

**Mohammad Hashim Kamali: Fundamental Rights of the Individual: An Analysis of *Haq* (Rights) in Islamic Law**

Despite the frequent occurrence of *haqq* in the Quran and hadith as well as the works of classical Muslim jurists, a precise definition for it has not been articulated. Many of the early Shariah scholars seem to have relied on the literal meaning of *haqq*, without attempting a definition, on the assumption that the word was clear enough even without a definition. Modern scholars of the discipline have, on the other hand, attempted to provide a comprehensive definition. This article looks into these various definitions of *haqq* and ascertains some of the issues that have generated controversy in debate. It also discusses the tendency in Islamic law to place greater emphasis on obligations than on rights. An attempt has also been made to develop a perspective on this and address in the meantime the suggestion by some Western commentators that Islamic law does recognise rights but only obligations. A perspective has also been developed over the meaning and relevance of *hukm* (law and value) and of '*adl*' (justice) in the understanding of *haqq*. Some of the answers provided to these questions are partly the outcome of the present writer's own reflections based on many years of research on fundamental rights and liberties of the individual in Islamic law in conjunction with the on-going discourse on human rights. An adequate understanding of *haqq* in Islamic law enables one to identify the root causes of the issues before us, how and why they arose in the first place, and then explain a persistent misunderstanding of Islamic law on this subject.