

Introduction To Irano-Islamic Views On Human Rights

Assuredly, human rights are the most complicated human issue in the twentieth century and a great challenge for the beginning of the twenty first century. Human rights are the ideology of modern man and suggestive of his identity and status in the modern world. Today, many acts, conducts, decisions, and plans are weighed with the touchstone of human rights, and even the adversaries in the final analysis try to avoid laying bare their contrary views. At all events, human rights have turned into a dominant discourse within the universal system. And the terms arising from them such as self-determination, fundamental freedoms, humanitarian conducts even in the case of the guilty ones, women's rights etc. have more or less been instrumental in different policies.

The discussions arising from human rights have determining effect both on the current functions and policies of the countries and on the formation of the different political and judicial systems. Hence, human rights may not be regarded as the paradigm of the function of the United Nations Organisation or the institutes safeguarding human rights.

In addition, human rights cannot be counted absurd with the proving of their unsuccessful function. It is true that in more cases the function of the institutes safeguarding human rights has not been effectual and human rights have been used as an instrument in the hands of the superpowers and an ideological cover for their policy of expansion, but it does not mean that the concepts arising from human rights should be discarded.

Human rights are the manifestation of a concept and a new status which modern man has found for himself. The Universal Declaration of Human Rights of 1948 states: "Human rights are to be regarded as a common standard of achievement for all peoples and all nations, to the end that every individual and every organ of society, keeping this Declaration constantly in mind." In addition, human rights are "the recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world."

With this view and as to the universalisation of the concepts of human rights, no thoughts or policies can remain silent to them, as shown by the scientific studies made by the Muslim Iranian scholars in this respect. Although the fundamental principles of analysis of human rights have common concepts and principles among Muslim Iranian thinkers, their analysis and conclusions are different.

Iranian Muslim Thinkers and Human Rights

As is seen in the articles compiled herein, there is no single interpretation of human rights by Iranian scholars. Although the literature of human rights is not so vast in Iran, one can find three general views in this regard by the Iranian writers. For the three groups, the fundamental question is how far the concepts of human rights can be effective.

Does what modern man found in the period of secularism accord with the Islamic insight? Concerning theoretical and practical problems common in the concept of Muslim human rights, can they take a step for a better interpretation of human rights? Each one of the three groups provides a different answer to this question.

The first group considers human rights outside the realm of Islamic thought. These writers regard human rights as belonging to the secular sphere of human thought and as an issue independent of religious sphere. Even if they find any crisis or contradiction within it, this act is not arrived at through religious principles but through scientific and practical parameters. As an example, in a book entitled *Human Rights in International Assemblies*, written by a board of writers under the supervision of Muhammad Riza Dabiri, human rights have been discussed not from a religious view-point but in the light of the international assemblies and man's attempts for achieving rights and justice.

Mahmud Masa'ili writes a few lines at the beginning of the book, "The thought of protecting human rights has been of special attention for resisting against tyranny. The aim of these attempts has been to provide the minimum set of rights for individuals . Hence, human rights are as old as history. In other words, from the time when man's rights were ignored, the struggle for human rights commenced. Therefore, history has constantly been an arena for two opposite forces, the advocates of human rights and the inheritors of the claim to tyranny."¹

In another book entitled *Principles of Human Rights* by Dr Mahdi Abusa'idi, there are views of this kind. In the introduction, he writes, "Since the beginning of history, some people have been deprived of their inherent rights, suffered tyranny at the hands of the powers-that-be, but they have struggled to redeem their rights, they have given sacrifice and they have enjoyed the moral and religious instructions and the support of humanitarian philosophers and scientists. These attempts have not proved abortive and throughout history, they have caused great victories for humanity and they have achieved success in disseminating the ethical principles and human rights. The greatest success so far achieved in approving human rights is the Universal Declaration of Human Rights."²

The obvious point is that human rights are regarded as inherent rights inspired by divine religions and by the ideas of modern theoreticians. In this view, there is no contradiction between religion and human rights but human rights are based on the natural rights of man definitely approved by religion. In his book *Public Freedoms and Human Rights* Dr Manuchihr Tabataba'i Mo'tameni regards human rights as inherent rights and states, "What the formulators of the Universal Declaration of Human Rights meant by dignity is the inherent value and dignity of man which are beyond his rights. In other words, people are equal in two things, in their inherent values and in their rights, which are particular to them in the society. It is said that these rights arise from man's value and dignity. for the nature of all human beings is one and the same and no one can transfer them, for these rights are not separate from him."³

Writings of this nature bespeak the ideas of the Iranian writers who regard the issue of human rights to be beyond religious discussions. In these writings, for better recognising the inherent rights of man, one should consider the sources, which show man's attempts to redeem these rights. The international declarations and assemblies and the conventions on human rights are the manifest common attempts of man throughout history, which are attracted by these people. In this regard, there is not much difference between the views of Iranian scholars and scientific attempts made by non-Muslim thinkers, for many of them discuss human rights outside the realm of religious thought.

