

The Concept of Freedom in the Nahjul Balaghah

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Freedom

In the Nahjul Balaghah Imam Ali (a.s) has repeatedly emphasized that God created man as a free being with sound senses and reason, and led him with His grace to the right path, but it was man who chained himself with false desires and misguided ambitions.

He stresses this point with regards to man's natural makeup and his ability to exercise his freedom in the right path. Rousseau's famous dictum "Man was born free, but everywhere he is in chains" echoes the utterance of Imam Ali (a.s), repeated time and again during his indefatigable struggle for human freedom at a time when it was threatened by the slaves of worldly desires and encroached upon by those who wanted to reduce a free Muslim society to a tyrannical monarchy.

Freedom, a yearning of many inner beings, has been expressed in various forms throughout human history. Adam and Eve, as Iqbal puts it, were compelled by this urge to leave Heaven. It is presumed that action is grounded in freedom. Islam does not accept the Christian notion of original sin, as a punishment for which man was exiled from Heaven.

What is called the fall of man in pre-Islamic Semitic tradition may be interpreted from the Islamic viewpoint as man's ascension to a life of freedom. Man's coming to Earth was an act of his free choice, and he has to earn eternal freedom and conquer time through his continuous free acts in this world, which tests his urge for freedom at every step of his life.

The history of mankind is a ceaseless quest for freedom. It is a multipronged quest: freedom from want,

from fear, from the forces of nature, from the tyranny of fellow beings, from injustice, from superstition, from prejudice, from tribal and racial loyalties, and, ultimately, from his own egocentric existence. Man passed gradually through the various stages of realizing all these freedoms, each of which had a material as well as a spiritual aspect. Sheer material freedom means nothing unless it brings in its wake spiritual freedom also.

Rather, both of them complement each other and are inseparable. The quest for freedom suffered setbacks and reverses whenever any one of the two were neglected. The modern civilization suffers from the malady of overemphasizing the material dimension of freedom, totally or partially neglecting the relevance of spiritual freedom to human existence.

Religion has been striving for man's spiritual freedom, while philosophy has been concerned with intellectual freedom. Art and literature have been interested in realizing both of them at a different plane. The quest of science and technology has been always directed towards attaining material freedom. All human activity is a quest for freedom, and all human evolution represents a course of gradual realization of various freedoms.

Human evolution is creative, in the sense that at its every stage, a higher form of freedom emerges as a result of man's creativity. Human evolution is different from biological evolution, for the latter is mechanical and deterministic as compared to the former in which man's aspiration for freedom plays a vital and decisive role.

In the course of man's creative evolution, Islam emerged as an embodiment of all kinds of freedom at a stage when humanity was in need of a balanced synthesis of material and spiritual freedoms. At a stage when man's material advancement was still embryonic, Islam anticipated rapid future developments in the material sphere, which required Divine guidance in pursuing the right path for future development of human society and polity.

It is in this sense also that Islam ensures eternal guidance, for it took in its stride all past freedoms attained by man and laid down a plan for future evolution. At that stage the human mind was incapable of embracing the infinite future possibilities of human creativity, because it had not yet developed the intellectual and empirical tools of the unseen future.

The Qur'an, the last of Divine revelations, contained the guiding principles of scientific induction as well as a moral code that could suffice for man's socio-political and economic advancement, ensuring maximum freedom of human action in all the spheres of man's multi-pronged quest for freedom.

The Qur'an's declaration that God has completed the din (religion, as the totality of Divine guidance) and has conferred upon man the best of His rewards, points to the fact that through Islam, man attained the utmost potential to realize his freedom.

In order to have a comprehensive view of freedom granted to man by Islam, one has to understand the

Islamic conception of freedom along with all its implications and practical consequences bearing upon human society, state, and economic activity, at both individual and collective levels.

Freedom can be understood in two ways: theoretically from the ontological point of view, and practically from the social angle. This division is for the sake of study, for in reality the latter aspect logically follows from the former.

As pointed out above with reference to Iqbal, the urge for freedom is inherent in man's nature. It may be called a Divine gift or spark. But I would prefer to refer to dictum of Ibn Arabi in this context, who said "nothing was imposed upon man from without: what one's *ayn* (essence) demanded from God was given to him".

Thus freedom was bestowed upon man not as a gift, but he received it through his own capacity. To borrow a contemporary philosophical phrase, freedom is man's essence and his existence is grounded in freedom. This view can be interpreted as being in conformity with the Qur'an, in which a number of verses refer to human freedom in both willing and acting.

The Qur'an also admits the existence of various grades of freedom in human beings; that is, all men are not equally capable of possessing or exercising freedom. It means that every man is given freedom in proportion to his ability to receive it. Mulla Hadi Sabzawari's doctrine of graded being can be interpreted in the following manner. Every grade of being has its corresponding ability to freedom.

Men differ from one another with regard to their ability for freedom. The weaker beings have a weaker urge for freedom, while the stronger ones have a greater urge for it. It is because of this difference that what is obligatory for higher individuals such as the prophets, Imams, the *awliya'* and the *urafa'* is not expected from ordinary men.

"God does not saddle a soul with obligations beyond its capability" (al-Baqarah, 2: 286).

This principle is applied to different individuals in different degrees. Obligation (*taklif*) implies the ability to fulfill it, provided a man is willing to shoulder it. All Divine commands and prohibitions presume that men have ability to follow them and that some of them might obey, while others might not.

The possibility of obedience and disobedience arises out of human freedom. As everyone acts according to his own will without any compulsion from outside, he is liable to reward and punishment according to his deeds. We have to accept that God never imposed a fixed, predetermined nature upon any individual, and it is man himself who chooses and molds his own character and accordingly his destiny in full freedom.

The Qur'an is quite explicit in this regard. Without the freedom of choice and action for man there could never arise the question of reward and punishment, for otherwise that would have amounted to arbitrariness, that is, injustice on the part of God. In this context all the controversies in *kalam* seem to

be pointless and irrelevant.

The Qadarite and the Mu'tazilite doctrine of complete freedom, also ignores the relativity of freedom in relation to different individuals. The Jabrite notion of determinism goes against Islamic teachings and can be understood in the light of socio-political expediencies of the age. Iqbal has correctly analyzed and explained the reasons behind the denials of human freedom:

The practical materialism of the opportunist Omayyad rulers of Damascus needed a peg on which to hang their misdeeds at Karbala, and to secure the fruits of Amir Mu'awiya's revolt against the possibilities of a popular rebellion.

Ma'bad is reported to have said to Hasan of Basrah that the Omayyads killed Muslims, and attributed their acts to the decrees of God. These enemies of God replied 'Hasan are liars'. Thus arose, in spite of open protests by Muslim divines a morally degrading fatalism, and the constitutional theory known as the accomplished fact in order to support vested interests.¹

It would be out of place here to go into the details (on) the issue of jabr and qadar (determinism and freedom). Absolute freedom belongs to God only, and He has given this power to man in various degrees according to individual human abilities. It is in this sense that freedom is termed by Imam Ja'far al-Sadiq (a.s) and Imam Ali al-Rida (a.s) as 'tafwid', that is, delegated freedom.

When Imam Ali (a.s) was asked to explain the difference between 'qada`' and 'qadar', he said: "The first means obedience to the Commandments of God and avoidance of sin; the latter means the ability to live a holy life and to do that, which brings one nearer to God... Say not that man is compelled, for that is attribution of tyranny to God".²

Imam Ja'far al-Sadiq (a.s) made the observation: "The doctrine of jabr (determinism) converts God into an unjust Master".³

However, these traditions cannot be interpreted as advocating absolute freedom for man. The latest scientific studies of the problem of freedom, both in metaphysical and political or social terms, arrive at the conclusion that freedom is always relative.

No society or State can give absolute freedom to man in order to secure harmony and mutual respect of all the members. This mutual respect lays certain duties on man, which are for the sake of granting equal freedom to everybody. The saying of Imam Ja'far al-Sadiq (a.s) "There is neither jabr nor qadar or tafwid", but the matter is a via media between the two can be interpreted both metaphysically and socially. Metaphysically, or rather theologically, it means that absolute freedom is for God only; man has been given limited freedom.

Socially and politically freedom is delimited by duties, and is not complete or absolute. Imam Ali ibn Musa al-Rida sums up the issue in the following words: "You are at liberty to take one or the other path,

but man has not the capacity of turning evil into good or sin into virtue".⁴

Thus we may conclude that man is free, but his own freedom demands him to fulfill certain obligations towards himself, towards other fellow beings and ultimately towards God. Freedom is meaningless if one does not fulfill these obligations. All human rights become due to man, when he exercises his freedom to shoulder the duties he is expected to perform by his Creator, his fellow beings, and his own nature.

