

Comparative Document Study: Human Rights in Islam and in the French and American Enlightenment Traditions

Overview:

The lesson provides three sets of primary source documents on the topic of human rights. To familiarize teachers and students with Islamic concepts of human rights, a brief background essay is provided to give context to the primary source selections, which range from inalienable rights to religious tolerance to social and economic justice. Two documents on human rights from the end of the eighteenth century, from the period of the American and French Revolutions, are provided for comparison with the Islamic sources.

Objectives:

Students will be able to:

- cite examples of human rights and duties enumerated in selections from Qur'an and Hadith
- explain the concepts and sources of rights and duties in the framework of Islamic law
- compare the concepts of individual rights in the Islamic, American and French Enlightenment traditions.

Procedure:

1. Distribute Handout 1, and assign students to read the brief background essay on concepts of human rights in Islam. If the lesson is done in conjunction with a world history study of the European enlightenment, then the handouts can form the basis for contrasting concepts of natural rights in the Enlightenment tradition and Islam. In a comparative religion class, the handouts may be used in conjunction with materials on ethics from other religious traditions studied during the course.
2. Extension: After reading the essay, have students read each section of primary source quotes on Handout 1 in diads or small groups, and discuss them in terms of their understanding of the concepts outlined in the essay.
3. Distribute Handouts 2, 3 and 4. The teacher may assign the three sets of documents on Handouts 1, 2, and 3 as group work, as individual homework, or in rotating groups over at least three half-hour periods, especially under block scheduling. Students should answer the document study questions from Handout 4 for each of the traditions, either individually or in groups. After explaining the historical context of the documents, discuss the questions related to understanding the concepts of human rights contained in them.
4. Adaptation: Instead of using all of the primary source quotations on the handouts, the teacher can cut the handout into strips and assign groups to read selections from each tradition or from the contrasting traditions.
5. Copy and distribute Handout 5 for use in individual or group work, or print it as an overhead transparency. Working in pairs, small groups or as a class, and building from the students' answers to Handout 4, label the chart with categories of human rights (inalienable natural rights, economic rights, social obligations and rights, tolerance, etc.). Then have the students give examples of rights outlined in each tradition by writing them in a few words on the chart. It may be useful to cite them with numbers or symbols.

Sources:

Declaration of the Rights of Man. Avalon Project, Yale University at <http://www.yale.edu/lawweb/avalon/rightsof.htm>

Mohammad H. Kamali, "Fundamental Rights of the Individual: An Analysis of Haqq (Right) in Islamic Law," *The American Journal of Islamic Social Sciences*, 10:3 (Fall 1993).

Qur'an and Hadith translations from *The Alim Islamic Software*, Release 4. Baltimore, MD: ISL Software Corporation, 1996.

Thomas Jefferson Memorial Home Page, National Parks Service at <http://www.nps.gov/thje/home.htm>

Handout 1: Background and Quotations from Qur'an and Hadith Related to Human Rights

The modern concept of human rights was influenced by the Abrahamic religious tradition, the classical heritage of Greek philosophy, and the Enlightenment philosophy of the seventeenth and eighteenth centuries. Islam, the third branch of the Abrahamic tradition, has a tradition of human rights that is based on the concept of *haqq*, which means both "truth" and "right." The concept of *haqq* is closely related to the achieving the overall goal of justice in this world, based on the concept of a just God. Rights such as the sacred rights to life, freedom, equality, heritage and dignity are given by the Creator at birth.

In Islamic law, the concept of *hukm*, meaning the ruling on a matter, defines both rights and duties in a given situation. Individual rights do not stand alone, but emerge from the obligations or duties of one person toward another, or a person towards God. In this way, rights are embedded in the idea of human relationships on the personal and community level.

It is a common idea that "my freedom ends where your rights begin." A well known example is that my freedom to swing my arm ends when it reaches the end of your nose. An Islamic concept of rights would read, "My duty to treat others with kindness and justice gives you the right to expect proper treatment from me, and God is the guarantor of your rights." In case of conflicting rights, the *hukm*, or ruling should be made on the basis of what lies in the public interest. A common example of this is the idea of shouting "Fire!" in a crowded public place. The act of shouting in a loud voice may be an individual right that seems harmless, but endangering the public interest clearly outweighs the value of the individual right.

The rights and duties of individuals merge in the overall concept of justice, so that each is an extension of the other. Fulfillment of mutual responsibilities is the means to achieve justice in the world. The *hukm*, or ruling about rights and obligations is a way to establish justice in society. The fundamental rights to life, religion, intellect, property, freedom and dignity do not require any ruling, and do not depend on any other person, because they are granted by the Creator, as stated in revelations given to humankind.

