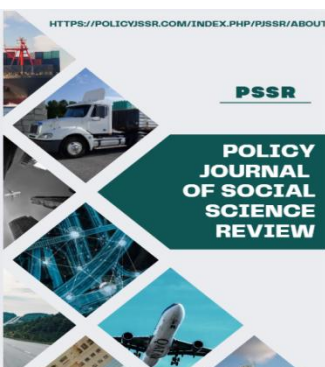




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LOCKE'S NATURAL RIGHTS AND ISLAMIC RIGHTS: LIFE, LIBERTY, PROPERTY, AND HUMAN DIGNITY IN THE LIGHT OF MAQASID AL-SHARI'AH

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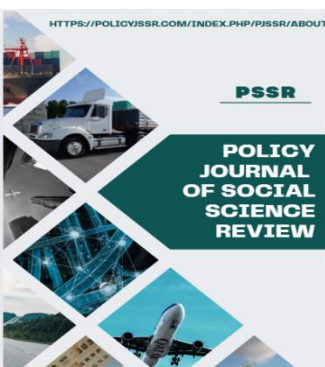
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ABSTRACT

This article compares John Locke's theory of natural rights with the Islamic framework of rights and protections, particularly through the maqasid al-shari'ah. Locke identifies life, liberty, and property as fundamental interests that government must protect. Islamic law similarly protects life, religion, intellect, family or lineage, and property, while grounding these protections in revelation, moral duty, justice, and human dignity. This article argues that Islamic rights should not be understood as merely abstract moral ideals, nor as rules that appeared only in later legal writing. Although the formal classification of maqasid was systematized by scholars such as al-Ghazali centuries later, its underlying protections were rooted in the Qur'an, the Sunnah, and the legal-social practices of the Medinan community. Using a qualitative comparative method, the study examines Locke's *Second Treatise of Government*, Qur'anic provisions, selected Hadith, Seerah literature, and modern maqasid scholarship. The findings show substantial overlap between Locke and Islam regarding the protection of life, freedom from arbitrary domination, and property. However, the Islamic framework is broader, as it also protects religion, intellect, family, honor, and social welfare. The article concludes that, by the criterion of comprehensiveness and the integration of rights with duties, the maqasid framework is more coherent. This conclusion is normative and does not deny Locke's major contribution to limiting tyranny and defending individual freedom.

Keywords: John Locke; natural rights; maqasid al-shari'ah; life; liberty;



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property; human dignity; Islamic law; human rights.

Introduction

Rights are central to both modern political philosophy and Islamic legal thought. John Locke is widely associated with the modern language of natural rights, especially life, liberty, and property. In the *Second Treatise of Government*, Locke argues that human beings are naturally free and equal and that no person should harm another in “life, health, liberty, or possessions” (Locke, 1988, Second Treatise, 6). Government is legitimate only when it protects these interests through law and consent.

Islamic law also contains a rights-based moral and legal framework. The classical doctrine of maqasid al-shari‘ah identifies the preservation of religion, life, intellect, family or lineage, and property as essential purposes of the Shari‘ah (Al-Ghazali, 1993, Vol. 1, pp. 286–287). Modern scholars have also connected maqasid with human dignity, justice, freedom, welfare, and human development (Auda, 2008, pp. 21–24).

The main difference is that Locke’s rights framework is primarily developed through natural law, reason, consent, and limited government. Islamic rights, by contrast, are grounded in revelation, *fitrah* (human moral disposition), justice, and human accountability before Allah. They are not merely ideals stated in legal texts. Their foundations appeared in Qur’anic legislation and Prophetic practice during the formative Medinan period,

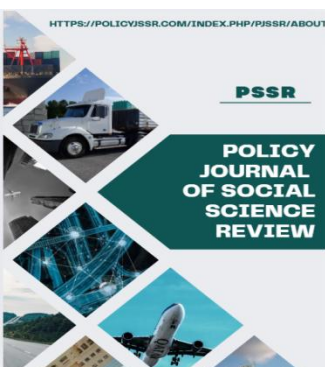
including rules concerning life, contracts, property, family, religious communities, and public justice.

2.1 Background and Significance

Locke’s political philosophy emerged in a European context shaped by monarchy, religious conflict, and debates about state authority. His theory was important because it challenged absolute rule. He argued that political power is held in trust and that rulers cannot legitimately destroy, enslave, or impoverish those whom they govern (Locke, 1988, Second Treatise, 135).

Islamic law developed in a different historical setting. The Qur’an and Sunnah created a moral-legal order that regulated private conduct, family relations, commerce, contracts, crime, welfare, religious communities, and political authority. In Medina, these principles became part of an actual community and legal order rather than remaining philosophical abstractions. The Medinan document, transmitted in Ibn Ishaq’s *Seerah*, organized mutual obligations among Muslim groups and regulated relations with Jewish communities (Ibn Ishaq, 1955, pp. 231–233).

