

JUSTICE AND HUMAN RIGHTS IN ISLAM

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ABSTRACT

This paper aim at exploring Religion, Justice and Human rights in Islamic perspective. It will evaluate some challenges facing religion especially Islam in advocating for justice and human rights. The paper also establish the impact of religion in advocating for justice and human rights in society. In some instances it explore how Islamic teachings can be implemented to promote Justice and Human rights. The paper will help both the religious and political leaders to promote Justice and Human rights.

Islam has Five Pillars of religion. These pillars rotate around faith and practice. Analyzing the pillars, one realize that Justice and human rights are highly emphasized in Islam. Muslims believe that there can be no real justice except as an aspect of submission to Allah who is the source of justice. Although Allah is beyond comprehension or analysis, the Holy Qur'an teach about His attributes through what are sometimes called "the 99 attributes of Allah" and one of these is al-^aAdl, "the Just". Another of these names is al-Muqsit, "the Dispenser of Justice" or "He who gives to each thing its due". the fact remains that no justice can be attained without truth. That is why Qur'an emphasize that truth must always be adhered to in all undertakings. The Prophet PBUH also compelled Muslims to always speak the truth even when in danger. This will make justice a reality hence attainment of Human rights

The paper will focus on justice in Islam. It is divided into the following subsections; the introduction ; pillars of Islam and justice; Qur'an on truth and justice; reality of Islam and conclusion.

KEYWORDS: Challenges Facing Religion Especially Islam in Advocating for Justice and Human Rights

INTRODUCTION

The world is getting smaller day after the other. The migration of peoples, new methods of communication, and the vast expanse of knowledge about others is making the world seem like a village. This lead to interaction of people of all sorts of cultures, tribes, religions, races to a point that one being injustice is very easy either intentionally or unintentionally. It can be intentional if one does that for the main purpose of surprising and oppressing the other. It can be unintentional if one does it out of ignorance of the rights of the other group. Example is where some cultures like the Borana in Kenya and also the Pokomos among others take eloping as a pride and way of culture, where if one do it, he gets the girl with pride and he is taken a hero. But if that is done to Islamic oriented cultures then it is haram and unacceptable. It can of course lead to death. Therefore there is need to study cultures and religions to be on safer side.

Pillars of Islam and Justice

Islam has five pillars. The first one is shahada, followed by swalaat, then zakat the fourth is swawm and last is Hajj. Shahada being the first pillar is the key to islam. in it one bear witness that none is worth of worship but Allah and

Muhammad is His last Prophet. When one testify that none to be worshipped but Allah, it follows that serving Allah and following His command is an obligatory. You find that one will always try to be just to make sure that he/she is not against Allah's commands. In the same length one will strive to follow the example of Prophet Muhammad (PBUH) he/she will therefore treat all human beings in the appropriate manner just as the Prophet did.

The second pillar of Islam is *swalat*. Allah obliges Muslims to pray five times a day the Prophet Muhammad (PBUH) when asked the wisdom behind praying five times a day he explained that this serves as a purification from all the sins committed between the salats. Allah explains that *salat* stops one from evil and crime. It is reported that there is one man who needed to have illegal sex with a certain lady. The lady told the man that she is ready to offer what he requests but with a condition that he pray forty days continuously without missing any prayer. The man did as requested. Reaching the 40th day the lady expected the man to come back which he didn't. She searched for the man and asked why he didn't come for the request. The man apologized and promised never to open a container without its right key. This showed the owner of the prayer. If one prays sincerely one will never commit sins. If one can avoid minor sins it is then evident that the person will avoid oppressing others and of course stand up for justice and human rights.

The third pillar is *swawm* i.e. fasting. Fasting is obliged to Muslims to make sure that they also feel what the poor feel when hungry. It is a practical lesson to believers to avoid retaining rights of their subordinates and workers. It goes that those who don't fast for one or two reasons he/she must feed the poor. The essence is making sure that no one is oppressed in the society.

