

# The Difference between West and Islam's Perspective about the Privacy Right

A glance to the privacy right in the legal systems of West and Islam and make a comparison between them, from content and identity view point shows basic and essential difference between them.

Some of these differences are as follows:

A survey of the privacy right history is eloquent of this fact that the religion of Islam emphasized on this natural right of human being more than one thousand and four hundred years ago. While in the world of West, where there are claims of human rights flag-bearing, the recognition of this right has been just started since the beginning of the 19th century by approving scattered and occasional legislations till the proposing of privacy right in universal Human Right Proclamation in 1984. In some western countries about two centuries, before the approval of the mentioned proclamation, some scattered legislations were approved such as: the approved legislation in 1765 by Lord Cameron of Britain. It was about the necessity of having authorized permission for confiscating of people's notes and correspondences, 1858 approved legislation for the prohibition of people's personal affairs publicizing, private life supporting law approved in 1974 in the United States, and 1981 treaty of European Council for supporting of people's private lives. Of course, the role of common law courts in expansion of this right in the west is of importance.

As mentioned before, the basis of West's thought about human beings is liberalistic and humanistic thinking. This kind of perspective has no consideration to the spiritual dimension of human beings and does not match with the reality of human existence. While in the religion of Islam all materialistic and non-materialistic dimensions of human being is considered and for human being as God's successor (khalifat o Allah) considers a particular place in the world of creation and essential greatness.

The difference between these two attitudes besides the definition of privacy, right will be manifested in determining its area. In the west's perspective, the privacy right it will be expressed motto-like and without any sufficient consideration to its basis and human beings' natural features. But in the religion of

Islam, this right is defined based on the basic requirements of human being's personal and social lives and in expressing that besides his spiritual and materialistic dimensions and his natural needs, his social life interests and requirements and by no means is advertising and motto-like.

In Islam, privacy right is a sacred and natural right that God determined for human beings and all people enjoy that and violation of this is a transgression and violation of human beings' natural and essential right. In the attitude of the western legal system this right is the result of state and countries agreement. Considering this right as natural and sacred right causes a guarantee of its strengthening and gives special meaning to it.

The moderate and reasonable attitude of Islam to the issue of privacy causes the defining and presenting of a precise area for this right which matches with realities and avoiding of any excess in expressing its spectrum. The advertising and show-like attitude of west to people's privacy causes the entering of some irrelative issues in this territory. Issues such as abortion and freedom of sexual relations in the area of personal privacy, regardless to their important influences on society's general morality, today is taken as one of the basic problems and challenges before the western world.

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