



Comparison to Western Human Rights and Islamic Human Rights

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ABSTRACT

International law, according to many authors, of the phenomenon is present and in past centuries, has been under the provisions of Title and even the name of international law for the first time in 1789, "Bentham" has been introduced. In this study, we compared the Islamic Human Rights Human Rights International, the history of the human rights issue, pointing out the shortcomings of the Declaration of Human Rights and criticisms about this notices, especially criticism Islamic human rights, it has been suggested. Furthermore, critical aspect Islamic human right, about human rights, has been from the perspective of intellectuals.

KEYWORDS: Human rights, international law, human rights, Islamic, constitution of Islamic Republic

INTRODUCTION

After World War II, all people and governments that were tired of the war and destruction, for the United Nations, tried. On the one hand, part of this organization was trustee human rights and a charter adopted in 1948 which consists of a introduction and 30 articles. On the other hand, Muslim countries, the Islamic Human Rights have been developed and approved; It states believe that the West's human rights, there are contradictions and faults. That cannot be it on Muslim countries in general and unconditional performed. What created the Islamic Human Rights is specific culture of Islamic societies it is based on the laws and regulations set. International law, is not required for citizens and each of the two rights are in force in the territory of its own and within conflict, Internal rights, takes precedence over international law. Unless the legislature, to pass Internal legislation as well as international regulations (seminary and university Cooperation Office, 1993, p 128).

History of Human Rights

Initially of Babylon ruler Hammurabi's law, this was enacted in 1700 before Christ. And that seems to be this rule, the first human attempt to protect human rebellion against power and its goal to promote justice, to prevent rape, is a strong to weak.(Abdoldaem, Pp 283-284)

Hammurabi Law

Law Hammurabi around 1730 BC, The first written legal text is written the expression of a variety of rules, governing human relationships, it can be considered more or less related to human rights today. (Hashemi, 2005, p113)

This law is known as the Ten Commandments on a column of stone, a beautifully written.in 1902, among the excavations in the southeastern Iranian city of Susa obtained and now in the Louvre in Paris, is kept. That said, like the Torah was revealed from heaven.(Dorant, 1986, p260)

Careful and wise judicial approach that avoids the difficulties and the tyranny of man over his wife, on the other hand, is interesting. In total, 282 of The law the rules and principles of law and penalties relating to movable and immovable, business, industry, labor and physical abuse and family breakdown are expressed. In total, 282 of The law the rules and principles of law and penalties relating to movable and immovable, business, industry, labor and physical abuse and family breakdown are expressed. (Dorant, 1986, p261)

The Achaemenid Kourosh

Kourosh the founder of the Achaemenid dynasty (529 to 559 BC. M.) the kings is considered his name address and correct the bad things in history have been praised and his behavior, as the prophet of.(Hashemi,2005,p116)

Some have been confirmed, that Kourosh, Zolqarnein is mentioned in the Qur'an and God, on earth, empower and all were given the opportunity to take steps to of Justice. (Tabatabaei, pp 658-664)

I would consider the needs of Babylon and all its temples and tried to improve their holy cities beyond the Tigris River was destroyed a long time building temples, they have undergone and their position among the gods and their bodies were returned to their place and I replaced the stable destination. I have all their residents, gathered and I gave them back to their homes, that all the gods that I've placed in their temple, in front of Baal and Nbv me to pray daily. My life will be long ... "(Azad,2003,pp 54-55)

Human Rights, the UN Charter on the faith of "basic human rights" emphasizes and Article I, the principles of the UN purposes includes: To achieve international cooperation ... to promote and encourage respect for human rights and fundamental freedoms for all, regardless of race, sex, language or religion. "...Finally, all members are committed to that, "Through common and separate action "To "respect and observance of human rights and fundamental freedoms for all, regardless of race, sex, language or religion, by the work.(Ashouri,1999,pp,131-132)

The French Revolution

Revolutionary France, "Declaration of human rights" in 1789, in the beginning and Emmanuel Joseph Cis (1748 - 1836) This document was designed Constituent Assembly also notice it as a historical document and political, social and revolutionary, On August 26 1789, relying on the ideas of Jean-Jacques Rousseau (1712-1778 AD) approved and issued.(Ziadeh,1980)

