

Evaluation of difference between Islamic human rights and western ones

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ABSTRACT: Human rights are the basic, elementary right which every person is enjoying intrinsically. This study, with firm and consistent reasons tries to examine the difference between Islamic and western human rights. The result of this study showed that western human rights doesn't match completely with concepts of Islamic human rights. However, in some cases it is consistent and other times inconsistent with Islamic human rights. West has Ideological views toward this and Islamic opinions in these regard have similarities and differences, which clarifying them will lead to one difference, since religious and cultural differences are acceptable to everyone. It seems that religious differences and spiritual teaching is among the reasons for differences in western and Islamic human rights.

Keywords: Human rights, Islam, West, religious difference, spiritual teaching.

INTRODUCTION

Human rights are the basic, elementary right which every human being is enjoying intrinsically and inherently. This simple definition creates consequences and social and political reflections for people and governments. In accordance with Universal Declaration of Human Rights and other international documents, this right has some features such as universality, inalienability, intransferebilty, indivisibility, Invariance, non-discrimination and equality, integration and interrelatedness. Therefore it belongs to everyone in everywhere. And no one can be deprived of such a right due to geographical area he is living. While all persons regardless of such factors as race, nationality, gender and etc. are having the same rights and are equal to that and no one is superior to another. These rights include natural rights or legal rights which are mentioned in the national and international legislations (1). Human right is an extensive concept which sometimes turns into a Homonym and every social environment or political unions offer their own interpretations. Examining the Human rights reveals the fact that human societies and political systems in dimensions and quality of human rights have some feature of similarities and differences (2). The Islamic legal system is a set of Islamic rules and regulations (mainly legal) governing relations between members of a society. However, discussing human rights means that the body of international documents monitoring human rights of the people. In this paper, the writer tries to discuss the right and duties in this regulatory framework –both Islamic and human rights.

Western human rights are based on certain theoretical principles, including scientific rationalism, individualism, natural rights and the social contract, which will be briefly described.

A) *Scientific rationalism*

It is a scientific understanding of the universe and man's ability in which the only reliable knowledge is scientific knowledge. Scientific knowledge is also verifiable or fallible and scientific theories are adopting from empirical findings, obtained through experiments (3). According to this view, first: beyond the material is outside the realm of human recognition, as a result, it is not defined in the field of human rights. Second: wisdom based on scientific and empirical knowledge is capable of understanding all aspects of life including humans and their needs. Third: human rights is out of religion sphere and is in the sphere of human's rationality.

B) Individualism

The purpose of individualism is superiority of wisdom and individual reasoning over everything and set aside God and divine law from human life and evacuate it from his life so that individuality flaunt in it. This idea is the effect of scientific rationalism. In other words, the term "individualism" indicate a trend of thought which according to that the individual without the intervention and judgment of others makes a decision and chooses his own way of life. Therefore, according to "Guenon" "individualism is the rejection of any superior principle of individuality and as a result limits civilization in all aspects of humans...individualism means refusing to accept the authority of a superior, and a knowledge superior than individual discursive intellect (reasoning) (5). Finally, it can be claimed that the individual in western thought is a whole person and is in contrast with other wholes like him or social and natural environment (6). According to Nietzsche such a perception of individualism is the result of denying God and living in a world without God, human and individual is the subject of values.

C) Natural rights

The concept of natural rights is derived from the inherent dignity of human beings and any of human disorders such as language, race, gender and religion interferes with it. These rights include: life, liberty, equality and property, natural rights foundation over desires and human's fundamental instinct ,and what is there for him is an absolute natural rights, duties are limited in this area (8).

The western epistemological foundations and their view on individualism and acceptance of absolute and fundamental natural law led to a particular deduction about the society, that is society is credit-based, it also depends on social contract. This view leads social contract to have a particular role in setting the rules and it describes the details of human rights. Proponents of this approach realize the social contract as the only right source and believe that the rights are formed after the society is formed. Since the formation of society is realized on the basis of contract, rights have no origin but the contract. Moreover, the current argument about human rights is due to a lack of real basis for rights (9). After a brief introduction to the principles of Western human rights, we should evaluate whether these principles are compatible with Islam or not?

Rationalism as it is defined in the West (the human ability to recognize capabilities and their needs fully and comprehensively) is not acceptable by religious scholars. Such an approach cannot lead us to a truly human recognition. Scientific method of recognition, because of having limitations in the form of stabilization and falsifiability, merely worth a practical value and can be useful in practice, it is indeed unable to provide the reality of the universe.