However, whatsoever may be the degree and extent of freedom accorded to man, he is free and, consequently responsible for his acts. The Umayyads' attempt to justify fatalism, as described by Iqbal, was an atrocity against Islam and Qur'anic teachings. All forms of government and society, which deny freedom to individuals, represent a gross violation of Islam. How far a State or society is prepared to allow its members freedom determines its Islamic character.

The following are corollaries of human freedom:

1. Every man is able to perform an act he wills and chooses to do.
2. Every man who performs an act is able to perform its opposite also.
3. Every man who is obliged to do a certain act is awarded the power to do it.
4. Even those who do not obey Divine command are given the power to do it, and they are also free to do or not to do what they are commanded.⁵

The practical side of freedom is related to man's individual as well as social duties. Every duty requires as its prerequisite condition freedom and the power to fulfill it, which is called right¹ in legal terms.

As the right to have the freedom and power to perform desired acts is termed a natural right, the freedom and power to perform social duties is termed as civil rights, the freedom to act in relation to the State is called political rights and the freedom to defend one's rights in courts is termed as legal rights.

Right is based on freedom, for it calls on men to fulfill certain duties. Rights are meaningless without freedom and freedom remains an empty concept without the right to act within a particular framework. Freedom assumes a definite meaning in each ideology according to its conception and practice of human rights.

Human Rights: A Comparison of the Western and Islamic Views and Practices

The declaration of human rights, a result of the French Revolution, was completed on 26 August 1789. The two fundamental doctrines, which gave the declaration its force as the gospel of the Revolution, were those of the natural rights of man and national sovereignty.

The natural rights stated in the preamble were held as inalienable and sacred, because they were considered to be inherent to human nature. These rights were defined in the article II as those to liberty, property, security and the right to resist oppression. Liberty included two aspects, individual liberty and the freedom of opinion. Freedom of speech, liberty of press and expression of religious opinions were secured in articles X and XI.

Though article I proclaimed all men to be equal in rights, it did not assert their political or social equality. As the French Revolution, was mainly led by the business class, which had grievances against the feudal class, the authors of the declaration were perhaps not ready to grant equal political rights to all classes. However, clauses VII–IX secured the principle of equality before law, while clauses VI and XIII established the principles of civic and fiscal equality. 6

In order to understand the loopholes in this declaration, we have to discuss at some length how the various types of rights are distinguished from one another. In general, a right is defined as a claim or title to anything that can be enforced or a claim to act, possess or enjoy anything, or the use thereof; it may exist in the nature of a privilege or power. A right in the legal sense is "that which one has a legal claim to do; legal authority, immunity granted by authority". The existence of a legal right implies the existence of legal remedy for one does not exist without the other. 7

Civil rights are those which appertain to citizenship and which may be enforced or redressed by a civil action. These are divided into absolute and relative rights. Absolute rights are supposed to be inherent to humanity, under which are placed rights of personal security, mobility, honor, health and enjoyment.

Relative civil rights include those which subsist between the people and the government, such as the people's right to protection at the hands of the government; the right of allegiance, which is due to the government at the hands of the people; the rights of husband and wife, parent and child, guardian and ward, master and servant, reciprocally.

Right is co-existent with authority or government, and both are inherent to man. According to Bouveir rights precede government or the establishment of States. Johnson holds that a civil right is accorded to every member of a distinct community or nation, while a political right is exercisable in the administration of government, such as the right to vote in elections. Bouvier says that certain apparently natural rights may not be actual, such as rights of privacy. 8

Another step towards declaration of human rights was taken by the United Nations on 10 December 1948. The General Assembly passed the Universal Declaration of Human Rights, also known as an international Magna Carta. It enumerates the specific rights to life, liberty and security of person; freedom from arbitrary arrest, detention and exile; fair and public trial by an independent impartial tribunal; freedom of thought, religion, and conscience; freedom of peaceful assembly and association; and the rights to social security, work, education and participation in the life of an artistic and scientific community were added to them later. 9

The civilized Western world had to go a long way to reach a universal declaration of human rights. Despite a lapse of one and a half centuries after the French declaration of human rights, the U.N. declaration falls short of ensuring equal rights of people of different race and color as well as ideological and religious freedom for all the nations of the world, particularly those of the Third World, which have no safeguard against their economic, cultural and political exploitation by the so-called advanced nations.

Interpretation of terms like freedom, human rights and sovereignty is considered to be a monopoly of the industrially advanced powers. Freedom-fighters are dubbed as terrorists, while inhuman acts of aggression, suppression, subversion, interference in the affairs of sovereign nations of the Third World by the imperialists are termed as means of safeguarding the freedom and human rights of the people of the victim countries.

What is inconvenient to the champions of open society and human rights is labeled violation of human rights and is condemned by international forums and mass media. Contrarily, the countries openly practicing policies of Apartheid and racial discrimination, such as South Africa's white minority government and the Zionist regime, receive all kinds of assistance and support from the civilized West.

Military dictatorships and anti-people regimes that serve their Western masters and crush democratic movements of their people are justified on the pretext of fighting against obscurantism and religious fanaticism. How human rights and freedoms are interpreted is a matter of convenience for the guardians of Western civilization and supremacy.

The movements of Islamic resurgence particularly invite the wrath of the standard-bearers of human rights. Socialist countries criticize capitalist nations for denying ideological and economic freedom to their people, while Western democracies accuse socialist States of totalitarianism and violation of fundamental rights. Both are right so far as the other camp is concerned, and both are wrong with regard to their claim of granting all the freedoms and rights to their people. Capitalist democracies and socialist republics represent two faces of one and the same coin in the modern world for transacting the business of human rights.

Islam, if studied and judged without any bias, can be justifiably acclaimed to have launched and practiced a universal message of human rights and freedom fourteen centuries ago, in which all the above-mentioned contradictions and inconsistencies were resolved at both the theoretical and practical levels. Islam being a religion consists of a set of beliefs. And beliefs, as defined by C. S. Pierce, the founder of Pragmatism, are distinct from ideas, for those who hold them, while ideas often remain unpracticed necessarily act them upon. Hence, true Muslims, also practiced whatever Islam preached.

As in Islam all dichotomies of theory and practice are resolved, wherever we see disparity between professing and practicing, we can say that in such cases the essential condition of Islam is not fulfilled. Islam literally means submission to God. The submission of various selves struggling to achieve supremacy to an Absolute Self brings harmony in the world of unceasing struggle.

Harmony in the human collective existence can be maintained and ensured through a balanced and just award of equal rights to all individuals along with the freedom to shoulder corresponding obligations, so that human rights are accorded to all. Islam brought into existence such a harmonious society for the first time in the annals of human history, at a time when the advanced West of today lived in a total darkness and without any conception of freedom and human rights.

Before the advent of Islam, the great Greek civilization had introduced a rudimentary form of democracy in the city-states and later the Romans also put up a semblance of democracy for a short time. But in Greek democracies only free men, not women, had the right to vote, and slaves were considered unworthy of having any rights.

The vast Roman Empire was virtually a slave State, in which only the free ruling class enjoyed certain rights. The Byzantine Empire that succeeded the Roman Empire never practiced the teachings of Christ and denied freedom of thought and enquiry to Christians themselves. The Popes were equally intolerant of free enquiry.

In the Christian theocracies and monarchies, religious minorities were persecuted and discriminated against. The socio-political structure of the Persian Empire was equally oppressive, in which only the priests and noblemen enjoyed some rights. In this caste-ridden set-up the common people could not even think of freedom.

The Indian society was also caste-bound, where the lower castes constituting the vast majority of people were treated as subhuman beings. In such an epoch, Islam emerged with a universal message of human freedom that guaranteed equal rights for all human beings irrespective of their race, color, nationality, faith, and sex.

Despite deviating from the path of the Prophet (s.a.w) and his true successors, Muslim rulers generally observed the Islamic principle of human equality and granted much more freedom and rights to their subjects than any other past or contemporary State. Not only Muslims, but also non-Muslims enjoyed full freedom in the States ruled by Muslims.

