

## Human Rights and Religious Education: A Study with Special Reference to Islam

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### ABSTRACT

A new set of global principles and ambitions emerged from modern human rights. Human rights are essential to any modern discussion on global ethics and justice. Critics charge human rights discourse as being ethnocentric in its focus on minorities. Human rights are intertwined with rights philosophy, which is tied to natural law in Islamic legal theory. For example, the right to life stems from the creation of mankind by God. This article discusses natural law, human beings, best interests, and religious instruction in Islamic legal philosophy. In doing so, I want to build a comprehensive Islamic viewpoint on human rights and a practical component of the issue of human rights in the Islamic world.

The major purpose of the research is to investigate the creation of a contemporary human rights framework in the twentieth century. This study's research technique includes doctrinal and analytical research. The data will be acquired from numerous publications and reports by authorities. The researchers used secondary sources as well. Articles, books, journals, newspapers, and websites are examples. It is essential to recognize that different cultures may need to develop their own human rights arguments. It is also important to note religion's global effect. Ensuring universal human rights is not simple, as Islam has shown. No significant impact can be achieved by governmental or intellectual debates on human rights. I believe that most people, regardless of culture or religion, would embrace the notion if adequately educated. People's governments may have to work more to upgrade their legal systems and ensure people's rights.

**Keywords-** Human Rights, Religion, Islam, Education, Law, Theology.

### I. INTRODUCTION

Many of the Hellenistic and Persianate world's knowledge traditions were passed down to Islam, which came after the Roman and Persian empires. By the eleventh century, Islam had evolved a high culture that could accommodate a wide range of peoples, civilizations, and faiths via a combination of critical appropriation and its own indigenous intellectual legacy.<sup>1</sup> Because of this, Islamic civilization evolved into a pluralistic and open society with a rights discourse grounded in Islamic ethical theology and law. However, in the literature on Islam and human rights, the

feasibility of a distinct Islamic "rights speak" is often questioned. Some experts argue that the ancient Islamic legal tradition does not recognize individual rights and is instead a "duty-based system." There is a slew of other academic studies on Islam and human rights that are either superficial or do not interact with the textual and interpretive heritage of Islamic legal thinking. Islamic human rights researcher Abdulaziz Sachedina has argued that there is no systematic theory of natural law to support the "natural and indefensible rights of human beings" that can be derived from classical jurisprudence.<sup>2</sup> Some reform-minded Muslim academics have incorporated Western human rights concepts into

<sup>1</sup> The Islamic theory that human rights originate from human creation by God (al-Dabbūsī, 2001), h. 417.

<sup>2</sup> The history of Islam in Albania in the 20th century, (Zoi, 2012) h.23–26.

Islamic legal tradition to modernize Islamic legal tradition, despite the lack of an indigenous rights discourse in classical Islamic jurisprudence. The Islamic human rights studies field, which we can term academic discourse on Islam and human rights, is still in its infancy. There are only a few academic circles dedicated to studying the Islamic legal system, which is based on old Arabic texts that are difficult to obtain for people educated in contemporary law and human rights. Human rights study now requires a complete understanding of current international law and contemporary Muslim society, which is not often the case for historians of Islamic law.<sup>3</sup> The current state of the art makes generalizations regarding the rights discourse in the Islamic legal system more problematic.

**Objectives of Research:**

1. To study the emergence of a modern human rights framework in the twentieth century.
2. To study human rights concerning Islam religion.

**Research methodology:**

The research methodology used in this study will include doctrinal and analytical research. For the purposes of this research, data will be gathered via various books and reports from authorities. The researchers have also taken the help of secondary sources. The secondary sources include articles, books, journals, newspapers, and websites.

## II. RESULT AND DISCUSSION

**The Right to Life**

The most basic human rights are the right to life and respect for human life. When a human person is killed without reason, such as manslaughter or corruption on Earth, the Quran says, "It is as if he had killed all of mankind."