Hence, their criticisms on human rights do not arise from religious thoughts, but due to the fact that some of the articles set forth in the Universal Declaration of Human Rights do not accord with the realities and do not have executive force or the views of small groups of people on human rights. The criticisms based on these concepts are not derived from Islam but made by lawyers or sociologists who try to obliterate contradictions and ambiguities from human rights. Some of the articles here are written with this view. In these articles, attempts have been made to discuss human rights themselves but not from an Islamic viewpoint. Some of the issues discussed by Iranian scholars are not written with the purpose of offering an Iranic Islamic view on human rights but with the purpose of investigating the issues relating to human rights.

However, the views of the second group are totally different. Among these writers are some distinguished Shi'ite theologians who regard Islamic stance on human rights different from the humanitarian stance on human rights. Of course, among the university scholars there are some like Sayyid Ahmad Fardid who believe that human rights are the manifestation of the rebellious self-centred man of the modern century. In his eye, modern man has turned into a creature that regards himself the viceroy of God in the universe and organised himself by adapting himself to physical pleasures. That man finds himself in the position to create rights based on desires and reject whatever God has commanded, is an unpleasant event in the age of humanism. This great perversion in the thoughts of man as the symbol of rebellion against the Almighty is manifested in the modern humanitarian thoughts. Human rights and a glance at socio-political issues arise from this great perversion. (Conference on Zionism-Faculty of Law, Tehran University)

In his book *Philosophy of Human Rights*, Ayatullah Javadi Amuli believes in the difference in principle of human rights seen in Islam and by the West. He believes that defining human rights depends on people's world vision. As a Muslim scholar and thinker regards God as the source of everything and the manifestation of the Almighty, he cannot consider rights for man outside the Divine realm.

In his view, the ultimate goal of man's life is the reaching of the Almighty and man possessed of knowledge desires to realise God's will and act and find way to reach Him. Hence, there are no rights for man except those arising from God's will. Stressing that human rights cannot be formulated through agreements or traditions and customs, he states, "some people may think they can formulate human rights without considering the world-vision and the bond between man and the world. The advocates of this thought formulated the bill of human rights, calling it the Universal Declaration of Human Rights.

Without consciously or unconsciously desiring it, they neglected the fact that the signing of such a bill would not be to the gain of some or the majority of the world. Rights are not a national issue like traditions and customs, which might be different to different people. The function of a true religion is not that it commands people what to wear or what to eat, for these things vary in varying cultures and places. What a true religion states includes all the facets of life without regarding the differences."⁴

Ayatullah Javadi Amuli believes that man cannot gain a common and universal source, which can determine human rights. In other words, man cannot determine human rights, for man has to break the chains of nature to achieve solidarity.⁵ He holds that one cannot content himself with the knowledge of the sages in religious matters and in matters of world-vision, for the knowledge of the sages is not sufficient.⁶

Meanwhile, the Divine nature is the most important common point with everyone. Hence, by using this Divine nature and law, people can achieve the true source of human rights. Therefore, Ayatullah Javadi Amuli holds that self-determination is only particular to God, and the systems which are not based on this thought, shall contain a degree of paganism. That is why he states the democratic systems and other secular systems are based on paganism.⁷ In addition, the formulation of laws requires the complete recognition of the world and this recognition is only possible by God who is capable of making laws and this is the advantage of Divine rights and laws over the non-divine ones.

Therefore, only by referring to religious sources, one can determine human rights. This is what the writer does after proving the necessity of divinity of human rights. Quoting the Holy Qur'an, he discusses the fundamental rights such as dignity, the right to life, freedom, and justice and so on from an Islamic perspective. However, the interpretations are substantially different from those in the Universal Declaration of Human Rights.