Sayyid Amir Ali, in *The Spirit of Islam*, stating that Islam never interfered with the dogmas of any faith, writes:

“Whilst orthodox Christianity persecuted with equal ferocity the Jews and Nestorians, Islam afforded them both shelter and protection. Whilst Christian Europe was burning witches and heretics, and massacring Jews and infidels, the Moslem sovereigns were treating their non-Moslem subjects with consideration and tolerance. They were the trusted subjects of the State, councilors of the empire. Every secular office was open to them along with the Moslems. The teacher himself had declared it lawful for a Moslem to intermarry with a Christian, Hebrew, or Zoroastrian.” 10

The rights accorded by Islam to non-Muslims, women, and slaves were not only unprecedented in those days, they also distinguish Islam from modern ideologies.

A detailed discussion on the subject of human rights granted and practiced by Islam is beyond the scope of the present article. I would confine my discourse to certain rights granted to women, slaves, and non-Muslims, in order to show to what extent Islam respected human freedom. This study would enable us to understand how far the Islamic conception of freedom had been translated into action and practice.

Besides the Qur'an, our other main source of reference is Nahjul Balaghah of al-'Imam Ali (a.s), which is in total conformity with the tradition of the Prophet (s.a.w).

The Qur'anic Conception of Freedom and Rights

The relation between rights and freedom is twofold. On one hand no right can be conceived without freedom; on the other, rights ensure certain freedoms for human beings. In the same way, rights and duties are also related to each other reciprocally. Every right granted to man saddles him with some duties. Duty, in a broader sense, means respecting the rights of other, which in its own turn results in securing a safer ground for enjoying and exercising rights.

Freedom of man implies that all men have equal right to freedom, which leads to a logical corollary that every individual's freedom is delimited by other's freedom. But this limitation does not deprive one of his freedoms; rather, it safeguards the freedom of all. If one is allowed to exercise his individual freedom to an extent, which results in usurping, or curtailing other's freedom, nobody shall remain free, and freedom itself will become meaningless. Thus freedom in itself is a right as well as a duty.

Sometimes duty precedes right, for instance, when a person knows and obeys God (both of which are primary duties of a human being according to Islam), he is entitled to certain rights. In this case, fulfilling one's obligation towards God bestows upon one greater freedom also. Of course, man is free to disobey his Creator, but disobedience lands him in the worst type of slaveries, of the world and other men. On the contrary, obedience to God emancipates the human being from all kinds of freedom and rights.

Usually rights are supposed to precede dependence and obedience, and entitle him to greater duties. It is very difficult to solve the riddle as to which is prior between these two. In actuality, freedom, right and duty (or obligations) are three sides of a triangle, in which all three sides are equal. In this triangle, I personally prefer to regard freedom as the base. However, all three sides are equally essential to form a triangle. If any one of the three is removed, the triangle disappears.

Islam has given equal importance to all the three, which together form the moral, social and political conduct of a Muslim. I do not mention religious or theological behavior intentionally and consciously, because religious behavior is nothing but the sum total of the various dimensions of human behavior. Realization of God and obedience to Him is the basis of man's moral as well as social and political conduct. In reality, these patterns of behavior that are named differently are intertwined and are indistinguishable from one another.

Islam regards all different modes of human behavior as modes of an integrated activity. The world outlook of tawhid approaches human behavior also from a monistic and unitary viewpoint. The purpose of all human activity is the establishment of justice at all levels.

Starting from the base, I would reemphasize my belief as a Muslim that man's existence is grounded in freedom, which is inherent to man's nature. He is born free in the world, which calls upon him to choose and act freely in order to determine his destiny.

Freedom is ensured in the Qur`an, both inborn and acquired. There is no distinction between a believer and a non-believer in this respect. What is prohibited is evil and what is lawful is good for all men. It is good and evil that is the criterion of lawful and unlawful, not vice versa. Those who follow the rational commands of God revealed through the Prophet (s.a.w) are emancipated:

(The Prophet) enjoins them good and forbids them evil, and removes from them their burden and the shackles which were upon them . . . (al- A'raf 7: 157)

This general principle based upon the inherent good and evil of things and acts is universally applicable, and it is in this sense that Islam is "the religion of (human) nature (it is Divine nature in the sense that it is ordained by God).

As we have pointed out, no fixed nature is imposed upon man, but he was created in the way he deserved to be. In this way, we can understand the true meaning of "***there is no compulsion in religion***" (*al-Baqarah, 2: 256*). This principle is further elaborated in another verse:

"And strive hard in (the way of) Allah, such a striving as is due to Him; He has chosen you and has not laid upon you any hardship in religion". (Al-Hajj 22: 78)

Men are free to make use of and enjoy all the things not declared as unlawful (al-Ma'idah 5: 87-88).

The prohibited things are overt and covert indecencies, aggression and injustice (al-'A'raf 7: 28).

Justice and equity, which are the ends of freedom, are enjoined (al-Ma'idah 5: 29).

In the matter of doing justice, God does not desire hardship for men but ease: (al-Baqarah 2: 185).

All the Qur'anic verses laying down the laws of just action are addressed to and are applicable to all human beings irrespective of their faith. God is the Lord of all the worlds, and the Prophet (s.a.w) of Islam is sent as a blessing for all the worlds. Neither His Lordship nor the blessings of the Prophet's prophethood is confined only to Muslims. Hence freedom, the greatest of all blessings, is granted to all men.

Freedom, Human Destiny, and the World in the Nahjul Balaghah

The theme of freedom is repeatedly emphasized and elaborated in the Nahjul Balaghah. We shall quote a few relevant passages to substantiate the points made so far.

"... (God) has given inborn disposition to human minds to shape themselves either towards good or towards evil". 11 (Khutbah: 75)

"They were given complete liberty in this world, of thought and deed, to think as they like and to do as they desire, so that they may develop their minds, and with the help of such developed minds, free will, and the span of life allotted to them, find the purpose for which they were created...." 12 (Khutbah: 86).

In Khutbah 86, Imam Ali (a.s) further says that human beings are given sound bodies and limbs with perfect senses to acquire the knowledge of the external world and the light of reason and wisdom, so that they are able to exercise their freedom of thought and action. 13

This point forms a recurring theme of the Nahjul Balaghah, for a sound body, sound senses, and reason are necessary conditions for exercising freedom. Those who are deficient in these respects are not held responsible for their acts, such as insane persons and infants. Solely those endowed with these things are responsible for their acts:

"Lives of men who were enjoying themselves to their hearts' content and had perfect freedom of action have such useful lessons in them to teach...." (Khutbah: 86) 14

From the above-quoted passages, certain points can be inferred: man is given complete freedom with the ability to exercise it; freedom has a purpose: to realize and obey Allah and act in a just manner. Justice can be defined as maintaining equilibrium among various obligations and rights. One has to be just to oneself.

There are many verses in the Qur'an and innumerable passages in the Nahjul Balaghah restraining men from indulging in excesses even in desirable deeds, such as generosity, excess of which is israf and is prohibited. Doing justice to others, which ensures social and political morality, and just behavior in relation to God, requires abstaining from overindulgence in ritual worship. By maintaining justice in all the three aspects--that is in relation to oneself, others and God; man is free to determine his destiny.

In contemporary Western philosophy existentialism is credited with introducing the notion of man's freedom in shaping and molding his own destiny, but a glance at the Nahjul Balaghah is sufficient to arrive at the conclusion that it was Imam Ali (a.s) who advanced this idea for the first time:

If by destiny, you mean compulsion (physical or otherwise), whereby we are forced (by nature) to do a thing, then it is not so. Had it been an obligation of that kind, then there would have been no question of reward for doing it and punishment for not doing it (such as breathing, sleeping and eating are physical

necessities entailing no reward or punishment), and the promised blessings and punishments in afterlife will have no meanings.

The Merciful Lord has given His creatures complete freedom to do as they like, and they are prohibited from certain actions and warned of the consequences of such actions. These commands carry in them the least trouble and lead us towards the most convenient way of life... He sees people disobeying Him and tolerates them, not because He can be overruled or be compelled to accept human supremacy over Him.

He did not send His prophets to amuse Himself or provide amusement for them. He did not reveal His orders without any reason and purpose. Neither has He created the galaxies and the earth without any design, purpose, and program. A universe without a plan, purpose, and program is the idea of the infidels and heathens; sorry will be their plight in the fires and the hell... (Sayings: 78) (Destiny) was an order of God to do it, like the order he has given in His Holy Book "You are destined to worship him and nobody else". Here destined means "ordered", it does not mean physical compulsion. 15

From this brief saying, many points relevant to philosophical and moral issues can be derived: determining one's destiny is an act of man's free will, different from physical compulsion; Divine commands are rationally designed and have a purpose; the universe itself has a design and a purpose; in this purposive scheme of creation man is free to act or not to act in accordance with the Divine purpose; voluntary acts of men deserve reward or punishment according to their nature; and that freedom brings in its wake responsibility.

