

The Phenomenon of Human Rights from the Perspective of Islam and the West

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Research Article

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Abstract: The phenomenon of human rights, in its contemporary sense, is not even ancient in Western thought, and it came from the context of a social and political movement in France, and the most important of the fundamental rights that collected under this title is the right to life, the right to liberty, the right to equality, the right to asylum, the right to freedom of expression, the right to freedom of opinion and religion, women's rights, the right to participate in social and political life, and the right to personal property. It is an established principle that the first condition for the exercise of these rights is their incompatibility with the rights of other human beings and their human rights. The philosophical basis of human rights in the West consists of three important principles: the principle of human dignity, equality and justice. But the difference between human rights in the West and Islam is that "God" is at the center of the Islamic worldview, while in the Western world the "man" is the central one, and man is the measure of all rights. A clearer interpretation of the two types of "God-centered" or "human-centered" ideas in the West is the predominance

of human-centeredness and in Islam the predominance of God-centeredness. The philosophical foundations of human rights in Islam are the principle of human dignity, the principle of God-seeking, the principle of human immortality, and the principle of its developmental relation to the set of being.

Keywords: Human Rights – Islam – West – God-centered – Human-centered – Human dignity – God seeking

INTRODUCTION:

First, it should be noted that the term "human rights" in its contemporary sense, even in Western thought and law, does not have an ancient history, if we include, for example, the books of the greatest philosopher of the Enlightenment, Kant (1804-1804), who more than ever other philosophers, places man and his dignity as the source of his practical philosophy, in search of this term we find no trace of the word "human rights" in them.

In fact, the term originates in the context of a social and political movement in France and has thus far maintained its inextricable link with its political substance and content, and it is not conceivable without it, so the term "rights". Human beings are practically and directly concerned with the group of powers that are pressuring and persecuting other thinkers in their sovereignty. Accordingly, the fundamental rights that are gathered under the phenomenon of "human rights" are:

The right to life, the right to liberty, the right to equality, the right to a fair trial, the right to be protected against the abuse of power, the right to be protected against torture, the right to protection of

dignity, the right to asylum, the rights of minorities, the right to participate in social life, the right to freedom of thought and expression, the right to freedom of belief and expression, the right to freedom of assembly and expression, economic rights, the right to own property, the right to work and exercise, the right to participate in material and spiritual necessities, the right to form a family, women's rights, the Right to Education, the right to life, the right to free choice of residence and place of life. (Ensanwa Adyan, p. 67).

Obviously, the first and foremost principle for the exercise of these rights is the nonconsistency with other human rights and the violation of their human rights.

If we categorize these rights into their internal logical system, they will be:

A. Rights of individual liberty

These include the right to protection whether it is against the coexistence of humans or with the State and government, the right to life and physical health, the right to freedom of religious and moral opinion, and the right to personal property.

B. The right to political freedom

These include: The right to participate in political and social affairs: such as freedom of the press, freedom of science and technology, freedom of research and education, freedom of assembly, and the formation of institutions.

C. Basic social rights

Such as the right to work, the right to social security, the right to cultural and social flourishing, and etc. (A History of Western Philosophy, p. 45).

This is a list of what is common today in so-called human rights, especially in the Western world.

Research Questions:

The main question:

Are there any differences in the philosophical basis of human rights from the perspective of Islam and the West?

Sub Questions:

1. To what extent is the phenomenon of human rights in the West as it is today?
2. What are the philosophical bases of human rights in the West?
3. What are the differences between human rights principles in Islam and the West?

Research Methodology:

In this academic article which is a library discussion, I will try my best to adhere to all the academic principles and will focus on, and refer to the main sources such as Qur'anic verses and the prophetic narrations; I will also rely on the researches done by the great Islamic scholars. In the case of any disagreements, I will further explain such cases by providing a critical study, as well as extract ambiguous and similar cases from the texts. In case, I will provide my point of view and state my attitude.

