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The Philosophy of Human Rights in Islam: Beyond Western Universalism

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Abstract

Human rights serve as the dominant moral and legal language in contemporary global discourse, providing a universal framework for justice, dignity and freedom as defined by international institutions like the United Nations. While these rights are considered inherent to all individuals, they are rooted in specific philosophical assumptions, particularly those shaped by post-World War II Western interpretations of human dignity and individual freedoms. This has led to ongoing discussions in the Muslim world about their compatibility with Islamic thought, giving rise to two interrelated discourses: an internal Islamic human rights discourse grounded in Muslim legal and ethical traditions and an external discourse that situates Islam within modern human rights frameworks. A philosophical examination of these perspectives enables a critical reassessment of their points of convergence, divergence and reinterpretation, moving beyond apologetic responses and binary oppositions. This study explores the possibility of developing a structured Islamic philosophy of human rights (ʿilm al-ḥuquq), aiming to integrate traditional Islamic legal thought with evolving human rights paradigms

Keywords: Human rights, Islamic philosophy, Justice, Divine rights, Worldview.

Introduction

Human rights are widely regarded as the moral and legal foundation of modern societies. Defined by the United Nations (UN) as inherent to all individuals regardless of race, gender, nationality, religion or status, human rights encompass essential freedoms such as the right to life, liberty, education and protection from oppression.[1] While often presented as universal, the concept of human rights is deeply embedded in specific philosophical and legal traditions, particularly post-enlightenment western liberalism[2]. This raises critical questions about the extent to which human rights are truly universal, whether they function as neutral frameworks,

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[1] Jack Donnelly, Universal Human Rights in Theory and Practice (Ithaca, NY: Cornell University Press, 2013), 7–10.

[2] Samuel Moyn, The Last Utopia: Human Rights in History (Cambridge, MA: Harvard University Press, 2010), 11–15.

or if they embody ideological assumptions that may conflict with other worldviews, such as Islam.

The modern human rights framework emerged in the aftermath of World War II, drawing upon Western legal traditions, natural rights theories and enlightenment humanism.[3] However, the notion of rights predates this period, with historical precedents found in various civilisations, including the Babylonian Code of Hammurabi (1754 BCE)[4], Roman law and Islamic legal traditions. Religious and philosophical traditions have long upheld principles of justice, human dignity and moral responsibility, which Portuguese sociologist Boaventura de Sousa Santos describes as an "alternative grammar of human rights." These historical perspectives challenge the common assumption that human rights are a uniquely western construct and invite deeper engagement with non-western legal and ethical frameworks[5].

A key debate in human rights discourse is the distinction between moral and legal rights. Moral rights refer to ethical claims about justice and dignity, whereas legal rights are enforceable within formal legal structures[6]. The Universal Declaration of Human Rights (1948)[7] classifies rights into broad categories, including economic, social, cultural, civil and political rights. Beyond this classification, another distinction exists between negative rights, such as freedom from oppression and slavery and positive rights, such as the right to education, healthcare and housing[8]. These categorisations influence how rights are framed within Islamic legal traditions, where obligations (ḥuquq) are often tied to divine and communal responsibilities rather than solely individual autonomy[9].

The dominant international human rights framework is often secular and universalist, positioning itself as independent of religious traditions. This has led to a perception, particularly in western political discourse, that Islam is inherently incompatible with human rights. Some scholars argue that human rights discourse functions as an "othering" mechanism, portraying non-western legal traditions as regressive. This raises a fundamental question about

[3] Lynn Hunt, Inventing Human Rights: A History (New York: W.W. Norton, 2007), 27–35.
[4] Micheline R. Ishay, The History of Human Rights: From Ancient Times to the Globalization Era (Berkeley: University of California Press, 2008), 15–22. The Code of Hammurabi, trans. Robert Francis Harper (Chicago: University of Chicago Press, 1904), 1–5.
[5] Abdullahi Ahmed An-Na'im, Islam and the Secular State: Negotiating the Future of Shari'a (Cambridge, MA: Harvard University Press, 2008), 62–68.
[6] Henry Shue, Basic Rights: Subsistence, Affluence, and U.S. Foreign Policy (Princeton, NJ: Princeton University Press, 1980), 13–18.
[7] United Nations General Assembly, Universal Declaration of Human Rights, 10 December 1948, 217 A (III), https://www.un.org/en/about-us/universal-declaration-of-human-rights.
[8] Henry Shue, Basic Rights: Subsistence, Affluence, and U.S. Foreign Policy (Princeton, NJ: Princeton University Press, 1980), 19–23.
[9] Abdullahi Ahmed An-Na'im, Islam and the Secular State: Negotiating the Future of Shari'a (Cambridge, MA: Harvard University Press, 2008), 89–94. Mohammad Hashim Kamali, Shari'ah Law: An Introduction (Oxford: Oneworld Publications, 2008), 135–140.

whether modern human rights are simply an extension of Western political hegemony or if they can be reconciled with alternative worldviews[10].

Islamic legal traditions provide a distinct rights framework, structured around divine rights (ḥuquq Allah), which pertain to obligations toward God, human rights (ḥuquq al-ʿibad), which focus on interpersonal and societal justice and public rights (ḥuquq al-mujtama), which govern collective well-being[11]. Islamic jurisprudence (fiqh) has long engaged with rights discourse through legal theory (uṣul al-fiqh), the higher objectives of Islamic law (maqaṣid al-shariʿah) and substantive law (furuʿ al-fiqh). Furthermore, Muslim contributions to international human rights law have been significant, including the Cairo Declaration on Human Rights in Islam (1990), which sought to present an Islamic perspective on fundamental rights. However, tensions persist, particularly in areas where modern human rights norms conflict with classical Islamic legal rulings, such as in matters of family law, gender roles and religious freedom[12].

This study critically examines the philosophical and legal relationship between Islam and modern human rights discourse, addressing key questions about whether human rights are inherently rooted in Western liberal thought or if they can be interpreted within an Islamic epistemological framework. It explores the extent to which Islamic legal traditions can accommodate contemporary human rights principles and whether engagement with human rights by Muslim scholars is a genuine effort at legal and ethical synthesis or merely an apologetic response to external pressures. Moreover, it considers whether a universal foundation for human rights can transcend ideological and cultural divides.

Rather than viewing Islam and human rights as fundamentally opposed, this study explores whether a hermeneutic approach, one that interprets foundational Islamic texts within evolving ethical and social realities can bridge key differences[13]. As the Prophet Muhammad ﷺ stated, “Give people their rights (ḥuquq), even the hornless sheep will take retaliation on the horned sheep[14].” This principle reflects an Islamic commitment to justice, accountability and dignity, which remain central to any meaningful discussion on human rights. Through a comparative analysis of Islamic and modern human rights discourse, this paper seeks to move

[10] Jack Donnelly, Universal Human Rights in Theory and Practice (Ithaca, NY: Cornell University Press, 2013), 32–37. Abdullahi Ahmed An-Na'im, Islam and the Secular State: Negotiating the Future of Shari’ah (Cambridge, MA: Harvard University Press, 2008), 101–106.
[11] Wael B. Hallaq, An Introduction to Islamic Law (Cambridge: Cambridge University Press, 2009), 134–138.
[12] Jasser Auda, Maqasid Al-Shariah as Philosophy of Islamic Law: A Systems Approach (London: International Institute of Islamic Thought, 2008), 91–97. Organization of Islamic Cooperation, Cairo Declaration on Human Rights in Islam, August 5, 1990, https://www.oic-oci.org/docdown/?docID=1&refID=5.
[13] Khaled Abou El Fadl, Reasoning with God: Reclaiming Shari‘ah in the Modern Age (Lanham, MD: Rowman & Littlefield, 2014), 89–95.
[14] Muhammad ibn Isma'il al-Bukhari, Ṣaḥīḥ al-Bukhari, trans. Muhammad Muhsin Khan (Riyadh: Darussalam, 1997), hadith no. 2449. Muslim ibn al-Hajjaj, Ṣaḥīḥ Muslim, trans. Abdul Hamid Siddiqui (Beirut: Dar al-Kutub al-Ilmiyyah, 1995), hadith no. 2582.

beyond polarised narratives and explore the possibility of a philosophical and legal synthesis between these two traditions.