Only a genuine and competent court of law can decide whether someone deserves vengeance for murder or punishment for spreading corruption worldwide. The only way to resolve a disagreement between two nations or countries is to have an established government. Anyone, for whatever reason, has no right to take the life of another human being in order to exact vengeance or damage the Earth. Everyone has an obligation to guarantee that they never commit the sin of murdering another human being due to this.<sup>4</sup> It seems like a single killer has exterminated the whole human race. According to another verse in the Quran, "Do not harm a soul that Allah has proclaimed sacred except via the

correct way of justice..." A court must have jurisdiction and skill to evaluate any infringement of other people's rights to life and peace. Second only to polytheism is homicide, according to the Prophet (peace and blessings of God be upon him), according to Islamic tradition. "The worst crimes are to associate anything with God and to slay human beings," the Prophet's tradition declares. All of the Quran and the Prophet's traditions refer to "soul," a generic phrase that does not lend itself to an explanation for why individuals from one's country or those who identify with a particular race or religion should not be slain. The injunction against the destruction of human life applies to everyone.

The idea of 'the right to life' is unique to Islam. People who advocate for human rights sometimes do so with the underlying notion that these rights only pertain to their own country's citizens or were drafted for the white race. Aborigines were hunted to extinction in Australia, which serves as a stark reminder of how humans were treated there. In the United States, a similar genocide was committed against its indigenous peoples. Those Red Indians who escaped the carnage were forced to reside in designated locations known as Reservations. People were hunted as prey in Africa as they crossed the border from the Americas. They show little care for human life in general, and if they do, it is because of their nationality, race, or ethnicity. According to Islam, this is a fundamental human right that should be honored by everyone. No matter how primitive or barbarous his tribe may be, a Muslim regards him as a fellow human being.<sup>5</sup>

**The Right to the Safety of Life**

Immediately after the passage in the Holy Quran referring to the right to life, God says: "And whoever saves a life, it is as if he has saved the lives of all people." Saving a person's life may be accomplished in a variety of ways. All men are susceptible to illness or injury regardless of their race, ethnicity, or country. Your role is to assist him in getting the care he needs for any kind of illness or injury he may be suffering from. Your mission is to feed him in order to save his life if he is starving to death. Your task is to rescue him if he is in danger of drowning or losing his life. Talmud, a sacred text for Jews, has a whole new passage on the same subject but in a completely different style. It reads as follows: "According to Scripture, anybody who takes an Israelite's life is equivalent to wiping out the whole planet. Though one Israelite is protected and preserved, it is as if he saved the whole world, according to the Bible."<sup>6</sup> The Talmud also states that you are a sinner if you try to rescue a non-Israeli who is drowning. Is there any term for it except "racism"? Because the Quran commands us to do so, we consider it our obligation to save every human life. To preserve the life of any human

<sup>3</sup> Abdullah al-Ahsan, "Law, Religion and Human Dignity in the Muslim World Today: An Examination of OIC's Cairo Declaration of Human Rights," *Journal of Law and Religion* 24(2) (2008–09): 569.

<sup>4</sup> The Prophet Muhammad, "Prophet Muhammad's Last Sermon" (Islam The Modern Religion). Available <http://www.themodernreligion.com/prophet/prophet-lastsermon>.

<sup>5</sup> Abdullah Saeed, *Islamic Thought: An Introduction* (Abingdon, UK: Routledge, 2006), 49

<sup>6</sup> Ibid

being at all, an Israelite should be the first to be regarded as a priority. In this perspective, other individuals do not seem to be human enough to need the protection of their own safety. In their writings, the idea of 'Goyim,' for whom the English name 'Gentile' and the Arabic word *ummi* (illiterate) are employed, is that they have no human rights; only the offspring of Israel are entitled to human rights. "There is no fault on us (for whatever we may do) concerning the unlettered people (i.e., the *ummi*)," the Jews said in the Quran.<sup>7</sup>