The first step in the establishment of human rights in Islam, criticism of the status quo and the ruling on this issue in the international sphere know. Because the truth is, as a matter of "human rights" as an independent word-of-mouth and prove the concepts of Islamic law, is intended to mean that today there is no and up until the middle of the last century can be said of the words in the Arabic texts - not Islamic.(Aljabari,p26)

Since the publication in 1948 of the Universal Declaration of Human Rights there is controversy in the Islamic world, whether in principle or affection declaration of compliance with the fundamentals of Islam.(Abdolmalek Motevakel,p93)

Religious minorities and the Islamic Human Rights

In Islam, the equality of Muslim and non-Muslim nations, there are many verses and traditions in Hajarat the Sura, verse 13 reads as: Our people have created you from a male and a female, and made you tribes and groups, we have to know each other. The most honored of you in the sight of God is the most righteous.

The Hajarat Sura, verse 13, Islam condemns ethnicity and racism. The story of Prophet PBUH said(Alamini,1977,p188)

People Verily, your Lord is one and your father is one. Virtue of the Arabs Ajam, and the Ajam Arab and black on the Indians, and the Indians are not black, but a virtue.

Not only the rights of religious minorities and other nations have equal and have full freedom but social competition, such transactions are not restricted to Islamic law.

For example, the purchase and sale of goods is prohibited in Islam, such as wine, pork and play instruments, provided that there is no such prohibition in their religion. And if the traders is not a Muslim; Free, but do not pretend it's (Office of seminary and university Cooperation, 1993, p172)

Imam Ali PBUH command to the Malek

Their hearts towards their nation, full of blessing and love and grace now and a predatory animal to be not like those who enjoy eating their number; because they are only two groups: Or are you religious brothers and people like you.

Islam on certain rights related to culture, not only of legal rules and their duty of nations does not impose any the verses of the honorable of Quran and jurisprudence but also in the way they thought and behavior that are on their own regulations, frees.(Jafari,1991,p183)

(Momtaheneh,8)

Those who did not, and did not fight with you, and you did not get out of your land god, you have the kindness to them, and fair, they are not prohibited; Because, God, the righteous, the likes.

Islam's position on human rights

According Islam adopted the laws of God. and in the Holy Quran about people without regard to this point, the pass laws are that (Safat,35)

They were so, so it was said, No god but one God, who disobeyed.

Recommended in Islam, which is released in the realm of human life, which is much broader than is required by the provisions of the section, the limit, and even the duty, in order to obtain a legal obligation to refrain. Imam Ali says in this field :(Nahjolbalagheh,word 105)

Bernard Shaw writes: Six hundred years after Jesus pbuh, prophet Mohammed (PBUH), Islam was introduced to the world and a very big step to take towards monotheism... Must discovered the figure of the prophet Mohammed PBUH again Islam, once again, to be a living faith, be open to the world.(Khosroshahi,p12)

Marcel Bovazar, writes: Islamic world view, with two strong points, has a special glow: First, faith in God, the second denial of any racial or ethnic superiority and emphasized the equality of people. Announced this principle, the Prophet PBUH and prophet, able ignorant prejudice and ethnic Arab tribes to eradicate Jews and pagans of Mecca. Nothing religion, as Islam has not human characters.(14 Moayedi,p102)

God has been silent about things and the silence of oblivion, and he never forgot but God, the will is silent on these matters. So in these cases and others dependent do not. Islam attaches the greatest importance to human rights. Provided that the contempt and violation of the honor and dignity of human beings is not.

Marcel Bovazar, writes: One day the Prophet PBUH, at the funeral, one of the Jews of Medina had participated with a group of his Companions of that Prophet, a Jewish corpse, Funeral, and had unpleasantness; Prophet PBUH, his companions put the audience and asked: Are the Jewish humans is not? His companions were silent.(Moayedi,p104)

(Hai, 39-40)

The above verse, the permission of the jihad "innocence" and being oppressed and expelled from the home and the believer's displacement from their homeland. Knows from oppressors.

(Shoori: 41-42)

Those, then, who were oppressed by help, demand, do not wrong with them, and punishment of those who objected to their oppression and the earth, are unjustly oppress.

