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A Comparative Study of Western and Islamic Concept of Human Rights: Contradictory Expression of World Order

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Abstract

Human Rights have become the most significant issue of the modern history from the Islamic as well as the Western perspective. It may generally be defined as "those rights that are inherent in human nature and without which human beings cannot live a decent life." This research paper aims to briefly review the Islamic and western approach of human rights. Despite of voluminous work on human rights in the West for human honor and dignity, these two approaches are worlds apart in origin, sources, theory and practice. This study focuses on the thematic approach of universal declaration of human rights and the last sermon delivered by Holy Prophet ﷺ in order to develop better understanding of human rights in the modern world.

Key Words: Human Rights, Islamic Approach, Western Approach, Comparative Study, UDHR, theory and Practice.

Introduction:

Acknowledging the inherited dignity from our Creator irrespective of creed, caste and color should be adopted everywhere in the world. Those places where Human Rights are disobeyed and disregarded have faced so many problems, especially the disregard of human beings so there should be friendly relationship among neighbor countries.

Now-a-days we are living in the era of dramatic changes and transitions; everything is in our access because the globe is shrunk to a global village by the



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development of various technologies. The concept of global village is changed due to the competition among their inhabitants; moral values are far behind, therefore, in this scenario declaration of Human Rights has gained much prominence.

Human Rights refer to the “basic rights and freedom to which all humans are entitled.” Human being in this world is born free and all are equally entitled to dignity and rights. They are bequeathed with reason and conscience and should act towards one another in a spirit of brotherhood.

Every human being in this world is universal, indivisible and interdependent irrespective of any relation with each other. Therefore, international community should treat all equally. The Human Rights are inherent to all human beings, irrespective of our nationality, place of residence, sex national or ethnic origin, colour, religion, language or any other status. We are all equally entitled to our Human Rights without any discrimination. These rights are interrelated, interdependent and indivisible. These rights are governed and guaranteed by law; this would be in the form of contracts, customary international law, general principles and other treaties and sources of international law.

Relation between Islamic human rights and Western Human Rights: Same or Contradictory Approaches?:

And (remember) when your Lord said to the angels: “Verily, I am going to place a viceroy in the earth.” They said: “Will you place therein one who will do mischief therein and shed blood, while we glorify You with praises and thanks and sanctify You.” He (Allah) said: “Surely I know that which you do not know.” [2:30]

According to the Qur’an, this was God’s reply to the angels when they objected to the creation of human beings on earth. From this verse it is clear that Allah Almighty preserves the inherited rights of mankind. He give more sanctity to Human beings over angels by renouncing their reply in order for creation of mankind on earth.

The concept of human rights was formulated by Islam at the time when contemporaries of this religion knew or cared very little for the Islamic law. There are, however, some distinctions between human rights in Islam and the West. According to the Islamic law, Allah has granted the Human Rights to human beings and blessed him with honor and dignity. The Western Human Rights are acquired after a long and endurable human struggle and demands. Another important difference is that in Islam the source of Human Rights is divine revelation (*Wahī*) but in the West the source of Human Rights is human mind and experience. ⁽¹⁾

Islam lays down fundamental rights for man. In other words, it means that every man regardless of religion, caste, creed and colour has established basic rights

Islamic Concept of Human Rights:

The idea of Human Rights is not new. Many countries, cultures and religions have contributed to its base aim, and the basic aim is to give protection and dignity to

the people and to ensure freedom from tyranny, injustice and exploitation by the powerful.⁽²⁾

Islam has played a great role in establishing such rules. The Human Rights granted by Allah are part of the Islamic faith. Muslims are completely bound to such rule theoretically as well as practically.⁽³⁾

Right to life:

The first and basic thing in Islam is to respect human life as stated in the Holy Quran;

“Whosoever kills a human being without (any reason like) man slaughter, or corruption on earth, it is as tough as he had killed all mankind.”

So, a man cannot kill another man until and unless he commits crime like embezzlement, murder etc. but one should keep this in mind that the capital punishment can be given by the court of law alone. So according to Islam, those who commit murder without reason equate as if they vanish the whole human race. So, from the above verse we can easily understand that “the right to Life” is expressly granted by Islam.