#### **Respect for the Chastity of Women**

A woman's virginity must be maintained and preserved under all circumstances, whether she is from our own country or an enemy's nation, whether she is found in a remote forest or in a captured city; whether she is our co-religionist, a member of another religion, or has no religion at all. A Muslim cannot disrespect her in any way. Promiscuous partnerships are forbidden to him, regardless of the lady's status or position or her willingness or unwillingness to participate. "Do not approach (the limits of) adultery," declares the Holy Quran. This crime has a severe penalty, and the order is without conditions. Because Islam forbids a woman's virginity, a Muslim who breaks it will be punished, whether in this life or the next. Only Islam teaches the purity of virginity and the protection of women.<sup>8</sup> If the Western armies conquer another country, the fate of its lady population is better envisioned than stated. Except for a few occasional mistakes here and there, Muslim history has been free of this crime against womanhood. It has never happened that Muslim troops raped captured women or that their own country's officials provided them with prostitutes. This is another significant advantage of Islam for the human race.

#### **The Right to a Basic Standard of Life**

Specifically, the Holy Quran advises its believers to observe the following principles regarding economic rights: "And in their wealth, there is recognized right for the needy and underprivileged." The phrasing of this injunction reveals that it is direct and unmistakable instruction, as shown by its content. It is also worth noting that this restriction was given in Makkah, where there was no Muslim community at the time and where Muslims were obliged to come into contact with the people of the disbelievers on a daily basis, as is the case today. Thus, the clear meaning of this verse is that anyone who asks for help or who is suffering from deprivation has a right to share in the property and wealth of Muslims, regardless of whether he belongs to this nation or another, whether he belongs to this country or another, or whether he belongs to this race or another or any other race. If you are in a position to help someone who is in need and that person asks you

for aid, or you become aware that he is in need, it is your obligation to provide such assistance. God has established his power over you, and it is your job as a Muslim to submit to that authority and honor God's commandments.<sup>9</sup>

#### **Individual's Right to Freedom**

Islam expressly and unequivocally prohibited taking a free man captive, enslaving him, or selling him into slavery. Regarding this issue, the Prophet (S) has said clearly and unequivocally: "Specifically, there are three groups of persons against whom I will personally file a lawsuit on the Day of Judgment. One of these three is the one who enslaves a free man, then sells him and consumes the money he receives as a result" (al-Bukhari and Ibn Majjah). These are likewise generic statements; they have not been qualified or made appropriate to any specific nation, race, country, or adherents of a particular religion, as has been done with other Prophetic traditions. The Europeans take great delight in stating that they were responsible for the abolition of slavery across the globe, despite the fact that they only had the decency to do so in the middle of the nineteenth century. The Western countries had been conquering Africa on a massive scale before this, seizing its free men, placing them in bonds, and shipping them to their new colonial territories before this. The cruelty they have meted out to these poor individuals has been much worse than the torture animals have received. The fact that this is true is attested to by the literature authored by Westerners themselves.<sup>10</sup>

#### **The Slave Trade of Western Nations**

For three hundred and fifty years after the colonization of America and the West Indies, the slave trade persisted unabated. The Slave Coast refers to the African coastlines along which black-skinned captive Africans were transported from the continent's interior and loaded into ships departing from those ports. Only one century (from 1680 to 1786) has passed since the entire number of free individuals who were seized and enslaved only for the benefit of British Colonies was estimated to be 20 million human beings, according to estimates by British academics. Seventy-five thousand five hundred human beings were abducted and brought as slaves to the American colonies in the span of a single year (1790). The ships that were used to carry the enslaved people were tiny and filthy, as was their cargo. These unfortunate Africans were herded into the holds of these ships like cattle all the way to the top, and many of them were chained to the wooden shelves, which they could hardly move on because they were only eighteen inches apart and stacked one on top of the other, making it difficult to breathe. If they were sick or were wounded, no effort was made to give them with medical care. At least 20% of the entire number of persons taken for

<sup>7</sup> Ibid

<sup>8</sup> Wael B. Hallaq, *The Origins and Evolution of Islamic Law* (Cambridge: Cambridge University Press, 2005), 22.