The fourth pillar is *zakat*. *Zakat* is made obligatory to make sure that Muslims pay 2.5% of total wealth accumulated throughout the year. *Zakat* is supposed to create equality in the society. As well known poverty is known to be one of the key oppressing elements. Those in poverty are in many situations unable to resist oppressions. When one gives and appreciates giving out *zakat* then he/she sees no need of oppressing others for there is no reason to oppress then at the end of the day pay out *zakat*.

The last pillar is *hajj*. *Hajj* was obliged to make sure that Muslims from all over the world meet and discuss all the problems ailing them. In fact the Prophet (PBUH) used to address human rights during *hajj*. In the last *hajj* he highly addressed human rights in general. He called upon Muslims to take care of women, children. He addressed the equality of human rights.

Qur'an on Truth and Justice

The holy Qur'an advises believers to be pious and speak the truth. Elaborating on the verse the Prophet was asked if a believer can steal, he responded, yes, he can be pushed by circumstances and do so. Then he was asked if the believer can commit adultery or fornication for which he said, yes he might be pushed by circumstances. But when asked about the believer lying he responded that the believer never lies. We therefore find that lying is a major sin in Islam.

Of course prophet Muhammad's teachings and those of Jesus were similar when it comes to justice. That is why St. Thomas Aquinas while writing about justice in Christian tradition stated that among all human pursuits, "the pursuit of wisdom is more perfect, more noble, more full of joy" than any other human enterprise. He referred this connecting wisdom to truth and justice. However Justice is or should be objective, those working for justice must also be very objective and sincere. Islamic jurisprudence teaches that a Justice is very core in Islam. Any man who diverted from the remembrance of God and justice must struggle to eliminate Allah's anger and resentment. Allah says, "Truly God

commands you to give back trusts to those to whom they are due, and when you judge between people, to judge with justice.... (Quran, 4:58) this verse do not command to do justice to Muslims ale. rather it command believers to be just to all human beings irrespective of religion, race, colour and all other human differences.infact Allah loves those who do justice irrespective of faith,race,colour,tribe etc. That is why He said, “ ...And act justly. Truly, God loves those who are just. (Quran, 49:9) what we see today in the so called Muslim lands leave everyone wondering if the leaders and citizens of those lands really understand justice. It also leave question mark if they are truly Muslims. For how can a government turn against its own people? How can non Muslims countries open their boundaries for Muslims while Muslim countries bordering those war torn countries like Syria deny them access to their land? Surely speaking ignorance is the worst enemy of humanity. When one analyze this he/she will definitely conclude that these Muslim countries suffer from war due to ignorance of their leaders and also themselves. For sure if not ignorance almost all the causes of the wars would have been solved peacefully using Qur’an and hadith as Allah advises, O ye who believe! Obey Allah, and obey the Messenger, and those charged with authority among you. If ye differ in anything among yourselves, refer it to Allah and His Messenger, if ye do believe in Allah and the Last Day: That is best, and most suitable for final determination.” (Qur’an 4:59) The truth is that Qur’an and hadith has solutions for all our worldly and spiritual problems but we cannot realize the same due to our ignorance. For example if the leaders implement the Quran teachings which guide that the leaders is the servant of his people then neo leader would oppress his people, in addition people would never cling to power for they would be certain that leadership is service to the led and that it is a responsibility and that all human beings will be accountable for their deeds in the day of judgement.but as soon as one ignore this then injustice and many other problem prevail.

Islam teaches that one should even be just with those who we hate, as God has said” ...And let not the hatred of others make you avoid justice. Be just: that is nearer to piety.... (Quran, 5:8)

The Prophet Muhammad said, “People, beware of injustice, for injustice shall be darkness on the Day of Judgment.”