The comparison is significant because it challenges two assumptions. The first is that rights discourse began only with modern Western political philosophy. The second is that Islamic law addresses only religious duties,



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not human rights, dignity, public welfare, or legal protection.

2.2 Purpose and Objectives

The purpose of this article is to compare Locke's natural-rights framework with Islamic protections under maqasid al-shari'ah.

The objectives are:

1. To explain Locke's concepts of life, liberty, and property.
2. To explain the Islamic protections of religion, life, intellect, family, property, and dignity.
3. To show that Islamic rights were reflected in Qur'anic and Prophetic practice, not merely later legal theory.
4. To assess which framework is more coherent in protecting the whole human person and society.

2.3 Research Questions and Hypotheses

This article addresses three questions:

1. How do Locke's natural rights compare with Islamic rights under maqasid al-shari'ah?
2. Were Islamic protections only moral teachings, or were they also developed into law and social practice during the formative Islamic period?
3. Which framework provides a more coherent account of rights, duties, dignity, and public welfare?

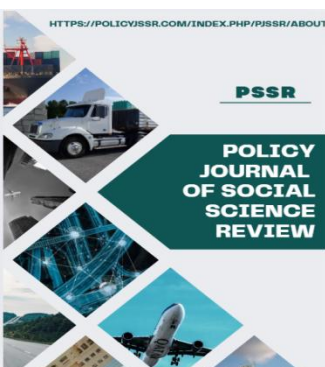
The article advances the following proposition: While Locke offers a powerful defense of life, liberty, property, consent, and limits on political authority, the maqasid al-shari'ah provides a more comprehensive rights framework by integrating individual rights with moral duties, family protection, intellectual well-being, social welfare, and human dignity.

3. Literature Review

Locke's political theory is centered on natural law. He holds that human beings are equal because they are the workmanship of one Creator. Therefore, no one may arbitrarily harm another's life, liberty, health, or possessions (Locke, 1988, Second Treatise, 6). Locke defines freedom not as lawlessness but as freedom from the arbitrary will of another person. Political liberty exists where people live under standing laws established by consent rather than under uncontrolled personal rule (Locke, 1988, Second Treatise, 22-23).

Property is especially important in Locke's account. He argues that every person has property in their own person and labor. When labor is combined with natural resources, private property may arise, subject to moral limits and the preservation of others (Locke, 1988, Second Treatise, 25-31). Locke also holds that government is created to preserve "property," a term he uses broadly to include life, liberty, and estate (Locke, 1988, Second Treatise, 123).

Islamic law approaches these concerns through the maqasid al-shari'ah. Al-Ghazali's well-known formulation identifies five essential protections: religion, life, intellect, lineage or offspring, and property (Al-Ghazali, 1993, Vol. 1, pp. 286-287). These are not five isolated rights. They are interrelated conditions for human flourishing. Auda explains that modern maqasid scholarship has developed the traditional language of preservation into broader concepts such as freedom of belief,



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care for the family, scientific thinking, human dignity, human rights, social assistance, and economic development (Auda, 2008, pp. 21–24).

The Qur'an provides the foundational norms. Human dignity is affirmed in Qur'an 17:70, which states that Allah has honored the children of Adam. Justice is required even when it goes against one's own interests or relatives (Qur'an 4:135). Hostility toward others must not lead to injustice (Qur'an 5:8). The Qur'an also prohibits unlawful killing (Qur'an 17:33), coercion in religion (Qur'an 2:256), unlawful consumption of wealth (Qur'an 4:29), and harm to orphan property (Qur'an 4:6).

Seerah sources show that these principles were not treated only as future ideals. The Prophet ﷺ established a Medinan community in which covenants, legal responsibilities, public security, social solidarity, and relations with non-Muslim groups were regulated. *The Sealed Nectar* identifies the brotherhood between the Muhajirun and Ansar and the Medinan agreement as key institutions in the formation of this society (Al-Mubarakpuri, 1996, pp. 118–125). *When the Moon Split* similarly presents the Medinan order as involving mutual responsibility, law, and coexistence among different communities (Al-Mubarakpuri, 1998, pp. 131–133).

4. Methodology

This study uses a qualitative comparative and textual method. Locke's *Second Treatise of Government* is examined through its section

numbers, which are more precise than page citations across different editions. Islamic sources include the Qur'an, selected Hadith, classical Seerah, and modern maqasid scholarship.

The comparison uses five criteria:

- . Foundation of rights.
- . Protection of life and liberty.
- . Protection of property.
- . Scope of human dignity and welfare.
- . Relationship between rights, duties, and public authority.