The Philosophical Foundations of Human Rights

One of the earliest known legal codes, the Babylonian Code of Hammurabi (1754 BCE), introduced principles of justice, fairness and retribution. Although deeply hierarchical and class-based, it reflected an early recognition of the need for legal protections and structured governance.

It is one of the oldest and most comprehensive legal codes in recorded history. Inscribed on a massive stone stele and several clay tablets, the code was commissioned by King Hammurabi of Babylon, who ruled over Mesopotamia from 1792 to 1750 BCE. The laws were carved in Akkadian cuneiform and placed in a public space, symbolising the king's commitment to justice and order. The stele itself features an image of Hammurabi receiving the laws from the sun god Shamash, reinforcing the divine legitimacy of the legal system.

While hierarchical and class-based, the Code of Hammurabi represents one of the earliest attempts to establish a structured legal framework, ensuring order and stability within the kingdom. It provided a foundation for justice, fairness and retribution, governing various aspects of civil, criminal, family and economic law. The code covered a wide range of topics, including contracts, trade, marriage, property ownership, inheritance, debt, slavery and punishment for crimes.[15]

One of the famous aspects of the Code of Hammurabi is the principle of 'lex talionis' or law of retaliation. This concept summarised as 'an eye for an eye, a tooth for a tooth', established proportional justice, meaning that punishments should fit the severity of the crime. However, the application of this law varied depending on social status. Punishments for harming a noble were far more severe than for harming a commoner or a slave.[16]

Similarly, Roman law, particularly the development of jus naturale (natural law), provided the foundation for later European legal traditions, reinforcing the idea that certain rights and principles exist beyond the authority of rulers or states.

Roman law played a crucial role in shaping Western legal traditions, particularly through the development of jus naturale (natural law). This concept established the principle that certain rights and moral principles exist inherently in human nature and are not merely granted by rulers or the state. The idea that laws should be based on reason, justice and the natural order became a foundational concept in later European legal and political philosophy, influencing medieval legal systems, Enlightenment thought and modern human rights discourse.

[15] Marc Van De Mieroop. King Hammurabi of Babylon: A Biography (Malden, Blackwell Publishing, 2005), pg. 87-93.
[16] Marc Van De Mieroop. King Hammurabi of Babylon: A Biography (Malden, Blackwell Publishing, 2005), pg. 108-112.

The Roman legal system was a sophisticated legal framework of the ancient world. It developed over centuries, evolving through customary law, legislative enactments and judicial decisions. Roman jurists divided the law into three key categories:

1) Jus Civile (Civil Law) – The legal system that applied specifically to Roman citizens, governing property, contracts, family law and civic duties.
2) Jus Gentium (Law of Nations) – A body of legal principles applied to non-citizens and foreigners within the Roman Empire. This was one of the earliest examples of universal legal principles applied across different cultures and ethnicities.
3) Jus Naturale (Natural Law) – The idea that certain fundamental laws are derived from nature itself and apply to all human beings, regardless of citizenship, social status or political affiliation[17].

The concept of jus naturale was particularly significant because it introduced the belief that there is a higher moral order governing all human beings, beyond the laws created by rulers or governments. This became a cornerstone for later human rights theories, laying the foundation for universal rights, legal equality and the rule of law.

The development of jus naturale in Roman law was a critical turning point in legal history, establishing the idea that laws should be based on reason, justice and universal moral principles. By asserting that fundamental rights exist beyond the authority of rulers, Roman jurists laid the foundation for later legal traditions that emphasize human rights, legal equality and justice for all individuals[18].

Through its influence on Christian theology, Enlightenment thought and modern legal systems, Roman natural law continues to shape contemporary discussions on universal justice, human dignity and the role of law in protecting fundamental freedoms. While modern human rights discourse is often framed as a product of post-Enlightenment thought, its philosophical roots extend deep into Roman legal principles, Greek ethical theories and broader traditions of justice and governance.

This historical perspective challenges the idea that human rights emerged solely from Western liberalism, instead demonstrating that the quest for justice, fairness, and universal moral principles has been a central concern of legal and political thought for thousands of years.

Greek philosophy, particularly in the works of Plato and Aristotle, explored the relationship between justice, governance and human flourishing / the purpose of human life (eudaimonia), influencing subsequent ideas about the rights and responsibilities of individuals within society. It provided some of the earliest systematic discussions of justice, governance

[17] A. Arthur Schiller, Roman Law: Mechanisms of Development (The Hague: Mouton, 1978), 45–52. Richard Tuck, Natural Rights Theories: Their Origin and Development (Cambridge: Cambridge University Press, 1979), 78–85.
[18] Richard Tuck, Natural Rights Theories: Their Origin and Development (Cambridge: Cambridge University Press, 1979), 90–97. A. Arthur Schiller, Roman Law: Mechanisms of Development (The Hague: Mouton, 1978), 58–64.

and human well-being. Their insights on the role of the state, the moral obligations of rulers and the necessity of civic participation became foundational to later legal, political and ethical thought[19].

While modern human rights frameworks focus on individual freedoms and universal rights, Greek philosophy emphasized the balance between personal virtue, civic responsibility and the collective good. The enduring influence of Plato's concept of justice and Aristotle's idea of eudaimonia can still be seen in modern debates on democracy, legal equity, and the role of governments in protecting human dignity.

The modern human rights framework, as established after World War II, is largely rooted in Western legal traditions, natural rights theories and Enlightenment humanism. This framework emphasizes individual autonomy, universal dignity and legal protections as fundamental aspects of human existence. However, while the post-war human rights regime is often regarded as a milestone in legal and ethical progress, the philosophical foundations of human rights extend far beyond this period. The concept of rights, justice and human dignity has evolved over centuries, shaped by diverse civilisations, religious traditions and philosophical inquiries.

The post-World War II human rights regime builds upon centuries of legal, ethical and philosophical thought. While the UDHR (1948) and modern human rights frameworks are considered milestones in legal and ethical progress, they are part of a broader historical trajectory shaped by Babylonian, Greek and Roman traditions. These earlier civilisations laid the groundwork for universal justice, individual dignity and the rule of law, which modern human rights law continues to uphold and expand[20].