This is a striking example of the thoughts of the intellectuals who regard differently the relation between Islam and human rights. This difference is evident in the writings of Zain al-'Abidin Qurbani. In his book entitled *Islam and Human Rights*, he states that there is no need to refer to the declarations of the

international assemblies considering the sublime Islamic laws. In the introduction, he states, "Reading this book, the esteemed readers shall ratify that these bills and declarations are valid for those who do not have a bright civilisation or divine laws. However, for nation with a bright civilisation and a glorious religion like Islam and a sacred book like the Qur'an which determines its ideological, ethical and legal fate, they are not only invalid but with the study of the principles between the Universal Declaration of Human Rights and the Muslim laws the readers shall utter, "They talk through their hats."⁸

Qurbani holds that the laws promulgated by man are doomed to a large multitude of problems, for although the reasoning power of man is instrumental in some cases, one cannot satisfy oneself with them due to the limitations of reason and conscience. Man has very limited knowledge about himself and the society and their knowledge in many cases is mixed with personal interests, selfishness, emotions and thoughts.⁹

Quoting a few Western thinkers and a few misfortunes arising from man-made rules leads to the conclusion that it is only God that can determine original rules for man. In his view, what is expressed in Islam is much deeper than what is set forth in the Universal Declaration of Human Rights.

As to the right to life, freedom, the abolition of slavery, resistance against racial discrimination, Islam offers more sublime laws than the Universal Declaration of Human Rights. For instance, regarding freedom, Zain al-'Abidin Qurbani holds that true freedom is in Islamic laws and what is called freedom in the Western systems of human rights, is but perversion and following amoral principles and physical desires. He states, "Islam is the greatest pioneer of freedom and certainly, in no other religion, freedom has been so advocated. But this fact is noteworthy: most of the unpleasant events that have blackened history were due to this democratic spirit, and were done in the holy name of freedom."¹⁰

He holds that the superpowers of the world violate the rights of the downtrodden classes of the society in the name of freedom and regard women's perversion as moral traits.

Ayatullah Sayyid Muhammad Khamini 'i, in an article included herein, discusses the fundamental difference between the Islamic and the humanitarian views on freedom, and states what is called freedom in the current views on human rights contradicts the sublime concept of freedom whose goal is to elevate the human soul and not the human desires. In his view, freedom in the West is more the unleashing of the carnal soul, which is per se the forestalling of true freedom, which is the freedom of soul and the elevation of truth within man.

In general, in the second groups view, there is a fundamental difference between Islamic thought and the concept of contemporary human rights. Of course this group of thinkers does not deny some of the concepts set forth in the Universal Declaration of Human Rights. However, their definition and interpretation of concepts such as right, freedom, and equality are different from those commonly advocated. They define these concepts from a religious viewpoint and regard them limited within the realm of religious laws and insight.

However, there is a third group among the Iranian thinkers and writers who do not find substantial differences between some of the fundamental principles set forth in the Universal Declaration of Human Rights and the Islamic thought, but believe that in some cases, Islam cannot agree to some of the principles in these Declarations. In other words, the Islamic thought conditionally approves some contemporary human rights.

In a book entitled *Study of the Two Systems of International Human Rights in the West and Islam*, the late Ayatullah Muhammad Taqi Ja'fari discusses the two systems of human rights in the West and the human rights in Islam due to the existence of two declarations of human rights, that is the Universal Declaration of Human Rights and the Cairo Declaration of Human Rights in Islam. In practice, he believes in the existence of the two systems but does not see any fundamental difference between them.

In his opinion, man's awareness of his natural rights has caused the emergence of the concept of human rights. This is what the divine religions are based on. The divine religions are based on human nature, which is the nature of man. He states, "Since man acquired knowledge of the common aspects of life among his fellow-beings and realised the necessity of social life, he has understood the first principles of his inherent rights (inherent rights in the true sense of the word)."

The criterion for the first natural rights includes the protection and organisation of human life in their two fundamental dimensions, absolute natural life and good life. The first principle that man has as an inherent right, is the right to life officially accepted by all religions, laws and regulations. Good life has four fundamental principles, which include the right to dignity, education, freedom and equality before the law. These principles are based on the most original Islamic sources which complete all other divine religions.^{[11](#)}

The writer brings different historical evidence, implying that human rights exist in the very nature of man and throughout the history the principles of the natural rights of man have entered into the minds of the intellectuals, laws and human culture.^{[12](#)} In his opinion, the foundation of what takes shape in divine religions does not contradict man's inherent rights. Man's dignity is so vast that only a supernatural law can describe it. He holds that the universities of the world have not yet succeeded in taking a proper step in proving the dignity of man and this is what a divine religion like Islam can achieve with its sublime utterances. He states, "The basis for human rights in the West is compromising coexistence with peace, freedom and justice in human societies and of course, no one can question the idealistic aspect of these affairs.

