

CSS 2021

Islam provides better rights to men and women than all other religions. Explain with arguments.

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## Introduction

Today, The Universal Declaration of Human Rights is widely regarded as the most significant milestone in the history of human rights. ~~of~~ The aspects that sets it exceptional is its coverage of broad spectrum of human rights. However, over fourteen hundred years ago, this task was already completed by the religion of Islam. The Islamic philosophy of human rights is not only comprehensive in scope but also possesses enduring ~~reference~~ relevance.

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## Fundamental human rights in the light of Quran and Sunnah

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### Equality of all mankind in Islam.

Allah says in the Holy Quran:

... الذي خلقكم من نفس واحدة ...

"... Who created you from <sup>one</sup> soul..."

Surah An-Nisa:1

The concept of equality among humanity is central to Islam. In Hajjat Al Wada, Holy Prophet (PBUH) reiterated the principle of equality among mankind. He said: "An Arab has no superiority over a non-Arab,

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nor does a non-Arab have any superiority over an Arab; white has no superiority over black, nor does a black have any superiority over white; (none have superiority over another) except by piety and good action."

2- Islam has provided the right to life and property

According to a Hadith related by Ibn Majja, "The true believer is he whom people can trust with their property and lives."

At his farewell sermon, Prophet (PBUH) said, "Your blood and your property are as sacred as this Day and this Month..."

In Surah Maidah, verse 32, Allah Almighty says, that whoever kills an innocent soul, it will be as if he has killed all mankind. And whoever saves one life, it will be as if he had saved the whole mankind.

3- Islam has provided the right of justice to all mankind.

Allah says in the Holy Quran:

... وَإِذَا حُكِمَ بَيْنَ النَّاسِ أَنْ يَخْلُوا

... بِالْعَدْلِ



"... And when you judge between people, judge with fairness..."

Surah An Nisa: 58

4- Islam has provided the right to Religious freedom

In the Holy Quran, Allah says:

لا إكراه في الدين...

"Let there be no compulsion in religion..."

Surah Al-Baqarah: 256

Whenever Holy Prophet (PBUH) was going to fight a war, he always instructed his companions and fighters:

"Do not kill the monks in monasteries"  
(Musnad of Ibn Hanbal)

Hence, Islam not only promotes religious tolerance, and acceptance for others' religions; it deeply respects them.

5- Islam has provided the right to education

The Holy Prophet (PBUH) said: "Seeking Knowledge is mandatory for every Muslim"

The importance of knowledge and education in Islam can be realized from the first revelation of Quran. It starts with the word Iqra, i.e. read.

اقرا باسم ربك الذي خلق

"Recite in the name of your Lord who created"

6- Islam has provided right to dignity of mankind.

According to Islam, all human beings are equal in dignity. As in the Holy Quran, Allah says:

ولقد كرمنا بني آدم...

"And We have certainly honored the children of Adam..."

Surah Al-Isra: 70

3- Haqqoq-ul-Ibaad in the light of Quran and Sunnah

• Haqqoq-ul-Ibaad

Haqqoq-ul-Ibaad refers to the rights and duties of one soul over the other.



i. Rights and duties of spouses in Islam

In Islam, spouses have rights and duties ~~are~~ towards each other, encompassing mutual respect, support, and compassion, as well as the responsibility to fulfill each other's needs and maintain harmony within marital relationship.

Holy Prophet (PBUH) in the farewell sermon said, "O people! You have rights over your wives and your wives have rights over you. Treat your wives with kindness..." At another place, he said, "The best among you is the one who is best towards his wife."

In Suah Baqarah, Allah says both the husband and wife are garments for each other.

ii. Right and duties of parents and children in Islam

In Islam, parents are commanded to do proper childrearing and care; it is their responsibility to keep the child away from anything that could hurt his physical or mental health.

Holy Prophet (PBUH) said, "All of you are guardians and all of you are responsible for your subjects".