When a group of us, will not fight but committing a grave injustice has been compared to a number of people, we have the power, to save other humans, who have been raped, If you do not save, in fact, the cruelty of the oppressor against the oppressed have helped. Us where we are, who we not invaded, but a number of other people who may be Muslim and may not be Muslim, If they are Muslim, like the Palestinians, the Israelis, they have been displaced from their homes, have taken the personal property confiscated, Various oppressive committed against them, but for now, we do not, Is it permissible for us is that we help the oppressed Muslims to the rescue them? Yes, it is permitted, but also is obligatory; It is not a elementary fact. This is, to help the oppressed hasten, to the rescue the innocent from oppression, particularly when it is Muslim.(Motahari, P 29-30)

The Qur'an requires Muslims to give a view conflicting with monotheism and deism and take steps, toward international law of God:

(Aleomran:64)

Of The Qur'an's view, the right to life, only by God has given to humans and therefore, only God can, it does capture, After all, physical and spiritual destruction is prohibited. Without the permission of God, either by themselves or by others is prohibited. In other words, (life) of the past, women's rights, His duty is considered and nobody cannot bear the burden of the duty free. That said the right to life, the first right man.

If Muslims believe that human rights are different Of Islam to other religions. Can human rights organizations, human rights issue, according to what is considered a human right in this country to study. To see how much of the Islamic world, who believe that human rights are respected or implemented instead of asking, based on the definition of human rights in Western countries where this kind of punishment or to evaluate.(Arfaei, 1993, p280)

Universal human rights from the perspective of the West, the issue of value for human virtue and dignity is ignored; in none of these rights has not been privilege for people with virtue and piety and dignity.(Jafari,1991,p55).

Tell a People of the Book, toward right word between us and you is the same Let and that is the right word, is that the God we do not worship one another and what not to share his and some of us, some other, except for God, Lord of the exception and its owner so if it's right on the turned back tell you, bear witness that we are submitting to God.

All religions, especially Islam, are trying to understand the concept of human freedom up to human of this freedom, can enjoy, In contrast despotic and autocratic, this kind of freedom in the way of evil and its authoritarian think. Here, the argument that Professor Allameh Jafari, gave presentations on the concept of freedom, note says.(Jafari,p204)

Nobody is not allowed the right to take away other people's physical and spiritual life. Disclaimer physical life, the killing will be realized, according Islam in the Quran, This is equal to, destroy society unless it is done with due:

To kill someone else, except for death or fight corrupters, if all people are killed.

God is the right root and origin of human rights so that, without it, no rights can not be, thus, in the Islamic perspective, all human rights, Including social, legal and moral, God has the right, Origins and principles of law, right of God and all To Him belongs. (Mesbah Yazdi, 2009, p.56)

Freedom can be provided with the means to flourish the most impressive human brain and psyche, first, the government should not release the human's perfection; should not enjoy the feeling of freedom, of our wisdom, being unaware makes and ignore the necessity and virtue of our rational life. Second, at any stage of freedom and liberty as not to disturb the natural freedom of sublimation and to others, without bothering the brain and mental prosperity to be established.(Jaafari,p204)

Imam Sajjad (AS) and the fundamental human rights rooted in the knowledge of the Lord knows, Secrets of his speech, lies in the word if someone does not know God, and infidelity do in fact, it is deprived of the right to life the recognition of God as having a spiritual life.(Javadi Amoli,1989,p176)

Constitutional status of human rights in the Islamic Republic of Iran

Article 12 on freedom of conscience and religious practices of other religions are accepted, is expressed as: "Official religion of Iran is Islam and the religion Jafari Esna Ashari and this principle is unchangeable end and Islam and other religions, including the Hanafi, Shafi'i, Maliki, Hanbali, and Zeidi, with full respect for their and the followers of these religions are free to perform their religious rites in accordance with the religious.

Freedom of expression, Article 24 of the constitution states that freedom of expression and press publications freedom of expression, Article 24 of the constitution states that freedom of expression and press publications. It is clear that the principle that freedom of speech should not enter into Islam or public rights, harm. And in fact, the Declaration of Human Rights, Article 29, second paragraph does match that rights in the declaration, as far as possible to realize that would conflict with the rights of other individuals and society.