However as we shall see, the claim to the necessity of these principles with the help of inherent feelings of man, has not satisfied the very basic human need for creating a world in which everyone may consider themselves as members of one family, for such a claim should be based on a more sublime basis which is God.^{[13](#)}

As we see, the late Ayatullah Ja'fari does not question the inherent nature of human rights. but believes

that these rights are so sublime and fundamental that man's attempts for proving them have not been enough and only the divine utterance can achieve this goal.

In his different books and articles, Dr Husain Mihrpur in one way or another discusses such a viewpoint. He holds that Islam officially recognises man's inherent value and dignity and accords special attention to his equality and freedom. In his book *Human Rights in International Documents and the Position of the Islamic Republic of Iran*, he states, "Man's freedom and respect for his dignity and rights without any limitation such as race, language, colour, nationality etc have been accorded much attention in Islam and that the main mission of the prophets especially the holy Prophet of Islam has been to emancipate man of these bonds and induce him to consider his dignity and value." [14](#)

Therefore, gaining back man's dignity and the fundamental rights and freedoms is not only the principle but also the goal of Islam and the Qur'anic verses testify to this fact. Ergo, there are not fundamental differences between the officially recognised rights in the Universal Declaration and the Islamic thought. In this regard, Dr Mihrpur states, "It can be explicitly claimed that almost all the fundamental rights set forth in the Universal Declaration of Human Rights exist in the Islamic system and in most cases, have been excellently done.

However, there are two salient points:

1. Islam accords considerable attention to the proper guidance and growth of man's morality. Hence, for those who commit tyranny, imprison the oppressed servants of God, prevent the spread of the concept of monotheism, and commit corruption or dissension, Islam does not accept the negligence of religion. Islam regards religious prejudice contradictory to the inherent dignity of man. Hence, it does not encourage it but forbids it through logical ways.
2. As to women's rights and the equality of men and women, Islam states that men and women are equal in dignity. However, they are from the same essence who have different duties and responsibilities due to their physiognomy. [15](#)

On this basis, the Islamic thought conditionally accepts the rights set forth in the Universal Declaration. Mihrpur holds that human rights are accepted in Islam and there are no fundamental differences between them. However, there is an additional emphasis or tendency in Islam based on which some of the principles, which ignore religious aspects, are rejected.

Such an interpretation is well observed in Dr Husayn Safai's article entitled *Fundamental Freedoms in Islam*. Quoting a few verses from the Holy Qur'an, he tries to show there are no fundamental differences between the rights set forth in the Universal Declaration of Human Rights and those in Islam.

In addition, Hujjat al-Islam Muhaqqiq Damad has an identical interpretation of humanitarian laws. Citing a few approved points and the observance of humanitarian rights especially in time of war, he tries to compare the common views between the Islamic thought and the ideas expressed in the Universal

Declaration of Human Rights although in his opinion there are some differences between the two.

With a brief survey, we realise that there are three different views on human rights among the Iranian scholars. Of course in all these three views, these scholars look differently at the concept of religion, human rights and their philosophical interpretation of the relation between religious concept and the human findings. The interpretation of the first group from the viewpoint of religion in the society, man's dignity in knowing himself and his inherent rights differ from those of the second group. The third group tries to offer a viewpoint in which man's dignity in recognising his rights and advantages is recognised and the current views in religious concepts get mingled with it.

Of course, in the views of the third group, when they discuss a certain contradiction between Islamic utterance and man's interpretation of human rights, naturally Islamic thought is preferred. At any rate, discussing human rights from an Iranian-Islamic perspective has not yet ended. In the Holy Qur'an and the religious sources there are diverse points, which can be discussed at this point. On the inherent value and dignity of man, there are clear utterances, which no Muslim thinker can reject. In the following, you will find some of them:

1. ***“And surely we have honoured the children of Adam .” (Surah al-Isra 17:70)***

In this verse, God places emphasis on the inherent dignity of man .

2. ***“O Mankind, We have created you male and female, and appointed you races and tribes that you may know one another.” (Surah al-Hujuraat 49: 13)***

In this verse, the Holy Quran verifies the equal rights of people without regard for their race.