How ancient traditions shaped modern rights, as understood today, did not emerge in isolation but rather evolved over centuries through various legal and philosophical traditions. The Roman legal system, Greek philosophical thought and early codified laws such as the Babylonian Code of Hammurabi all contributed foundational principles that continue to shape modern human rights. From the idea of natural law in Rome to the Enlightenment emphasis on human dignity and individual autonomy, these historical influences remain embedded in contemporary human rights frameworks, including the Universal Declaration of Human Rights (UDHR, 1948), the International Covenant on Civil and Political Rights (ICCPR, 1966) and the European Convention on Human Rights (ECHR, 1950).

Western legal traditions and the Roman law influence

[19] Richard Tuck, Natural Rights Theories: Their Origin and Development (Cambridge: Cambridge University Press, 1979), 65–73. Brian Tierney, The Idea of Natural Rights: Studies on Natural Rights, Natural Law, and Church Law, 1150–1625 (Grand Rapids, MI: Eerdmans, 1997), 43–51.

[20] Samuel Moyn, The Last Utopia: Human Rights in History (Cambridge, MA: Harvard University Press, 2010), 112–118. United Nations General Assembly, Universal Declaration of Human Rights, 10 December 1948, 217 A (III), https://www.un.org/en/about-us/universal-declaration-of-human-rights.

One of the contributions to modern human rights law comes from Roman legal traditions, particularly the concept of jus naturale (natural law). Roman jurists, influenced by Stoic philosophy, believed that certain rights and principles existed universally and independently of state authority. This early recognition that justice should be grounded in reason rather than arbitrary power became the foundation for later natural rights theories and universal human rights principles.

The Romans also developed key legal concepts that remain central to modern human rights discourse. The rule of law, due process and equal protection under the law, core tenets of contemporary legal systems originated in Roman legal thought. The Corpus Juris Civilis (Body of Civil Law) compiled under Emperor Justinian in the 6th century CE, established a comprehensive legal framework that influenced European civil law traditions and, ultimately, international human rights law. The principle of universal legal application, which sought to ensure equal justice under the law regardless of nationality or social status, laid the groundwork for modern efforts to uphold legal protections for all individuals.

Natural rights theories, Greek and Roman influence

While Roman law provided the legal structure for universal justice, Greek philosophy contributed the ethical and political foundations of human rights. Greek philosophers, particularly the Stoics, Plato and Aristotle, deeply explored the moral dimensions of justice, governance, and human dignity.

The Stoics, both Greek and Roman, were among the first to argue that all human beings share an inherent dignity by virtue of their rational nature. This idea profoundly influenced later natural rights theorists such as John Locke and Immanuel Kant, who emphasized that human rights are intrinsic and must be universally recognised. The Stoic belief that laws should align with universal moral principles rather than the arbitrary will of rulers continues to inform modern human rights frameworks.

Aristotle's concept of eudaimonia (human flourishing) also played a role in shaping human rights thought. He argued that a just society must create conditions in which individuals can develop their full potential, an idea that directly influenced modern social and economic rights frameworks. The International Covenant on Economic, Social, and Cultural Rights (ICESCR, 1966) reflects Aristotle's vision of justice as a means of ensuring the well-being of all members of society, including the right to education, healthcare and fair working conditions.

Enlightenment Humanism is Greek and Roman legacy in Modern rights

The Enlightenment (17th–18th centuries) further developed these classical traditions into a comprehensive human rights framework. Enlightenment thinkers such as John Locke, Jean-Jacques Rousseau and Immanuel Kant drew upon Greek political philosophy and Roman legal

universalism to advocate for individual rights, government accountability and legal protections for all people[21].

John Locke's natural rights theory, which emphasized life, liberty and property, was heavily influenced by Roman natural law principles and Greek ideas of civic responsibility. Locke's assertion that governments exist to protect these fundamental rights became the foundation of modern liberal democracy and constitutional governance.

Similarly, Kant's moral philosophy reflected the Stoic tradition of universal dignity, arguing that human beings must be treated as ends in themselves, not as means to an end. This principle, often called human dignity, became central to the Universal Declaration of Human Rights (UDHR, 1948), particularly in its emphasis on the intrinsic worth of every individual regardless of race, nationality or social status[22].

Influence of the Babylonian Code, Roman Law and Greek Philosophy on Modern Human Rights

The Code of Hammurabi (1754 BCE) is one of the oldest legal codes in history and established structured laws, principles of justice and protections for citizens. While it was a hierarchical and class-based legal system, it laid important precedents for the rule of law and legal accountability, which influenced later legal traditions[23].

Key contributions to Modern human rights:

Babylonian Code Principles	Modern Human Rights Influence
Codification of laws: The Code of Hammurabi was one of the first written legal systems, making laws accessible and predictable.	Legal transparency: Modern constitutions and international law emphasize written legal codes to ensure clarity, accessibility and protection from arbitrary rule.
Protection of the vulnerable: The code recognised widows, orphans and the poor as requiring special legal protection.	Social and economic rights: Modern human rights law (e.g., ICESCR, 1966) ensures protection for marginalised groups.
Rights in family and contract law: Established laws on marriage, property, contracts and labour rights.	Legal protections for families and workers: Modern human rights include family law protections, labour rights and contract

[21] Micheline R. Ishay, The History of Human Rights: From Ancient Times to the Globalization Era (Berkeley: University of California Press, 2008), 15–25. Brian Tierney, The Idea of Natural Rights: Studies on Natural Rights, Natural Law, and Church Law, 1150–1625 (Grand Rapids, MI: Eerdmans, 1997), 33–41.

[22] John Locke, Two Treatises of Government, ed. Peter Laslett (Cambridge: Cambridge University Press, 1988), 287–289. Richard Tuck, Natural Rights Theories: Their Origin and Development (Cambridge: Cambridge University Press, 1979), 94–101. Immanuel Kant, Groundwork for the Metaphysics of Morals, trans. Mary Gregor (Cambridge: Cambridge University Press, 1997), 42–47. Allen W. Wood, Kantian Ethics (Cambridge: Cambridge University Press, 2008), 88–94.

[23] Hammurabi, The Code of Hammurabi, trans. Robert Francis Harper (Chicago: University of Chicago Press, 1904), 1–5. Marc Van De Mieroop, King Hammurabi of Babylon: A Biography (Malden, MA: Blackwell Publishing, 2005), 120–128.

	enforcement (e.g. labour protections in ILO conventions).
Proportional justice (Lex Talionis, 'An Eye for an Eye'): Ensured punishment corresponded to the crime but varied by social status.	Proportionality in sentencing: Modern legal systems incorporate fair and proportionate punishment based on intent, severity, and fairness rather than strict retributive justice.

Roman Law introduced universal legal principles that continue to shape modern civil, criminal and international law. Through concepts like jus naturale (natural law) and jus gentium (law of nations), the Romans moved towards universal legal principles that applied to all human beings[24].

Key contributions to Modern human rights:

Roman Legal Principles	Modern Human Rights Influence
Jus naturale (Natural law): The belief that universal justice exists beyond state authority.	Natural rights doctrine: Enlightenment thinkers (Locke, Rousseau) and modern human rights law (UDHR, 1948) build on this principle of universal, inalienable rights.
Jus gentium (Law of nations): Established legal protections for foreigners and non-citizens.	International human rights law: Today's international legal frameworks (e.g. UN, ICC, ICJ) uphold rights across national boundaries.
Legal universality: The edict of Caracalla (212 CE) granted Roman citizenship to all free inhabitants of the empire, ensuring legal equality.	Equal protection under the law: The principle of legal universality is now enshrined in modern constitutions and human rights treaties (e.g., ECHR, ICCPR).
Due process and legal rights: Roman law emphasized fair trials, legal representation and presumption of innocence.	Rule of law and fair trials: Modern legal systems and international human rights law (e.g. ICCPR, Article 14) guarantee fair trials and due process.