Literature Review:

Historical, sociological, and theological studies have shown that belief in some of the innate and essential rights which human legislators should not ignore that they have long existed in Islam and Christianity and that these rights derive from the divine will and the necessity of human dignity. In the eighteenth-century, the school of indigenous law gave new impetus to this idea. The idea was reflected in the French Revolution in (1789) in the Declaration of Human Rights and Citizenship. Henceforth, we

can say that the initiation of the Universal Declaration of Human Rights did not take place (1948) by western legislators but they were all there in divine religions specially Islam contained the first Human Rights Declaration. Philosophers and scientists somehow defended human rights.

Purposes:

1. A comparison between the basics of human rights in the West and Islam.
2. Expressing human rights concepts in Islam and the West.
3. To state that human rights in the West are highly individual while it is social in Islam.

In this research, the following subjects are discussed:

First, explanation of the concept of "human rights"

The term "human rights" raises the question of why and in what sense "human" forms the central gravity of the term.

In response, without mentioning its historical and social reasons here, it is sufficient to point out the Western world and to make it clearer. The Western countries came to a conclusion based on their own experiences that had been drawn upon them during their complicated history of friendship and hostility between themselves, especially in the eighteenth century. Concluded that the peaceful life of human beings is not possible unless human beings are respected as human beings excluding their religion, politics, ancestry, race, color, gender (male and female), ambition, status, wealth, power, and any credibility, only to be judged as a human being, that is not to say he is a Muslim, he is a Christian, he is a Jew, he atheist, not by saying he is black nor white, not rich nor poor, not a scholar nor illiterate, not by statesman nor by public or follower and so on. (A History of Western Philosophy / 1 p. 165)

Once the human rights phenomenon is put forward in this sense, whether it's right and rights will inevitably have another meaning, then right here will be the most natural and primitive claim that has been based on the existence and nature of every human person, no one has given it to him nor anyone can take it from him. So it is not the right of anyone, but the right of the "thing", the right to life, the right to liberty, the right to equality, etc., contrary to the right of a child to the parents and their right to the child and the right of a wife to the husband and vice versa. Because the right to personal and individual duty creates that duty for the individual but human rights is not the same, but the right of something. (Naqddeendariwa Modernism, p.126).

The question now arises as to whether the legitimacy of religious duties and the rights conferred on them derive from the "revelation" or other specific legislative authority, but where the origin of legal legitimacy lies in the "human rights" phenomenon? Islamic Law, Christian Law, and....? They have a spiritual source, so what is the source of human rights' legitimacy? The source of legitimacy that could guarantee its enforcement, punishment and reward for it, from what source does it derive its legitimacy?

The Philosophical Basis of Human Rights in the West:

To prove this, the founders of the phenomenon of "human rights" neither wanted nor could refer to this or that religion or any other reference, the subject of a human being as a human being would not exist, they had to legitimize and enforce this to find rights in man himself and his essential devices, in the following logical order, whose foundations were laid down in the philosophy of the enlightenment, that was the most important and most obvious phenomena of humans about humanity were found to be "dignity" of man, without citing any source. And reference can be, as the most basic principle of principle, to all human beings at any time and place, as if all religions They also acknowledge that dignity is an attribute and even a character that, apart from all other prestige and prestige, primarily encompasses

the individual human being, this first step, namely, human dignity as the "basic principle" not as "Right" was accepted as a human being.

The second matter that the westerners can bring up (because this is about individual dignity) – is the necessity of "equality". Equality or equality of all human beings in this dignity that could persuade all people to the necessity of preserving their substantive rights, and to prove the right of retaliation on the level of humanity, and the question is not only to accept this general meaning but to execute it and to guarantee it to anyone who violates the right. To be questioned in some way at the level of humanity is also relevant.

So for it to be guaranteed that it will act on the dignity and equality of the active, that is, dignity and equality is something that is within human beings, but the executive aspect is that from above and from another source one must face. In this regard, the only phenomenon of justice as the only phenomenon of all human beings is its general address to the authorities as well as to all human beings and individuals who somehow, albeit to a lesser degree, to other human beings has the power and right to command. (Deen, *Philosophy waQanon* p. 285)

These were the philosophical foundations of the emergence of human rights, their content and how they were guaranteed to be implemented in the West that was expressed in brief.

