

## Human Rights and Family in Islam

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Dedicated to my esteemed friend, Professor Richard Wilkins. I owe Richard a human debt that I know, indeed I am happy, that I can never repay.

This discussion proceeds with the background of acute crisis of international proportions regarding the message and place of contemporary Islam. Whether or not one agrees with the thesis advocated initially in modern times by Samuel Huntington, it cannot be ignored that from political avocations to cultural and religious practices and beliefs, Muslims have come under severe criticism in the popular Western press. As such, the “clash” that he spoke of has presumably arisen from the imperceptible to the visible.

In my view, Huntington was perceptive in projecting his thesis of the clash of civilizations in the twenty-first century. This conviction has been strengthened by Pope John Paul’s recent affirmation of this doctrine in his address to a multi-congregational audience in Assisi on 22 January 2002, when he said, particularly to the Muslims, that he feared what he saw was an ongoing, even increasing crescendo of clashes, involving the Western civilizations and that of the Islamic peoples. In face of such an onslaught, many Islamic leaders have plainly become afraid, and few have openly defended anything that Muslims believe in or do. It is indeed “fashionable” to appear to be “modernistic” in outlook in all that affects the statecraft of such nations. It is in this context, in a Hegelian sense of historical perspective, that recent political events toward a “secularized” Islamic world have to be seen. According to some strategic thinking of contemporary international affairs, this is desirable. The government in Pakistan, my native country, is currently involved in this very process, despite heavy opposition from the religious elements and institutions. I hope that such ongoing evolution does not adversely affect, if at all, the totality of Islamic teachings on matters such as those I would analyze in this presentation. Humanitarian postulates and dogmas of Islam are heavily grounded on principles of high morality. Any dilution in their ethos would be a devastating blow to the religious practices of its millions of adherents, no less than to other peoples and nations that direly need such ethical mores to keep afloat their own cultural value systems in an international social milieu rapidly losing such values in the wake of contemporary “progress.”

Throughout its history, the Islamic faith has been both deeply cherished and misunderstood for its emphasis on enveloping the entirety of a person’s life with its normative structure of rules of conduct and precepts. Amongst the major norms of such expected behavior are those that apply to the institution of the family. Simultaneously, the jurisprudence

and moral philosophy of the faith also acutely focuses on the larger matter pertaining to the subject of human rights. The contemporary Western world similarly accords tremendous significance to these topics. However, as I see it, the evolution of these norms and concepts in the international legal field has been such that, in respect to crucial details, there is a visible tendency to have the rights of the family give up some of its historical and inherent hierarchal position and status to specific and newly developed “rules” in the broader field of human rights.

The problem that we are thus faced with is simple. Some of the “changes” that are currently advocated by a sizeable segment of liberal-based ideologues aim to denude the very foundations of the institution of the family, which would adversely affect its well-being and character. These challenges emanate from principally two sources, *viz.*, the liberal facets of contemporary thinking about human rights and perceivable trends at the UN while codifying newer evolutionary norms of this law.

### Major International Texts Regarding Family

In order to understand this problem from an Islamic perspective, let us turn to the Qu’ran and see, *prima facie*, its articulations on the subject of the family. However, before doing so, it would be instructive to view the substance of the established norms on the “family” in major international texts of high authority. The modern day *magna carta* of human rights, the Universal Declaration of 1948,<sup>1</sup> asserts categorically in Article 16 as follows:

- 1) Men and women of full age, without any limitation due to race, nationality and religion, have the right to marry and to found a family.
- 2) Marriage shall be entered into only with the free and full consent of intending spouses.
- 3) The family is the natural and fundamental group unit of society and is entitled to protection by society and the State.<sup>2</sup>

As we shall later see, these concepts are basically echoed in Islamic teachings. This focused attention is then again reflected in both the International Covenant on Economic, Social, and Cultural Rights and the International Covenant on Civil and Political Rights.<sup>3</sup> Both these international agreements contain and continue the genesis of the family being regarded as the “natural and fundamental group unit of the society.” The Economic and Cultural Rights Covenant states

the following in Article 10:

1. The widest possible protection should be accorded to the family, which is the natural and fundamental group unit of society, particularly for its establishment and while it is responsible for the care and education of dependent children. Marriage must be entered into with the free consent of the intending spouses.<sup>4</sup>

The same language is then reproduced in Article 23 of the International Covenant on Civil and Political Rights which states, *inter alia*:

1. The family is the natural and fundamental group unit of society and is entitled to protection by society and the State.
2. The right of men and women of marriageable age to marry and to found a family shall be recognized.

These texts of general application of international treaty law are largely truly expository of the position of family in contemporary UN law. It is not necessary to cite more articulations of this point, but two may be specifically mentioned. The Declaration issued after the Children Summit on 30 September 1990<sup>5</sup> contains the following important formulation in its Plan of Action for Implementing the World Declaration. Paragraph 14 of the Plan says, "The family, as a fundamental group and natural environment for the growth and well being of children, should be given all necessary protection and assistance."

Again in paragraph 20 (5) it is reiterated, "We will work for the role of the family in providing for children and will support the efforts of parents, other caregivers and communities to nurture and care for children, from childhood through adolescence."

Another similar landmark supportive statement on these lines is found in the Plan of Action for Implementing the World Declaration on the Survival, Protection, and Development of Children in the 1990s. It is stated in paragraph 33:

Effective implementation of this Plan of Action will require concerted national action and internal co-operation. As affirmed in the Declaration, such action and cooperation must be guided by a principle of "first call for children," a principle that the essential needs of children should be given high priority in the allocation of resources, in bad times as well as in good times, at national level and international *as well as at family level*.<sup>6</sup>

It is evident that at the levels of both declaratory contemporary international law and painstakingly produced available texts regarding implementation, there is firm support for the pivotal role that the family has to play in society. For my present analysis, it is not necessary to advert to those issues wherein the efforts of the international community have also attempted to dilute this transcendental position of the family while addressing allied questions dealing essentially with contemporary conceptions of morals and ethics and the

newer approaches to the children's rights.