According to Popper, a western materialist philosopher, "Science does not rest upon solid bedrock. The bold structure of its theories rises, as it were, above a swamp. It is like a building erected on piles. The piles are driven down from above into the swamp, but not down to any natural or 'given' base; and when we cease our attempts to drive our piles into a deeper layer, it is not because we have reached firm ground. We simply stop when we are satisfied that they are firm enough to carry the structure, at least for the time being." (10).

We believe that human right on the one hand is based on a preliminary determination of the existence system and recognition of real needs from the false ones. This type of recognition is not possible without the help of revelation. On the other hand, the determination of the international law for the human being is based on the existence of principles beyond human perception, because humans due to differences in testes ,interests, customs cannot reach to a unity, therefore there must be a common reference which is beyond contracts and human's point of views. From divine insight, God is an absolute pure existence; the entire world is dependent on its existence. God has a complete knowledge about all the existence, all aspects of human life, abilities, needs, talents. Therefore only God knows the way of salvation and the path to human perfection and he is only able to guide human, therefore, religion includes human rights (12) .In other words, human right is in the realm of expectation from the religion. Western individualism is not compatible with the Islamic insight.

First, it is incompatible with the divine insight. Because to the individualists, material aspect of life and human tendencies wouldn't be originated and any authority superior to human would be denied, but human monotheistic in the existence and continuity of life needs a superior creature than himself. It is true that human is the subject of his own acts and is responsible for all of them, but his subjectivity is not unbridled, rather in a series of longitudinal reasons lead to God himself. In other words, human subjectivity –incidentally and persistently- is dependent on God's will and without it nothing seems achievable (13).

The truth is that humanism and individualism in the western philosophy cause the curtailment of human personality, therefore, "in the philosophy of west, human has fallen from value for years... man has declined as a machine, the spirit and originality is rejected... from the point of view of some western philosophers, human is an object whose incentive is nothing but economic interests. Religion, ethics, philosophy, science and literature are superstructure which their underlying assets is a mode of production and distribution of wealth sharing (14).

Apart from the conflict of individualism approach to human or monotheistic worldview, the mentioned approach is inconsistent with the interpretation of human being in religious texts (Koran and Sunnah). According to Koran human is not only an animate creature, rather he is God's selective, composed of body and soul, familiar with the nature of God, God's trustee and in charge of himself and the world, master of nature, recognizing good and evil, worthy of dignity and enjoying the blessing of God and responder to the Lord.(15). Believe in the dignity and worth of the human being is in sharp contrast with what Western Humanists and individualists believe. The dominance of Islamic anthropology over individualists is quite obvious.

However, natural law, as it is a humanists vision of the human nature, free from ties beyond existent (God), is absolute and fundamental origin of him, without doubt is in conflict with Islamic vision. Because human nature, itself and regardless of contact and association with God and His purpose, cannot bring about any right. "we believe that natural rights come from where the universe with lucidity and focus on the goal guides the creatures to the perfections where their talents lies. Each natural talent comes from a natural right... there are different natural talents. The universe has put any of the species on its own orbit and his happiness lies in his movement according to his orbit. The universe has an aim in the work it does."(16). In other words, "there is no freedom without responsibility and also there is no human rights without obligations and duties in Islam... the idea that human, irrespective of believing in God, and his responsibilities and duties as a divine successor on Earth, enjoys the natural or inherent right, is completely alien to Islam".(17). Natural rights in humanism, in modern times are not justifiable to Islamic principles.

D) Social contract

According to this principle, only the social contract is liable to right, however this view is not acceptable either. Because according to Islam, innate human rights is based on divine wisdom bestowing from God on human and its aim is to achieve human perfection. Based on what discussed previously, it is obvious that Western human rights principles are not compatible with Islamic view, owing to the fact that from Islamic principle humans as having a divine nature is God-centered not self-centered. and human knowledge is not sufficient in the realm of wisdom, he needs to be guided by God. In addition, human is instinctively both rightful and charged with a duty. Moreover his responsibility is not deniable with human individuality. Also, inferred resources of human rights in Islam are not only social contracts but also Koran, Sunnah and reason. Because human being from existence and continuity of his life needs support from an absolute and superior existent, the one who is creator of the universe and human beings. He knows the man, his vast development, his talents and needs and knows the path to his salvation and perfection and can guide him to the happiness. This kind of God-centered interpretation of the universe and divinity of human right is in contrast with humanistic interpretation and mechanical definition of human based on scientific rationalism, extreme individualism.

CONCLUSION

The results of the present study show that western human rights are not fully compatible with Islamic human rights, however in some cases they are compatible and in other cases are incompatible. Ideological West approaches and Islamic views in this regard have some similarities and differences, which explaining these similarities and differences can reach to one difference, since religious and cultural differences are acceptable to all.

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