Islam also emphasizes that children should take care of their parents. The parents

should be treated with respect, love, and compassion. The Holy Prophet (PBUH) said, "Even Paradise lies underneath the feet of your mother." This saying clearly shows the high regard Islam holds for a ~~ones~~ parent.

iii- Rights and duties of relatives in Islam

Islam instructs Muslims to treat their relatives with kindness and benevolence. One should enquire about their welfare and problems. And also, share their joys as well as sorrows.

iv- Rights and duties towards neighbours in Islam

The Holy Prophet (PBUH) is reported to have said, "Whoever believes in Allah and the Last Day shall not harm his neighbour." (Sahih Bukhari)

v- Rights and duties of the prisoner in Islam

The Holy Prophet (PBUH) also gave his prisoners a humane and kind treatment. On the conquest of Makkah, he commanded his army as: "Do not kill <sup>any</sup> prisoners of war."



vi- Rights and duties of the poor in Islam  
The poor and needy of the society should be treated with utmost kindness and sympathy. This is how Holy Prophet (PBUH) treated them; ~~and~~ at time in Makkah, they were the foremost supporters of his religion. Prophet (PBUH) used to go with them to the Ka'abah for prayer and chiefs of Makkah used to laugh at them. It is also for the welfare of poor class in the society that institution of Zakat is established in Islam.

#### 4. Comparison of the human rights in Islam with the evolution of human rights in West and across the globe

The evolution of human rights in the West is often traced back to Magna Carta of 1215. It had important clauses, such as the right to petition and habeas corpus, and the concept of due process. However, it was limited in scope in contrast to what came next in the evolutionary process of human rights in West.

##### i- Enlightenment ideas of John Locke and Islam

##### ii- Ideas of John Locke and Islam

John Locke is considered as one of the most influential Enlightenment thinkers; his works played a significant role in shaping the concept of human rights today.

In his work, "Two treatises of government" (1689), Locke argued for the natural rights of individuals, including the rights to life, liberty and property. Locke's theory of natural rights proposed that individuals possess certain inherent rights by virtue of their humanity, rather than by the grant of any government or authority.

In Islam, the rights to life, liberty and property had already been granted by Allah Almighty, and that too, over more than two over 900 years ago before these ideas were being discussed in the West. Furthermore, regarding Locke's theory that these rights are inherent to human beings by virtue of their existence, writing on the philosophy of human rights in Islam, Maulana Maududi said, that these rights ~~are~~ have been granted by God; they have not been granted by any king or legislative assembly.

## ii - American and French Revolutions in 1700s and Islam

The American Declaration of Independence (1776) and the French Declaration of the Rights of Man and of the Citizen (1789) are considered as significant milestones in the history of human rights.



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These documents recognized the rights in the realms of freedom, independence, property, equality, justice, protection, and resistance against oppression.

However, Islam had already granted these socio-political and political rights to mankind long before these revolutions.

iii.

### Global developments in human rights in 19<sup>th</sup> and 20<sup>th</sup> centuries, the Universal Declaration of Human rights, and Islam

The 19<sup>th</sup> and 20<sup>th</sup> centuries witnessed the expansion of human rights discourse and activism. For instance, abolition of slavery, the women's suffrage movement, and establishment of labor rights. And, finally, international efforts to codify the global human rights culminated in the Universal Declaration of human rights, which affirmed the rights and freedom inherent to all human beings.

It is important to note that it was only over long periods of time that different aspects of human rights were being realized and codified as part of international law. On the other hand, Islam long ago had realized and granted. For instance, the political rights of women and rights of slaves were already provided in Islam.

### 5- Global human rights and Islamic human rights - a comparative analysis and conclusion

The globally recognized human rights document - The Universal Declaration of human rights - is considered universal and all-encompassing. Its formation is not attributed to any religion or faith, instead it is considered as a culmination of ideas and theories of enlightenment era; and is produced collectively from the representatives of different legal and cultural backgrounds across the globe.

It is thought-provoking, however, to look at the broad spectrum of human rights in Islam, which were granted over fourteen hundred years ago, and to find how it covers all human rights aspects that it took the world more than 700 years to discover.