Article 26 of the constitution, the freedom of parties, societies, political or professional associations and societies, whether Islamic or recognized minority religious spoken and article 27 on freedom of assembly and marches are stressed.

The third season of the Iranian constitution, which is included in Articles 19 to 41 the third and ninth principles, specifically human rights of Iranian citizens as presented in the International Covenant on Civil and Political Rights, is recognized; emphasize the principle of equality in the Declaration of Human Rights, the tenets of Islamic law.

The right to freedom of expression and human rights perspective

Article 19, International Covenant on:

The right to freedom of opinion and expression entail special responsibilities and thus may be subject to certain restrictions that of course should be stipulated in the Law and the following are necessary: Respect for the rights or reputations of others, protection of national security, public order, public health or morals.

The principle of renounce violence, from the perspective of human rights

Article 20 of the International Covenant on:

Any kind advertising for war and any invitation to the national hatred, racial or religious, stimulus discrimination or hostility or violence shall be prohibited has been. Thus, the right to freedom of expression is not absolute. But always, any kind restriction to the right, to the criteria of legality, legitimacy, relevance and necessity be based on democratic.(Arfaei,1993,p280)

Freedom of religion and belief

Two of the eighteenth and nineteenth the Declaration Human Rights, in the field of freedom of religion and belief, with this in mind, or if someone wants to religious society chooses to act according to their religious duties.

Article 2 of the Declaration of Human Rights

Everyone, can be performed without any discrimination, In particular as to race, color, sex, language, religion, political opinion or any other opinion and nationality, social status, wealth, birth or other status of all rights and freedoms that all important now listed in the Declaration shall apply.

The principle of freedom of choice of a spouse

Article 2 of the Declaration of Human Rights

Every adult men and women have the right, without any limitation due to race, nationality or religion, marital together and a family.

Paragraph 4 of Article 19 of the International Covenant on:

None of the provisions of this Declaration should not be interpreted so that any action inconsistent with the purposes and principles of the United Nations against the sovereignty, territorial integrity and political independence of states is allowed.(Zoleyn,p456)

The conferences and international efforts to bring, with a secular view, man is separated from the field value. And obviously, Islam and secularism in general, both in interpretation and in the interpretation of humans and the interpretation of the universe and life, is incompatible.(Alnahvi,p59-60)

According to "Hobbes" Nobody has the right to limit human freedom based on "reason-oriented" liberal, his desires will determine the direction humans and the gap between the wishes and desires of real people, with their expressed desires are not acceptable.(Antoni R,1998,p42)

With great demoted humanity, that divine in religious caliphate interpreted, although for him hold great freedom but the desired freedom, more, is summarized in the freedom of body and lust.(Hosseini, 2000, p53)

It is on this basis that: First, religious ideas, such as veil banning abortion, restrictions and provisions relating to sexual and family morality and religious values, sense of oppression of women referred, In order to eliminate its work.

For example, the Convention on the Elimination of All Forms of Discrimination against Women »Any restrictions on the relationships between men and women, as 'discrimination against women' is sentenced. (Ebtekar,p137)

It is, of secularist thought prostitution should prescribe and eliminates the religious values. (Alnahvi,1997, p64)

Western human rights, to dignity of human inherent is sufficient have neglected the higher dignity, means dignity and value. While the, it is the most basic human rights, "human" in the field to interpret the values.(Jafari,p285)

All creatures are as, Family of God the most popular of them, by God, in your own time is their most useful, and no one has superiority over another except in piety and charity. As men and women are equal in human dignity together, but in some rights and duties, not because of discrimination in its humanity, But to requirement for the rights and duties there are some legal differences.(Marefat,p248)

According Islam, even for the worst of criminals intended as legal, Person can not ignore the rights of. The logic of Islam, if someone is killed thousands and much time the death penalty is too low for him, It should be observed that it is legal. (Motahari, 1982, p46)

The legal system of Islam and the West in general political principles of human rights, namely the right to a decent life, the right to liberty, the right to security, the prohibition of torture, cruel treatment or punishment banning, banning behavior contrary to the dignity and common humanity.(Hafari,p266)