Now, why this difference is between what the West perceives as human beings and their rights, and what religions especially Islam perceives.

The Difference between Human Rights in the West and Islam

It seems that the root of this difference lies in the conception, in other words, of how two different images are used by the Western world on the one hand, and the Semitic religions, especially Islam, on the other.

In the Semitic religions, as the Qur'an speaks to them, "God" is at the center of their worldview, that is, the human being is the true meaning of one who constructs his life, thoughts, and deeds in devotion to the One God, and to put it that way, the source of human dignity therefore is his sincere attention to God and his reverence for righteousness.

As the holly verse points out (the best of you toward Allah is the most virtuous of you toward Allah) but the image of the man in Western worldviews is exactly the opposite: Western thought and ideology give the "human" the central focus, and the belief that "the human being is measured". All things "are the philosophical origins of modern times before Socrates, the Greek myths, and then all their philosophical schools, depart from this principle, the Greek gods, the world and its events, whether positive or negative, in the human axis and His wishes go round the belief in the European Christian tradition, that is, Christianity that originated with those who were not originally Jewish but rather religious of other religions, however, that "human-centered" had replaced "God-centered" as a principle, and that God had been in the service of man and his needs.

But man's image in Islam is different from the beginning, man is created in a monotheistic nature, the nature of God-centered is one of the cores of his being, in other words, the two types of "God-centered" or "Man-centered" in the West is "man-centered" and in Islam "God-centered". (Humanism, p.73)

It is known that throughout history, the Church has repeatedly tried to break the notion of "man-centered" and confine it to the laws and ordinances of the Church, but ultimately man-centered force has liberated Western men from those restrictions and limitations.

The effect of these two ideas:

The effect of "God-centered" in Semitic religions - especially Islam - and "human-centered" in Western culture on human rights is as follows:

Human rights inferred from religions see them in the context of divine will and command, and cannot inevitably disregard all credentials and prestige when speaking of human rights in Islam, human beings cannot be absolute, but rather being in relation to God, as it is Christianity as well, while human rights in the West are not subject to any restrictions so as to maintain their integrity. (Philosophy of Religion p. 65)

It is for this reason that the discrepancies between absolute human rights and religiously restricted human rights have led to discussions between Western human rights advocates and human rights advocates in the Islamic sense.

The philosophical foundations of human rights in Islam

The main difference between Islam's views on human rights and that of the West lies in its sources, human rights in Islam are based on philosophical and mystical principles, and Islamic law's provisions must be in accordance to and adhere to, the following are among them:

1- The principle of human dignity: In the Holy Quran, a human being is considered by God to have been dignified as follows ﴿And the title of Bani Adam's Creed: That is, (We have dignified Adam's son). (Isra'il: 70)

This dignity is a theoretical value that can later be put into practice; human dignity is a matter for the Qur'an, not a credit, and it indicates that it is truly existentially privileged and prominent, that is, the ultimate essence of the beings of the world. That is why God says to Iblis after the creation of man: "Why would not you bow down to my own hands' creation;"

This theoretical dignity can also have a great deal of value and practical magnanimity. Because of this dignity, all moral teachings and rights must be accorded with this theoretical principle and in full conformity with it, when we accept that the human being is a precious and valuable gem. That is, whether we want to believe that not only his freedom, security, etc. are his right, but they must be interpreted and arranged in a way that is consistent with his dignity.

2- God-Seeking Principle: Man is essentially God-seeking because he sees with the eyes of the heart, not the eyes of the face, this God is not unconscious, as he is not algebra, one should not assume that a lost man is unfamiliar, it is, but it demands a God who is familiar with and fascinated by. According to the wisdom of man, man does not have a separate and independent existence, but his existence is fully interconnected and this unrelated being is related to another being. It does not join but depends on an independent being, a human being who has a tendency to desire God, but a human relationship with God as the inherent poverty and his absolute need for God. D: (Fathir:15).

That is: O people! You need God. In this holy verse both truths are stated: First, man has no independent existence, and second, that his relationship is with God alone and is not dependent on any other being.

