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Foundations of Human Rights in Islam and the Universal Declaration

In the light of what has thus far been said, we must emphasize that the Universal Declaration, regrettably, failed to correlate the realities of human existence and social issues, whereas the Islamic Declaration confirmed this linkage quite explicitly; hence, it was logical in itself as well as in relation to the proposed human rights. The Universal Declaration declared the following basis in its permeable:

- 1. The necessity of acknowledging man's essential standing while providing freedom, justice, and peace
- 2. The occurrence of brutality as a consequence of denying human rights.
- 3. The coming into being of a new world order where freedom of expression and of beliefs prevailed, without fear of poverty, as the supreme hope for humanity.
- 4. The necessity of protecting the rights lest the people are compelled to revolt against injustice.
- 5. The necessity of promoting friendly relations.
- 6. The nations' resolve to promote social progress.
- 7. The necessity of effecting mutual cooperation.

However, the basic question is what is man's intrinsic dignity? Is it his natural disposition? If it be so, how should this Declaration be introduced to a world submerged in material wants denying the concept of natural disposition? What are the differences between a brutal act and humane one? Can we attain real general criteria if we do not believe in the theory of human perfection? Has there been a study about human aspirations such that it proves that aspirations are confined only to freedom of expression and belief, and eliminating fear and poverty?

Would it be correct to say that aspirations imply man bring free to say whatever he wanted to say, and to believe in whatever he liked, without let even if he, for instance, wanted to ridicule what was held sacred by others?

Isn't here an intermixing of the foundations and the upper edifice? Except if it is said that the general human aspirations are to be accepted as necessary needs.

If that were so, then we would observe: "Is it not a valid human aspiration to attain awareness of the Absolute Creator, to depend on the Ultimate Power, to worship the Real Master" Aren't these common human aspirations clearly manifested even through a brief glimpse of human history?

Furthermore, is the basic human aspiration other than achieving comprehensive moral order'? Where is any mention of it? Isn't it true that giving way to individual freedom in all respects: behavior, belief, economy and politics, without being governed by any moral limits leads to the destruction of a great deal of the moral values?

The same is true of the other bases as stated in the preamble to the Declaration.

Anyhow, a researcher would not recognize therein any logical relationship between the foundation and the upper edifice whereas probably he would have recognized other political objectives as expressed in certain phrases such as: "It is essential, if man is not to be compelled to take recourse, as a last resort, to rebellion or revolution, that human rights should be protected..." or "...to promote the development of friendly relations between nations..." and the like, through which one could perceive that the critics would cast doubts on the motives of the Universal Declaration due to the circumstances prevailing at the time of its inception.

It was proposed after the end of World War II, when the Big Powers had taken control of the entire world, especially U.S.A which had come out of the war with the least losses in men and material, whereas the European allies carte out of it exhausted and weakened on the one hand, while on the other communism extended its sphere of influence by presenting a historic philosophy on which a revolutionary theory was founded, making the months of deprived masses water, and so attracting their attention.

At the same time, there grew it worldwide longing for it new international system in which disputes would be few and through which mankind's dream of a noble world order would finally be attained.

All these circumstances required a universal bunion philosophy and it slogan whereby the U.S.A would appear as the champion of human civilization heading towards a glorious human future. This would enable it to come out of its isolation and as a world leader expand its capitalist philosophy based on individual freedom and then proceed to compete with the communist system armed with an opposing social system which too would make the mouths of the deprived water.

But they thought it necessary that the deprived nations be given a make-believe right to be heard- so the General Assembly of the United Nations was shaped as a model of equality in voting, say of the U.S.A with Burma, whereas in exercise of power and supremacy it remains the domain of the Big powers who dominate everything through the Security Council and their right to veto.

Such is the picture portrayed by those who look dubiously at the real motives behind that Declaration.

Nevertheless, it undoubtedly represents it great stride towards international recognition of human rights – a fact which is undeniable, despite all its weak points, as will. God willing, be explained later on.

The Islamic Declaration

While studying the preamble, which explains the bases on which the Islamic Declaration has been founded it will be seen that the proposed rights are much more advanced and more logical in respect of linking the said two questions, such that it enables one to clearly recognize all the rights as stated in the Declaration.

The Primary Basis

The leading basis rests on the belief in Allah and in His Attributes of Perfection, and that creation of everything (granting all the favors, creating man in the best form. generosity. assigning man as successor, entrusting him with building, placing obligations upon his shoulders, granting: him the use of universe) all of which are concepts constituting a basis for believing in man's right to life, dignity, building the earth, carrying out obligations, utilizing the universe, rather, one could identify the rights from within this passage.

The Second Basis

Is to believe in Islam as the true guidance, the true faith, the religion of mercy for all the worlds, the religion of liberating the enslaved, destroying the tyrants; the religion of equality based only on Taqwa (piety); the religion of abolishing discrimination and hatred among all people whom Allah created of a single soul.

The researcher may also deduce from these buses the most important individual and collective rights such as the right to seek cooperation and assistance, the right to liberty, the right to fight tyranny, the right to equality and the like.

The Third Basis

Is the unconditional belief in Tawhid (Unity of Allah), that is worshipping Allah alone, and freeing oneself from all other than Him thereby gaining freedom, responsibility and dignity.

The Fourth Basis

Is the Islamic legislations that preserve faith, life, intellect, honor, property, and offsprings while observing the general characteristics of comprehensiveness, moderation and practicability. It provides, in itself, a basis for other rights in general.

The Fifth Basis

Is the civilizing role of the Islamic *Umma* (community) as the best *Umma* which gave humanity a balanced civilization which links this world to the Hereafter and combines science with faith.

The Sixth Basis

Is the belief in the people's participation in protecting human rights.

The Seventh Basis

Is the belief in humanity's persistent need for a fundamental faith.

The Eighth Basis

Is the belief that the basic rights are it part of faith hence observing them is worship, and neglecting them is sin, and everyone is individually responsible for them, while the whole *Umma* collectively share responsibility for them. This in principle is the basis for the individual and collective responsibility for the application of the Articles of Declaration.

The above-mentioned bases provide firm foundations for the proposed rights as incorporated faithfully in the Declaration. It is on the belief that they make natural foundation for these upper constructions which will complete the edifice. Nevertheless, it is our opinion that the matter needs further deliberation.

Accordingly, a number of shortcomings which need to be amended are listed below:

- 1. In the First Basis, a reference to Allah's essential attributes must be included namely, Knowledge, Power and Life, which have an important place in respect to the validity of these rights, especially in that Islam requires the Muslims to be godly and equip themselves suitably with the divine attributes.
- 2. How much more appropriate would it be if the 'Third Basis' could be transferred to the stage succeeding the First Basis, since that is it's natural place following the stage of the attributes, i.e. the stage of Tawhid
- 3. Next it would be in natural sequence to link the `Fourth Basis' to the Third, as certain other attributes of the *Shariat* (Islamic Laws) could be added, since they hear positive effect on the question of human rights attributes such as: actuality, comprehensiveness, eternity, flexibility, correlation among the parts

of the *Shariat*, their concept of solidarity and progress among the members of humanity and the Islamic *Umma*, and the like.

- 4. A reference to the system of Islamic Law in the Preface, as well as to the ethical order and its objective is deemed necessary.
- 5. It would be appropriate to present in the preface the concept of the universality of the Message, so as to ward off an intruding suspicion that these rights would not be appropriate at the universal level. But Islam, based on the concept of *fitrat* (nature) and the characteristic of reality, and principle of actuality confirms the question of conformity with innate human needs a fact which would give it a universal character, because the innate disposition does not differ between persons or classes.

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