If this is the order of nature, the law has awarded to Human and no one has the right to limit, it does not-The fact that many is claimed-Spoke highly unwarranted, unreasonable and without backing, it is reasonable. What is the nature that gives them such rights? The philosophy of human rights in the West, it is the criterion, "humanism" That's right, absolutely consider, so as to give no restriction, it is not outside the realm of human (Marefat,p225)

According Islam, dignity and value of human beings for achieving the status of a decent social life, it is essential.(Jafari,p56)

Implementation of human rights in Islam with the West Right to Life

In view of the universe is God's creation and "Life" is also a gift of God as stated in Article II of the Islamic the Declaration of Human Rights "Life is a right guaranteed to every human being and it is obligatory on all individuals, societies and governments It has the right support, and will stand against any aggression against it. (Marefat,p247)

God unjustly kill a person, is known to kill all humans (Maedeh 32)

The following paragraph of Article 2 of the Human Rights states:

Kill nobody, is not permitted without legal authorization (Marefat,p247)

The principle is that the free will human, in three contexts of beliefs, ethics and practice and not to impose any thing on him.(Mesbah Yazdi,p7691)

According Islam can not be a person because of his belief in the world wanted to be reprimanded or punished, Unless it to plot lead, In this case, prohibited conspiracy, no freedom of conscience. (Marefat,p247)

Islamic Human Rights

Islam has given fourteen centuries ago, the human rights (And in order humans) every person of every gender, every religion and every climate to be and that, according to Islamic philosophy, in honor the human, It is the human being, arises.(Algharzavi,2005,p13)

Examples in Islamic history, is of great importance, Pact known as "Halfolfozool»In Mecca, before Islam, to protect pilgrims and the poor, Help the oppressed and visit relatives, among a few tribes of Lords and the concepts and practices of contract and special Pact signed and the Prophet (pbuh) also took part in it and even said: This treaty was a treaty that, if in the course of Islam, I was invited to participate in it, to be accepted.(Abdoldaem,pp 285)

The human Rights in Islam is not an award for a king or ruler or a statement from the regional or international organization; rather, to judgment of God, the source of its binding on and there is no possibility to remove invalid and closed it and let the one who violated it, or neglect, and neglect it not right.(Alghazali, 1984,p231)

Islam in offers a complete and extensive human rights principles in the context of all the advanced and Muslims in the era of the Prophet (PBUH) and his successors in the program has been more proactive than all other nations. And new democracies, still on the way, the Islamic system is very backward.(Abdolvahed Vafi,1979,p3)

The human Rights in Islam stems from a principle of Islamic faith and that man of in his existence, carries divine reverence for God and acting in the world and It's legal for him to follow, no can not ignore them.(Alghonooshi,1996,p230)

Statements of Islamic Human Rights

Declaration of the human Rights and Duties in Islam, by the relationship in 1979. Alalam Aleslami reported.

Universal of Islamic Statements, the of Islamic Council of Europe published London on April 12 in 1980.

Universal Declaration of the human Rights in Islam, the of Islamic Council of Europe published in London on 19 September 1981.

Convention on the human Rights in Islam, of Islamic Conference Organization proposal presented to Congress, leaders Taef, which was published in January 1981

Declaration on the human Rights in Islam, which is the consensus of all stakeholders in the Fifth Congressional the human Rights in Tehran, in December 1989 AD, was published.(Aboosahelieh,p161)

Universal Declaration of Human Rights, expressed as a Western view the human rights, a secular text is based on practical experience and there is the possibility of changing the law, vary depending on experience and its goal is also to achieve realistic goals and objective.(Aboosahelieh,p163)

Stoics than other groups, were effective in human rights established for the first time, the rules of law and natural rights and he Romans and later the same special rights to foreign or modern language, known reputable international law.(Enayat,1985,p55)

Islamic Republic of Iran and human rights

Constitution of the Islamic Republic of Iran, the country's current political system as a legal document, many of the third season.(Articles 19 to 42) And some of the other principles, To been attributed a special place for civil, political, economic, social and cultural and in Article ninth to put Liberty, one of the country's main political and non-deprived(Hashemi,8413,pp172-173)

Rights and freedoms, the constitution of the Islamic Republic views

Public safety, dignity, life, property, jobs and rights (Article 22 and 25) and housing Security, Privacy, and stay (Article 25 and 33). Legal security of innocence (Article 37), Prosecution. (Article 32) Fair trial, with right to choose a lawyer (Article 35) and a tried publicly. (Article 165), Legality of crime and punishment (Article 36 and 169) Security suspects and convicts. (Article 38 and 39).