The following quotations from the two essential primary sources of Islam, the Qur'an and the Hadith, or words and deeds of Prophet Muhammad, are given as material for document study below, and for comparative document study with the inscriptions in the Thomas Jefferson Memorial in Washington, D.C., and the 1789 French document, *The Declaration of the Rights of Man*.

Rights and duties related to universal human rights:

From the Qur'an:

"O mankind! We created you from a single soul, male and female, and made you into nations and tribes, so that you may come to know one another, and not despise one another. Truly, the most honored of you in God's sight is the greatest of you in piety. God is All-Knowing, All-Aware." (49:13)

"O mankind! Be careful of your duty to your Lord Who created you from a single soul and from it created its mate and from them He has spread abroad a multitude of men and women. Be careful of your duty toward Allah in Whom ye claim your rights of one another, and toward the wombs that bore you. Lo! Allah is a Watcher over you." (4:1)

"...We decreed for the Children of Israel that whosoever killeth a human being for other than manslaughter or corruption in the earth, it shall be as if he had killed all mankind, and whoso saveth the life of one, it shall be as if he had saved the life of all mankind. Our messengers came unto them of old with clear proofs, but afterwards lo! many of them became prodigals in the earth." (5:32)

"And He has raised high the Firmament and He has set up the balance of Justice" (55:7)

"O ye who believe! Be steadfast witnesses for God in equity, and let not hatred of any people keep you from dealing justly. Deal justly, that is nearer to your duty. Observe your duty to God. Lo! God is Informed of what ye do." (5:8)

From Hadith:

"Verily! Your blood, property and honor are sacred to one another like the sanctity of this day of yours, in this month of yours and in this city of yours. It is a duty for those who are present to tell those who are not here, because those who are not here now (future generations) might understand better than the present audience." (Hadith al-Bukhari 1.67)

"Your Lord has a right on you; and your soul has a right on you; and your family has a right on you; so you should give the rights of all those who have a right on you." (Hadith al-Bukhari 8:161)

Rights and duties related to tyranny and oppression of others:

From the Qur'an:

"We (God) offered the Trust to the Heavens and the Earth and the Mountains: but they refused to undertake, it being afraid of it: but man undertook it. He has proved unjust and foolish." (33:72)

"On the Day when every soul will come pleading for itself, and every soul will be repaid what it did, and they will not be wronged." (16:111)

"Fight in the cause of God those who fight you but do not transgress limits; for God loveth not transgressors." (2:190)

From Hadith:

"Whoever has oppressed another person concerning his reputation or anything else, he should beg him to forgive him before the Day of Resurrection when there will be no money (to compensate for wrong deeds), but if he has good deeds, those good deeds will be taken from him according to his oppression which he has done, and if he has no good deeds, the sins of the oppressed person will be loaded on him." (Hadith al-Bukhari 3:62)

"On the Day of Judgment, rights will be given to those to whom they are due (and wrongs will be redressed)...." (Hadith Muslim, 2:582)

Rights and duties related to religious tolerance:**From the Qur'an:**

'There is no compulsion in religion. The right direction is distinct from error. And he who rejects false deities and believes in The One God has grasped a firm handhold which will never break. God is Hearer, Knower'. (2:256)

"Say (O Muslims): We believe in Allah and that which is revealed unto us and that which was revealed unto Abraham, and Ishmael, and Isaac, and Jacob, and the tribes, and that which Moses and Jesus received, and that which the Prophets received from their Lord. We make no distinction between any of them, and unto Him we have surrendered." (2:136)

"Those who believe (in the Qur'an) and those who follow the Jewish (Scriptures) and the Christians and the Sabians and who believe in Allah and the last day and work righteousness shall have their reward with their Lord; on them shall be no fear nor shall they grieve." (2:62)

"Those who believe (in the Qur'an) those who follow the Jewish (Scriptures) and the Sabians and the Christians any who believe in Allah and the Last Day and work righteousness on them shall be no fear nor shall they grieve." (5:69)

Rights and duties related to social justice:**From the Qur'an:**

'O ye who believe! Be steadfast witnesses for God in equity, and let not hatred of any people seduce you that ye deal not justly. Deal justly, that is nearer to your duty. Observe your duty to God. Lo! God is Informed of what ye do.' (5:8)

"It is not righteousness that you turn your faces towards East or west; but it is righteousness to believe in God and the Day of Judgement and the Angels, and the Book, and the Messengers; to spend of 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 freeing of captives; to be steadfast in prayers, and practice regular poor due; to

fulfil the contracts which you made; and to be firm and patient in suffering and adversity and throughout all periods of panic. Such are the people of truth, the God-conscious". (2:177)