### Islamic Conceptions Relating to Family

Let us now see the corresponding position under Islamic principles. In the context of Islamic family obligations, a family is defined as "a human social group whose members are bound together by the bond of blood ties and or marital relationship."<sup>7</sup> The Qu'ranic injunctions created the basic framework of such obligations. The major thrust of such injunctions was to ameliorate the position of women and to grant to daughters rights and privileges ignored by the ancient customs present at the advent of Islam. "These Qu'ranic reforms, as well as customary practice, constitute the substance of classical family law" in Muslim philosophy.<sup>8</sup>

The basic perception of marriage, which is considered to be the foundation of family life, is in the nature of "the strongest bond"<sup>9</sup> that exists in human relations. Surah 4: An-Nisa allows marriage of choice, but forbids the husband from inheriting the wife's property against her will.<sup>10</sup> According to the Qu'ran, men and women have equitable and proportionate rights and responsibilities in a family. In order to preserve the survival of the family unit and to ensure the viability of the institution, the weaker elements in this unit have higher levels of protection. As such, the Qu'ran allows the rights of women not only in the context of marriage,<sup>11</sup> protection from slander,<sup>12</sup> maintenance,<sup>13</sup> and care of children.<sup>14</sup> The cumulative quintessence of these diverse injunctions regarding the family as a social unit signifies that laws of Divine origin are in place to ensure the integrity of this unit. In this scheme of the preservation of the family as a unit in a society described briefly above, the Islamic message seems to be to:

1. Make marriage based on free consent.
2. Preserve the economic viability of the wife.
3. Make the offspring, with great emphasis on the females of this union, an integral part of this unit, in which they owe various duties of loyalty and respect to their parents; in return the parents must exert their best moral influence on them.

### Position of Women in Family

While focusing on the institution of the family, two central themes need to be recognized. First is the extraordinarily "secure" position and status Islamic thought gives to females in the family. While addressing the topic of females in a family, the Qu'ran has several direct commandments. First, female infanticide, extensively practiced in nonadvanced societies throughout history, has been severely condemned. Not only did the Qu'ran prohibit this evil cultural heritage of that seventh century culture in which Islam began its infancy, it also rebuked the idol worshippers of Arabia who ascribed daughters to God but wanted only male heirs and

reacted accordingly in their prevalent social practices. The Qu'ran says:

And they assign daughters  
For Allah! Glory be to Him!  
And for themselves (sons—The  
Issue they desire!) When news  
Is brought to them, of (the birth  
Of) a female (child), his face Darkens,  
And is filled with inward grief!  
With shame does he hide himself  
From his people because of bad  
News he has had!  
Shall he retain it on (sufferance and)  
Contempt, or bury it in dust? Ah! What an  
Evil (choice) they decide on?<sup>15</sup>

Islam's initial contribution of immense historical significance lay in recognizing the status of women as equals of men. Women's inferior position in pre-Islamic Arabian culture was reflected in their being considered as chattel. According to a leading author, "marriage closely resembled a sale through which a woman became the property of her husband."<sup>16</sup> Having no importance in either initiation or termination of marriage, she was supposed to follow her husband's tribe and essentially bear children. Since she was supposed to have legally left her tribe, she was deemed to relinquish all property rights therein. As a wife, a woman became totally subject to her husband and his tribe. In this background came the Qu'ranic injunctions regarding women's right to be respected (particularly as a mother), property rights, and the right to be considered an integral party of the family unit.<sup>17</sup>

According to Islamic injunctions, the aim and "purpose of marriage is to create and live in an atmosphere of love, harmony and companionship to fulfill the higher purposes of life."<sup>18</sup> Qu'ranic mandates stressing the complimentary roles of both the sexes to each other in many aspects of God's commandments can be gleaned from the following verses:

They (women) are your garments  
And ye (men) are their garments<sup>19</sup>

And again a famous verse says:

The Believers, men  
And women are protectors  
One of another.<sup>20</sup>

Perhaps equally well known is the following commandment:

And among His (God's) Signs  
Is this, that He created  
For you mates among  
Yourselves, that ye may  
Dwell in tranquility with them,  
And He has put Love  
And mercy between your (hearts):

Verily in this are signs  
For those who reflect.<sup>21</sup>

### Position of Parents

Islamic teachings lay the greatest stress on the position of parents. Indeed, the Qu'ran gives a lofty position of respect to one's ancestry and places the status of mothers second only to God.<sup>22</sup> The Qu'ran expressly mandates the following:

Reverence God, through Whom  
Ye demand your mutual (rights),  
And (reverence) the wombs  
(That bore you): for God  
Ever watches over you.<sup>23</sup>

Further the Qu'ran says:

And We have enjoined on man  
(To be good) to his parents  
In travail upon travail  
Did his mother bear him,  
And in years twain  
Was his weaning: (hear)  
The command, " Show gratitude  
To me and to thy parents'  
To Me is (Thy final) Goal.<sup>24</sup>

In another specific commandment God says:

We have enjoined on man  
Kindness to his parents:  
In pain did his mother  
Bear him, and in pain  
Did she give him birth. In  
The carrying of the (child)  
To his weaning is  
(A period of) thirty months.<sup>25</sup>

The mandate to cater for and look after aged parents is directly attended to in the Qu'ran in the following passage:

Thy Lord had decreed  
That ye worship none but Him,  
And that ye be kind  
To parents. When one or both of them attain  
Old age in life,  
Say not to them a word  
Of contempt, nor repel them,  
But address them  
In terms of honor.<sup>26</sup>

The underlying message in such commandments derives its ethical foundations from the concept of *ihsan*. This concept, which figures in diverse forms in Islamic teachings, in the words of one author, "denotes what is right, good, and beautiful."<sup>27</sup> In further analysis, it has been articulated by writers that through this Divine mandate we are commanded to do "among other things, kindness, compassion, charity, reverence, conscientiousness, and sound perfor-

mance;" this applies with full emphasis to the parent and child relationship.<sup>28</sup>

It is further clear that this basic manifestation of *ihsan* has specific reference to the relationships between family members. In other words, such good will that is expected to be displayed towards the rest of the people in a community, *ex hypothesi*, increases manifold toward one's own kith and kin. One author remarks:

It is the Muslim's religious duty as well as virtue to show "*ihsan*" to his parents, be they Muslims like himself or otherwise. Concrete behavioral manifestations of this Divine Ordinance of "*ihsan*" to the parents include active empathy or "*role taking*," compassionate gratitude, patience, prayer for them even after their demise, honoring their commitments on their behalf when they can no longer do so, sincere counsel, and veneration. An integral part of the children's absolute religious duty is to provide for their parents in case of need and help them to be as comfortable as possible.<sup>29</sup>

#### Economic Responsibilities in a Family

Economic responsibility in the family is placed primarily on the husband. Further domestic duties are to be "shared" proportionately. However, it is the duty of the man to support his entire family within the level of his abilities in the social structure of the society. One author maintains that

The wife's maintenance entails her incontestable right to lodging, clothing, food, and general care. The wife's lodge must be adequate so as to ensure her privacy, comfort, and independence. This is interpreted by three major Schools of Law to mean that the lodging quarter must befit the means and lifestyle of both mates. However, it is the wife's home in her capacity as wife; she has exclusive right to it. None of her husband's relatives, dependents, or any other person may live with her in the same lodge unless she voluntarily agrees to it. The main concern here seems to be the welfare of the wife and the stability of the marriage. The husband's responsibility for the wife's shelter does not entitle him to impose upon her any disagreeable arrangement of residence.<sup>30</sup>

These observations are derived from the Qu'ran, from which the following well known verse may be cited with advantage:

Lodge them where you are lodging, according to your means, and do not press  
Them, so as to straiten their circumstances.  
Let the man of plenty expend out of his plenty. As for whose provision is  
Stinted for him, let him expend of what God has given him. God changes no one  
Beyond his means. After difficulty, God will soon grant relief.<sup>31</sup>

In a family, the wife's right to be financially maintained is established by Qu'ranic injunctions and by unanimous consent amongst jurists of all its principal legal Schools of Law; this right is vested regardless of whether the wife is a Muslim or not, rich or poor. There is also mention in Islamic thought that this provision of maintenance is not based on some commercial formulations but on the basis of affection, love, and compassion that should exist between the husband and wife. According to one writer, "The essence of marriage is compassion, of which she is entitled to receive as much as she gives. The husband too, is instructed to be a source of compassion and security for his mate, to initiate and reciprocate, not only to receive."<sup>32</sup>

#### Position of Children and the Weak in a Family

The Qu'ran mandates that young children be properly looked after and nurtured.<sup>33</sup> It is further stated in the same injunction that the children be raised by mutual consultation between the parents. These directions form a part of the general guidelines provided in the Qu'ran for dealing with the responsibility of family members towards one another and the responsibility of those who are in a position to help to do so with a sense of a sacred duty. There is a call to the believers that those who truly believe in Him are asked to be kind and forthcoming in their assistance to those who are in need, disprivileged, or handicapped. Indeed these injunctions go so far as to impose hospitality and to provide help to the elderly kin, to those who are indigent, or even to those who are traveling.<sup>34</sup>

An allied concept to providing for those in need in the family is that of *Zakat*. It is a basic obligation of a Muslim to participate in social responsibilities by donating a small part of their savings to those in need. This "purifies" the person giving such assistance. While thanking God for His blessings, it is deemed to help others in distress and needing help. The Qu'ran says:

Spend out of (the bounties)  
We have provided for you,  
Before the day comes  
When no bargaining  
(Will avail), nor friendship  
Nor intercession.<sup>35</sup>

In order to cause encouragement in assistance of others, God says that he will multiply the rewards to the generous in the hereafter. Indeed, in one passage in the Qu'ran it is described as a "loan to God":

Who is he  
That will loan to God  
A beautiful loan, which God  
Will multiply unto his credit  
And multiply many times?  
It is that God giveth (you)  
Want or plenty,

And to Him shall be  
Your return.<sup>36</sup>

One of the foremost authors on Islamic learning points out, therefore, that “no religion prior to Islam had consecrated charity, the support of the widow, the orphan, and the helpless poor, by enrolling among the positive enactments of the system.”<sup>37</sup>

### Doctrinal Basis of “Care” Rights

Before examining the allied question of human rights in Islam, it may be instructive to view the doctrinal basis of these “care” rights in the philosophy generated by the Qu’ran. As I see it two predominant themes permeate this subject.

First, the basis of all desirable human actions emanate from the concept of kindness. In Arabic, the corresponding word for God’s ever-present kindness is designated by the word *Rahim* or *Rahman*. This word appears many times in the Qu’ran and indicates one of the titles for God: “the Kind One” or “the One Who gives kindness.” Indeed, this word is oft repeated in Muslim prayers and is perhaps the most beloved of God’s descriptions in human vocabulary. Linguistically, it comes from the root word *Rahm* meaning the “womb.” It underscores the theme of God’s care and love for all His creatures as a “Mother.” This is important, for it also shows the status bestowed upon the institution of motherhood in a family.

The loving and compassionate attitude of “care” reflected in this description of the Almighty is amply reflected in the Qu’ran.<sup>38</sup> The Qu’ran further indicates that He is pleased with those who are kind and helpful to those in need and distress. He says that He will reward “good deeds” of this category in a special way.<sup>39</sup> Islamic law, in the positive science of its rules, demarcates two kinds of rights. The first category is that of “Rights of God” called *Haqauq Allah*. The second category is known as “Rights of God’s creatures,” or *Huqaq al ibad*. The Qu’ran and Islamic law are explicit that unless a person fulfills both kinds of rights in his life, his totality of duties remains unsatisfied. Indeed, in terms of spirituality it is maintained that obedience to God is not really complete unless help is rendered to one’s family, then to kith and kin, then to one’s other distant relatives needing assistance, and finally to neighbors and even strangers that come to visit a person of means.<sup>40</sup> It is said in the Qu’ran:

Seest thou one  
Who denies Judgment  
(To come)?  
Then such is the (man)  
Who repulses the orphan  
(With harshness),  
The feeding of the indigent.  
So woe to the worshippers  
Who are neglectful of their Prayer  
Of their Prayer  
Those who (want but)

To be seen (of men),  
But refuse (to supply)  
(Even) neighborly needs.<sup>41</sup>

The second basis of these rights is the Islamic conceptions of justice. It will be seen that the Qu’ran, while addressing the matters of human relationships, laid the greatest stress on justice.

Whether it is a question of the rights of the members of a family or those of the people in a state, the Qu’ran mandates in various forms highest adherence to justice, or *adl*. While there may be a number of ways to look at this phenomenon, I think the basic message of Qu’ran is that merit and the quality of one’s claims and demands or expectations are to be evaluated on the basis of justice and righteousness. Righteousness itself consists of three elements:

- 1) Belief (*Iman*),
- 2) Just action (*‘amal*)
- 3) Adl

Accordingly, for human action to be acceptable in a worldly context, it must nevertheless accord high priorities to these notions enumerated above for it to be considered worthwhile in a religious or spiritual connotation. Its most eloquent expose comes in the following Qu’ranic pronouncement:

It is not righteousness  
That you turn your faces  
Towards East or west;  
But it is righteousness,  
To believe in God  
And the Last Day,  
And the Angels,  
And the Book  
And the Messengers;  
To spend your substance,  
Out of love for Him  
For your kin  
For Orphans,  
For the needy  
For the wayfarer  
For those who ask,  
And for the ransom of slaves  
To be steadfast in prayer,  
And practice regular charity;  
To fulfill the contracts  
Which you have made;  
And to be firm and patient,  
In pain (or suffering)  
And adversity,  
And throughout  
All periods of panic  
Such are the people  
Of truth, the God-fearing.<sup>42</sup>

In another notable injunction, the Qu'ran candidly asserts:

The most honored of you  
In the sight of Allah  
Is (he who is) the most  
Righteous of you.<sup>43</sup>

One other memorable passage about justice may be mentioned before leaving this point. The Qu'ran says:

O ye who believe!  
Standout firmly  
For justice, as witnesses  
To Allah, even as against  
Yourselves.  
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.<sup>44</sup>

The above brief analysis reveals the emphatic focus that the Qu'ran places on the concepts of kindness and justice. There are other allied concepts as well that tend to generate the ethos of Islamic dynamics towards creating a "caring" society, with the family occupying the pivotal position.<sup>45</sup> It is self-evident that, while addressing matters relating to affection for one's family and allied expectations of assistance required of a Muslim community, the ingredient of *adl*, or justice, plays a uniquely esoteric and ethical role.