Kant, who could not bring himself to accept the existence of God on the strength of ontological, causal, and teleological arguments, had to evolve a moral proof for the existence of God, in which God, freedom of human will, and life after death served as the essential postulates of morality.

If we compare Imam Ali's approach to the problems of freedom, morality, purposiveness of creation, and the existence of God, we may come to a more convincing philosophy. Imam Ali does not require any proof for the existence of God, but believes in Him on the ground of revelation and his own inner experience.

This is the same stand, which was taken in the West by Kierkegaard in the 19th century after realizing the inadequacy of reason in proving or disproving God. Recent theology in the West accepts the inner yearning of man to have faith in a Supreme Being as the only criterion of belief in God. Starting from the same position Ali (a.s) proves the purposiveness of creation, arguing that it is created by an intelligent, knowing, and just God with a design and a purpose, and all His commands are just and reasonable, for He does not command man to do something that is beyond his capacity.

Human freedom is an essential constituent of this purposive world, without which man would not have been able to pursue certain goals. It is also necessary for morality, which comprises voluntary actions. Thus freedom is not a postulate in Imam Ali's world-outlook, but an organic part of a just and purposive

order. His firm faith in a just God makes him believe in the Hereafter.

In this way, the Islamic world-outlook he presents is more coherent and consistent than that of Kant or any other Western philosopher. In this system, human reason does not give rise to antinomies, because it is not required to trespass the region of faith or inner experience. All the three axioms of morality, which Kant derived from, his moral philosophy follow in Ali's Islamic system of thought from faith in God and freedom of human will.

In the world conceived by him all individuals are free and they form a "kingdom of ends that is the beings sovereign in this world and only subordinate to Divine commandments. They are not subservient to other human beings and are masters of their own destiny.

In this sense Imam Ali (a.s) considers this world of ours better than any conceivable worlds. There is a saying of his that refutes the commonly believed notion that the Imam (a.s) despised the world and his approach to it was ascetic and pessimistic. He heard someone abusing the world and said to him that it was not the world, which deceived man, but it was man who was allured and enchanted by it, and subsequently debased himself and polluted the world.

He said: Verily this world is a house of truth for those who look into it carefully, an abode of peace and rest for those who understand its ways and moods, and it is the best working ground for those who want to procure rewards for their life in the Hereafter. It is a place of acquiring knowledge and wisdom for those who want to acquire them, a place of worship for the friends of God and for the angels. It is the place where prophets receive revelations of the Lord.

It is the place for virtuous people and the Saints to do good deeds and to be assigned with rewards for the same; only in this world they could trade with God's favors and blessings, and only while living here they could barter their good deeds with His blessings and rewards. Where else could all this be done? 16 (Sayings: 130)

This passage may remind one of Leibnitz's saying: "Ours is the best of all possible worlds", which reflects an optimistic view of the physical world. Ali (a.s) regards it so because it is here and here alone that man's freedom is tested as to how far he acts justly. In the light of this passage we can justify Iqbal's view that man chose freely to leave Heaven and come to this world.

Right to Acquire Knowledge: Nahjul Balaghah's Approach

Knowledge of the creation in general, and of this world in particular, is emphasized by Imam Ali (a.s) in the Nahjul Balaghah as a prerequisite for making use of freedom in the right direction and for the purpose willed by God. Knowledge, if used properly, helps man in winning God's favor and bartering his deeds with Divine Will, as the Qur'an declares:

"And among men is he who sells his self for seeking the pleasures of Allah...." (al-Baqarah, 2:

Those who attain such a stage are few, and as many mufassirun point out Ali (a.s) as one of those chosen few who bartered his self with Divine Will, according to the interpretation of this Qur'anic verse. When human will becomes one with Divine Will, man attains the highest stage of freedom: now there is no compulsion, and whatever a man wills or does is in conformity with what God wills and wants man to do. Rightly guided knowledge helps in attaining this stage.

After expressing his view on human freedom, Imam Ali (a.s) proceeds to highlight the value and importance of knowledge. We find after the saying 78 about freedom, his views about knowledge and wisdom in the saying 79, or in his saying 130 we come across his views on the significance of acquiring knowledge and contemplating the signs observable in the world after his description of the world as the best place for making proper use of human freedom.

Knowledge is held by Ali (a.s) to be the light of reason, a treasure, the root of all-good, and that, which emancipates man; it is a power (saying: 146), 17 and one's supremacy is in proportion to the extent of one's knowledge and wisdom (Sayings: 175) 18

From his many sayings about knowledge it may be rightly inferred that knowledge is itself freedom, for it saves man from ignorance, which is the cause of man's slavery to false beliefs, unfounded fear of nature and his superiors. It is at the same time a key to attain and safeguard freedom accorded to human beings.

The Qur'an is unique among the scriptures in encouraging the believers to acquire knowledge and to verify the fundamentals of faith rationally. There are 704 verses in the Qur'an where the word 'ilm or its derivations are used. Book, an essential aid of 'ilm occurs in the Qur'an 230 times, while the total number of verses in which words related to kitab and kataba have occurred is 319. The Qur'an itself is mentioned as kitab on 81 occasions in its text.

It is not possible in this brief article to quote even a few of the relevant Qur'anic verses and the sayings of Ali (a.s). However, it would not be out of place to point out that the right to acquire knowledge and freedom of enquiry forms an essential part of the laws and guiding principles governing human rights in Islam. In this matter, no distinction is made between Islamic and non-Islamic sources and Muslim and non-Muslim teachers. Ali (a.s) says:

"Acquire knowledge and truth from whomever you can, because even an apostate can have them, hut unless they are passed over to a faithful Muslim and become part of wisdom and truth that he possesses, they have a confused existence in the minds of apostates". (Sayings: 79). 19

Another saying of Ali (a.s) is an elaboration of the Prophet's famous tradition, according to which knowledge is the lost property of Muslims: "A wise saying is a lost and long-sought article of the believer. Therefore, acquire it even if it is to be found with hypocrites". (Sayings: 80). 20

The right to acquire knowledge has been always accorded to non-Muslims also in Muslim States. An important point made by Ali (a.s) is as to how an infidel uses knowledge, which remains in a confused state in his mind. The truth of this view is evident in our age, for modern knowledge, as pointed out by modern thinkers, is devoid of human considerations and has dehumanized its retainers and creators.

All the uses of scientific discoveries and advancements for inventing and selling the weapons of mass destruction indicate the absence of a right worldview. Islam, on the other hand, humanizes all knowledge in the light of Divine guidance, which leads to a humanized world outlook. Being fully aware of the dangers of the abuse of knowledge, Ali (a.s) claims that God will always appoint some Imam as the guardian of Divine revelation and he, openly or hidden from the eyes of the world, will guide men till the end of this world. (Saying 146 addressed to Kumayl) 21

Thus the right to receive unceasing Divine guidance, along with the right to knowledge and enjoy freedom of thought and expression forms the foundation stone of the Islamic universal declaration of human rights. The constitution of the Islamic Republic of Iran ensures the right to knowledge and freedom of learning through various articles.

Article 2, clause 6, declares that the Islamic Republic is based on faith in Allah, belief in the exalted dignity of man and his freedom coupled with responsibility before God, and that equity, justice, political, economic, social, and cultural independence are secured by recourse to:

(a) Continuous ijtiḥād of the fuqaha¹.

(b) And sciences and arts and the most advanced results of human experience, together with the effort to advance them further. An article of the first chapter states that the Islamic Republic has the duty of directing all its resources to raising the level of public awareness and the spirit of inquiry, investigation, and innovation in all areas of science. 22

These rights are not confined to Muslims only, but are accorded to non-Muslim citizens as well in the light of Article 19 (Chapter III), which states that: "All people of Iran, whatever the ethnic group and tribe they belong to, enjoy equal rights; and color, race, language, and the like, do not bestow any privilege. 23

These articles are in conformity with the Islamic view of human rights.

Underprivileged Sections of the People and Their Rights

Islam paid special attention to weaker sections of society, for stronger sections not only get what is rightfully their due, but also grab what belongs to weaker sections. Christ had pleaded and fought for the oppressed, but when his followers came to power they adopted the same system, which was based on according privileges to the ruling class and the priests.