"And devour not each other's property wrongfully unless it be through lawful trade and your mutual consent" (4:29)

"And in no wise covet those things in which Allah has bestowed his gifts more freely on some of you than on others: to men is allotted what they earn and to women what they earn: but ask God of His bounty: for God has full knowledge of all things." (4:32)

"And render to the kindred their due rights as also to those in want and to the wayfarer: but squander not your wealth in the manner of a spendthrift." (17:26)

"Your Sustainer (God) has decreed that you worship none but Him, and that you be kind to parents. Whether one or both of them attain old age in your lifetime, do not say to them a word of contempt nor repel them, but address them in terms of honor. And, out of kindness, lower to them the wing of humility and say: my Sustainer! Bestow' on them Your mercy, even as they cherished me in childhood." (17: 23-24)

From Hadith:

"He is not a believer who eats his fill when his neighbor beside him is hungry; and: He does not believe whose neighbors are not safe from his injurious conduct."

"My Sustainer (God) has given me nine commands: to remain conscious of God, whether in private or in public; to speak justly, whether angry or pleased; to show moderation both when poor and when rich, to reunite friendship with those who have broken off with me; to give to him who refuses me; that my silence should be occupied with thought; that my looking should be an admonition; and that I should command what is right."

[Answer the document study questions on Handout 4 for this set of primary source documents.]

Handout 2: Document Study: Jefferson Memorial Inscriptions in Washington, D.C.



Jefferson Memorial

By John Russell Pope, Otto R. Eggers, and Daniel P. Higgins, ca. 1939, Watercolor and pencil on illustration board, 18" x 24"

National Archives and Records Administration, Records of the National Park Service

The Jefferson Memorial is located in Washington, D.C, near the Washington and Lincoln Memorials on the National Mall. It honors Thomas Jefferson, author of the Declaration of Independence, first Secretary of State, and third President of the United States. In the center of the memorial is a statue of Jefferson, and on the inside walls are four inscriptions from Jefferson's writings, which describe his beliefs in freedom, education of all people, and the need for change in the laws and institutions of a democracy.

"I have sworn upon the altar of God eternal hostility against every form of tyranny over the mind of man."

From a letter by Thomas Jefferson to Dr. Benjamin Rush, September 23, 1800.

"We hold these truths to be self-evident that all men are created equal, that they are endowed by their Creator with certain inalienable rights, among these are life, liberty, and the pursuit of happiness, that to secure these rights governments are instituted among men. We...solemnly publish and declare, that these colonies are and of right ought to be free and independent states...And for the support of this declaration, with a firm reliance on the protection of divine providence, we mutually pledge our lives, our fortunes, and our sacred honor."

From the Declaration of Independence, 1776

"Almighty God hath created the mind free...All attempts to influence it by temporal punishments or burdens...are a departure from the plan of the Holy Author of our religion...No man shall be compelled to frequent or support any religious worship or ministry or shall otherwise suffer on account of his religious opinions or belief, but all men shall be free to profess and by argument to maintain, their opinions in matters of religion. I know but one code of morality for men whether acting singly or collectively."

From A Bill for Establishing Religious Freedom, 1777.
The last sentence is from a letter to James Madison, August 28, 1789.

"God who gave us life gave us liberty. Can the liberties of a nation be secure when we have removed a conviction that these liberties are the gift of God? Indeed I tremble for my country when I reflect that God is just, that his justice cannot sleep forever. Commerce between master and slave is despotism. Nothing is more certainly written in the book of fate than these people are to be free. Establish the law for educating the common people. This it is the business of the state to effect and on a general plan."

From Jefferson's "A Summary View of the Rights of British America"

I am certainly not an advocate for frequent changes in laws and constitutions. But laws and institutions must go hand in hand with the progress of the human mind. As that becomes more developed, more enlightened, as new discoveries are made, new truths discovered and manners and opinions change, with the change of circumstances, institutions must advance also to keep pace with the times. We might as well require a man to wear still the coat which fitted him when a boy as civilized society to remain ever under the regimen of their barbarous ancestors.

From a letter to Samuel Kercheval, July 12, 1816.

[Answer the document study questions on Handout 4 for this set of primary source documents.]