Greek philosophers Plato and Aristotle laid the foundation for ethical governance, justice and civic responsibility, key principles in modern democratic governance and human rights law. The Stoics further introduced universal human dignity, influencing Enlightenment thinkers and modern legal systems[25].

Key contributions to Modern human rights:

[24] Justinian I, The Digest of Roman Law, trans. Charles Henry Monro (Cambridge: Cambridge University Press, 1904), 1.1.10–1.1.11. Fritz Schulz, History of Roman Legal Science (Oxford: Clarendon Press, 1946), 90–97.
[25] Plato, The Republic, trans. G. M. A. Grube and C. D. C. Reeve (Indianapolis: Hackett Publishing, 1992), 338c–354c. Aristotle, Politics, trans. Carnes Lord (Chicago: University of Chicago Press, 2013), 1253a–1276b. Fred D. Miller Jr., Nature, Justice, and Rights in Aristotle's Politics (Oxford: Oxford University Press, 1995), 50–58. Lynn Hunt, Inventing Human Rights: A History (New York: W.W. Norton, 2007), 54–62.

Greek Philosophical Ideas	Modern Human Rights Influence
Plato's republic: Justice as social harmony, ensuring everyone fulfils their role in society.	Human rights and social justice: The idea that justice should ensure a fair and balanced society influences modern social justice movements and legal ethics.
Aristotle's Eudaimonia (Human flourishing): The state exists to help individuals reach their full potential.	Economic, social and cultural rights (ICESCR, 1966): Right to education, healthcare and a dignified standard of living aligns with Aristotle's vision of a just society.
Aristotle's politics: Introduced civic participation and checks on political power to prevent tyranny.	Democracy and political rights: Modern political rights (e.g. universal suffrage, freedom of speech, and participation in governance) stem from these ideas
Stoicism and universal human dignity: Stoics (e.g. Seneca, Marcus Aurelius) argued that all humans share a rational nature and should be treated with dignity.	Universal declaration of human rights (UDHR, 1948): The concept of inalienable human dignity comes from Stoic philosophy and Enlightenment humanism.

Each of these ancient traditions contributed key principles that continue to shape human rights today:

Ancient Influence	Modern Human Rights Influence
Babylonian Code of Hammurabi: Written laws, proportional justice, protection for vulnerable groups.	Codified human rights protections, legal clarity and proportional justice.
Roman Law (Jus Naturale, Jus Gentium): Universal legal principles, rule of law, due process, equality before the law.	Modern constitutions, international human rights law and equal legal protections for all people.
Greek Philosophy (Plato, Aristotle, Stoicism): Democracy, civic duty, human dignity and the purpose of governance.	Democratic governance, political participation and human dignity as a legal and moral foundation.

Despite these deep historical roots, modern human rights discourse has often been framed as a Western construct, developed primarily through the influence of European Enlightenment thinkers such as John Locke[26], Jean-Jacques Rousseau[27] and Immanuel Kant[28]. Locke's theory of natural rights, which asserted that individuals inherently possess rights to life, liberty and

[26] John Locke, Two Treatises of Government, ed. Peter Laslett (Cambridge: Cambridge University Press, 1988), 287–289.
[27] Jean-Jacques Rousseau, The Social Contract and Other Later Political Writings, trans. Victor Gourevitch (Cambridge: Cambridge University Press, 1997), 24–31.
[28] Immanuel Kant, Groundwork for the Metaphysics of Morals, trans. Mary Gregor (Cambridge: Cambridge University Press, 1997), 42–47.

property, played a significant role in shaping modern liberal thought. Kant's categorical imperative, which posits that moral actions must be universalizable and respect human dignity, further reinforced the philosophical underpinnings of human rights. However, these ideas were historically limited in their application, often excluding women, non-Europeans and enslaved peoples. The early liberal tradition, while advocating for human dignity, did not initially recognise the full equality of all human beings, an inconsistency that remains a subject of critique within contemporary human rights philosophy[29].

Portuguese sociologist Boaventura de Sousa Santos challenges the idea that human rights are an exclusively Western invention, proposing instead that they represent a global ethical project shaped by multiple traditions. He describes non-Western traditions as forming an "alternative grammar of human rights," recognising that concepts of justice, human dignity and protection against oppression exist in diverse cultures and historical contexts. This perspective invites a deeper engagement with non-Western legal and ethical frameworks, rather than assuming that human rights discourse is a unilateral Western export[30].

The historical and philosophical development of human rights raises several critical questions; Are human rights universal or are they shaped by specific cultural and philosophical traditions? Can human rights be meaningfully integrated into non-Western worldviews without being seen as an imposition of Western values? These questions remain central to contemporary debates on human rights, particularly in relation to Islamic legal and ethical traditions, which have their own rich history of justice, dignity and moral responsibility. Rather than seeing human rights as a static product of Western modernity, engaging with their diverse philosophical foundations allows for a more inclusive and dynamic understanding of rights in a pluralistic world.

Human Rights and Islam

In the Islamic tradition, rights and responsibilities are deeply embedded in the concept of Sharia, which governs ethical, legal and social obligations. Islamic jurisprudence (fiqh) has long engaged with the question of justice and rights, structuring them within a framework of divine obligations (ḥuquq Allah) and human entitlements (ḥuquq al 'ibad). Classical Muslim scholars, such as Al-Ghazali[31], Ibn Khaldun[32] and Al-Shaṭibi, developed theories of justice and moral responsibility that align with many contemporary human rights principles. The Maqaṣid al-Sharia (higher objectives of Islamic law), formulated by Al-Shaṭibi[33], emphasize the

[29] Samuel Moyn, The Last Utopia: Human Rights in History (Cambridge, MA: Harvard University Press, 2010), 67–75.
[30] Boaventura de Sousa Santos, Toward a New Legal Common Sense: Law, Globalization, and Emancipation (London: Cambridge University Press, 2002), 437. Upendra Baxi, The Future of Human Rights (Oxford: Oxford University Press, 2006), 67–75.
[31] Al-Ghazali, The Alchemy of Happiness, trans. Claud Field (Chicago: M. A. Kazmi, 2001), 92–98.
[32] Ibn Khaldun, The Muqaddimah: An Introduction to History, trans. Franz Rosenthal (Princeton: Princeton University Press, 2015), 195–202.
[33] Jasser Auda, Maqasid Al-Shariah as Philosophy of Islamic Law: A Systems Approach (London: International Institute of Islamic Thought, 2008), 72–78.

preservation of life, intellect, religion, lineage and property, principles that closely parallel modern human rights concerns[34].

Moral and Ethical Philosophy on Human Rights as Divine and Social Responsibility

Al-Ghazali's understanding of rights (ḥuquq) is deeply tied to the Islamic worldview, where rights are classified into two broad categories; 1) Ḥuquq Allah (Divine Rights) which is obligations towards God, which ensure spiritual and moral integrity and, 2) Ḥuquq al-'ibad (Human Rights) which is responsibilities towards fellow human beings, which ensure justice and social harmony.