On the contrary, Islam granted special rights to the underprivileged, so that their rights are not denied to them and any violations of them were redressed. Woman as a whole had been suppressed by all pre-Islamic societies both in the East and the West. The social status and legal position of slaves had been even worse. With the establishment of Islamic rule, a new class of weaker people came into existence, that is non-believers living under Muslim rule.

Besides slaves, there had been always in existence a class of have-nots consisting of small peasants, landless laborers, poor artisans, orphans, widows, mentally and physically handicapped, the sick and the old, prisoners and travellers (ibn al-sabil).

The Qur'an makes special mention of all these classes while laying down the principles of justice and framing laws according rights to the people. To help the deprived the Qur'an commands emphatically and repeatedly to give zakat, and also recommends the disbursement of sadaqat among the needy.

Zakat and sadaqah are usually translated as alms and charity, but in the Qur'an they are defined in much better terms. Zakat has two meanings: purification, and the cause of blessing and abundance. Both the meanings are derived from the following Qur'anic verses: al-Nur 24: 21, al-Kahf 18: 74, al-'A'la 87: 14 & 15, and Fatir 35: 19.

In interpreting the verses from the surahs al-'A'la and Fatir, some exegetes have interpreted tazakka in the sense of zakat. Sadaqah also has the same meaning according to verses 103 and 104 of al-Tawbah Surah 9. 24

Both zakat and sadaqah are means of purifying one's riches, with the difference that zakat is obligatory and sadaqah is recommendatory. Muslims are distinguished from mushrikun, that is polytheists and idolaters, on the ground that the latter do not give zakat (Ha' Mim 41: 6-7). From the sixth and seventh verses of 'Ha' Mim' it is inferred that mushrikun are also obliged to give zakat according to the Muslim law. Paying of zakat, which may be translated as poor-rate or poor-due, is considered by the Qur'an as a more valid criterion of a Muslim's faith than offering of prayers:

"It is not righteousness that you turn your faces towards the East and the West, but righteousness is this that one should believe in Allah and the Last Day and the angels and the Book and the prophets and give away wealth out of love for Hun to near of kin and the orphans and the needy and the wayfarers and the beggars and for (the emancipation of) the captives; and keep up prayer and pay the zakat..." (Al-Baqarah, 2: 177).

As the special categories of people deserving to receive zakat are enumerated, similarly sadaqah also, as specifically mentioned, is to be given to the poor and the needy, the officials in charge of collecting the zakat, those whose hearts are made to incline¹ (to Islam) (al-mu'allafat al-qulub), the (ransoming of) captives, those in debt, and in the way of Allah and the way-farer (al-Tawbah: 60). 25

Thus zakat is due to seven categories: the needy, the poor, the collectors of zakat, the mu'allafat al-

qulub, ransoming of captives and emancipating slaves, the indebted, and the wayfarers; an eighth category is added to it, that is public funds for the construction and administration of the mosques, educational institutions, water works, and for meeting the expenses of jihad. 26

Special mention is made of paying devote their entire time and energy to worship, and self-respecting people who never go to ask for help despite extreme poverty (al-Baqarah, 2: 273). 27

The needy and poor of the lineage of the Prophet (s.a.w), who are prohibited from accepting zakat and sadaqah, are taken care of by allocating to them one half of khums; the first half of which is reserved for God and the Prophet (s.a.w) and the Imam (a.s) of his Family.

Abu Hanifah is of the view that the part reserved for the Prophet (s.a.w) is invalidated after the Prophet's demise,²⁸ but the Imamiyyah Shi'ah reserve it for the maraji', in the absence of the Imam (a.s). The remaining part of khums is reserved for the orphans, the needy and the way-farers. Regarding this also the Shi'ah differ from Ahl al-Sunnah. While the former say that these three parts are also reserved for the Banu Hashim, and particularly the Talibiyun, the later hold that this three-fifth of khums money is specified for the needy among Muslims in general.

So far as the definition of dhawi al-qurba is concerned, Shi'i and Sunni fuqaha' again differ. Shi'i fuqaha' hold that this term includes all the relations of the Prophet (s.a.w) without any specification, but Sunnis say that only needy in the Prophet's family come under this category. Shi'i fuqaha' reject this interpretation for the absence of any evidence in the Qur'anic text to support it. 29

Despite these minor differences among various schools of fiqh, the Qur'anic injunctions concerning zakat and khums are generally followed by all Muslims. It is also accepted that zakat is over and above the obligatory payments to be made towards meeting the essential needs of parents and other dependents, and these payments (nafaqah) are not to be covered under the head of zakat, which is only for the eight categories enumerated above.

Thus Islamic law has taken care of all the weaker sections of society, and has entitled them to claim their rights from the rulers and upper classes. In a way Islam does not recognize any upper classes and is opposed to the amassing of huge property and hoarding of riches in proportionate to one's work and labor.

"O you who believe! Most surely many of the doctors of law and the monks eat away the property of men falsely, and turn (them) from Allah's way; and (as for) those who hoard up gold and silver and do not spend it in Allah's way, announce to them a painful chastisement. On the day when these shall be heated in the fire of Hell, then their foreheads and their sides and their backs shall be branded with it; this is what you hoarded up for yourselves, therefore taste what you hoarded". (Al-Tawbah 9: 34-35).

The conditions for the appointment of judges are very strict and rigorous and the responsibility of rulers

is so great that any true Muslim will shudder to accept them due to fear of Allah and the Law of Islam. Imam Ail (a.s) warned Qadi Shurayh that he occupied a seat which was assigned to prophets or their vicegerents, or occupied by a tyrant.

The main objective of the Islamic government is to establish the rule of justice and equity (al-Nahl 16: 19), which demands that the weak and the deprived (including slaves) should be provided their basic needs (al-Nahl 16: 71). To do justice to the underprivileged seems to be the most difficult of the jobs of a government, as Imam Ali (a.s) said, "One who comes to power often oppresses and tyrannizes, and that "oppression and tyranny are the worst companions in the Hereafter. (Sayings: 198 & 202). 30

As the weaker sections of people fall easy prey to oppression and tyranny, Islam has taken particular care to guard their rights and redress whatever their legitimate grievances may be. In this way Islamic law ensures freedom of the oppressed.

The Qur'an contains a number of verses, which lay down the guiding principles of justice:

1. Never refer to a misled and tyrannical ruler for seeking justice (al-Nisa' 4: 63, Hud 11: 113).
2. The prophets and their deputies are made the vicegerents of God for establishing the rule of justice and equity (Sad 38: 38).
3. Divinely appointed personages and judges have to follow the commands of God (al-Ma'idah 5: 48, 49 & 51).
4. Judges are obliged to see every citizen get his due (al-Nisa' 4: 61).
5. One has to abide by the order of a judge and an arbitrator (al-Nur 24: 48-49, al-Nisa' 4: 68).
6. Judges should be impartial and meticulous (al-Nisa' 4: 106).
7. Judges are bound to admit writs of non-Muslims and to dispose them at the earliest (al-Ma'idah 5: 46).
8. Accepting bribes is strictly prohibited (al-Baqarah 2: 180).

The Qur'anic text also lays down the conditions for the appointment of a qadhi: he ought to be mature, possessing sound reason, of firm faith, just, expert in fiqh with the ability to do ijtiḥad, of legitimate birth, free from mental lapses, and a male. 31

Imam Ali (a.s), in his letter to Malik al-'Ashtar which is a comprehensive code of conduct for rulers and a document laying down the Islamic principles of governance and justice, elaborates the Qur'anic code of conduct by adding that a qadhi has to be intelligent, patient, of stable temperament, honest, man of integrity, meticulous, and humble. 32

If a judge is prone to vicissitudes of mood, he cannot judge objectively. Leo Tolstoy, in the Resurrection, one of his best novels, criticizes and ridicules judges for being whimsical and moody in delivering judgments, thus committing injustice and spoiling the lives of innocent people who are at their mercy. He also seems to confirm the Qur'anic view of not referring to an unjust judge by condemning the entire legal system based upon vested interests of tyrannical rulers.

Imam Ja'far al-Sadiq (a.s) advised his followers not to appeal to the courts of unjust and tyrannical rulers who usurped power illegitimately from the rightful claimants of rulership and directed them to refer among themselves to him who is an expert on the Qur'anic injunctions and can judge justly. 33

This advice implies that judgments of an unjust government are not binding on Muslims, and, implicitly, they are expected to overthrow such a regime. The first and foremost condition of justice in human social, political, economic, and legal issues is that the entire socio-political system is to be based on justice. The rulers usurping power illegitimately and undemocratically in our age cannot establish the rule of justice. It further implies that the Islamic code of justice can be implemented in a truly Islamic society and State only.