Hence, this comparison of the scope and the time horizon of formation, with the human rights document that is held a global standard today, is a prove in itself that Islam provides better rights to men and women than all other religions in the world.



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Write a comprehensive note on the right of inheritance granted to women by Islam CSS 2017

## 1. Introduction

In Islamic jurisprudence, the right to inheritance is a fundamental aspect of family law. Islam acknowledges the rights of women in inheritance, contrary to the historical norms prevalent in many societies before its advent.

Considering the contemporary era, it is only recently that women in the West began to enjoy their inheritance rights. But Islam had provided them over fourteen hundred years ago.

## 2. Inheritance rights in the West

In the 1930s, Annie Besant observed, "It is only in the last twenty years that Christian England has recognized the right of woman to property, while Islam has allowed this right from all times..."

(The Life and Teachings of Muhammad, 1932)

## 3. Inheritance rights in pre-Islamic era

A pre-Islamic Arab woman had no

right to inherit from any body, whether it was her father or her husband. The property used to be passed exclusively to the male relatives. The following incident clearly reflects this condition.

In the third year of Hijra, a wealthy Ansarite, Aus ibn Tabit, passed away, leaving behind a widow and four daughters of tender age. According to Median custom, only male adults, capable of taking up arms in a war, had the right to inheritance, and even a minor son had no right to the property of his deceased father. Hence, the cousins of Aus ibn Tabit took possession of all his wealth that he had left, leaving his widow and daughters completely destitute and deprived of means of the livelihood.

It was after this incident that a passage of Quran was revealed propagating the laws of inheritance. It is obligatory on Muslims to follow these commandments provided by Allah Almighty.



## The Quranic Foundation

Allah says in Surah Nisa:

"For men is a share of what the parents and close relatives leave, and for women is a share of what parents and close relatives leave, be it little or much - an obligatory share."

### Surah Nisa: 7

In the Quran, particularly in Surah An-Nisa (4:7-14), Allah Almighty provides comprehensive instructions on inheritance laws, delineating precise shares for heirs, irrespective of gender.

The teachings of Holy Quran establish the principle of "Al-Faraid" - prescribed shares - ensuring equitable distribution of assets among relatives. Daughters, wives, mothers, and sisters are all assigned specific shares, which are fair and just, by the Holy Quran.

## Specific inheritance rights granted to women by Islam.

### a) Inheritance ~~rights~~ rights of Daughters

The Quran explicitly granted daughters a share in the inheritance in Surah An-Nisa:

" ... For the male, what is equal to the share of two females. But if there are [only] daughters, two or more, for them is two-thirds of one's estate. And if there is only one, for her is half ... "

Surat An-Nisa: 11

This verse encapsulates the share of daughters in inheritance. It teaches daughters inherit from their parents even in the presence of sons, challenging pre-Islamic customs.

b) Inheritance rights of wives.

Verses twelve of Surat An-Nisa elaborates the inheritance rights of women as wives. They are entitled to a share of their husband's estate, provided they fulfil certain conditions.

" ... And for the wives is one fourth if you leave no child. But if you leave a child, then for them is an eighth of what you leave ... "

Surat An-Nisa: 12

c) Inheritance rights of mothers



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According to Islam, if the deceased person had no children and the parents alone inherit from him, the mother gets one third. But ~~if~~ in the presence of father, child, or brothers and sisters of the deceased, the mother gets one-sixth. This principle is elaborated in Surah Nisa (4:11)

#### d. Inheritance rights of sisters

If a man dies, leaving no child but only a sister, she will have half of what he left. If there are two or more sisters, they will get two-thirds of what he left. The sister does not inherit if the deceased leaves a son. In the presence of a daughter, the sister gets one sixth.

#### Justification for the inequality in the inheritance shares.

According to Islam, women are given the right to possess their property separately; neither her father nor her husband exercise any right whatsoever. Furthermore, she is given the right to maintenance, for example, food, lodging and clothing; and the court obliges her father, husband <sup>and</sup> son to satisfy on their sole expense these needs of the woman.