### Human Rights in Islam

This is a very elaborate subject. For the present purposes, it may be briefly examined in the light of the preceding discussion. The Qu'ran contains an elaborate enumeration of fundamental human rights. God's directions in this book reflect the genesis of the belief that "man" and "living creatures" are created with inherent rights. The foundation of such rights is the rule of behavioral humaneness expected to be maintained towards them by others who believe in God. From the perspective of the Qu'ran, these rights came into existence essentially *pari pasu*, with creation. They were created to allow the development of man and other living species. These rights provide the people not only with an opportunity to live well but with a chance to create families and a civil society in which their members can flourish and prosper in accordance with the norms of morality and goodness—norms with which man has been endowed by the Creator.

One prominent aspect of the Islamic human rights philosophy is that, because those rights are divinely ordained, worldly or temporal authorities couldn't take away from or abridge them. From the perspective of constitutional law, this is a norm of tremendous juridical significance. Put in another

way, these rights are thus eternal and immutable. Further, being of higher significance than ordinary human-made rules, they ought to be exercised for a just and righteous end. There is much in the Qu'ran that focuses on the motivation of exercising rights of divine origin.<sup>46</sup>

The starting point of any meaningful discussion on human rights in Islamic teachings, in my view, must begin with the emphasis of the Qu'ran on justice. In the preceding analysis, a number of leading citations on this point have already been mentioned. We can, however, mention with justification an oft-quoted verse from the Qu'ran. In Surah Al- Ma'idah, God commands:

O ye who have attained to faith!  
Be ever steadfast in your devotion to God,  
Bearing witness to the truth in all equity;  
And never let hatred of any one lead you  
Into the sin of deviating from justice.  
Be just: this is the closest to being God-conscious.<sup>47</sup>

It should be noted that the concept of *ihsan*,<sup>48</sup> signifying generally kindness, goodness, and a righteous regard for the needs of others, especially those that depend on the action of somebody else, has close affinity with the notion of justice, or *adl*. This is on the basis of the realization that both concepts encourage us to help others, but on the grounds of a balanced assessment and evaluation of their requirements.

But both these notions have an intimate connection with the dispensation of the rights of people. Islamic legal analysts recognized this fact from its inception, that rights have only a tangible meaning, if a remedy accompanies them. In modern jurisprudence the remedial structure is provided by the state. However, under Islamic mandates as enshrined in the Qu'ran, it is an obligation imposed on the individual by his faith to dispense human rights according to a set of directions set out in the Qu'ran. The state also has an obligation to do so, but that is in addition to the eliciting of such dispensation of human rights as the Qu'ran mandates from people themselves, *vis-à-vis* other people in a society.

One leading legal and religious scholar of Islamic thought, A.A.A. Fayzee, remarks in one of his works that *adl* means "meeting out an equal treatment between two competing claimants or assertions." He says that it is axiomatic in Islamic thinking that a person called upon to adjudicate or judge or provide others with a grant or a decision must do so judiciously, in a balanced manner. In terms of current juridical science, it makes all of us actually judges of rival or competing claims and assertions in our daily lives. Human rights' dispensation, therefore, is a normative set of behavior applicable to all who believe in Islamic tenets.<sup>49</sup> Justice, or *adl*, therefore, introduces the concept of moderation and balance in one's evaluating perspectives. Another commentator and translator of the Qu'ran of considerable repute, Abul Kalam Azad similarly observe, "What is justice

but the avoiding of excesses? There should be neither too much nor too little; hence the use of scales as the emblem of Justice."<sup>50</sup>

In other words, where rights laid out in the Qu'ran are concerned, all Muslims are obligated to avoid excesses and to hold a balance of how they treat others who are dependent on their actions. I have already quoted Surah Al Baqarah, 177, to say that righteousness depends upon both "belief" (*iman*) and "actions" (*amal*). As such, under Islamic teachings dispensation of human rights, righteousness, belief, and a sense of being fair and judicious are an integral part of a remedial justice system.

### Qu'ranic Affirmation of Major Human Rights

#### *The Right to Life*

The Qu'ran upholds the sanctity of human life. This is absolute in its applicability. The major commandment on this occurs in Surah An An'am:

. . . do not take any human being's life, (the life)  
Which God has declared to be sacred; otherwise than in  
(pursuit of):  
Justice: this has He enjoined you so that you might use  
your reason.<sup>51</sup>

In Surah al-Maidah occurs the famous verse in which it has been stated that to slay a person is tantamount to the slaying of a community. The Qu'ran says:

We ordained  
For the Children of Israel  
That if any one 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;  
And if any one saved a life,  
It would be as if he saved  
The life of a whole people.<sup>52</sup>

Therefore, as provided for in modern legal systems, it is absolutely forbidden to take a human life. Except for murder and public injury of a massive nature, such as caused by crimes such as treason, even legal systems of countries are precluded from taking human life under the cover of law.

#### *The Right to Justice*

In this context we have already examined a number of Qu'ranic citations that need not be repeated. It is clearly stressed in Surah 5: Al Ma'idah, 8, and Surah 4: An Nisa: 136 that God wishes that let nothing be done unless it is just. Therefore, both in spiritual and temporal matters, all human conduct is expected to be in accordance with notions of fairness, equity, balance, and avoiding excesses. Further, the Islamic notion of justice, *adl*, is heavily permeated with the philosophy of righteousness

and goodness.<sup>53</sup>

*Adl* in the Islamic concept envisages that crime and punishment must have a basic quantum of proportion. Generally, the element of ethics enters this equation. For example, for crimes of unchastity, or involving moral turpitude, more serious punishment is to be meted out. The Qu'ran makes no differentiation in this respect between men or women. However, for people of higher public status the punishment is greater than that for ordinary people. In line with modern doctrines of punishment for the socially disadvantaged, a compassionate view is advocated. But for those who betray public trust, stern punishment is prescribed.<sup>54</sup> The Qu'ran, in sum, advocates the keeping of the highest moral standards in private and public life.