We may logically infer from this that the States whose rulers are not elected in accordance with the Islamic criteria have no right to implement the Islamic laws of retribution (qisas) only, for these laws form an integral part of the whole Islamic superstructure. The principle of justice demands that it is the first duty of a ruler claiming to follow the Islamic polity to build a truly Islamic society conducive to the implementation of Islamic justice.

Another significant point made by Imam Ali (a.s) in his letter to Malik al-'Ashtar anticipates a modern principle of democratic rule, which was realized in the West in the present century only:

"Pay them (qadhis) handsomely so that their needs are fully satisfied and they are not required to beg or borrow or resort to corruption. Give them such a prestige and position in your province that none of your officers or courtiers can overlord them or bring harm to them. Let judiciary be above every kind of executive pressure or influence, above fear or favor, intrigue or corruption". 34

Most probably, the importance of independence, of the judiciary was realized for the first time by Imam Ali (a.s) in the annals of human history. He regarded it to be an essential condition of the administration of justice. His great concern for the weaker and oppressed sections of society is evident throughout his sermons, letters, admonitions, and directives issued to his military and administrative officers, and judges.

His concern was the honesty and integrity of persons as the basic condition in the appointment of all officers from the lowest rank up to the highest. If officers, particularly judges, are corrupt or prone to temptations, the stronger sections will be able to deprive the weak of their rights. Advising his governors to hold regular public audiences, he commands them not to let guards and police officers be present on such occasions, so that those who have grievances against the government may speak to the Amir

freely, unreservedly, and without fear. 35

At the same time he reminds them that in such audience mostly the common people will gather: Therefore, if you find them misbehaving, or acting in an unmannerly fashion, or if you feel that their talk is irrelevant, tolerate them; do not be rude and insulting to them ... 36

He adds that he often heard the Prophet (s.a.w) saying: "A nation or government in which the rights of the depressed, the destitute, and the suppressed are not guarded and where the mighty and the powerful persons are not forced to accede these rights, cannot succeed". 37

With a view to preventing any possibility of oppression and exploitation, he prohibits giving of lands on permanent lease with all property and ownership rights and water supply and other sources of public utility to anybody, because such possessions will enable privileged persons to oppress others and derive undue advantage. 38

Amir al-Mu'minin's regard for the judiciary and proper legal procedure made him to appear in the court of Qadhi Shurayh as a complainant. When the qadhi offered him a seat of honor, he reproached him for being discriminate. He accepted the judgment against himself, though his claim was right. The opposite party was a Christian, who was so impressed by Ali's submission to the court of law that he confessed that he had no claim on the disputed property; he also volunteered to embrace Islam.

Here another aspect of Amir al-Mumini's adherence to Islamic teachings comes to light. He repeatedly enquired if he was forced by somebody to give up his old faith. When he was convinced that there was no compulsion by any authority and the Christian wished to embrace Islam willingly and freely, only then he taught him the kalimah. 39

It was under such rulers that Muslims learnt to respect freedom and rights of all human beings including those of non-Muslims.

(A) Non-Muslims' Rights

As the Qur'an has taken special care of non-Muslims in the matter of their legal rights, it accords them full freedom in the matters of faith, economic activity, property, social security, and the preservation of their culture and traditions.

1. Muslims are commanded to observe the conditions of their pacts and treaties made with non-Muslims and never to violate them (al-Ma'idah 5: 1; al-Nahl 16: 91; al-'Ahzab 33: 15; al-Tawbah 9: 4 and 7; Banu Isra'il 17: 34; al-Baqarah 2: 177; al-Ra'd 13: 20; al-Mu'minun 23: 8 and 9; al-Ma'arij 70: 32).

A general principle is laid down that keeping of promises and fulfilling pacts is a sign of a Muslim. This rule includes pacts with non-Muslims also. Ali (a.s) included non-Muslims also among the common citizens paying taxes or tribute (jizyah).

Regarding pacts with an enemy, he advises Malik al-'Ashtar:

"If your enemy invites you for a treaty that will be acceptable to the Lord, then never refuse to accept such an offer. Be very careful, never break your promises with your enemy, never forsake the protection or support that you have offered to him, never go back on your words and never violate the terms of treaty. You must risk even your life to fulfill the promises given and the terms settled. Because of all the obligations laid by the Mighty Lord upon man there is none so important as the keeping of one's promises . . . Even the heathens take care to keep promises made among themselves... Deception and fraud against your enemy is deception against God. Let there be no ambiguity in them (pacts); do not try to take advantage of any ambiguous word or phrase in an agreement . . . Beware of the sin of shedding blood without religious justification and sanction, because there is nothing quicker to bring the wrath of the Lord..." 40

In the same letter, he writes: "Remember Mailik that among your subjects there are two kinds of people: they are either your brethren in the faith or likes of you in nature and creation. They may have failings and faults and commit slips. They may act wrongfully either willfully or by neglect. So extend to them your forgiveness in the same way as you would like God to extend His forgiveness to you..." 41

The rights of non-Muslims living in a Muslim State are covered by the above instructions; their lives are to be protected and their bloodshed is prohibited. Verse 58 of al-'Anfal and verses 90-94 of al-Nisa' encourage Muslims to accept any offer of peace by non-Muslims with the Divine promise that if they intend to deceive, God will protect Muslims.

2. Muslims have to take care of the dhimmis, i.e. non-Muslims under the protection of a Muslim State according to a dhimmah pact. A dhimmi is free to abide by the dhimmah pact or to leave the Muslim State. There is no compulsion. Al-'Allamah al-Hilli holds that this pact is not binding on a non-Muslim for ever. 42

This is a bilateral pact. The Jews, Christians and Zoroastrians are covered by this pact, but the Sunnis include all other non-Muslims also under the pact of dhimmah. The pact made with the Christians of San'a' by the Prophet (s.a.w) and written by Ali (a.s), declared that all the Christians living in the east and the west, whether Arab or non-Arab, are covered by it; anybody who attacks them will be regarded as attacking Muslims, and if a Muslim violates it, whether he is an official or a commoner, he will be unfaithful to Islam.

According to it, Muslims were held responsible for securing the security of the Christians and were bound to defend them with their own lives. Dhimmis would not be liable to pay any other tax except the tribute they had willingly agreed to pay; their priests and churches would be safe; the priests would be exempted from paying jizyah; the rich among them and the traders would not be asked to pay any additional tax; none among them would be forced to fight in battle; they would be treated in the best manner; and anything that would cause them harm would be prevented. 43 Similar treaties with the

people of Ila ('Aqabah) and Najran were also concluded. 44

3. The dhimmis have to pay jizyah only, and are bound to abide by the Islamic laws pertaining to judicial matters and penal issues, which are applicable to all citizens equally.⁴⁵

It means that the non-Muslims enjoy equality in legal affairs with Muslims. It was because of this right to equality that a Christian could rebut the Caliph in the court of justice, that too on false grounds, as described above.

Jizyah is a financial commitment on the part of the dhimmis in accordance with the Qur'anic injunction (al-Tawbah: 29). According to al-Shaykh al-Tusi, the amount of jizyah is not fixed; it may be fixed by Muslim rulers taking into consideration the yield of the lands of the dhimmis, or determined with regard to each individual's capacity. Amir al-Mu'minin (a.s) levied a tax of 48 dirhams on rich ones, 24 on middle class people, and 12 on the poor.⁴⁶

Tribute is a term used for both jizyah and kharaj, which have been confused with each other. Jizyah is per head capitation tax, while kharaj is a collective land tax. If the one is levied, the other one is not collected. It was the second Caliph only who levied both the taxes simultaneously, which misled some Muslim fuqaha' and Orientalists into believing that both were collected from non-Muslims. 47

In case a dhimmi embraced Islam, he was exempted from jizyah. Amir al-Mu'minin (a.s), in his letter to Malik al-'Ashtar, directs him to be considerate in respect of the circumstances of the farmers in collecting land revenue, always keeping in view the welfare of the tax-payers.

In his view more importance should be attached to the fertility of land than the collection of taxes, because the actual taxable capacity of people rests upon the condition of the land. He warns that a ruler who does not pay attention to the prosperity of his subjects and the fertility of land but concentrates only on the extraction of revenue lays waste the land, ruins the State, and brings destruction to the creatures of God, and his rule cannot last long.

