the right to just and favourable remuneration ensuring for himself and his family an existence worthy of human dignity, and supplemented, if necessary, by other means of social protection.

4. Everyone has the right to form and to join trade unions for the protection of his interests.

Article 24: Everyone has the right to rest and leisure, including reasonable limitation of working hours and periodic holidays with pay.

Article 25: 1. Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.

2. Motherhood and childhood are entitled to special care and assistance. All children, whether born in or out of wedlock, shall enjoy the same social protection.

Article 26: 1. Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit.

2. Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace.

3. Parents have a prior right to choose the kind of education that shall be given to their children.

Article 27: 1. Everyone has the right freely to participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits.

2. Everyone has the right to the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author.
Article 28: Everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realized.

Article 29: 1. Everyone has duties to the community in which alone the free and full development of his personality is possible.

2. In the exercise of his rights and freedoms, everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society.

3. These rights and freedoms may in no case be exercised contrary to the purposes and principles of the United Nations.

Article 30: Nothing in this Declaration may be interpreted as implying for any State, group or person any right to engage in any activity or to perform any act aimed at the destruction of any of the rights and freedoms set forth herein.

(Courtesy: http://www.un.org/Overview/rights.html)
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Glossary
GLOSSARY

Al Masjid Al Haram: The most Sacred Mosque situated at Makkah (Mecca), i.e., Mosque is constructed around Ka'bah.

Al-quds al-sharif: The Masjid al-Aqsa.

Al-rashideen: The rightly guided Caliph i.e., Hadrat Abu Bakr, Hadrat Umar, Hadrat Uthman, and Hadrat Ali.

Al-tawhid: The article of faith, i.e., having faith in oneness of Allah.

Al-zam: Conjecture, Supposition.

Amān: Safe conduct.

Arafāt: A famous place of pilgrimage on the S. E. of Makkah about twenty-five kilometres from it.

Ashhuddahu: Those who attain the age of maturity.

Awilum: Patrician.

Ba‘ā‘i: Among some ancient Semitic peoples, orig., any of a number of local fertility gods; later, a chief god.

Brahmana: A member of the priestly Hindu caste, which is the highest.

Caliph: Vicegerent, Successor, and also supreme head of the Islamic state.

Canaan: Ancient region at S. E., end of the Mediterranean, extending eastward to the Jordan River; the Biblical Promised Land.

Decalogue: Ten Commandments.

Deuteronomy: The fifth book of the Pentateuch in the Bible, in which the Law of Moses is set down in full for the second time.

Dhimmi: Free non-Muslim subjects of the Islamic state, who, in return for capital tax payment, enjoy protection and safety.

Dhū al Hijjah: The twelfth month of the Islamic calendar.

Dhul Qadah: The eleventh month of the Islamic calendar.

Din al-fltrah: The religion of the nature.

Din-i Islam: The religion of Islam, the term Din is the abstract term, it could not be replaced by any other term, instead be understood by the term religion.

Diyyah: Blood money paid to the family of the victim of homicide or to the victim of injuries by the perpetrator.

Equites: Members of a specially privileged class of citizens in ancient Rome, from which the cavalry was formed; equestrian order of knights.

Erastes: Older men.

Eromeno: The younger men.

Exodus: The second book of the Pentateuch in the Bible, which describes this and gives the Law of Moses.


Farewell Pilgrimage: Last Hajj performed by the last Prophet.

Gabriel: An angel, the main source between the Prophet and the Allah Almighty.

Genesis: The first book of the Bible, giving an account of the Creation.

Gerah: An ancient Hebrew coin and weight equal to j of a shekel.

Gospel: Among the first four books of New Testament.

Hadith: lit. Speech; The reported saying, and teaching of the Prophet Muhammad (SAW). It is used interchangeably with the Sunnah.

Harām: Unlawful. Forbidden and Punishable from the viewpoint of religion.
Hijrah: lit., it means 'migration'. This term is used for: (i) the migration of Muslims from an enemy land to a secure place for religious causes, (ii) the first Muslims migration from Makkah to Abyssinia (Ethiopia) and later to Al-Madinah, (iii) the Prophet's migration journey from makkah to Al-Madinah, and (iv) the Islamic calendar year which started from the Prophet's migration journey from Makkah to Al-Madinah.

Hisbah: Promotion of good and prevention of evil. It is a collective obligation of the Muslim community to take and affirmative stand toward hisbah and put it into effect whenever the occasion arises.

Honestiores: The most honoured citizens of the ancient Greece civilization.

Humiliores: The most lowered citizens of ancient Greece civilization, subject to humiliation.

Ibâhah: Permissibility (as opposed to prohibition).

Iblis: Great Satan.

Iddah: Allah's prescribed waiting period for a woman after divorce or death of her husband. after the expiry of which she can remarry another person.

Ijtihad: lit., self-exertion; independent reasoning usually by a qualified person (i.e., mujtahid) in order to deduce the juridical ruling of an issue from the source materials of the Shari'ah.

Jihad: Holy fighting in the Cause of Allah or any other kind of effort to make Allah's Word (i.e. Islam) superior. Jihad is regarded as one of the fundamentals of Islam.

Jizyah: Poll-Tax levied on all the non-Muslim subjects of the Islamic state.

Ka'bah: Holy sanctuary situated at Mecca, its foundation was laid by Prophet Ibrahim (Abraham). Also interchangeably used as Kaaba.