He added, “And those who have not gotten their rights (i.e. what they have a just claim to) in this life will receive them on the Day of Judgment, as the Prophet said: {On the Day of Judgment, rights will be given to those to whom they are due (and wrongs will be redressed”

Reality of Islam on Justice

Extremism and anger are among the greatest signs of injustice. Allah commanded us to be moderate in our undertakings. He also advice us to balance all we do as he state in the Holy Qur’an “We sent down the Book and the Balance so that mankind might uphold justice”. Here again the idea of balance occurs, linked directly with the revelation itself. The “scales of justice” are set up and our actions are to be weighed in perfect equity. Regarding the Last Judgment, we read in the Qur’an: “That day mankind will issue forth in scattered groups to be shown their deeds, and whoso does an atom’s weight of good will see it then and whoso does an atom’s weight of ill will see it then”.

To emphasize on the importance of justice the prophet Muhammad(PBUH) was once inspecting the army. he unintentionally hit one solder with his stick who was out of the line. the Prophet(PBUH) apologized but the soldier demanded that he must also revenge. On seeing that many of the companions saw that as disrespect to the Prophet. The

prophet told them that the companion was right. they volunteered tat he hit them instead of the prophet (PBUH) but the prophet told them that justice is that he himself committed the act so the companion had his wish . when the prophet told him to hit him he stated that when he did it to him he had his belly open. Therefore he requested that the prophet also open his belly so that the revenge be same. The prophet opened his belly upon which the soldier kissed it. when asked why he did what he did the companion stated that he saw nothing important in this world than his skin touch the skin of the mercy to all the creatures. He also added that he was heading to war and was not sure f he would succeed to come out of the war alive and that he would be very happy to have touched the Prophets body on his last day. Eventually he went to war and that was truly his last day on this earth.

This story teach us a lot of lessons. one the companions really love the prophet Muhammad(PBUH) second they were all concerned about respect to authority. Third they were always questioning whatever they didn't understand for clarity. But above all we see that the prophet(PBUH) not only spoke about justice out he also live by justice. if we all emulate the prophet Muhammad(PBUH) the world will be filled with justice where no Muslim will oppress any human being.

Justice in Leadership in Islam

Perhaps the worst time of Islamic history is 21st century. This is especially because we have witnessed Arab uprising. The execution of Saddam Hussein, Muammar Qadhafi and many other Muslim key figures. We also witness wars in Iraq, Syria, Libya, Egypt, Yemen, Somalia among others. Analyzing all these we realize that they are related to injustice. Muslim leaders must refocus and realize that the key to best leadership is justice. The Qur'an defines the specific status of humans as twofold, one as a servant of Allah and another as His vicegerent. The main purpose why Allah created human beings and Jins is to worship Him ” *I have only created Jinn's and men, that they may serve Me. (Qur'an, 51:56)* Allah also says, *Behold, thy Lord said to the angels: I will create a vicegerent on earth (Qur'an 2:30)*

To be a servant to Allah is to worship Him but not like the angels whom Allah has created without human needs so they do not need to eat or drink.

Humans have their needs and they should earn their own living so they can live and worship Allah. In accordance with the status of human beings in the opening lines of Surat Baqarah, the second chapter of Qur'an leadership concept is indicated in several verses such as;

Is it they who would portion out the Mercy of thy Lord? It is We Who portion out between them their livelihood in the life of this world: and we raise some of them above others in ranks, so that some may command work from others. But the Mercy of thy Lord is better than the (wealth) which they amass. (Qur'an 43:32)

In this verse the Qur'an describes leadership as an appointment from Allah. In another verse it is requested by the believers in their supplication to Allah: *Give us (the grace) to lead the righteous (Qur'an 25:74)*. Qur'an describes Prophets as leaders. The Qur'an perspective of leadership is modeled by Prophet Muhammad. As described by the Qur'an he is the great model for all Muslims, “*Ye have indeed in the Apostle of God a beautiful pattern (of conduct) (Qur'an 33:21)*).