3. ***“And when thy Lord said to the angels “I am setting in the earth a viceroy.” They said, “What, wilt Thou set therein one who will do corruption there and shed blood while we proclaim Thy praise and call Thee holy?” (Surah al-Baqarah, 2:30)***

Here, man is the viceroy of God in the earth and has the highest station of being, for God commanded all His angels to bow down before Adam. [16](#)

4. On the freedom of man, Imam 'Ali states, “Do not be servant to anyone, for God has created everyone free.” [17](#)

5. Man has the spirit of God. The Holy Qur'an states,

“See, I am creating a mortal of a clay. When I have shaped him, and breathed My spirit into him, fall you down, bowing before him.” (Surah as-Sad, 38:71-72)

Based on these pieces of evidence and many more, man has a sublime dignity in Islam. The way Islam regards human nature is such that one may make varying interpretations of it. Assuredly, the Islamic

interpretation of the goal of life and man's creation is such that it can influence the concept of human rights. With a brief glance at the Qur'anic verses, we realise that the goal of life is not to enjoy the worldly pleasures although they are not prohibited. Man has been created to worship the Almighty and attain Him. The main goal of creation is to reach the station of divine servitude.

"I have not created jinn and mankind except to serve me." (Surah ad-Dhariyat, 51:56)

In addition, the creation of man in Islam is to experience divine visitation. Does man tread on the path of divine servitude with the power of choice and freedom?

"We create man of a sperm-drop, a mingling, trying him: and We made him hearing and seeing." (Surah al-Insan 76:2)

Hence, the goal of man's creation is trying him and causing him to reach divine propinquity. The existence of Resurrection Day shows that this world is not the end of his life. "The world is the farm of the afterworld." Based on this insight, man's life is not eternal and begins with this world and continues until the visit of the Almighty is made possible.

"O Man Thou art labouring into your Lord laboriously, and thou shall encounter Him." (Surah al-Inshiqaq 84:6)

Therefore, the progressive movement is towards God.

Therefore, the meaning of man's life is different and so is man's station in life. From a religious point of view, everything taken from security, life, freedom and equality is for attaining inner truth of man and divine propinquity. Hence, the Islamic stance on these fundamental rights is influenced by this general impression. When the goal of man's life is reaching divine servitude, it is obvious that his interpretation of his rights and duties shall be influenced by fundamental goals.

From an anthropological glance at Islamic sources, man despite his sublime station and dignity has fundamental weak points. Terms such as weak, and the poor used in the Qur'an in relation to man shows that man has weaknesses, which can be obliterated only by God though he has the highest place in the chain of being. The Qur'anic verse,

"Man is created weak" (Surah an-Nisa 4:28)

shows the limitations of man's existence. These limitations are reparable by attaining to the Almighty and His guidance. Men need the guidance of God.

"O People, you are poor before God." (Surah al-Fatir 35: 15)

The goal of every religion is to guide man and lead him to perfection.

The purpose for stating these instances has not been to reveal the complete Islamic view of man and its

influence on human rights, but that in Islamic sources, there are discussions on the true nature of man, and the goal of his life different interpretations of which can have a determining effect on offering human rights. What is man's dignity? What is divine propinquity? What are man's existential limitations? Does it mean the description of natural characteristics of the being? These are the questions, which are proposed by seeing the present sources, and different answers to these questions can follow different views on human rights.

In these articles, attempts have been made to discuss human rights from different perspectives. Each one of these writers may belong to the aforementioned groups and for this reason, one cannot find a single style in these articles. Varying views on human rights suggest the varying options of Iranian scholars. It is hoped that in this first step, issues relating to this field are properly discussed, though finding final answers may not be possible in the modern atmosphere of Islamic thought and in ordinary man's thought.

Offering sufficient discussions on human rights calls for a bulky volume, which is possible with the assistance of all Muslim scholars and their continuous attempts. Assuredly, what is discussed in these articles is a small part of the vast discussions on human rights. It is hoped that this first move will be the basis for future attempts for more extensive volumes on human rights.

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- [4.](#) 'Abdullah Javadi Amuli, Philosophy of Human Rights, (Tehran, Asra, 1996), p.89
- [5.](#) Ibid., p. 93
- [6.](#) Ibid., p. 94
- [7.](#) Ibid., p. 116
- [8.](#) Zayn al-Abidin Qurbani, Islam and Human Rights, (Tehran, Bureau for Islamic Culture, 1996, p.10
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- [10.](#) Ibid., p.496
- [11.](#) Muhammad Taqi Ja'fari, International Human Rights in Islam and the West, (Tehran Bureau for International Rights, 1991), pp.13–14
- [12.](#) Ibid., p.15
- [13.](#) Ibid., p.54–55
- [14.](#) Husain Mihrpur, Human Rights in International Documents and the Position of the Islamic Republic of Iran, (Tehran, Ettila'at, 1995), p.39
- [15.](#) Ibid., pp.38–39
- [16.](#) Surah al-Baqarah (2:34), "And when He said to the Angels, "Bow yourselves to Adam".
- [17.](#) Nahj al-Balaghah

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