<sup>9</sup> Ibid

<sup>10</sup> Traer, Robert. Human rights in Islam. *Islamic Studies* 28.2 (1989): 117-129.

slavery and forced labor died during their passage from the African coast to the American continent, according to Western authors who have studied the subject.<sup>11</sup> Another estimate puts the overall number of persons taken for slavery by different European countries during the slave trade at least one hundred million during the period of peak enslavement in the Americas. This is the track record of those who criticize Muslims for their acceptance of the system of slavery at all hours of the day and night. It is as if a criminal is pointing the finger of guilt in the direction of an innocent person.

### ***The Position of Slavery in Islam***

We would like to give you a brief overview of Islam's view on slavery. Enslavers in Arabia were encouraged to release their slaves in various methods by Islam, which endeavored to address the issue of slavery in Arabia. Muslims were obliged to liberate their slaves as a kind of restitution for some of their transgressions. For the sake of the slaves they emancipated, it was stated that the man who freed them would be shielded from hellfire in every limb except for the one that he freed. As a consequence of this approach, all of Arabia's former slaves were freed by the time of the Rightly-Guided Caliphs. It is estimated that the Prophet freed 63 slaves on his own. 'Aishah released 67 slaves, 'Abbas freed 70, 'Abd Allah ibn 'Umar freed 1,000, and 'Abd al-Rahman bought and freed 35,000 slaves. Several accounts in the early Islamic literature of the Prophet's Companions freeing vast numbers of slaves.<sup>12</sup>

Slavery in Arabia came to an end in about 30 or 40 years, thanks to this solution. Muslims had no more slaves beyond this point, save for those who had been taken on the battlefield. Until their government agreed to accept them back in return for Muslim troops taken by them or negotiated the ransom payment on their behalf, the Muslim government held these prisoners of war. There were times when their captives were not swapped with Muslim POWs, or if they could not get the ransom money to free them, the Muslim Government would divide them among their captors' forces. A more humanitarian and suitable manner of disposing of them than incarceration in extermination camps, forced labor, and prostitution of their women; was a more humane and proper method of disposing of them. To avoid using such an inhumane method of disposing of captured soldiers, Islam distributed them around the populace, allowing them to interact with real people. In addition, their caretakers were instructed to treat them with respect and compassion. Slave captives who were taken to Muslim nations as slaves were more likely to convert to Islam due to this strategy, which resulted in the generation of famous Muslim intellectuals and leaders.

<sup>11</sup> Akbarzadeh, Shahram, and Benjamin MacQueen, eds. *Islam and Human Rights in practice: Perspectives across the Ummah*. Routledge, (2008).

<sup>12</sup> Brown, Jonathan AC. *Slavery and Islam*. Simon and Schuster (2020).

As a result, they rose to power and eventually ruled the Muslim world. The modern answer to this dilemma is the exchange of prisoners of war between the warring nations following the end of hostilities. As for Muslims, they have been doing it since the dawn of time, and they have used it anytime the other side agreed to an exchange of prisoners of war from both sides. In modern warfare, if one government is wholly routed, leaving it unable to bargain for its prisoners of war, and the winning party quickly obtains its prisoners, experience has shown that the prisoners of war of the defeated army are kept in conditions that are significantly worse than those of slaves. What happened to the thousands of German and Japanese soldiers that the Russians took prisoner after losing their forces in World War II? So yet, no one has come forward with their storey. How many people are still alive and how many people have died in the Russian concentration and labor camps is a mystery that no one knows. Forced labor is much worse than the servitude that may be demanded from slaves. It is possible that even in ancient Egypt, slaves were not subjected to the same kind of brutal working conditions as those endured by Russian prisoners of war in developing Siberia and other backward regions of the country or forced to work in coal and other mines in subzero temperatures while being malnourished and brutally treated by their employers when ancient Egyptian pharaohs ruled Egypt.<sup>13</sup>