Handout 3: Human Rights in the Tradition of the French Revolution

DECLARATION OF THE RIGHTS OF MAN AND OF THE CITIZEN

Approved by the National Assembly of France, August 26, 1789

The representatives of the French people, organized as a National Assembly, believing that the ignorance, neglect, or contempt of the rights of man are the sole cause of public calamities and of the corruption of governments, have determined to set forth in a solemn declaration the natural, unalienable, and sacred rights of man, in order that this declaration, being constantly before all the members of the Social body, shall remind them continually of their rights and duties; in order that the acts of the legislative power, as well as those of the executive power, may be compared at any moment with the objects and purposes of all political institutions and may thus be more respected, and, lastly, in order that the grievances of the citizens, based hereafter upon simple and incontestable principles, shall tend to the maintenance of the constitution and redound to the happiness of all. Therefore the National Assembly recognizes and proclaims, in the presence and under the auspices of the Supreme Being, the following rights of man and of the citizen:

Articles:

1. Men are born and remain free and equal in rights. Social distinctions may be founded only upon the general good.
2. The aim of all political association is the preservation of the natural and imprescriptible rights of man. These rights are liberty, property, security, and resistance to oppression.
3. The principle of all sovereignty resides essentially in the nation. No body nor individual may exercise any authority which does not proceed directly from the nation.
4. Liberty consists in the freedom to do everything which injures no one else; hence the exercise of the natural rights of each man has no limits except those which assure to the other members of the society the enjoyment of the same rights. These limits can only be determined by law.
5. Law can only prohibit such actions as are hurtful to society. Nothing may be prevented which is not forbidden by law, and no one may be forced to do anything not provided for by law.
6. Law is the expression of the general will. Every citizen has a right to participate personally, or through his representative, in its foundation. It must be the same for all, whether it protects or punishes. All citizens, being equal in the eyes of the law, are equally eligible to all dignities and to all public positions and occupations, according to their abilities, and without distinction except that of their virtues and talents.

7. No person shall be accused, arrested, or imprisoned except in the cases and according to the forms prescribed by law. Any one soliciting, transmitting, executing, or causing to be executed, any arbitrary order, shall be punished. But any citizen summoned or arrested in virtue of the law shall submit without delay, as resistance constitutes an offense.
8. The law shall provide for such punishments only as are strictly and obviously necessary, and no one shall suffer punishment except it be legally inflicted in virtue of a law passed and promulgated before the commission of the offense.
9. As all persons are held innocent until they shall have been declared guilty, if arrest shall be deemed indispensable, all harshness not essential to the securing of the prisoner's person shall be severely repressed by law.
10. No one shall be disquieted on account of his opinions, including his religious views, provided their manifestation does not disturb the public order established by law.
11. The free communication of ideas and opinions is one of the most precious of the rights of man. Every citizen may, accordingly, speak, write, and print with freedom, but shall be responsible for such abuses of this freedom as shall be defined by law.
12. The security of the rights of man and of the citizen requires public military forces. These forces are, therefore, established for the good of all and not for the personal advantage of those to whom they shall be intrusted.
13. A common contribution is essential for the maintenance of the public forces and for the cost of administration. This should be equitably distributed among all the citizens in proportion to their means.
14. All the citizens have a right to decide, either personally or by their representatives, as to the necessity of the public contribution; to grant this freely; to know to what uses it is put; and to fix the proportion, the mode of assessment and of collection and the duration of the taxes.
15. Society has the right to require of every public agent an account of his administration.
16. A society in which the observance of the law is not assured, nor the separation of powers defined, has no constitution at all.
17. Since property is an inviolable and sacred right, no one shall be deprived thereof except where public necessity, legally determined, shall clearly demand it, and then only on condition that the owner shall have been previously and equitably indemnified.

[Answer the document study questions on Handout 4 for this set of primary source documents.]

Handout 4: Document Study Questions on Human Rights

Answer the following questions for each of the sets of primary sources on human rights:

1. When and where were the primary sources written? What or who were the writers?
2. How and why were the documents preserved and transmitted to later generations?
3. What influence did these primary source documents have on the history of the society where they were produced, in its own time, and in later centuries?
4. What influence did they documents have on other societies?
5. Is or are the primary source excerpts or documents from the same source, or different sources? How do they differ?
6. What is the source and target of the rights outlined in each document?
7. What human weaknesses and strengths, or forces in the world, or society, are the rights supposed to guard against?
8. List specific rights that the documents imply. Describe the impact of these rights on society and individual liberties, and human relations among individuals.
9. How are these rights related to achieving social justice? How are these rights related to good government?
10. How can you categorize the rights described in each set of documents? What areas of human social and/or religious life do they cover?

Handout 5: Comparing Human Rights by Category and Tradition

Category of human rights in each document:	French	Islamic	American
	(examples of specific rights)	(examples of specific rights)	(examples of specific rights)