In his book 'The Revival of the Religious Sciences' (Ihya Ulum Ad-din), Al-Ghazali argues that true justice lies in fulfilling both divine and human rights, as they are interdependent. A just society is one that upholds moral responsibilities, economic fairness and the protection of vulnerable individuals[35].

Ibn Khaldun provided an analysis of justice, governance and social order in literature 'Introduction to History' (Muqaddimah). His work offers valuable insights into the relationship between divine rights (ḥuquq Allah) and human rights (ḥuquq al-'ibad) within an Islamic framework. Unlike modern human rights discourse, which largely emphasizes individual autonomy and legal protections, Ibn Khaldun viewed human rights as a collective responsibility tied to ethical governance, economic justice and social harmony. His ideas contribute to contemporary discussions on the intersection of divine obligations, state responsibilities and the protection of human dignity.

In the Islamic worldview, divine rights (ḥuquq Allah) refer to moral and religious duties that individuals owe to God, including acts of worship, justice and social responsibility. Ibn Khaldun argued that a just society is one that upholds these divine obligations, as they provide the moral foundation for governance and social order[36].

Abu Ishaq Al-Shatibi who was a prominent Islamic jurist and theorist of Maqaṣid al-Shari'ah (the higher objectives of Islamic law), provides a groundbreaking framework for understanding how divine obligations and human rights intersect within Islamic governance,

[34] Mohammad Hashim Kamali, Shari'ah Law: An Introduction (Oxford: Oneworld Publications, 2008), 173–179. Wael B. Hallaq, An Introduction to Islamic Law (Cambridge: Cambridge University Press, 2009), 134–138. Mohammad Hashim Kamali, Maqasid al-Shariah, Ijtihad and Civilisational Renewal (London: International Institute of Islamic Thought, 2012), 45–52.

[35] Al-Ghazali, Iḥya Ulum al-Dīn [The Revival of the Religious Sciences], trans. Leonard Librande (Cambridge: Islamic Texts Society, 2015), 89–97. Al-Ghazali, The Book of Knowledge [Kitab al-Ilm], trans. Nabih Amin Faris (Lahore: Sh. Muhammad Ashraf, 1962), 54–60. Frank Griffel, Al-Ghazali's Philosophical Theology (Oxford: Oxford University Press, 2009), 145–152.

[36] Ibn Khaldun, The Muqaddimah: An Introduction to History, trans. Franz Rosenthal (Princeton: Princeton University Press, 2015), 195–202. Syed Farid Alatas, Applying Ibn Khaldun: The Recovery of a Lost Tradition in Sociology (London: Routledge, 2014), 87–94. Muhsin Mahdi, Ibn Khaldun's Philosophy of History: A Study in the Philosophic Foundation of the Science of Culture (Chicago: University of Chicago Press, 1964), 115–122.

law and ethics. His work in legal philosophy (uṣul al-fiqh) offers a structured approach to balancing individual freedoms, societal well-being and moral obligations under Islamic law.

Al-Shatibi highlighted that divine rights are not separate from human rights but rather provide the moral foundation for governance and legal systems[37].

All three scholars regard divine rights (ḥuquq Allah) as the foundation for human rights (ḥuquq al-ʿibad), emphasizing that justice (ʿadl) is essential for societal stability. They collectively uphold Shari'ah as a framework for ensuring fairness and justice, asserting that ethical governance and the protection of human dignity are central to a just society. Furthermore, they agree that human rights must be balanced with ethical and religious obligations, ensuring that individual freedoms coexist with moral and communal responsibilities.

Comparative Framework of Al-Ghazali, Ibn Khaldun and Al-Shatibi on Divine Rights and Human Rights

Scholar	Understanding of Divine Rights (Ḥuquq Allah)	Understanding of Human Rights (Ḥuquq al-ʻibad)
Al-Ghazali (1058–1111)	Divine rights are obligations towards God, ensuring spiritual and moral integrity.	Human rights are responsibilities towards fellow humans, ensuring justice and social harmony.
	Fulfilment of divine rights (worship, ethics, justice) leads to a just society.	Moral responsibilities, economic fairness and protection of the vulnerable are key components of a just society.
Ibn Khaldun (1332–1406)	Divine rights provide the moral foundation for governance and social order.	Human rights are collective responsibilities tied to ethical governance, economic justice and social harmony.
	Society must uphold divine obligations; justice, responsibility and social ethics to prevent civilisational decline.	Rulers must uphold justice, prevent oppression and ensure economic fairness as part of their duty towards humanity.
Al-Shatibi (1320–1388)	Divine rights are not separate from human rights; they form the basis of governance and legal systems.	Human rights exist within the framework of Maqaṣid al-Shariʿah, which prioritises the protection of

[37] Abu Isḥaq al-Shaṭibi, Al-Muwafaqat fī Uṣul al-Shari'ah, trans. Mohammad Hashim Kamali (London: Islamic Texts Society, 2014), 89–97. Jasser Auda, Maqasid Al-Shariah as Philosophy of Islamic Law: A Systems Approach (London: International Institute of Islamic Thought, 2008), 112–118. Mohammad Hashim Kamali, Maqasid al-Shariah, Ijtihad and Civilisational Renewal (London: International Institute of Islamic Thought, 2012), 45–52. Felicitas Opwis, Maqaṣid al-Shari'ah in Contemporary Reformist Thought: An Ethical-Legal Framework (Leiden: Brill, 2010), 73–79.

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		life, intellect, religion, lineage and wealth.
	Divine law serves to protect fundamental human needs and ensure justice.	Legal rulings should be adaptable to protect the well-being of society, ensuring that divine and human rights serve the common good.

` Each scholar recognised divine rights (ḥuquq Allah) as the moral and legal foundation of justice. However, their perspectives differed in how divine rights should be implemented in governance and society.

Al-Ghazali emphasized that divine rights establish moral obligations for both rulers and individuals. He argued that spiritual and ethical integrity is crucial for upholding justice. His literature outlines that true justice can only be achieved by ensuring both divine and human rights are fulfilled, with moral responsibility playing a critical role.

Ibn Khaldun saw divine justice as a practical necessity for political stability, warning that societies collapse when rulers abandon divine justice. In his literature, he provides historical evidence that civilisations which uphold justice thrive, whereas those that disregard it fall into corruption and decline.

Al-Shatibi integrated divine rights into legal theory, asserting that laws must uphold the higher objectives of Islamic law (Maqaṣid al-Sharaʿah) to ensure justice and human dignity. Unlike the other two scholars, he focused on legal adaptability, emphasizing that Islamic law must evolve to meet contemporary societal needs while remaining grounded in divine principles.

All three scholars agreed that justice (ʿadl) is essential for a stable society and that rulers must ensure fairness in governance. However, they approached the role of justice differently.

Al-Ghazali defined justice as an ethical responsibility, emphasizing the need for self-discipline, moral leadership and social harmony. He viewed governance as a moral obligation, where rulers are entrusted with the responsibility of ensuring justice.

Ibn Khaldun linked justice to historical cycles of civilisational rise and decline, arguing that oppression (ẓulm) leads to societal collapse. He viewed justice as a political tool that ensures the longevity of a state. If rulers fail to uphold justice, social unrest will lead to their downfall.

Al-Shatibi viewed justice as a legal principle, arguing that Islamic laws should be flexible and adaptable to maintain social equity and fairness. He emphasized that the Maqaṣid al-Sharaʿah serve as a guideline for enacting laws that protect individual and collective rights, ensuring a just legal system.