#### *The Right to Freedom*

A major concern found in the Qu'ran relates to the freedom of human beings. It extols those who can to free those in bondage of traditionalism, authoritarianism, tribal brutalities, racism, classism, or deprivation brought about by a caste system. In particular, the Qu'ran stands out against the despotism of rulers and decries dictatorship of those in trust of authority. The Qu'ran says:

It is not (possible)  
That a man, to whom  
Is given the Book,  
And Wisdom  
And the Prophet's 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."<sup>55</sup>

The greatest guarantee of personal freedom for a Muslim lies in the Qu'ranic mandate that no one other than God can limit human freedom.<sup>56</sup> Further, it is ordained that the freedom to disagree with those in authority is protected. What is right or wrong is to be judged by God alone (Surah 12: Yusuf: 40). Obedience is only to be given to God; all state institutions, on the other hand, have to be allowed to function if they remain within the bounds of morality and God's injunctions. One leading author remarks:

The Qu'ran gives to responsible dissent the status of a fundamental right. In exercise of their powers, therefore, neither the legislature nor the executive can demand unquestionable obedience. The Prophet, even though he was the recipient of Divine Revelation, was required to consult with Muslims in public affairs. Allah addressing the Prophet says "and consult them upon the conduct of

affairs. And when thou are resolved, then put thy trust in Allah" (Surah 3:Al Imran: 159).<sup>57</sup>

The institution of slavery has had various roles to play in the history of mankind. The Qu'ran, while not banning slavery directly, did not allow it either. However, in various ways it deprecated this institution, which had existed in Arabia for centuries. The treatment of slaves, nevertheless, received attention, and the Qu'ran says that it is better to free slaves.<sup>58</sup> However, a direct ordinance implicitly outlawed this institution. The Qu'ran says in one verse that prisoners of war were to be freed "either by an act of grace or against ransom."<sup>59</sup> Keeping in mind the historical fact that slaves acquired during war since ancient times gave rise to huge revenues for the conquerors, the Qu'ranic message constitutes a highly progressive and humane development regarding this matter in this entire history of mankind. Many writers voiced concerns over this topic and articulated that a book that did not give kings and even a prophet absolute right over the fate of ordinary people or to have complete control over their lives, could hardly countenance the continuity of the institution of slavery.<sup>60</sup>

#### *The Right to Religious Freedom*

In line with the above message about freedoms of a civic kind for the people, the Qu'ran gives absolute freedom in matters of faith. The Qu'ran's famous pronouncement on these issues is in Surah Al Baqarah, in which it is said: "There shall be no coercion in matters of faith."<sup>61</sup> This fundamental tenet of Muslim theology guarantees to non-Muslims complete freedom and guarantee of religion and worship. This means that according to the Qu'ranic teachings, all faiths can follow their beliefs in a Muslim society.

Further passages in the Qu'ran make it abundantly clear that even the Prophet was only authorized to advocate his message to people. There was no question of compelling anyone to compulsorily follow the Muslim traditions.<sup>62</sup> These citations are further fortified by the following verse:

The Truth is  
From your lord  
Let him who will  
Believe, and let him  
Who will, reject (it).<sup>63</sup>

An interesting matter projected in the Qu'ran is that Muslims, by having the Islamic faith, do not gain any superiority over nonbelievers. It is human conduct that will entail God's kindness or rewards. The leading text on this point is:

Those who believe (in the Qu'ran)  
And those who follow the Jewish (scriptures)  
And the Christians and the Sabians,  
And who believe in God  
And the Last Day,  
And work righteousness,

Shall have their reward  
With the Lord; on them  
Shall be no fear, nor shall they grieve.<sup>64</sup>

This beautiful verse fundamentally equates all God-fearing people and creates the fraternity of the monotheistic and the Abrahamic faiths. It speaks of conduct that would be the key to the rewards that God would give for those who have performed in accordance with God's commandments in their holy books.

Such is the degree of religious freedom that even non-Muslims are recognized to profess what they wish if they do not transgress upon the people of the Islamic faith. The Qu'ran says:

Revile not ye  
Those whom they call upon  
Besides God, lest  
They out of spite  
Revile God  
In their ignorance.  
Thus have We made  
Alluring to each people  
Its own doings.  
In the end they will  
Return to their Lord,  
And We shall then  
Tell them the truth  
Of all that they did.<sup>65</sup>

The right of freedom of religion includes, in my view, the right to speak the truth as one sees it. The Qu'ranic term for truth is *Haqq*, which is also one of God's most important attributes. Standing up for the truth is not only merely a right but also a responsibility of the Muslim. The Qu'ranic message is that this responsibility should not be abandoned even in the face of greatest difficulty.<sup>66</sup> The injunction of God commands that believers testify to the truth they are aware of with the aim of preservation of justice.<sup>67</sup>

#### *The Right to Respect*

Human rights in Islam have another feature, which is quite unique, and not to be found in modern international agreed convention texts dealing with this subject. This may be termed the "human right of respect." The Qu'ran says, "Now, indeed, we have conferred dignity on the children of Adam."<sup>68</sup> Human beings are given this "dignity" by God; of all His creations, they alone have the intellectual ability to accept obligations of trust.<sup>69</sup> Moreover, it is man alone that is able to discharge freedom of will and rational faculties, distinguishing man from other of God's creations.<sup>70</sup>

Yet while the Qu'ran recognizes such high-expected status of man amongst the creations of God, it also realizes that he is able to go astray as well. It is well understood that man can indulge in actions that can only be undertaken by the lowest of

the low; yet he has the capacity to function and perform in the best of ways. The Qu'ran says that human beings are created out "in the best of moulds"<sup>71</sup> as they alone have the capacity to distinguish between good and bad, evil and the sublime.

#### *The Right of Privacy*

The Qu'ran recognizes the right of privacy that in modern international and constitutional texts has only recently been accepted. The Islamic mandate is to accept the right of privacy of all human beings. The personal blemishes, if any, of human beings have the privilege of being protected from the outside gaze of the world. It is a norm of Islamic thought that the person who willfully refuses to divulge another's faults is a blessed and a wise person.

Similarly, the home of a person is inviolable, with the right of not being intruded upon. This protection from intrusion is available from both within and beyond the parameters of the home. The common law principle relating to trespass and the inviolability of the household is fully manifest in Islamic thought.<sup>72</sup> Indeed, there is a well known tradition of the Prophet (called *Hadith*) that if on three knocks a door is not opened, do not try to enter that house and leave.

#### *The Right of Protection from Slander and Ridicule*

All human beings, especially women, have an inherent right to be protected from malicious falsehood that aims at slandering their good name in their society. Arab society was well acquainted with the notion that by spreading maliciously false propaganda a person could be more devastatingly damaged than by actual physical assault. The Qu'ran accordingly forbids such infamous conduct.<sup>73</sup>

Allied, yet distinct, is the Islamic ordinance that it is fundamentally wrong to accuse an innocent person. Malicious scandal-mongering against such evil is proscribed. The Qu'ran says such evil must be punished both here and in the next world.<sup>74</sup> Islamic teachings urge throughout that human beings should treat others with respect and prudence, reflected by their sensitivity and compassion for other human beings. The Qu'ran pointedly says:

God loves not that evil  
Should be noised abroad  
In public speech, except  
Where injustice hath been  
Done; for God  
Is he who heareth  
And knoweth all things.  
Whether ye publish  
A good deed or conceal it  
Or cover evil with pardon,  
Verily God doth blot out  
(Sins) and hath power  
(In the judgment of values).<sup>75</sup>