Four main characteristics define Qur'an leadership: godliness, ethics, humaneness and balance. It is godly because it derives its authority from Allah and its end is Allah. It is based on the Islamic creed. It is ethical because it places ethics at the core of its system and never gives priority of economic gains over values. Its main focus is performing good deeds to gain Allah's acceptance (Beekun & Badawi, 1999)ⁱ. It is humane because it recognizes the reality of human nature and deals with it as it is. It is constructed to appreciate the strengths and weaknesses of human qualities. It is balanced because it acknowledges the body and soul, the mind and the heart, this life and the hereafter.

According to Islamic Shariah, Leadership is a trust (*amanah*). According to Beekun and Badawi (1999)ⁱⁱ it represents a psychological contract between two parties, namely, a leader, and his followers, whereby the leader undertakes the guidance, protection and just treatment of the follower. Ali's perception (2005)ⁱⁱⁱ is that the realization of an ideal Islamic society rests on leadership as the most significant instrument.

Islam views leadership as a responsibility which is shared by all adults in a Muslim society. As pointed out by Prophet Muhammad (PBUH) in one of the Hadith, "Every one of you is a shepherd and everyone is responsible for what he is shepherd of" (Bukhari and Muslim). The Prophet explained that everyone is responsible within his or her domain. Just as a father is responsible for his household and a mother for taking care of children and domestic affairs, the Muslims leaders are responsible for their citizens and those they lead. Accordingly, each one shall demonstrate the leadership role within his or her limits and scope of responsibilities. Leadership as a position of authority is considered as a test for the leader as indicated by Prophet Suleiman who was also a king.

This is by the grace of my Lord! To test me whether I am grateful or ungrateful! (Qur'an 27:40)

He made you dwell on earth generation after generation, century after century and offspring after forefathers. And He has raised you in ranks, some above others. That He may try you in that which He has bestowed on you (Qur'an 6:165)

Ibn-kather (2002)^{iv} clarified that this verse explains the purpose of leadership in the Qur'an. It is to test and examine the leaders to see which of them will be best in deeds and does more good deeds. Islam transformed the *Bedouin* of Arabia into great leaders through Islamic principles, which have been proven by modern researchers.

For justice to be attained in leadership three concepts must be observed; consultation, competence and Taqwa (piety). The rationale for this is as follows. First, these three concepts are the most recurring concepts in the Qur'an associated with Prophets. For example, Taqwa is mentioned 257 times.

Second, they are frequently linked to leadership concepts such as in the story of Prophet Musa, Yusuf, and Talut and in the verses revealed after the battle of Uhud. Third, they encompass numerous leadership concepts such as integrity, patience, forgiveness and role model.

In investigating the Islamic leadership during the Caliphate period, Beekun & Badawi (1999)^v found that Umar Ibn Al Khattaab (the second caliph in Islam) used to pay state officials high salaries to prevent bribery and to treat his appointees equitably to prevent them from misusing the reward power. Umar (R.A) also removed Khalid Ibn Al Waleed (R.A), one of the most brilliant military Muslim leaders in the history of Islam because he perceived that Khalid has a faint pattern of potential abuse of power. The Messenger of Allah (PBUH) said: The one who is well grounded in Allah's Book and is distinguished among them in recitation should act as Imam for the people. And if they are equally versed in reciting it, then the one who has most knowledge regarding Sunnah; if they are equal regarding the Sunnah, then the earliest one to

emigrate; If they emigrated at the same time, then the oldest one in age.

In Islam, a man has a referent power when other people want to follow him because he has a personality that attracts them. All prophets (peace be upon them) had a charismatic personality that enabled them to use their referent power for the benefits of mankind. For example Prophet Mohammad (PBUH) had a referent charismatic personality that helped him to be one of the greatest leaders in the history of mankind (Rahman, 1990)^{vi}. Urwa Ibn Masud narrated, I was sent by Quraish at the time of Hudaibiyah to the prophet Mohammad (PBUH) to settle the situation with him. When Urwa returned to Quraish, he said, "I have been to Chosroes in his kingdom, Caesar in his kingdom, and the Negus in his kingdom, but never have I seen a king among a people like Mohammad among his companions. I have seen a people who will never abandon him for any reason; so form your own opinion" (Rahman, 1990)^{vii}.