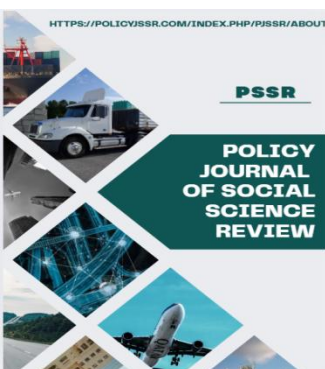
The study does not claim that Islamic law and Lockean liberalism are identical. It compares their underlying frameworks while recognizing their different historical contexts and moral foundations.

5. Findings / Results

5.1 Life: Natural Preservation and Sanctity of Human Life

Locke considers self-preservation a basic natural right. No person may arbitrarily take another's life, because all human beings are equal under the law of nature (Locke, 1988, Second Treatise, 6). Political authority is legitimate only when it serves preservation rather than destruction.

Islam likewise treats life as sacred. The Qur'an prohibits taking a life that Allah has made inviolable except through lawful justice (Qur'an 17:33). It also establishes *qisas* as a regulated legal response to murder while emphasizing that this rule protects life and restrains cycles of revenge (Qur'an 2:178–179). Thus, Islamic law did not merely condemn



Policy Journal of Social Science Review

ISSN Online:3006-4635

ISSN Print: 3006-4627

murder morally; it regulated homicide, retaliation, pardon, compensation, and legal process.

The Prophet ﷺ reinforced this protection in the Farewell Pilgrimage, declaring the blood, property, and honor of people sacred (Muslim ibn al-Hajjaj, 2007, Hadith 1218a). This illustrates that the protection of life was part of public moral and legal practice, not only a philosophical principle.

5.2 Liberty and Religion

Locke defines liberty as freedom from arbitrary domination. A person is free when not subject to the uncontrolled will of another human being and when governed by known laws established through consent (Locke, 1988, Second Treatise, 22).

Islamic law also rejects arbitrary oppression. The Qur'an commands justice, consultation, and the fulfillment of trusts (Qur'an 4:58; 42:38). It rejects coercion in religion: "There is no compulsion in religion" (Qur'an 2:256). The Medinan document recognized Jewish communities as treaty partners who retained their religion while sharing certain public obligations with Muslims (Ibn Ishaq, 1955, pp. 231-233).

However, Islamic liberty is not identical to Locke's individual autonomy. Islamic freedom is morally directed: a person should be free from oppression, exploitation, coercion, and destructive desires, but freedom is exercised in accountability to Allah and in respect for the rights of others. This means that Islamic liberty

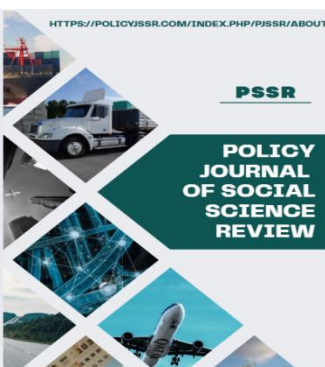
is connected with responsibility, moral discipline, and public justice.

It is also necessary to recognize that classical Muslim jurists debated questions such as apostasy, public order, and the limits of religious freedom. Therefore, Qur'an 2:256 should not be simplified into a claim that classical Islamic law was identical to modern liberal freedom of conscience. The stronger argument is that Islam established a foundational prohibition on forced conversion and a treaty-based framework for religious coexistence.

5.3 Property: Ownership with Social Responsibility

Locke's theory of property begins with self-ownership and labor. Every person owns their body and labor; when that labor is mixed with natural resources, property becomes legitimate (Locke, 1988, Second Treatise, 25-27). Locke's contribution is important because it limits rulers' arbitrary seizure of property and challenges the idea that government may treat people's possessions as its own.

Islam also protects property, but it does not treat ownership as absolute. The Qur'an prohibits wrongful consumption of wealth and unjust transactions (Qur'an 2:188; 4:29). It protects the property of orphans (Qur'an 4:6) and recognizes inheritance rights for women and men (Qur'an 4:7). These rules were revealed and applied in the Medinan period, demonstrating that property rights were connected to actual legal institutions.



Policy Journal of Social Science Review

ISSN Online:3006-4635

ISSN Print: 3006-4627

At the same time, wealth carries social duties. Zakat is not merely voluntary charity; it is a required social obligation directed toward designated categories of need (Qur'an 9:60). Islamic property is therefore both a right and a trust. A person may own wealth, trade, inherit, and benefit from labor, but may not exploit, deceive, hoard unjustly, or neglect people with low incomes.

In this respect, the Islamic model corrects a weakness in a purely property-centered reading of Locke. Locke does recognize duties of charity and limits on property, but his framework is often interpreted primarily in terms of individual ownership. The maqasid model connects property protection with the circulation of wealth, welfare, justice, and the prevention of harm.