#### *The Right to Knowledge/ Opportunity for Betterment*

In leading injunctions of the Qu'ran is the mandate to acquire knowledge and to strive to gain betterment in life. This is particularly true of intellectual pursuits. From its inception, this was a special feature of the thought and message of Islam. Indeed the very first revelation to the Prophet was to "read" (*iqra*). This famous initial word received by the Prophet is as follows:

Proclaim! (or read!)  
In the name  
Of the 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.<sup>76</sup>

Tradition says that the famous prayer of the Prophet was "Allah grant me knowledge of the ultimate nature of things" and "Seek knowledge, even though it be in China." The Qu'ran raises the question that persons with knowledge cannot be equated with those possessing knowledge<sup>77</sup> and that people of belief must pray for acquiring greater knowledge.<sup>78</sup>

Such is the Qu'ranic emphasis on knowledge and learning that commandments proclaim that even in war this process must continue. It is said:

With all this,  
It is not desirable that all of the believers  
Take the field (in time of war).  
From within every group in their midst  
Some shall refrain from going to war,  
And shall devote themselves (instead)  
To acquiring a deeper knowledge of the Faith,  
And (thus be able to) teach their homecoming brethren,  
So that these (too) might guard themselves against evil.<sup>79</sup>

One important aspect of this citation is that study of the faith teaches one to be aware of evils of the society. Morality and ethics, therefore, are directly and indirectly realized by following the path of righteousness indicated by one's religious teachings. Justice too can best be realized by having the foundations of ones scriptures and religious teachings better understood. The reference to teaching returning soldiers such learning shows that God's commandments emphasize the need for every segment of the society to acquire piety (*taqva*) and knowledge at all times.

#### *The Right to Emigrate and to Avoid Oppression*

The Qu'ran places the greatest importance on extending loyalty to God at all times. If territorial obstacles prevent such

pursuits, there is permission to move elsewhere. Similarly, a particular territory is not to be given any particular preference when it is a hindrance to loyalty to God. To fulfill his mission, the Prophet left Mecca, his birthplace, for Medina. This event has great historical significance for the Muslims and is known as *Hijrat*. The Islamic Calendar actually begins with this event, known as the *Hijrah* (migration).

Doctrinally, this mandate and precedent allows for people to leave their homeland in the face of persecution. If they are unable to fulfill religious obligation in their native land because of political oppression, Islam allows for migration. The fear of persecution, the *raison d'etre* of contemporary laws of asylum and migration are, interestingly enough, also based on coincidental considerations. In a powerful verse, the Qu'ran says:

When angels take  
The souls of those  
Who die in sin  
Against their souls,  
They say: 'In what (plight)  
Were ye?' They reply:  
'Weak and oppressed  
Were we on earth.'  
They say: 'Was not the  
The earth of Allah  
Spacious enough for you  
To move yourselves away  
(From evil)?'<sup>80</sup>

A little later the same verse goes on to proclaim:

In the cause of Allah,  
Finds in the earth  
Many a refuge,  
Wide and spacious;  
Should he die  
As a refugee from home  
For Allah and His Messenger,  
His reward becomes due  
And sure with Allah:  
And Allah is Oft-Forgiving,  
Most Merciful.<sup>81</sup>

#### *The Right to Sustenance and Work*

The Qu'ran asserts that all living creatures owe their lives and corresponding sustenance to God. It is a cardinal basis of Islamic thought, therefore, that all socio-economic structures created in every society must provide for the means of living of all those who live there.<sup>82</sup>

Since God is the universal Creator, every creature must have the right to partake of God's bounties on earth.<sup>83</sup> Correspondingly, the political instruments of a state do not have the power to prevent the acquiring of just economic rewards of one's means of livelihood. The state, therefore, must

ensure that all possibilities of financial and economic assets of a community are available to all its inhabitants.

According to the Qu'ran, every person has the right to earn his living; thus the right to work is guaranteed. The fruits of one's labor belong to the person so working. The Islamic teaching on this point totally equates men and women. The Qu'ran says:

To men  
Is allotted what they earn,  
And to women what they earn.<sup>84</sup>

In this respect, the Qu'ranic teachings predate the modern international conventional texts by several centuries.

#### *The Rights of the Family*

As this subject has already been examined and analyzed, it is unnecessary to repeat it. However, some general comments may be helpful. According to the Qu'ran, God created man and woman from a single life-cell, or spirit.<sup>85</sup> It is also stated in the Qu'ran that male and female have corresponding components and together they constitute the human species.

It is clearly a teaching of the Qu'ran that men and women are equal in the eyes of God.<sup>86</sup> The citations from the Qu'ran demonstrate these basic principles of family life. It is a tribute to Islamic teachings that in a primitive society, it laid the foundations of social and human progress. The earlier discussion on this subject provides us with a vivid testimony of alleviating the role of women in a Muslim culture and of preventing discrimination to women in matters of property rights.

In family matters, the Qu'ran particularly stresses the need to assist orphans. The Prophet himself lost his father before his birth, and his mother when he was but only six years old. The Qu'ran says in a memorable verse:

And He found thee  
In need, and made  
Thee independent.  
Therefore treat not  
The orphan with harshness,  
Nor repulse the petitioner  
(Unheard);  
But the Bounty  
Of thy Lord,  
Rehearse and proclaim.<sup>87</sup>

#### **Conclusions**

The above analysis is based on the normative principles contained in the Qu'ran regarding the family and human rights. There is no pretense here that such doctrine is equally evident in societies in which Muslims predominantly live. However, it is felt that reassertion of the norm is essential, since of late Islam has been under great critique on account of the fact that some groups of Muslim communities have been apparently involved in events and crises of a political nature.

As a result, there is much misunderstanding about Islam,

particularly in the West. Indeed, after the demise of the Soviet Union, many have begun to consider Islam and conceivably Muslims as the next “enemy.” In this psychological milieu, this new “enemy” is associated with backwardness, violence, and fanaticism. Some events in the aftermath of the great tragedy of 9/11 have tended to create a widening gulf between the Western world of predominantly the Christian faith and the “other” world of Islam, comprising nearly a quarter of world’s population. These turbulent times have thus produced an atmosphere of tension and even distrust between Muslims and non-Muslims.

While the psychological basis of what politically contemporary Islam stands for is certainly a perspective matter, it is clear that the humanitarian and philosophical rationale of fundamental Islamic beliefs have a vigorous and notable role to play in matters relating to human rights, the family, and generally in fields associated with humanitarian affairs. Irrespective of the efforts that are underway from well meaning scholars and institutions of the West to erase and reduce such alienation, it is, I believe, of utmost importance that serious effort is made by Muslims to explain their religious worldview to the Western world. This would be hopefully helpful to make the non-Muslim world understand Islam from “within.”