Kafir: The one who disbelieves in Allah, His Messengers, all Angels, all the Holy Books, Day of Resurrection and in the Al-Qadar (Divine Preordainments).

Khârij: Land-Tax levied on all the subjects of the Islamic state.

Khâlîfah: The Qur'anic doctrine of the Vicegerency of man on earth; also refers to the historical caliphate.

Khul'a: A kind of divorce in which a wife seeks divorce from her husband by giving him a certain compensation, or returning back the Mahr which he gave her.

Khulata Hujjatul Wida: Last sermon delivered by the Holy Prophet at the Last Hajj performed by Him.

Kshatriya: Among the Hindus, a member of the military caste, next below the Brahmanas.

Kufr: It is basically disbelief in any of the articles of Islamic Faith and they are: to believe in Allah, His angels, His Messengers, His revealed Books, the day of Resurrection, and Al-Qadar.

Laylah al-Isrā: Night of ascension of the Holy Prophet from the city of Mecca to city of Jerusalem.

Lex talionis: Law of retaliation

Mana or Mina: A varying unit of weight and money used in ancient Greece, Egypt, etc., generally equal to 1/60 talent or 100 drachmas

Manu: Lawgiver of the Hindus; also law book known as Manu Smriti.

Marâf: The popular good or practice.

Marwah: A mountain in Makkah, neighbouring Al-Masjid-al-Haram.

Masjid Al-Aqsa: The Sacred Mosque situated at Jerusalem, built by the Prophet Sulaiman (Solomon)

Mecca al-Mukarramah: Sacred city of Makkah

Mina: A pilgrimage place outside Makkah on the road to Arafat. It is eight kilometres away from Makkah and about sixteen kilometres from Arafat

Minkum: Those from among you (i.e., Muslims in particular).
Mohar: Arabic Mahr, the security money or surety amount given to bride by the bridegroom on the wedding night.


Munajat: Seeking Allah's boon lonely.

Munkar: The known evil or bad practice.

Murtada: An apostate.

Mushkinum: Plebeian

Musta'min: Non-Muslim temporarily resident in Muslim territory for a particular purpose.

Numbers: The fourth book of the Pentateuch in the Bible, containing the census of the Hebrews after the Exodus

Old Testament: Christian designation for the Holy Scriptures of Judaism, the first of the two general divisions of the Christian Bible.

Qaraa: He recited or read.

Qawwam: Arabic term meaning maintenance; subsistence or protection.

Qibla: The direction towards all Muslims face in Salāt (prayers) and that direction is towards the Ka'bah in Makkah.

Qisas: Laws of equality in punishment for wounds etc., in retaliation.

Qul: Say.

Rabb: There is no proper equivalent for Rabb in English language. It means the One and the Only Lord for all the universe, its Creator, Owner, Organiser, Provider, Master, Planner, Sustainer, Cherisher, and Giver of security. Rabb is also one of the names of Allah. We have used word “Lord” as nearest to Rabb. All occurrences of Lord” actually mean Rabb and should be understood as such.

Rabi-ul-Awwal: The second month of the Islamic calendar

Ribā: Usury.

Sa'āy: The going for seven times between the mountains of As-Safā and Al-Marwah in Makkah during the performance of Hajj and Umrah.

Sabbath: The seventh day i.e., Saturday or the resting and day of prayer.

Sadaqa: Anything given in charity.

Safa: A mountain in Makkah, neighbouring Al-Masjid-al-Haram.

Sati: a Hindu widow who allowed herself to be cremated alive on the funeral pyre of her husband's body, old custom prevalent during the ancient times in India.

Seerah: Life sketch of the Prophet Muhammad.

Sha'aban: The eighth month of the Islamic calendar.

Shari'ah: Islamic constitution and the laws.

Shekels: An ancient unit of weight used by Hebrews, Babylonians, etc., equal to about half an ounce.

Shudra: Fourth caste amongs the Hindus.

Shūrā: Consultation.

Slokas: Sacred hymn of the Hindu religious books.

Sunnah: see Hadith

Surah: Chapter of the Holy Qur'ān.

Ta'budū: You Worship Allah.

Takbīr: Saying Allahu-Akbar (Allah is the Most Great).

Talbiyah: Saying Labbaik Allahumma Labbaik (O Allah! I am obedient to your Orders, I respond to your Call).

Talmudists: Scholars in authority of Talmud.


Taqul: Rational judgement.
Ulema: Religious scholars of Islam; interchangeably used as Ulamā.
Ulū al-Amr: lit., those with authority, government and community leaders, as well as ulamā, who exercise authority and influence in community affairs. The Qur’ān requires that must be respected and obeyed.
Ummah: Muslim community.
Ummi Ummat: see above.
Vaisya: A member of the Hindu business and agricultural caste, next below the Kshatriya.
Wardum: Salves
Zakat: lit., purity; legal alms incumbent upon a Muslim, to help the poor and the needy, at the rate of approximately two and a half percent, payable annually on certain types of assets held for over a year, A certain fixed proportion of the wealth and of every kind of the property liable to Zakat of a Muslim to be paid yearly for the benefit of the poor in the Muslim community. The payment of Zakat is obligatory as it is one of the five pillars of Islam. Zakat is the major economic means for establishing social justice and leading the Muslim society to prosperity and security.

والحمد لله الذي تعلمته الصالحات