In case of natural calamities and vagaries of rain, drought and destruction of crops, the tax is to be reduced or, if conditions necessitate, totally exempted for the season. He also recommends providing all facilities to the farmers, for the best investment for a ruler is to help his subjects in times of difficulty.

It may be noted that it was mainly non-Muslims who were engaged in cultivation of land in those days, for Muslims were mostly employed in the army and the defense of the State. The lenience in collecting taxes is a means of winning the dhimmis' confidence and love, which in case of a crisis would prove to be an asset and source of strength for the ruler. Ali (a.s) wanted Muslim rulers to behave differently from the kind of rulers described by the Qur'an as those who bring devastation to the land and misery to the people (al-Naml 27: 34).

The poverty of the people, in his view, is the actual cause of a country's devastation and ruin.

Extraordinary conditions apart, in normal conditions too, certain categories of non-Muslim subjects were exempted from jizyah or kharaj, such as minors, the poor, old, disabled and insane persons. 48 Women are never required to pay jizyah. The married among them are entitled to all the rights of citizenship on the basis of their husbands' payment of the tax, while maidens are exempted due to their parents' and guardians' citizenship rights. Every treaty that levies jizyah on women is null and void from the Islamic viewpoint.49

Besides natural or other calamities, in some other circumstances also non-Muslims are exempted from the payment of jizyah. These are: whenever Muslims feel they are unable to fulfill their obligations towards the dhimmis; whenever Muslims consider the exemption to be instrumental in creating and fostering better relations between the Muslim and non-Muslim communities; whenever Muslims are in need of seeking their active participation in war; and whenever any of them embraces Islam. 50

In most of the countries under Muslim rule jizyah was not collected at all; for instance, in India the majority of rulers, with a few exceptions, did not levy jizyah on non-Muslims. Aurangzeb Alamgir, the Moghal emperor, levied it in his reign, but it proved to be against the interests of the Muslim empire and counter-productive.

The dhimmis and other non-Muslims loyal to the Muslim State enjoy freedom of faith and worship. Their places of worship are protected.51 They have usually received liberal grants from Muslim rulers. Though they have equal legal rights, they are free to refer their disputes to their own religious authorities.52

They are accorded all the rights granted to Muslim citizens, that is, the right to education and dissemination of knowledge, freedom of thought, the right to property, the right to engage in business, agriculture, industry, and any honorable activity. They are treated equally in social matters and are respected. 53

Al-Sharif al-Radi composed elegies paying tribute to his friend and teacher, al-Sabi', an eminent Christian poet and scholar. Non-Muslims have been serving Muslim courts as ministers, administrators, accountants, secretaries, and ambassadors. They also excelled during Muslim regimes as scientists, physicians, teachers, men of letters, artists, businessmen, industrialists, bankers and soon. Even the secular democracies of today are unable to ensure all these rights and freedoms to their minorities.

Since the Muslim States could ensure these rights to their non-Muslim subjects, we seldom find in their history incidents of communal clashes and riots. The Constitution of the Islamic Republic of Iran states in article 23 of Chapter III: "The investigation of individuals' beliefs is forbidden, and no one may be molested or taken to task for holding a certain belief". 54

(B) The Rights of Slaves

All medieval societies allowed slavery to continue in the interest of the ruling classes, but Islam discouraged it. As the historical conditions did not permit its outright abolishment at that time, Islam

granted slaves human rights, which had been denied to them from time immemorial.

The Qur`an encouraged Muslims to emancipate slaves in such verses as: al-Baqarah 2: 177; al-Ma'idah 5: 89; al-Nisa' 4: 93; al-Mujadilah 58: 3.

The Prophet (s.a.w) also entreated all the Muslims to let slaves free, and himself did it. He appointed slaves to important positions and treated them equally. Though the institution of slavery continued in the Muslim world, but due to enjoying benefits of good education and respectable status many slaves rose to high posts and sometimes ruled over their past masters. The Turk slaves of the Banu Abbas could dictate their terms to the caliphs also. The founders of Ghaznawi and Ghawri empires were slaves.

Similarly the Khawarazmi rulers were descendants of slaves. In India, the first Muslim empire was built up by a slave of Shihab al-Din Ghawri, Qutb al-Din Aybak, who in his turn was succeeded by his slave, Iltitmush, and subsequently his slave Balhan was made the emperor when Iltitmush's family came to an end. In South India (Deccan), the first independent dynasty was founded by a slave of Muhammad Tughlaq, Ala' al-Din Hasan Gangu Bahmani. Slaves were often married their master's daughters.

No other religion or law has treated slaves so respectfully. Practically, slavery was almost abolished in the Muslim world when the newly civilized West was making the Africans slaves and deporting them to America, where the Black Americans are still fighting for equal rights and human treatment. South Africa is another example of the treatment of the Blacks, who despite being the legitimate masters of the country and forming the majority are being treated and persecuted in a manner worse than slaves.

The authors of the Universal Declaration of Human Rights commit all such atrocities against free human beings. Islam bestowed freedom on slaves of the world fourteen centuries ago. Slaves were the greatest beneficiaries of the Islamic declaration of human rights. It is because of Islamic equality that peoples who were discriminated against on racial or other grounds came to the fold of Islam.

(C) Women's Rights

If one compares the status of women in the pre-Islamic societies of Greece, Rome, Persia, Syria, India, and Arabia, one will acknowledge that Islam raised their position to a level that they could claim equal rights with men in all spheres of life. Christianity regarded woman as the source and cause of Adam's sin and his Consequent fall, and Arab paganism buried daughters alive considering them to be the cause of shame.

Islam not only advocated equality of the sexes, but also the Prophet (s.a.w) set an example of how to respect women by paying great respect to Khadijah (a.s) and Fatimah (a.s) in particular and women folk in general. Polygamy and the Hijab are the butts of the West's and the so-called enlightened East's criticism of Islam's treatment of women. The former, on the one hand, was necessitated by social conditions, and, on the other, by the physiological make-up of the two sexes. Promiscuity and free love in modern Societies point to this natural need. T

The Islamic Hijab does not imprison woman, but rather emancipates her in many ways. Islam never approved confining woman to the four walls of the house and keeping her deprived of the fruits of education. Jawahirlal Nehru, in *The Discovery of India*, rightly points out that this type of female confinement was the result of women being deprived of their freedom under non-Islamic influences.

The West, which poses as the champion of women's equal rights, has granted them the rights to property, separation and vote only recently. Syed Amir Ali, an eminent Indian jurist, wrote in *The Spirit of Islam* in the first decades of this century:

"Until very recently, even in England, a married woman possessed no rights independently of her husband. But the Teacher, who in an age when no country, no system, no community gave any right to woman, maiden or married, mother or wife, who, in a country where the birth of a daughter was considered a calamity, secured to the female sex rights which are only unwillingly and under pressure being conceded to them by the civilized nations of the twentieth century, deserves the gratitude of humanity". 55

If the Muslim woman seeks to imitate the social role of her European sister, it will be nothing but a misconceived emancipation which shall land her in the evil mire of the capitalist system, which has reduced woman to a commodity and a sex-object for exhibition in the windows of supermarkets and reception rooms of high offices. On the contrary, Islam gave her the rights and freedoms which no system could grant her.

In Islam all the rights granted to men, with few exceptions, are also given to women. One exception is with respect to jihad, but women are expected to help men behind the war front by taking care of the wounded and doing similar important jobs. In the matter of marriage, women have the right to express their consent to marry a person and they are free to dissent. In divorce the right is given to man, but under certain provisions woman can initiate the legal proceeding to secure divorce. Woman's rights in Islam can be summarized as follows: Women are treated at an equal footing with men in all affairs: religious, educational, legal, moral and economic.

(a) In religious matters, obligations and rewards of women are the same as those of men (al-Nisa' 4: 1; al-'Araf 7: 189; al-Ahzab 33: 35).

(b) In ethical matters, also, equality of the two sexes is maintained (al-Nisa' 4: 124; al-Nahl 16: 97).

(c) Regarding education, the Qur'an implicitly gives the same rights to women as are granted to men.

Similarly, the Hadith of the Prophet (s.a.w) making acquisition of knowledge obligatory upon all Muslims does not mention any sex; in fact, the Prophet commanded that even the slave girls be educated. As women are responsible for taking care of infants, they are supposed to have some knowledge of medicine and also of the art of helping in childbirth.