In this sense, any legal arrangement for man must be fully compatible with this spirit of God seeking, legal teachings that presuppose human beings as being existent, or who regard him as an entity other than God, from the source of right. Of course, those who disapprove of this source are often incorrectly adapted, and otherwise all people know that man is a dependent being, and the atheists have

entrusted themselves to something or someone, and have turned their hopes on. But the difference is that they see nothing but God as an independent being, and at some stage they have gone astray.

3- The principle of human immortality: Another source of human rights in Islam is that man never leads to destruction and obliteration, both through the passage and the rationale being received and through transmissible reasons, the Holy Qur'an renders man with the eternal soul considers that after this world, it enters into another world, in which it has a "self", the intellect also considers man to have a single soul and says that this soul is free from the sting of death. The only body of a man dies, and death is the separation between the soul and the body, and when that separation is again eliminated by the will of God, and the soul will incarnate to another proper body of that world.

This is a principle accepted by all human beings; the differences that arise are due to an error in adapting it, all human beings desire longer life, and with great effort seek to survive a little longer, this shows that human beings, in its own institution, it is eternal, but in the course of its adaptation, some assume that eternity is the life of the world, but one must know, a man is a traveler, the world is also a traveler.

4 - The principle of the human developmental relation to the set of being: Man, this eternal abstract essence which returns to the realm of right, has an inextricable and irrelevant connection with all the components of being. Hence, nothing can be done by a man unless his soul is influenced; every word, scripture, and behavior that affects a person affects his or her mood: either bright or dark.

For this reason, none of the issues, including legal rulings, can be found to be unrelated to the spirit, fate, and ethics of man. By accepting this principle, one can no longer accept that man is free to do everything himself. Eating any food, choosing any companion, and choosing any path will have a special impact on humans.

Forbidden food does not have the same effect as solvent food, false speech does not have the same fruit as truth does; they have their own special approaches such as sin causing the human heart to become mirrored in the dust, and transparency being stripped of his life. As the holy Qur'an states: "Kalla Bell-Ran Ala qolobihim ma Kano Yaksibun" (Mu'tafa'in: 14). That is, because of what they have done, their lives have become darker and darker.

When, by any sin, the dust settles on the heart, and the man touches the dust, little by little the gaps of the heart are closed, and blindness and real deafness ensue, even every good or bad memory on the mind's plate affects human life, and even an ugly, sinful look casts the same dust, then it seems that human eyes, ears, and tongue are at work, but in reality they are disabled.

Although the Qur'an says this about the eye, it is clear that this is an allegory, not only unique to the eye, but also to the ear, tongue, and other organs: If you say: Al-Qulub al-fii al-Sadur [Hajj: 46]. That is, the truth is that human appearance is not blind, but his eyes and soul are blind and invisible. That is why, although God transmits the message to humans, and the truth is heard to humans, some people do not really hear or understand it. (Hoqoqwa Syasatdar Quran, p. 87)

It is noteworthy that the above-mentioned holy verse from the Surat al-Hajj is, in fact, the commentary on many verses that the sinners call blind, deaf, and dumb, so it has a profound effect on the Islamic vision of every human act in the complex of his soul and soul makes it so that it sometimes has no resemblance to his appearance.

Conclusion:

After discussing human rights from the perspective of Islam and the West, we get the following results!

1. The Human Rights Phenomenon, as it is today in the West, is not historically ancient, but is a product of the Enlightenment.
2. Human rights are divided into three categories in a logical system, namely: the rights of individual freedoms, the right to political liberty and basic social rights.
3. The philosophical foundations of human rights in the West comprise three basic principles, namely: dignity, equality and justice.
4. Human rights in the West are "human-centered" and in Islam "God-centered".
5. The philosophical foundations of human rights in Islam are "human dignity, godliness, human immortality, and its developmental relationship" with the set of being.
6. The dignity of man in the Qur'an is a matter of fact, not of substance, of credit, and indicates that he is truly privileged and prominent in existence.
7. The concept of human rights in the West today is highly individualized, while in Islam it is regarded as a social being that is highly dependent on its own society.

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