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All three scholars emphasized that human rights (ḥuquq al-ʿibad) must be balanced with religious and ethical obligations. However, their interpretations differed in how human rights should be enforced.

Al-Ghazali saw moral and religious obligations as the key to upholding human rights. Justice stems from inner ethical integrity rather than legal enforcement. In his view, governance should cultivate virtue within individuals so that justice becomes a natural outcome.

Ibn Khaldun argued that human rights are tied to political stability. Rulers who uphold justice preserve their power, while those who neglect it led their societies into decline. He saw justice as a tool for sustaining leadership, not just a moral ideal.

Al-Shatibi developed a legal framework to ensure that human rights are protected through the objectives of Islamic law, emphasizing the protection of life, intellect, religion, lineage and property. He believed that Islamic law should be reinterpreted based on changing social needs, making it a more adaptable system.

All three scholars emphasized that a just society must protect the weak, poor and marginalized. Their approaches differed in terms of how social justice should be achieved.

Al-Ghazali advocated for economic fairness and the ethical treatment of the poor, emphasizing zakat (charity) and moral responsibility. He viewed social justice as a religious obligation that ensures societal well-being.

Ibn Khaldun warned that economic exploitation and excessive taxation lead to social unrest and decline. He took a pragmatic economic approach, emphasizing that rulers must maintain economic balance to ensure stability.

Al-Shatibi integrated social justice into legal theory, arguing that Islamic law must prioritize the welfare of all individuals. He believed that economic policies should be structured around the higher objectives of Islamic law, ensuring that human dignity is preserved through fair wealth distribution and economic policies.

Despite their differing methodologies, Al-Ghazali, Ibn Khaldun and Al-Shatibi share key commonalities in their views on divine and human rights:

- Divine rights (ḥuquq Allah) serve as the foundation for human rights (ḥuquq al-ʿibad).
- Justice (ʿadl) is necessary for a stable and moral society.
- Islamic governance must be based on ethical leadership and accountability.
- Human rights should be balanced with religious and communal responsibilities.
- Social justice requires the protection of the vulnerable and the fair distribution of resources.

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The Islamic Integration of Divine and Human Rights

The comparison between Islamic, Babylonian, Roman and Greek traditions reveal a fundamental distinction. Islam integrates divine rights with human rights, making justice and governance both a religious and legal obligation. In contrast, ancient legal traditions:

Babylonian law[38] enforced justice through hierarchical and punitive means without religious accountability. It is one of the earliest known legal codes, designed to maintain social order through a strict, hierarchical and punitive system of justice. Unlike Islamic law, which integrates divine rights (ḥuquq Allah) with human rights (ḥuquq al-ʿibad), Babylonian law did not recognise divine accountability in the enforcement of justice. Instead, it was a state-centric system, where the power to administer justice rested solely with the king. The code was proclaimed to have been given by the gods, particularly Shamash, the Mesopotamian sun god of justice, but the laws themselves did not bind the ruler to moral or ethical obligations beyond legal enforcement.

1. Justice as hierarchical and class-based[39]

Babylonian law categorised people into distinct social classes:

- Awilum (free nobility) – The highest class, with legal privileges and greater protections.
- Muskenum (commoners) – Had fewer rights than the nobility but were above slaves.
- Wardum (slaves) – Had almost no legal protections and were considered property.

Some Examples:

- Law 196: “If a man puts out the eye of another man, his eye shall be put out.” (Lex Talionis – an “eye for an eye” principle)
- Law 198: “If he puts out the eye of a commoner, he shall pay one mina of silver.”
- Law 199: “If he puts out the eye of a slave, he shall pay half the slave’s price.”

Comparison to Islam: Unlike Islamic law, which upholds equal justice under divine accountability, Babylonian law enforced different punishments based on class. A nobleman and a commoner did not receive the same treatment under the law[40], which contradicts the Islamic principle that justice is blind to social status[41].

2. Punitive Rather Than Reformative Justice

[38] Hammurabi, The Code of Hammurabi, trans. Robert Francis Harper (Chicago: University of Chicago Press, 1904), §§5, 8, 196–199.
[39] Jean Bottero, Mesopotamia: Writing, Reasoning, and the Gods, trans. Zainab Bahrani and Marc Van De Mieroop (Chicago: University of Chicago Press, 1992), 72–79. Raymond Westbrook, Mesopotamian Legal Traditions and Their Influence (Chicago: University of Chicago Press, 1988), 95–105. Martha T. Roth, Law Collections from Mesopotamia and Asia Minor (Atlanta: Society of Biblical Literature, 1997), 88–92.
[40] Mohammad Hashim Kamali, Shari‘ah Law: An Introduction (Oxford: Oneworld Publications, 2008), 145–150. Wael B. Hallaq, An Introduction to Islamic Law (Cambridge: Cambridge University Press, 2009), 115–120.
[41] Abu Dawud, Sunan Abi Dawud, trans. Nasiruddin al-Khattab (Riyadh: Darussalam, 2008), Hadith no. 2858.

Babylonian justice focused on harsh retribution rather than rehabilitation or moral correction. The concept of divine mercy (raḥmah) and ethical reform, central in Islam was absent in Hammurabi's laws.

Some Examples:

- Law 8: "If a man steals an ox, sheep, ass, pig or goat that belongs to a temple or palace, he shall repay thirtyfold. If it belongs to a private citizen, he shall repay tenfold. If he cannot, he shall be put to death[42]."

Comparison to Islam: In Islamic jurisprudence, theft is condemned but the punishment is not arbitrary. It considers circumstances, intent and social conditions before issuing a ruling. Islam also emphasizes repentance and restitution, whereas Babylonian law was strictly punitive without allowing moral redemption[43].

3. No Concept of Divine Accountability for Rulers

In Islam, rulers; caliphs, imams and judges are accountable to God for their actions. Oppression (ẓulm) is a major sin,and even a ruler can be held accountable in an Islamic court. Prophet Muhammad ﷺ stated, "Give people their rights (al-huquq). Even the hornless sheep will take retaliation on the horned sheep[44]."

And Al-Dawani said, "Indeed, by the principles of the institute of law, no less, the right of the people (ḥuquq al-'ibad) must be upheld with justice ('adl), for justice is the foundation upon which the stability of governance depends[45]."

- Law 5: "If a judge makes an error in judgment and reverses his decision, he shall be removed from his position and never judge again[46]."

Comparison to Islam: While this law punishes judicial mistakes, it does not imply divine accountability. The judge is not held responsible before a higher moral authority but is merely replaced. In contrast, Islam emphasizes taqwa (God-consciousness) and ethical rulings,

[42] Hammurabi, The Code of Hammurabi, trans. Robert Francis Harper (Chicago: University of Chicago Press, 1904), 8.
[43] Mohammad Hashim Kamali, Principles of Islamic Jurisprudence (Cambridge: Islamic Texts Society, 2003), 312–319. Jasser Auda, Maqasid Al-Shariah as Philosophy of Islamic Law: A Systems Approach (London: International Institute of Islamic Thought, 2008), 119–125. Wael B. Hallaq, Shari'ah: Theory, Practice, Transformations (Cambridge: Cambridge University Press, 2009), 180–185.
[44] Al-Bukhari, Muhammad ibn Isma'il. Ṣaḥīḥ al-Bukhārī, trans. Muhammad Muhsin Khan (Riyadh: Darussalam, 1997), Hadith no. 2449.
[45] Jalal al-Din al-Dawani, Sharḥ al-ʿAqa'id al-ʿAḍudiyyah [Commentary on the Aqa'id al-Adudiyyah] (Beirut: Dar al-Kutub al-'Ilmiyyah, 1998), 134–140. Jalal al-Din al-Dawani, Ethical and Political Philosophy in Islam (Cairo: Dar al-Fikr, 1992), 88–94.
[46] Hammurabi, The Code of Hammurabi, trans. Robert Francis Harper (Chicago: University of Chicago Press, 1904), 8.

where judges and rulers are warned against corruption because they will be judged by God in the Hereafter[47].