In this crucial phase of world history, it is therefore of great importance that effort is made by Muslims and non-Muslims alike to understand the religious as well as political connotations of terms such as “Islamic fundamentalism,” because, in the view of some, this concept is *per se*, anti-Western, antimodern, and anti-human progress. While it is outside the purview of this analysis to examine the political dimensions of such thinking, it can be asserted with justification that matters falling in the domain of healthy and pious living anywhere in the world would be greatly assisted by the morality espoused by Islam.

In an international environment of changing or even “decaying” public mores or traditions, moral and ethical Islamic doctrines can instill a more progressive yet conservative perspective in such important matters as the development of family rights and values revolving around fundamental human rights. There is no gainsaying the fact that the Western institutions associated with the topics analyzed in this presentation are bound to be fortified and preserved by reliance on such comparative criteria from the Islamic teachings and culture.

#### *Secularizing of Islamic Teachings*

It would be necessary, before concluding, to submit a point of considerable concern regarding recent political developments in some Islamic countries to “secularize Islamic teachings.” In such countries, under contemporary evolution of international realities, governments have embarked upon a policy to “dilute” more traditional Islamic doctrines, to

appear to be “modern.” I do not wish to comment on the obvious political problem that such policies are devised to achieve. But in matters dealing with purely human rights, humanitarian affairs, and morality generally, this policy may prove to essentially undermine the ethical foundations of several key social institutions of both the Western and the Islamic worlds that have been discussed in this presentation.

For this analysis, I would only deal with the case of my native country, Pakistan, as it presents, in classical text-book style, the ethos of the problem I have just articulated above.<sup>88</sup>

In both his visits to the U.S., in November 2001 and in February 2002, General Musharraf made a number of statements on transforming Pakistan into what he calls a “moderate” or a “secular” state. Since this term has direct reference to doctrinaire evaluations and priorities to Pakistan’s Islamic heritage and ideology, such projections in New York and Washington were designed to influence those whose political interests and strategic focus is entirely controlled by post 9/11 events, when the world underwent a cataclysmic international political metamorphosis.<sup>89</sup>

In the face of such political changes in international relations of this new millennium, many Muslim leaders feel more comfortable in appearing “secularized” rather than to speak out for their faith’s inherent strengths. As already stated, they appear to be happy to be considered “moderates.” The current military-led Pakistani Administration appears to believe in this approach, based as it is on grounds of pragmatism. Few were thus surprised when Musharraf told *Newsweek* that he wanted a “Muslim secular state in Pakistan.” Many in the Pakistani press objected to his using the term “Muslim” and “secular state” together as being a non sequitur. It’s unimportant what words he used. It is agreed by most that the de-Islamization of Pakistan has begun.

Not surprisingly, there are serious challenges to this transformation from the legal and religious communities. It is quite possible that the general may well have spoken for a large number of educated people of Pakistan, even for a substantial portion of the urban middle classes in projecting his thesis that Pakistan should be merely a “republic” and not necessarily an “Islamic” one. Many Pakistanis are not ready to have the country controlled by clerics or *mullas* and are terrified by the sectarian violence that has been plaguing Pakistan.

But the real socio-political question is this: Is antipathy to mullaism equivalent to indifference to Islam? Political dimensions of the objectives of the mullahs may be opposed; however, outright overhauling of Islamic social and human values may prove most worrisome and dangerous. It is not merely an intellectual debate. These matters are fundamental in Pakistan since Islamic values have a constitutional status in the country because of its history.

First, let us simply look at the salient Islamic features of Pakistan’s Constitution. Article 2 says: “Islam shall be the state

religion of Pakistan.” This is followed by Article 31, which appears in Chapter 2 of the Constitution entitled, Principles of Policy, containing a mandate to adopt comprehensively for Muslims the Islamic way of life. The provisions of this chapter provide guidelines for policy-oriented decisions of all state functionaries. It says in this provision, “Steps shall be taken to enable the Muslims of Pakistan, individually and collectively, to order their lives in accordance with the fundamental principles and basic concepts of Islam and to provide facilities whereby they may be enabled to understand the meaning of life according to the Holy Qu’ran and Sunnat.”

It is further provided in this provision that “The state shall endeavor, as respects the Muslims of Pakistan to make the teachings of Holy Qu’ran and Islamayiat compulsory, to encourage and facilitate the learning of Arabic language.” Further, this provision contains the message that the state has to promote unity and the observance of the Islamic moral standards.<sup>90</sup>

In addition to these articles, we have a large number of other constitutional provisions relating to, for instance, enforcement of religious laws and the oaths of every notable state functionary contained in the Third Schedule of the Basic Law, which emphasize the highest supremacy of the teachings and laws of Islam; further reference can be made to Articles 62 and 63, which address the matter of qualifications of membership of national elected bodies, in which it is candidly said that no one devoid of complete obedience to Islamic values can be given any office of authority in the country.

Be that as it may, Musharraf has now embarked on making widespread constitutional changes in Pakistan.<sup>91</sup> While ostensibly designed to modernize the country, their real aim is to denude, indirectly, the Islamic moral basis of the lives of millions of its people. Such modernization is bound to dilute the basis of the ethical values of cultural heritage of the country and its people. This evolution can well affect adversely the totality of human values articulated above in this presentation derived from the traditions of classical Islamic thought. As such, for interests of preservation of the “human” element of Islamic teachings, efforts must be made to retard, if not stop, such machinations of various governments in the Islamic world, which are now manifestly solely motivated for the preservation of their regimes.

### Notes

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1. Adopted by General Assembly as Resolution 217 A III, 10 December 1948.

2. See also Articles 25 (2) about motherhood and 26 (3) about the prior rights of parents to select the nature of education for their children.

3. These two covenants were approved in General Assembly Resolution 2200A, XXI of 16 December 1966. The latter entered into force on 23 March 1976.

4. *Ibid.* Article 13 (3), which respect the rights of parent to choose the children’s education.

5. See The World Declaration on the Survival, Protection, and Development of Children.

6. Emphasis supplied. This paragraph is included in the Plan ‘Follow & Monitoring system

7. Abdalati, H., *Islam in Focus*, American Trust Publications, Plainfield, Indiana, 1975, pp. 113–14.

8. Esposito J.L. *Women in Muslim Family Law*, Syracuse University Press, 1982, p. 13.

9. *Islam in Focus*, p. 114.

10. Ali, A.Y. *The Meaning of the Holy Quran*, Amana Publications, Beltsville, Maryland, 1995, pp. 184, 190.

11. E.g. see Surah 2: Al-Baqarah, p. 228.

12. E.g. see Surah 24: Al-Nur: 4–5, p. 23.

13. E.g. see Surah 2: Al-Baqarah, p. 241.

14. *Ibid.* p. 233.

15. See Surah 16: An Nisa: 57–59; See also Ali A.Y. *The Meaning of the Holy Quran*, Amana Publications, Beltsville, Maryland, 1995, p. 651.