Islam recognizes the existence of power, but suggests some etiquette for its use because the supreme power belongs to God. God the Almighty said, "If only the unrighteous could see, behold, they would see the penalty, that to Allah belongs all power, and Allah will strongly enforce the penalty" (Qur'an 2:165). In nature, there is a hierarchy based on power, but Islam regulates power differentiation so that it does not lead to injustice in the society (Bangash, 2000)^{viii}. In addition, authority in Islam is limited within the framework of the mission of Muslims and the culture of participative *Shura* (decision-making), which induces better quality and productivity (Jabnoun, 1994). Thus, Islamic leaders would not have absolute power because Islam necessitates participative management with checks and balances.

Al-Buraey, (1985, p. 47)^{ix} stated that Authoritarian and dictatorial leaders and administrators, as well as decision-makers, have no place in the administrative system of Islam. This was clear in the leadership of the second Caliph Umar who explained to all his appointees what they were expected to do; He then, checked if the appointees were doing what they were ordered to do (At-Tamawi, 1976)^x. Authority is balanced by enjoining what is right and forbidding what is wrong. Thus, in Islam, it is the duty of the followers not to comply with orders that contradict the mission and objectives of Islam. The above statement shows the etiquette of leadership. The study examined whether SUPKEM leadership structures follow the various leadership etiquettes provided for by Islam.

Beekun and Badawi (1999)^{xi} defines leadership from an Islamic perspective as a trust, guardianship and service oriented. The servant-leader approach has been part of Islam since its beginning, 1400 years ago (Chow bury, 2001)^{xii}. Allah says "Indeed, this brotherhood of yours is a single brotherhood and I am your Lord and Cherisher: therefore serve me!" (Qur'an 21: 92). One of the main principles, which Prophet Mohammad (PBUH) taught Muslims, is the principle of leadership through service. Narrated by Ma'qil, Prophet Mohammad (pbuh) said, a ruler who has been entrusted with the affairs of the Muslims, but makes no endeavor for their material and moral upliftment and is not sincerely concerned for their welfare will not enter Paradise along with them (Al-Bukhari, 1997)^{xiii}

The above statement shows that if a leader is concerned with the welfare of his subjects then he/she will act justly. Just as the prophet Mohammad (pbuh) said, "The leader of the nation is their servant" (Daylami, 1987)^{xiv}.

CONCLUSIONS

In this paper we have observed that the world is getting smaller day after the other making globalization a reality. This leads to migration of peoples, new methods of communication, and the vast expanse of knowledge about others. This leads to interaction of people of all sorts of cultures, tribes, religions, races making it mandatory for people to learn other cultures and religion if justice is to be attained. Studying and analysis the five pillars of religion in Islam can also be the

best way to see justice in Islam practically and in a deeper level. This will lead to demonstrate and clearly show how they connected since there can be no enduring peace without justice. To show importance of justice Qur'an gives us hints as to Allah's true nature through what are sometimes called "the 99 names" and one of these is al-^aAdl, "the Just" for anyone to be a true believe then he/she must adhere to Qur'an teachings which praises those who always act "in the light of truth" we have also seen that of special significance too is the relationship between justice and wisdom in the Arabic language. The words hukm, "judgment", and hikmah, "wisdom" come from the same root, and al-Hakim (the "All-Wise") is another of the names of God in the Qur'an. we can also conclude that Prophet Muhammad's teachings and those of Jesus were similar as far as justice is concerned. they both suffered by trying to stand for justice. It is therefore upon all human beings to be wise and administer justice and where injustice occur then the truth must be used to make justice prevail. if Muslims revisit Qur'an and Hadith on justice the entire Middle east and all Muslims countries will realize their lost power and peace without any struggle. Failure to do that they will continue having wars till the day of judgment

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