### ***The Right to Justice***

This is a crucial and priceless privilege bestowed upon us by Islam on account of our inherent dignity as human beings. Islamic law states, "Do not let your hatred of a people lead you to violence." "And do not allow animosity against anybody cause you to stray from doing what is right. Do what is right; this is the closest thing you can get to paying attention". "You who believe remain steady before God as witnesses for (truth and) fair play," the Quran declares, emphasizing this point once again. In this way, it is apparent that Muslims must be fair to all people, even those they consider adversaries. The justice offered to Muslims and their allies are not confined to their own country, tribe, nation, or race, nor is it restricted to the Muslim community as a whole; rather, it is intended for all people everywhere. Consequently, Muslims cannot be unfair to any other person. They should have a permanent habit and character of treating all human beings with justice and fairness so that no one ever fears unfairness from them.

### ***Equality of Human Beings***

Islam not only accepts and affirms the equality of all men, regardless of their skin pigmentation, ancestry, or country, but it also makes it a vital and genuine value. We formed you from a male and a female, declares the All-Powerful God in His Holy Quran. In other words, we are all brothers and sisters

<sup>13</sup> Sanneh, Lamin. "Slavery and Islam." *Historically Speaking* 8.6 (2007): 20-21.

here on Earth. They are all the offspring of the same parents. To make it easier for you to identify one another, we divided you into countries and tribes. People are divided into countries, races, ethnic groupings, and tribes for the express purpose of the meeting and getting to know members of other races or tribes and working with them. Because of this separation, no country should take pleasure in its superiority over others, nor should any nation treat another with scorn or disdain, nor should any nation see them as a low and degraded race that has no right to exist and seize their power. Those who are noblest before God are also the ones who pay attention to the greatest. Even if a person has a strong moral character and is aware of God's existence, this does not make him or her a lord or give the impression that he or she is superior to others. God-fearing and devout men would never even contemplate acting arrogantly, much alone assuming an air of superiority. Virtuous people do not have any special privileges over those who are not since this concept of human equality was established at the beginning of this verse. Goodness and virtue are always preferable to vice and evil from a moral standpoint.

In one of his sayings, the Prophet exemplifies this: "Non-Arabs and Arabs are not superior to each other, and neither are they superior to each other. Neither a white guy nor a black man is superior to the other; there is no such thing as a white man superior to a black man. Your father, Adam, was made of clay, and you are all his descendants " (al-Bayhaqi and al-Bazzaz). As a result, Islam created equality for all people, regardless of skin color, ethnicity, language, or country. It is a fundamental human right, according to Islam, that all men are created equal.

Consequently, no one should be discriminated against because of their skin color, ethnicity, nationality, or place of birth. During his pilgrimage to Mecca, Malcolm X, a prominent African-American civil rights activist, witnessed how Muslims from all over the world, including those of different races, languages, and skin tones, were dressed alike and rushing toward God's House-the Ka'bah, where they were standing in one row and offering prayers in silence. Muslim philosophers who are not blinded by prejudice today freely recognize that no religion or way of life has been able to overcome this issue as well as Islam has.