16. See Smith, R.W., *Kinship and Marriage in Early Arabia*, Beacon Press, Boston, 1903, p. 92.

17. *Women in Family Law*, p. 14.

18. Parwez, G. *Islam, A Challenge to Religion*, Lahore, 1968, p. 342.

19. Surah 2: Al-Baqarah: 187.

20. Surah 9: At Tawbah: 71.

21. Surah 30: Ar Rum: 21.

22. See generally, Badawi J. *Gender Equality in Islam: Basic Principles*, American Trust Publications. Plainsfield, Indiana, 1995. p 29.

23. Surah 4: Am-Nisa: 1.

24. Surah Luqman 31:14.

25. Surah 46: Al-Ahqaf: 15.

26. Surah 17: Bani Isra’ il: 23.

27. Ati, H.A. *The Family Structure in Islam*, American Trust Publications, Plainsfield, Indiana, 1977, p. 205.

28. *Ibid.*

29. *Ibid.* p. 205.

30. *Ibid.* p. 149–150.

31. Surah 65: At-Talaq: 5, 6.

32. *The Family Structure in Islam*, *op cit.* p. 148.

33. Surah 2: Al-Baqarah: 233.

34. Surah: Surah 2 : Al-Baqarah: 177, 180, 215, 263, 273.; Surah: 4: Al Nisa: 8, 25, 36, 92; Surah 5: Al Ma’idah: 89; Surah 8: Al Anfal: 41; Surah 9: At- Twbah: 60; Surah 30: Ar-Rum: 38; Surah 33: Al-Ahzab: 6, Surah 58: al Mujadilah: 4; Surah 107: Al Ma’un 1–3.

35. Surah 2: Al-Baqarah: 254.

36. Surah 2 : Al-Baqarah: 245.

37. Ali, Syed Ameer, *The Spirit of Islam*, Pakistan Publishing House, Karachi, 1976, p. 169.

38. See, for instance, Surah 2: Al Baqarah: 186, 286; See further Surah 3 Al Amran: 145, 150; Surah 4: Al Nisa: 26, 28, Surah 50: Qaf: 16.

39. See, for instance, Surah 6: L An’am:160; Surah 28: A- Qasas: 84.

40. See Surah 107 Al: Ma’un.

41. *Ibid.*

42. Surah 2: 177, See also Ali, A.Y. *The Holy Quran*, pp. 70–71.

43. Surah 49: Al Hujurat: 13.

44. Surah 4: An Nisa: 136.

45. The other notable concept, in this context, is that of “ihsan” discussed earlier.

46. See Surah 15: Al- Hijr: 85; Surah 16: An Nahl: 3; Surah 44 : Al Dukhan: 39; Surah 45: Al Jathiyah: 22; Surah 46: Al Ahqaf: 3.
47. Surah 5: Al-Maidah: 8.
48. See notes 27, 28, and 29 supra.
49. A.A.A. Fayzee, *A Modern Approach to Islam*, Universal Books, Lahore, 1978, p. 17 et seq.
50. *Ibid.*
51. Surah 6: 151, translation by Muhammad Asad, *The Message of the Quran*, Dar Al- Andalus, Gibraltar, 1980, p. 188.
52. Surah 5: 32.
53. Surah 2: Al-Baqarah: 177.
54. See, e.g. Surah 2 :Al Baqarah: 2, Surah An Nisa: 25, Surah 33: Al Ahzab: 30. Hypothetically, a moral wrongdoing of a particular kind by a person of the Prophet's household would be given four times the punishment compared to one half of the same if committed by a slave.
55. Surah 3; Al Imran: 79.
56. Surah 42: Ash Shura: 21.
57. Ishaque, K.M. "Islamic Law, Its Ideals and Principles," in A.Gauher, editor, *The Challenge of Islam*, The Islamic Council of Europe, London, 1980, p. 157.
58. Surah Al-Baqarah: 177, Surah 4 An Nisa: 92; Surah 5: Al Mia-daih: 89; Surah9: At Tawaah: 60; surah 24: An Nur: 33, Surah 58: Al Mujadalah: 33.
59. Surah 47: Muahhad: 4.
60. Parveaz, G.A., *Islam: A Challenge to Religion*, Idara-e-Tula-Islam, 1968, p. 346.
61. Surah 2: Al-Baqarah: 256.
62. See Surah 6: Al An'am: 107, Surah 10: Yunus: 99, Surah 16: Al Nihl: 82, Surah 42: Ash Shura: 48.
63. Surah 18: Al Kahf: 29.
64. Surah 2: Al-Baqarah: 62.
65. Surah 6: Al An'am: 108.
66. Surah 4: An-Nisa: 135.
67. Surah 2 : Al-Baqarah: 282.
68. Surah 17: Al Isra: 70.
69. Surah 33: Al Ahzab: 72.
70. Surah 2: Al-Baqrah: 30–34.
71. Surah 95: At Tin: 4–6.
72. Surah 24: An Nur: 27–28, 58; Surah: 33: Al Ahzab: 53; Surah 49: Al Hujarat: 12.
73. Surah 49: Al Hujurat: 11–12.
74. Surah 24: Al Nur: 16–19.
75. Surah 4: An Nisa: 148–149.
76. Surah 96: Al 'Alaq: 1–5.
77. Surah 39: Az Zumar: 9.
78. Surah 20: Ta-Ha: 114.
79. Surah 9: At Tawabah: 122.
80. Surauh 4: An Nisa: 97–100.
81. *Ibid.*
82. Surah 11: Hud: 6.
83. Surah 6: al An'am: 165; Surah: 67: Al Mulk: 15.
84. Surah 4 An Nisa: 32.
85. Surah 4: An Nisa: 1; Surah 7: Al ar'af: 189; Surah: 16: An Nahl: 72; Surah 30: Ar-Rum: 21.
86. Surah 49: Al hujurat: 13; Surah; 3: Al imran: 195; Surah: 4: An nisa: 124; Surah; 9: At Tawbah: 71–72; Surah 16: An Nihl: 97; Surah 33: Al Ahzab: 35; Surah: 40: Ghaffir: 40.
87. Surah 93: Ad Duha: 8–11.
88. See Dr.Farooq Hassan, "Can Pakistan be called a Moderate State?" *Dawn*, 1 March 2002, op-ed piece.
89. See Dr. Farooq Hassan, "Musharraf's Secularism," *The Nation*,

4 February 2002.

90. See generally Dr. Farooq Hassan, *The Concept of State & Law in Islam*, University Press of America, 1981; see further, Dr. Farooq Hassan, *The Islamic Republic*, Aziz Publishers, Lahore, Pakistan, 1984.

91. See *The Islamic Republic*, op cit. Chapter XI pp. 264–304 on Islamization of Laws in Pakistan. Musharraf's actions in this regard are directly opposite the actions of General Zia, Pakistan Military ruler during the Afghanistan occupation of Soviets.