In essence, Babylonian law was a rigid legal system based on hierarchy, state control and strict punishments. It lacked a divine moral framework that held rulers accountable, meaning justice was enforced for the benefit of social order rather than as a sacred duty to God. In contrast, Islamic law incorporates divine rights, ensuring that justice is not only about legal enforcement but also about moral and ethical responsibility.

Roman law developed structured legal systems but based them on state authority, not divine justice. It is one of the most influential legal systems in history, forming the foundation for modern legal principles such as contracts, citizenship and legal rights. However, unlike Islamic law which integrates divine justice (ḥuquq Allah) with human rights (ḥuquq al-ʿibad), Roman law was a state-centric legal system that operated independently of divine accountability. The authority of law was vested in the Roman state and its legal institutions, not in religious or moral obligations to a higher divine power.

1. Roman Law as a Secular State System

Roman legal principles were codified in various legal texts, the most significant being:

- The Twelve Tables (450 BCE) – The first written Roman laws.
- The Corpus Juris Civilis (529-534 CE) – The foundation of later European legal systems.

While the Romans had a polytheistic religious system, their gods did not dictate laws. Unlike Islam, where Shari'ah law is derived from divine revelation (Qur'an and Sunnah), Roman law was developed through legal reasoning, state authority and practical governance.

Example of Secular Law (Twelve Tables):

- Table IV: Paternal Authority – "A father shall have the right to kill his deformed child."
- Table IX: Punishment of Crimes – "No man shall be put to death without a trial, except in cases of treason."

Comparison to Islam: In Islam, every human life is sacred (Qur'an 5:32) and a father cannot kill his child based on deformity. Roman law was concerned with maintaining order, while Islamic law integrates moral, ethical and divine justice.

2. No Divine Accountability for Rulers

In Islam, rulers are accountable to God for their actions. The Qur'an and Hadith emphasize that oppression (ẓulm) is forbidden, and leaders must govern with fairness. In contrast, Roman

[47] Mohammad Hashim Kamali, The Rule of Law in Islam: A Comparative Study (Cambridge: Islamic Texts Society, 2011), 145–152. Ibn Taymiyyah, Public Duties in Islam: The Institution of the Hisba, trans. Muhtar Holland (Leicester: Islamic Foundation, 1982), 88–95. Al-Mawardi, Al-Ahkam al-Sultaniyyah [The Ordinances of Government], trans. Asadullah Yate (London: Ta-Ha Publishers, 1996), 134–140.

emperors and senators were not bound by divine justice; their authority came from political and military power, not religious duty.

Example:

- Lex Valeria (82 BCE): Allowed the Roman dictator Sulla to pass laws without the Senate's approval, consolidating absolute power.

Comparison to Islam: The Caliph (Islamic ruler) is accountable to God and can be removed if he fails to uphold justice. Roman rulers, particularly during the Empire, could rule arbitrarily without being answerable to divine law.

Roman law was a structured legal system that emphasized contracts, property rights and state authority. While Roman law contributed to modern legal traditions, it lacked the ethical and divine dimensions found in Islamic law, where justice is not only a legal duty but also a sacred obligation toward both humanity and God.

Greek philosophy emphasized moral reasoning and virtue but did not establish a structured system of rights enforced by religious obligations. While it played a crucial role in shaping Western ideas of justice, virtue and governance, but it did not establish a structured system of legally enforceable rights tied to divine obligations. Unlike Islamic law, where divine rights (ḥuquq Allah) and human rights (ḥuquq al-ʿibad) are interdependent, Greek philosophy saw justice as an intellectual and ethical pursuit rather than a sacred duty before God. The Greeks focused on moral reasoning, civic responsibility and human flourishing (eudaimonia), but their concept of rights was not legally binding nor divinely mandated.

1. Justice as a Philosophical Ideal, not a Religious Duty

Greek thinkers such as Plato, Aristotle and the Stoics developed profound theories of justice and virtue, but these concepts were not translated into an enforceable legal system tied to divine accountability.

Example from Plato:

In The Republic, Plato defines justice as each individual performing the role suited to them in society. He argues that justice is achieved when the three parts of the soul; reason, spirit and desire are in harmony.

Comparison to Islam: Plato's justice is a moral and psychological condition, not a legal or divine obligation. In contrast, Islamic law mandates justice as an obligation before God, ensuring that rulers and individuals act fairly in all aspects of life (Qur'an 4:58).

Example from Aristotle:

In Nicomachean Ethics, Aristotle describes justice as giving each person what they deserve and sees it as the highest virtue in political life. However, he does not propose that justice must be enforced through divine or religious authority.

Comparison to Islam: Aristotle's justice is relative to social class and merit, whereas Islamic justice is absolute, ensuring equal protection under divine law (Qur'an 5:8).

2. Rights as a Civic Concept, not a Religious Obligation

Greek philosophy primarily viewed rights in the context of citizenship and participation in the polis (city-state) rather than as universal human entitlements tied to divine justice.

Example from Athenian Democracy:

Only male citizens had political rights, while women, slaves and non-citizens were excluded from participating in governance.

Comparison to Islam: In Islam, all individuals are granted rights by God, regardless of status, gender or ethnicity (Qur'an 49:13). Greek rights were limited to a privileged class, while Islamic rights are universal and God-given.

While Greek philosophy shaped ideas of virtue, justice and governance, it lacked the divine accountability and structured legal framework that Islam provides. In contrast, Islamic law ensures that justice is both a legal duty and a sacred obligation before God.

In Islamic thought, as presented by Al-Ghazali, Ibn Khaldun and Al-Shatibi, justice is not only a social necessity but also a religious duty. This unique integration ensures that human rights are protected not just by legal codes, but by ethical and spiritual obligations that hold both rulers and individuals accountable.

Thus, while Babylonian, Roman and Greek systems contributed to legal and philosophical ideas on rights, Islamic thought uniquely combines law, morality, and divine justice, offering a comprehensive vision of governance and human dignity that remains relevant today.

The Superiority of the Islamic View on Rights as a Holistic Framework

The concept of rights and justice has been a central concern in human civilisation, shaping legal systems and governance structures across different cultures. Babylonian, Roman and Greek traditions laid some foundational principles in legal and ethical thought, yet they remained limited by social hierarchy, state control and secular reasoning. Babylonian law was retributive and class-based, enforcing different rights based on social status. Roman law was structured and legalistic but granted rights primarily to citizens, excluding others. Greek philosophy explored justice as a moral virtue but lacked a concrete legal framework to implement rights universally.