#### ***The Right to Cooperate and Not to Cooperate***

"Cooperate for virtue and heedfulness and do not cooperate with one another for vice and aggression," says Islam as a broad guideline of vital significance and universal applicability. Meaning that no matter where in the world one lives, a person who is doing good has the right to anticipate support and active cooperation from Muslims who are doing good. On the other hand, Muslims have no right to assist or aid anybody who does acts of vice and violence, even if they are our closest

relatives or neighbors.<sup>14</sup> Moreover, someone who commits such acts does not have the right to assume that Muslims would work with him or support him. Muslims also have no right to work with him. As long as he does not repent and change his ways, he is not one of us and will not get any aid or support from us.<sup>15</sup> The person performing good actions, on the other hand, may have no blood relation to Muslims, but Muslims will be his comrades and supporters, at the very least, if he does good things properly.<sup>16</sup>

#### ***Islamic Legal Concepts and Strategies for Human Rights Advocacy***

Muslim human rights discourses nowadays are heavily influenced by Shari'a (Islamic law); hence it is critical to find resources from this heritage that may be utilized<sup>17</sup> to connect with international human rights standards. However, I will focus on a few things I feel are critical in this endeavor. Regarding integrating international human rights legislation with Islamic law, Muslims have a wealth of materials at their disposal.<sup>18</sup>

As a matter of international law, human rights rules may be seen as binding on all governments. Rather than relying on philosophical arguments, this approach views human rights as essential to the existing legal and political situation. The international community has built a framework of international law and relations for Muslim-majority countries. Even though it is theoretically feasible for nations to isolate themselves from other states, doing so, in reality, would be exceedingly expensive in terms of both political and economic terms. The need to uphold one's commitments is a cornerstone of Islamic law. Several prominent Muslim jurists have declared that the United Nations Charter reflects a binding international agreement for the Muslim States, which is why all Muslim-majority nations are United Nations member states. In addition, since at least the 1980s, significant countries like the United States and the European Union have included human rights language in their trade agreements. Many of the world's largest trading nations now incorporate human rights elements in their preferential trade agreements. These are some of the binding ones. As a result, Muslim-majority countries must operate and interact in a global context where human rights are highly regarded and considered an essential aspect of the international legal and political system.

<sup>14</sup> Susan Ariel Aaronson and Jean Pierre Chauffour, "The Wedding of Trade and Human Rights: Marriage of Convenience or Permanent Match?" (2011) WTO 15 February 2011. Available [https://www.wto.org/english/res\\_e/publications\\_e/wtr11\\_forum\\_e/wtr11\\_15feb11\\_e.htm#feedback](https://www.wto.org/english/res_e/publications_e/wtr11_forum_e/wtr11_15feb11_e.htm#feedback)

<sup>15</sup> Ibid

<sup>16</sup> Ibid

<sup>17</sup> Mayer, Ann Elizabeth. *Islam and human rights: Tradition and politics*. Routledge (2018).

<sup>18</sup> Ibid

The need concept is important to keep in mind (darura). Muslims may make an exception to an established rule of law under this Islamic legal principle if it does not conflict with Shari'a's primary goals. As long as one of the "five basics" (faith, life, lineage, reason, or property) is at risk, the concept of darura may be used to overrule the initial legal judgment. This legal idea of need may be used to alleviate a person's discomfort or danger in such situations.

In this context, "need" is a useful noun (haja). "Those things that put the Muslim in difficulties, if not performed, even though he/she can do without" is the definition of Haja in Islamic law. In this way, the idea of haja permits eliminating an obstacle causing individual suffering. A person's life is not in danger due to the obstruction, but if they do not get rid of the obstacle, they will endure severe hardship. Haja is distinct from darura in this regard. A "universal need" (haja 'amma) arises when a haja affects a whole community. As soon as it becomes a general need, it takes on the characteristics of necessity.<sup>19</sup>

Both of these ideas may greatly assist Muslims in responding to the current worldwide debate on human rights. Because of pressing circumstances, it may be necessary to amend some customary legal judgments when there are disagreements or conflicts over specific rights.<sup>20</sup>

The idea of hikma, which takes into consideration the reason and wisdom of a Qur'anic or prophetic prescription, may also be used to reconcile conflicts between Islamic law and international human rights legislation. Scholars have argued, for example, as explored in further detail in Chapter 7, that the Qur'an's justification for permitting polygyny was to assure justice and care for Muslims' most vulnerable members: widows and orphans. Q. 4:3, the scripture that allows polygamy, falls in conflict with human rights law's affirmation of equality between men and women, especially in the context of marriage, if it is understood literally. However, by considering the verse's hikma, some of the seeming issues may be rectified.