The Prophet (s.a.w) asked a lady to instruct his wife Hafsa bint Umar. Women also used to attend the Prophet's lectures. Because of this practice, a number of ladies from the Household of the Prophet (s.a.w) excelled in hadith and fiqh.

In the history of Islam, we find the names of a number of women who equaled most educated men in the religious sciences, arts, and literature.

(d) The legal and economic rights of women are also at a par with those of men. Islam ensured economic independence of women by giving them a share in parent's property (al-Nisa' 4: 7 and 11), and warning against depriving them of their inheritance (al-Nisa' 4: 19). A woman is entitled to hold and manage her property.

She enjoys the right to spend what she possesses and her husband cannot deprive her of her dower (mahr) (al-Baqarah 2: 229, al-Nisa' 4: 19-21 and 25), unless she voluntarily forgoes it as a gift (al-Nisa' 4: 24). If wronged, she is entitled to compensation just like a man, and if she commits a civil offence, the Qur'an says, her penalty is no less or no more than that of a man in a similar case (al-Ma'idah 5: 41; al-Nur 24: 2).

(e) In the marital contract, except in the case of divorce, she is given the same rights that are granted to her husband. The Qur'an explicitly commands men not to give women in marriage without seeking their consent (al-Nisa' 4: 19).

Even the right of an infidel woman is respected by the Qur'an, which commands Muslims not to violate the modesty and honor of the women of mushrikun (al-Mumtahanah 60: 10-11). In our highly advanced age, the troops of most civilized nations of the West deem it to be their legitimate right to violate the honor of women of the enemy, for chastity and dignity of woman have no value according to modern standards of culture and morality.

A Muslim woman also enjoys the right to choose her spouse of her free will. She is entitled to dower (mahr) in accordance with the marriage contract.

Though polygamy is permissible in Islam, the conditions of being fair and just to all the wives are so strict that practically it is discouraged. The third verse of al-Nisa' says that if you fear that you will not be able to do justice to more than one wife, be content with one wife only. . . The conditions of justice to wives are laid down in verse 33 of al-Nisa'.

There are many verses in the Qur'an, which emphasize the sanctity of the home and the family and state the mutual duties and rights of husband and wife for the sake of safeguarding the family's welfare. Both of them are held responsible for the harmony of the family. In case of differences, the husband and wife are advised to settle them with the help of two arbitrators, one from each of the parties (al-Nisa' 4: 35). If it is not possible to live together, the provision to separation is open, but according to a tradition of the Prophet (ﷺ) divorce is the worst of permissible things in the eyes of God.

A woman is entitled to receive her expenses from her husband during the period of iddah, and a child born in this period belongs to the husband who is responsible for its expenses. Even the much fussed about institution of temporary marriage, (mut'ah) is now being appreciated by some modern sociologists who consider it the best safeguard against promiscuity.

(f) Islam has also given political rights to women, as stated in the twelfth verse of al-Mumtahanah in the Qur'an. The women of Quraysh were given a right to take the oath of allegiance after satisfying them fully of the conditions of submitting to it.⁵⁶ By implication this verse gives women the right to vote, a right for which women had to struggle and wait till the twentieth century in the West.

Conclusion

As elaborated in the beginning of the article, all human rights originate in man's freedom and are secured by the fulfillment of obligations in society as well as in a political set-up. A society, which gives more rights to its members, is to be considered freer than those, which either grant limited rights only or do not ensure that they are safeguarded.

In modern States, the ones, which claim to be open and free curtail constitutional rights one way or the other, and the ones that are based upon the sovereignty of the working class, deprive other classes of human rights. Furthermore, the latter, through indoctrination and regimentation of thought, transform human beings into machines.

The technocracy and bureaucracy of modern societies, both capitalist and socialist, are concerned with the material aspect of man and, consequently, dehumanize all social and human relations. Islam, on the other hand, ensures the fulfillment of both the material and spiritual aspirations of man by giving all sections of society equal rights and ensuring their execution and implementation by the State.

Thus Islam accepts the inherent freedom of man and its full utilization and development, and organizes its socio-political superstructure accordingly. The Islamic conception of human rights and its faithful implementation ensures greater freedom to all sections of humanity than granted in any other system.

If we study the views of the spiritual leaders of Islam, we will see how they disapproved of all acts of injustice and rejected all formulations that sought to deprive man of his freedom.

1. Allamah Iqbal, *The Reconstruction of Religious Thought in Islam* (Lahore: Muhammad Ashraf, May 1971) p. 111.

2. Syed Ameer Ali, *op. cit.*, pp. 409-10.

3. *Ibid*, p.411.

4. *Ibid*, p.412.

5. . Shaykh al-Ta'ifah Muhammad ibn al-Hasan al-Tusi, *Tamhid al-'usul*, translated with introduction by Abd al-Muhsin Mishkat al-Dini (Tehran: Anjuman-e Islami Hikmat wa Falsafeh-ye Iran, 1358 Sh.), pp. 267-383. All points enumerated in the article are discussed in detail with rational arguments in these pages, which may be referred to for gaining a better

insight into the problems and their Shi'i Imami solutions.

6. Goodwin, *The French Revolution* (London: Hutchinson University Library, fifth ed. reprinted 1974), pp. 74–75.
7. *The Encyclopedia Americana* (U.S.A., American Corporation, 1963 ed.), XXIII, 5 18–19.
8. *Ibid*, XXIII, 52 1–22.
9. *Encyclopedia International* (New York, Grolier Incorporated, 1971 ed.), IX, 36.
10. Syed Ameer Ali, *The Spirit of Islam* (London, Methuen, 1965), pp. 2 19–20.
11. *Nahjul balaghah* of Hadhrat Ali, trans. Syed Askari Jafery (Tehran, Library of Chehel Sutoon Theological School), p. 44.
12. *Ibid*, p. 49.
13. *Ibid*, p. 49 & 51.
14. *Ibid*, p. 50.
15. *Ibid*, p. 280.
16. *Ibid*, p. 287
17. *Ibid*, p. 289.
18. *Ibid*, p. 293
19. *Ibid*, p. 280.
20. *Ibid*, p. 280.
21. *Ibid*, p. 290.
22. "The Constitution of the Islamic Republic of Iran, al-Tawhid (Tehran, Sazman-e Tablighat-e Islami), vol. III, no. 1, pp. 139–40.
23. *Ibid*, p. 144.
24. Dr. Muhammad Khaza'ili, *Ahkame-e Qur'an* (Sazman-e cap wa intisharat-e Jawidan, 2nd ed., 2555 Shah.), pp. 434–36.
25. *Ibid*, pp. 446–47.
26. *Ibid*, p. 448.
27. *Ibid*, p. 442
28. *Ibid*, p. 458.
29. *Ibid*, p. 458.
30. *Nahjul balaghah* op. cit., p. 294.
31. .Dr.Khaza'ili, op. cit., p. 659
32. *Nahjul balaghah*, op. cit., pp. 252–53.
33. Dr.Khaza'ili,op. cit., p.452. *Usul al-Kafi*, vol.1.
34. *Nahjul balaghah*, op. cit., p. 253.
35. *Ibid*, p. 256.
36. *Ibid*, p. 256.
37. *Ibid*, p. 256.
38. *Ibid*, p. 257.
39. *Ibid*, introduction, p. 6.
40. *Ibid*, pp. 257–5 1.
41. *Ibid*, p.248.
42. Abbas Ali Amid Zanjaini, *Huquq-e aqaliyyatha bar اساس-e qanun-e qarardad-e dhimnah: barrasi-yi gushehha-ye az mafahim-e huquq-e bayn al-milal az nazar-e fiqh-e Islami* (Tehran: Nashr-e Farhang-e Islami, Autumn 1362 Sham.), pp. 57–58.
43. *Ibid.*, pp. 77–78.
44. *Ibid.*, pp. 78–80
45. *Ibid.*, pp. 84–85.
46. *Ibid.*, p. 108
47. *Ibid.*, p. 116.
48. *Ibid.*, pp. 119–25.

49. Ibid., pp 119–20.
50. Ibid., pp. 123–24.
51. Ibid., pp. 164–65.
52. Ibid., pp. 186–87.
53. Ibid., pp. 180–7 1 (right to freedom of residence), 178–8 1 (legal rights), 193 (right to trade), 196 (right to agriculture), 197 (right to economic freedom), and 202–3 (professional freedom).
54. "The Constitution of the Islamic Republic, op. cit., p. 145
55. Syed Ameer Ali, op. cit., p. 256.
56. Dr. Khaza`i, op. cit., p. 60.

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