Moreover, the woman obtains from her husband the mahr a contracted sum, which went before Islam to the father of the woman, but which in Islam remains vested exclusively in the woman herself.

Thus, a woman has lesser material needs to satisfy on her own ~~or~~ account than a man, who has heavier obligations. In such conditions, it is easy to understand that a man has the right to a greater part of inheritance than a woman.

### Conclusion

It was after the advent of Islam that <sup>women</sup> were given rights and a status in Arab society. The Holy Quran deals with the matter of inheritance rights in very detail, as explained above. These inheritance rights are just and fair, as in the eyes of Allah, everyone is equal.

... الذي خلقكم من نفس واحدة ...

"... Who created you from one soul..."

Surah An-Nisa: 1



Discuss  
Human rights in the light of  
Sermon of farewell pilgrimage (Qawadhi)  
(CSS 2012) - (16 marks)

(88) (2012) : The last sermon of Holy Prophet (PBUH)  
is the treasure house for awakening  
the conscience of mankind for human  
rights.

### 1- Introduction

The last sermon of Holy Prophet (PBUH) can be called the first Universal Charter of Human Rights. Islam is a complete code of life; hence, as Maulana Maududi said, the human rights have been granted by Allah; they have not been granted by any king or legislative assembly. Thus, they are complete in nature.

### 2- A brief overview of the last sermon of Prophet (PBUH)

The Holy Prophet (PBUH) delivered his last sermon in the plain of Arafat, near the Jabal-e-Rehmat, the 'Mount of Mercy' on 9<sup>th</sup> Zil Hajja. This sermon is not only remarkable for its eloquence but it is also very significant because it contains an imperishable message to mankind.

### 3- Human rights with the conelation of the farewell sermon of Prophet (PBUH)

i- The rights of women were protected

a) Rights of wives were protected

The Holy Prophet (PBUH) said, "O people! You have rights over your wives and your wives have rights over you. Treat your wives with kindness ..."

b) Right of inheritance was discussed in the last sermon

Islam has granted the right to inheritance to women, contrary to the historical norms prevalent in many societies before its advent. The Holy Prophet (PBUH) also mentioned in his last sermon about the right to inheritance for every person, irrespective of gender.

ii- Right to life and property in the light of last sermon

The Holy Prophet (PBUH) said, "Your blood and your property are as sacred as are this Day and this Month."

iii- Right of slaves and preservation of their dignity

The Holy Prophet (PBUH) said, "And feed your slaves as you



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feed yourselves and clothe your slaves as you clothe yourselves..."

The Holy Prophet (PBUH) raised the status of slaves and made them equal in the matter of food and clothing with their masters. He (PBUH) conveyed that the slaves should be treated with dignity and equality. He (PBUH) also ordered not to torment them if they commit a mistake, but, if cannot be forgiven, should be sold to someone else

iv. Right to equality and brotherhood was emphasized in the last sermon

The Holy Prophet (PBUH) said, "All mankind is from Adam and Eve..."

He said that we all are children of Adam and therefore equal and brother to one another.

v. The economic exploitation was abolished in the last sermon

The Holy Prophet (PBUH) said, "Usury is forbidden..."

He also announced that the amount of riba, which Abbas bin Abdul Muttalib has to receive, is remitted.

vi. The Holy Prophet (PBUH) warned against committing injustice

The Holy Prophet (PBUH) said to people in his final sermon not to go astray and kill one another. He also said it is unlawful for anyone to unlawfully take the fortunes of the other.

vii. Right of equality of all races and colors was proclaimed in the last sermon

The Holy Prophet (PBUH) said: "An Arab has no superiority over a non-Arab, nor does a non-Arab have any superiority over an Arab; white has no superiority over black, nor does a black have any superiority over white ..."

#### 4- Conclusion

The last sermon of the Holy Prophet (PBUH) advocates the universal principles of justice, equality and dignity for all. It emphasizes on the rights of discriminated groups, such as, women and slaves. And Prophet (PBUH) emphasized on the compassion and brotherhood among the mankind. All these teachings of human rights hold timeless relevance.