This method is beneficial in dealing with conflicts between Islamic law and human rights standards because it contextualizes those passages of the Qur'an or hadith that seem to disagree with international human rights norms. Scholars may examine a text's

original intent and how it could be used in today's setting by contextualizing these writings.

However, contextualizing a text is not just a question of reading a predefined meaning into the text itself. As a matter of fact, it is a methodological approach that not only takes the text's linguistic meaning into account but also takes into account the original environment in which the Qur'anic revelation took place in the early seventh century CE. These include political, social, economic, intellectual, and religious contexts and the values, norms, and institutions that existed in those societies and impacted the specific topic being studied. Interpreters may learn how the Quran was interpreted by the first Muslim generation and by Muslims in other times of Islamic history and within their own historical contexts.<sup>21</sup>

When the interpreter has arrived at this conclusion, they will subsequently apply it to the current situation. This is done by comparing and contrasting the book's original setting with the modern context, which includes all significant social, political, cultural, economic, and intellectual components. As a result, the text's primary goal and central message will be preserved while also yielding an accurate interpretation. Other considerations must be taken into account, such as current issues in society, the religious sensitivities of the larger community, and the core ideals of Islam.<sup>22</sup>

It is common for Muslim academics to debate whether a certain rule or conclusion based on a verse of the Qur'an or hadith is reversible or irreversible (or, in other words, mutable or immutable). Suppose a judgment is regarded so vital to Islamic law. In that case, many Muslims believe it should not be revised or modified in light of international human rights legislation. In such circumstances, Muslim academics should not give in to the demands of the international human rights community. Muslim academics have studied the concept of malleable and immutable in Islamic law for many centuries. However, even now, when Muslims engage with international human rights conventions, they are concerned about it.

A list of Islamic laws that Muslims generally see as unchanging may be made; however, no uniform definition of what constitutes mutability or immutability has been agreed upon. Examples of essential beliefs and pillars of Islam include a conviction that there is only one God; a belief in prophets, scriptures, and life after death; a belief in the five daily prayers, fasting, zakat, and pilgrimage; and a prohibition on stealing or buying

<sup>19</sup> Othman, Norani. "Muslim women and the challenge of Islamic fundamentalism/extremism: An overview of Southeast Asian Muslim women's struggle for human rights and gender equality." *Women's Studies International Forum*. Vol. 29. No. 4. Pergamon, 2006.

<sup>20</sup> Abu Muhammad Qasim b. Thabit al-Saraqusti, al-Dala'il fi gharib al-hadith, ed. Muhammad al-Qannas (Riyadh: Maktabat al-Ubaykan, 1421), 2:487, No. 265; Abu Bakr al-Bayhaqi, al-Sunan al-Kubra, ed. Muhammad Ata (Beirut: Dar al-Kutub al-Ilmiyya, 1424/2003), 6:596, Kitab al-wasaya, No. 13080.

<sup>21</sup> Abu al-Qasim b. Asakir, Tarikh Madinat Dimashq, ed. Amr al-Amrawi (Cairo: Dar al-Fikr, 1415/1995), 52:38, No. 6086. In another narration, the Prophet said: "Fear God [regarding the rights of] the two weak ones: the orphan and the woman." Abu Ja'far al-Tabari, Jami' al-bayan an tafsir ay al-Qur'an, ed. Ahmad Shakir (Beirut: Mu'assasat al-Risala, 1420/2000), 7:561, sub Q. 4:5.