In contrast, Islamic thought, as developed by Al-Ghazali, Ibn Khaldun and Al-Shatibi provides the most comprehensive and balanced approach to rights and justice. Unlike these earlier systems, Islam does not separate law from morality, governance from ethics, or human rights from divine accountability. Justice (ʿadl) in Islam is both a legal necessity and a religious

duty, ensuring that rulers, citizens and society as a whole are bound by ethical and divine obligations.

One of the key strengths of Islamic justice is its universal applicability. While ancient legal traditions applied justice selectively, favouring elites, citizens, or certain social classes, Islam ensures that all individuals, regardless of status, race, or nationality are entitled to dignity, fairness and protection. The Qur'an (49:13) affirms that human worth is based on piety, not wealth or lineage, a principle absents in pre-modern legal systems. Moreover, Islamic governance mandates ethical accountability, unlike Roman law, where rulers wielded unchecked state power, or Greek philosophy, where justice was discussed in theory but not enforced in practice.

Another defining feature of Islamic rights is their integration with social justice and ethical responsibility. Modern human rights frameworks emphasize individual freedoms but often fail to account for communal well-being, moral obligations and the protection of societal values. Al-Ghazali highlights the spiritual dimension of justice, ensuring that morality is embedded in governance. Ibn Khaldun warns that oppression (ẓulm) leads to societal collapse, linking justice directly to the survival of civilisations. Al-Shatibi's Maqaṣid al-Shari'ah framework ensures that Islamic law remains dynamic and adaptable, always prioritising the well-being of individuals and society.

Additionally, Islamic justice prevents tyranny and corruption more effectively than earlier legal traditions. Babylonian kings, Roman emperors and Greek rulers were not bound by divine obligations and often ruled in their own interests. In contrast, Islamic governance requires rulers to uphold justice as a divine duty, making them accountable before God and the people.

It was narrated from Jabir that a woman from Banu Makhzum stole something, and she was brought to the Prophet Muhammad ﷺ. She sought the protection of Umm Salamah, but the Prophet said, "If Fatimah bint Muhammad were to steal, I would cut off her hand." And he ordered that her hand be cut off.

This incident highlights the Islamic principle of justice, which is not selective or biased based on social status, power or lineage. Unlike many historical legal systems where elites were often exempt from punishment, Islam upholds absolute fairness, ensuring that rulers, the privileged and the wealthy are held accountable just as ordinary citizens are. This reinforces the idea that justice is not only about enforcing laws but ensuring that no one, regardless of power or status is above divine law.

Why Islam Offers the Most Holistic and Just Framework? While Babylonian, Roman and Greek legal traditions contributed important ideas to the development of law and rights, they were fundamentally incomplete because they:

- Lacked divine accountability, allowing rulers to manipulate laws.
- Restricted human rights to specific classes or citizens, excluding large portions of the population.

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- Did not integrate morality with law, treating justice as a political or intellectual tool rather than a universal obligation.

In contrast, Islamic justice offers a holistic model that transcends time and culture by ensuring:

- Justice is both a legal and religious duty, holding individuals and rulers accountable to divine law.
- Human rights are universal and God-given, protecting all people regardless of social status.
- Law, morality and social welfare are interconnected, ensuring a just and balanced society.

Thus, Islam provides the most comprehensive, ethical and sustainable framework for justice and rights, offering a divine model of governance that remains relevant and superior to all earlier legal systems. Unlike previous civilisations, where justice was shaped by social hierarchy, political interests or philosophical ideals, Islam ensures that justice is upheld for the benefit of all, as a sacred trust between humanity and God.

Influence of Islam on Modern Human Rights

Islam's contribution to human rights discourse is both profound and far-reaching, providing a framework that integrates justice, morality and divine accountability. Unlike earlier legal traditions, such as Babylonian, Roman and Greek systems, which limited rights based on class, citizenship or social hierarchy, Islam established a universal foundation for human dignity, ensuring that all individuals, regardless of race, gender, or social status are entitled to protection, fairness and justice. While other civilisations structured their laws around state control, political power, or philosophical reasoning, Islamic law (Shari'ah) combined legal enforcement with moral and ethical obligations, ensuring that justice is not merely a function of governance but a sacred duty.

Many of the fundamental rights enshrined in modern human rights frameworks, such as the Universal Declaration of Human Rights (UDHR), the International Covenant on Civil and Political Rights (ICCPR) and the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) were already established in Islamic teachings centuries before their Western codification. The right to life, religious freedom, economic justice, gender equality and the protection of the oppressed were not merely philosophical ideals in Islam but practical legal mandates embedded in the Qur'an, Hadith and Islamic governance.

The Qur'an (17:70) affirms human dignity stating, "We have certainly honoured the children of Adam", while the Prophet Muhammad ﷺ's teachings and governance upheld principles of justice, social welfare, workers' rights, gender equity and religious coexistence. The Constitution of Medina (622 CE) is a key example of Islam's early commitment to pluralism and legal protection for all communities, setting a precedent for modern concepts of

multiculturalism and minority rights. Islam institutionalised zakat (charity) to promote economic equity, outlawed exploitative labour practices and provided legal protections for women centuries before Western societies recognised such rights.

In contrast to Western human rights models, which evolved through secular legalism, enlightenment rationalism and state-centric governance, Islamic justice uniquely balances individual rights with ethical and communal responsibilities. Al-Ghazali, Ibn Khaldun and Al-Shatibi emphasized that justice (ʿadl) is not just a legal necessity but a religious duty, ensuring that rulers remain accountable, economic fairness is institutionalised, and social harmony is preserved. While modern human rights frameworks focus on state enforcement of rights, Islam ensures that justice is upheld as both a divine obligation and a legal requirement, preventing corruption, oppression and exploitation at all levels of society.

Moreover, Islam's concept of justice surpasses that of previous civilisations, which often prioritised state authority over ethical governance. Babylonian law was class-based and retributive, Roman law emphasized legal contracts and state power, and Greek philosophy focused on moral reasoning without enforceable legal structures. Islamic law, however, merges law with morality, ensuring that governance is bound by ethical and divine principles. This prevents the state from arbitrarily altering legal principles to serve political interests, as was common in Roman and medieval European law.

Furthermore, Islam does not separate human rights from divine obligations. While modern secular frameworks rely on human reason and evolving legal interpretations to define rights, Islamic law maintains a fixed moral foundation based on divine justice, ensuring that basic human rights remain inalienable and not subject to shifting political ideologies. The Qur'an (5:8) commands believers to uphold justice impartially, stating, "Be just, even if it is against yourselves or your close relatives." This principle underscores that justice in Islam is absolute, binding upon both rulers and individuals and not subject to manipulation based on personal or political interests.

Additionally, Islamic justice extends beyond individual rights to encompass collective well-being and moral accountability. While modern human rights discourse focuses heavily on personal freedoms, Islam integrates these freedoms with social justice, economic fairness and ethical responsibility. This prevents excessive individualism, exploitation, and moral decay, ensuring that rights are exercised in a way that benefits both the individual and society as a whole. Islamic teachings on fair wages, protection of workers, gender equity and social welfare reflect a balanced approach to human rights that aligns both personal liberties with broader societal obligations.

Thus, Islam's approach to human rights is not only timeless but also superior in its scope and application. By integrating law, ethics and divine accountability, Islam provides the most just and holistic model for human rights, one that remains relevant and unmatched in its ability to balance individual freedoms with moral responsibility, social justice and divine law.

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