Freedom of opinion (Article 23), Expression (Article 24), the parties (Article 26) and association (Article 27). Economic rights, Social (Principles 21, 28, 29 and 43) and cultural. (Paragraphs 2 to 4 Article 3 and Article 30).

Rights of women and children (Article 21 and other principles), Minorities (Principles 12 to 14) and refugees. (Article 155).(Mansour,2007,pp27-128)

Rights and freedoms of the people in governance and public service employment.

(Principles 6, 7, 56, 62, 100, 107, 114 and other principles).

Imam Khomeini (intercepted), in a message to mark the opening of Parliament, representatives of the constitution in 1979 to make recommendations, the constitution should be inclusive benefits and features that in their heads to protect the interests of all segments of the rights of citizens from discrimination is wrong. (Madani, 7413, p 41)

According to the constitution, however, the Islamic Republic of Iran is a religious state, Rely on the vote of the people according to article VI of the country should be run to rely on public opinion and comment and vote of the people with participate in various elections; Presidency, Parliament, various councils (Village, town, city and province) and even in the leadership election, with Assembly of Experts elections, and the role is valid.(Mehrpour, 1998, p364)

According to the Iranian constitution, government is the military religious, appeared on the monotheism and belief in divine revelation, and belief in the Last Day and leadership, (Article II, constitution) and all laws and regulations must be based on Islamic criteria (Article 4 of the constitution).

According to Article XII of the official religion, the religion of Islam and Jafari is the Esna Jafari Other religions of course, are also respected and religions, Christians, Jews and Zoroastrianism as religious minorities officially recognized.

Capacity and implementing with provisions of the Universal Declaration of Human Rights, International Covenants on. Constitution not only relevant but also the introduction of more powerful, weighty and rich also has attention to human rights.(Sharifian,2001,p342)

According to the constitution, however, the Islamic Republic of Iran is a theocracy and religious, People's opinions are based according to Article VI of the country should be run to rely on public opinion.(Mehrpour,1998,p364)

Common principles of human rights in the Islamic World and the West

The right to equality before the law and rules.

Legal system, the protection of life, any redundant elements, as necessary, Government and social responsibility seriously implement the Article or fundamental rights (right to life) know.

Legal system, dignity and human dignity, with importance and the vital, The human right to dignity, right to know. Government and social environment in preparation for the fundamental right to freedom, they are responsible; Systems, the freedom and fundamental rights of human beings seen. This difference in the world Islamic and Iranian law, freedom, subject to the rights of the individual and social disruption homework is public because in Islam, any freedom, violation of rights and duties of the people or her rights and duties of man he was on the side of God's judgment, is strictly prohibited.

Both systems, the right to education and knowledge of legal principles, government and society will see responsible for implementing the right to education.(Jafari,2009,pp135-136)

The five common principles of universal human rights discourse in Islam and the West, these principles from the perspective of Islamic law principles, Higher and more meaningful of all human rights system, which has since been updated. This means that the life of the inherent dignity and worth, education, equality, real freedom, not No unrestrained, from the perspective of human rights in Islam, the truth is very great. (Jafari, 2009, pp138-141)

CONCLUSIONS

The basis of human rights in the Islamic view, is God-centered and monotheistic, While international human rights, the human-centered perspective has been developed, Universal Declaration of Human Rights, with the good and great value for humanity, But this does not mean that all of the content is approved. Most important in the present era, the arrogant powers in the hands of human rights as an excuse to pursue their interests without right has become.

The most important point that has been overlooked in the Universal Declaration of Human Rights, Respect the religions and cultures of the global arena is right and valid, all human beings and humanity in general, which is owns the rights, and everyone should respect and to consider, All the definitions and interpretations be valid, the issue of human rights came together to help them, he compares the Islamic Law and International Human Rights and legitimacy and universality of human rights finds.

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