<sup>22</sup> Ibid

and selling (permitted). The notion is that no Muslim has the power to deviate from these unchangeable principles. There may be more immutables, but they may not have the universal agreement that these foundations have.<sup>23</sup>

Human rights issues are not about generally agreed upon immutables but rather about judicial judgments where there is less consensus. Scholars' autonomous reasoning (ijtihad) or even the mainstream viewpoint of a specific school of law may lead to these decisions. Whether the rule is generally agreed upon or unchangeable may be tested in these situations. For example, there is no generally agreed-upon stance among Muslims that opposing (or supporting) gender equality is a core tenet in Islam.<sup>24</sup> For Muslim males, the issue of marrying several women is not a commonly agreed-upon viewpoint, and there is no universally agreed-upon one. This means that Muslim academics have an opportunity to examine whether previous judgments might be revised to reflect our current environment and human rights norms. Muslim academics have a great deal of freedom in how they interact with international human rights legislation; they may offer new ideas and even generate important new 'Islamic' understandings as a result of this.

### III. FINDING

In order to have a meaningful influence on the lives of ordinary people, we believe we must recognize and accept that other cultures may need to develop their justifications for human rights. Keeping in mind the power of religion in many regions throughout the globe is also important. As we have seen in Islam, Islamic principles do not always align with universal human rights, so we should not underestimate the challenge of implementing and promoting them. Even if we believe that "our" universal human rights are the best norm to ensure people's safety and well-being, we must acknowledge that there are alternative points of view to find solutions to the challenges associated with human rights in many third-world nations. Even if there is a willingness to compromise in some of the Islamic human rights treaties, others include religious principles and regulations that make it impossible to meet the UN's threshold. In an Islamic state, laws against blasphemy and apostasy would unavoidably restrict freedom of speech and religion. International law is also violated because women in Islam have a distinct function, which cannot be altered even by a harsh translation of the Qur'an. It is vital to recognize that even in subsequent publications like the Cairo Declaration and Arab Charter, an international attempt is made to adapt to UN standards, even though references to Sharia are made directly in such treaties. It is critical, in our opinion, to bring human rights activism down to a more general

level so that "regular" people can better grasp the rights that universal human rights entail for each person. It is impossible for human rights to have a practical impact if they are solely discussed at a governmental or academic level and just theoretically. We also believe that most individuals, regardless of their cultural or religious background, would not be hostile to the notion if they were properly enlightened about individual human rights. Governments or regimes that are under pressure from their own people rather than from foreign powers may have to make more efforts to reform their legal systems and offer citizens the rights they are entitled to.

### IV. CONCLUSION

This study has presented a concise summary of the primary sources of Islamic law relevant to any contemporary debate on Islam and human rights. Muslims have relied on these texts and centuries-old interpretations to construct arguments for or against human rights. While texts can be interpreted in a variety of ways, it is critical to emphasize that within the Islamic tradition, there are a large number of texts, ideas, points of view, and interpretations, as well as principles and strategies, that allow for the exploration and possibly rethinking of some of the legal rulings that may be relevant to the types of concerns expressed in this book. As we shall argue, they may be utilized effectively to foster an Islamic concept of human rights that is compatible with globally recognized standards and norms. Understanding these perspectives, concepts, and techniques are critical for adequately participating in the dialogue on Islam and human rights.

Additionally, We argue that a modern human rights tradition must be founded on Muslims' moral/religious values to take root in contemporary Muslim culture. This may be accomplished not by imposing a human rights tradition developed in another culture but by appealing to the Qur'anic texts' sense of human dignity and by applying the principle of reciprocity at the heart of the Qur'anic concept of justice. We conclude by demonstrating that applying Islamic sources through a paradigm that incorporates the principles of human dignity and moral reciprocity into a modern society characterized by cultural plurality and globalizing technology will inevitably result in the evolution of a human rights tradition capable of ensuring equal protection of individuals' and groups' moral autonomy.

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