5.4 Intellect, Family, and Human Dignity

The biggest difference between the two frameworks is scope. Locke's core triad is life, liberty, and property. Islamic maqasid include these concerns but also add the protection of intellect, family or lineage, religion, and dignity. The protection of intellect is reflected in the prohibition of intoxicants, which are described as harmful to reason, worship, and social relations (Qur'an 5:90-91). It also includes the encouragement of learning, reflection, and responsible knowledge. Auda argues that contemporary maqasid scholarship has expanded the protection of intellect beyond the prohibition of intoxicants to include education, scientific thinking, and intellectual development (Auda, 2008, pp. 22-23).

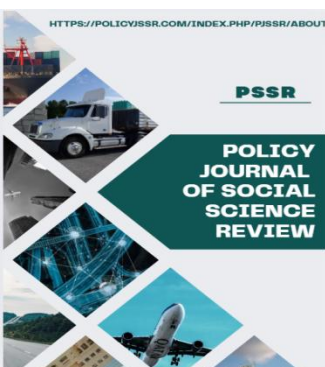
The protection of family and lineage is reflected in Qur'anic rules concerning marriage, inheritance, maintenance, sexual ethics, and care for children and orphans. Qur'an 4:7 gave women recognized inheritance shares, while Qur'an 4:19 prohibited treating women as inherited property. These rules show that family protection was not merely a private moral ideal but part of the developing legal order.

Human dignity is broader than either property or physical survival. The Qur'an affirms the honor of all children of Adam (Qur'an 17:70). It makes moral worth dependent on righteousness rather than race, tribe, or social status (Qur'an 49:13). In the Farewell Sermon, honor was placed alongside blood and property as inviolable (Muslim ibn al-Hajjaj, 2007, Hadith 1218a). Modern maqasid scholars, therefore, increasingly describe the preservation of honor as the protection of human dignity and rights (Auda, 2008, pp. 22-24).

6. Discussion

The comparison demonstrates major overlap between Locke and Islamic thought. Both reject arbitrary rule. Both protect life and property. Both recognize that law should serve human well-being rather than merely empower rulers. Locke's defense of consent, limited government, and resistance to tyranny remains one of the strongest achievements of modern political philosophy.

However, the maqasid al-shari'ah framework is more coherent when coherence is understood



Policy Journal of Social Science Review

ISSN Online:3006-4635

ISSN Print: 3006-4627

as comprehensiveness and moral integration. Locke provides a powerful account of individual protection, but the Islamic framework encompasses life, liberty, property, religion, intellect, family, welfare, honor, and dignity within a single moral structure. It does not separate rights from duties. The property right is joined to zakat and the prohibition of exploitation. The right to life is joined to justice and legal restraint. Religious protection is joined to the covenant and non-coercion. Family protection is joined to inheritance, maintenance, and care for vulnerable persons. Islamic rights are also not only natural-law claims or later legal theories. Their normative foundations are found in Qur'anic revelation, while their legal and institutional expression began during the Prophetic period in Medina. The regulation of contracts, inheritance, intoxicants, family relations, life, public justice, and inter-community covenants demonstrates that these protections entered social and legal practice as Islam developed.

This does not mean that every historical Muslim government perfectly applied these principles. Nor does it mean that classical Islamic law and modern human-rights law are identical. Islamic legal traditions contain internal debates, differences among schools, and historical practices that require critical study. The claim of greater coherence is therefore an evaluative conclusion: it rests on the view that a rights system is stronger when it protects not only individual choice and

property, but also moral responsibility, family, intellect, social welfare, and human dignity.

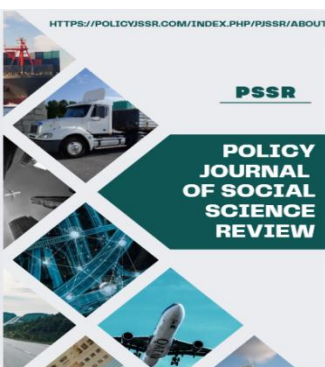
7. Conclusion

Locke's natural-rights theory remains highly important because it defends life, liberty, property, consent, and limits on governmental power. Its strongest contribution is its rejection of arbitrary authority and its insistence that political power exists for the preservation of people rather than their domination.

Islamic rights, especially when understood through the lens of maqasid al-shari'ah, share these protections but extend them further. The Islamic framework protects religion, life, intellect, family, property, honor, and human dignity. Although al-Ghazali systematized these objectives in later legal theory, their foundations were present in the Qur'an and Sunnah. They were reflected in the legal and social organization of the Medinan community. The maqasid framework is therefore more coherent in scope because it combines rights with duties and individual protection with public welfare. Its value lies not in rejecting Locke completely, but in showing that Islamic law offers a broader moral account of human flourishing: one in which life, liberty, property, intellect, family, faith, and dignity are mutually connected.

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