In another place Allah Almighty the virtue of His noble man in these words;

وَالَّذِينَ لَا يَدْعُونَ مَعَ اللَّهِ إِلَهًا آخَرَ وَلَا يَقْتُلُونَ النَّفْسَ الَّتِي حَرَّمَ اللَّهُ إِلَّا بِالْحَقِّ وَلَا يَزْنُونَ وَمَنْ يَفْعَلْ ذَلِكَ يَلْقَ أَثَامًا

“the true servants of Allah Almighty) do not invoke with Allah another deity or kill the soul which Allah has forbidden [to be killed], except by right, and do not commit unlawful sexual intercourse. And whoever should do that will meet a penalty.”⁽⁴⁾

Respect to the Chastity of Women:

Man, in Islam is bound to respect the chastity of woman, whether she is a Muslim or non-muslim. And those who cross their limits they will be seriously punished, here in this world or Hereafter but in the western culture a woman may be an entertainer for the commander of army.

The Right to a Basic Standard of Life:

“And in their wealth, there is acknowledged right for the needy and destitute.”⁽⁵⁾

Thus the needy has a right on the affluent.

Rights to Justice:

The Holy Quran says: “Do not let your hatred of a people incite you to aggression”. So it is clear that Muslim will do justice even with his enemy.

Through justice and accountability, Allah Almighty preserves the sanctity of human life and honor.

It is the duty of each Muslim that he or she should behave in compliance with the teachings of Islam Now that people have embraced Islam from all parts of the world, there is a viable impact of Islam on the western concept of Islam.⁽⁶⁾

Western Concept of Human Rights and Universal Declaration of Human Rights:

The adoption of the “Universal Declaration of Human Rights in 1948 ”was the first occasion on which the organized community of nations made a Declaration of Human Rights and fundamental freedom.”

"Conceived as 'a common standard of achievement for all peoples and all nations,' the Universal Declaration has become a yardstick to measure the degree of respect for, and compliance with the international Human Rights standards".

"In the Proclamation of Teheran, adopted by the International Conference on Human Rights ... in 1968, the Conference agreed that 'the Universal Declaration ... states a common understanding of the peoples of the world concerning the inalienable and inviolable rights of all members of the human family and constitutes an obligation for the members of the international community.'"

The Declaration consists of 30 articles setting forth the civil, political, economic, social and cultural rights to which all persons are entitled without discrimination.

(7)

The purpose of UNDHR can be concluded with the following points.

- Works for the dignity of individual irrespective of creed and caste.
- To avoid rage and violation throughout the world, whether in the form of freedom violation or freedom of thought.
- To ensure the integrity of personal lives of individuals
- To develop friendly relationship between nations.
- To ensure the charter of United Nations.

Contents of Universal Declaration of Human Rights:

The Universal declaration of Human Rights starts with a note i-e. "All human beings are born free and equal in dignity and rights." So, equality is the most important thing in establishing Human Rights.

The second one is civil rights or "fundamental freedom" article 3 - 16 of universal declaration of Human Rights that deal with the so-called civil rights.

The Civil rights mean personal freedoms of a member of society. It includes prohibition of slavery, torture, punishment, legal right, freedom of thought, marriage, protection of property and religious liberty.

The third one is the political rights in the country where every citizen has the right of selecting their own leader through polling.

The fourth one is the economic, social, and cultural rights. These rights are depicted from the Article 22 to 27 of Declaration. They are referred as the second generation of Human Rights. Before the 18th century, these were the first generation of Human Rights. These rights include the right to do work, education, and the right to enjoy free cultural life in their community.

The 28th article of the Universal Declaration of Human Rights refers to the third generation of Human rights. The present Human Rights convention does not include the right to give chance of improvement in the personal status or a stress-free environment especially in the developing countries.⁽⁸⁾

Comparative Study of Universal Declaration of Human Rights and Human Rights in Islam

Islam is a supreme religion which gives a dynamic and comprehensive concept and system of Human Rights. According to Islam, rights are divided into two

categories, *Huqūq-ul-Ullah* and *Huqūq-ul-Ibād*. The first one refers to the rights of Allah and the second one to the rights of Humans. Both rights are of the same value but Allah can forgive his own rights but inter-human rights are in the hands of the concerned people alone. Therefore, this is evident from the statement that Islam lays more emphasis on the rights of other humans rather than Allah.⁽⁹⁾

Article 1 and 2 of the UDHR states about the humane treatment. In Qur'an Allah says, "O mankind, we have created you from a male and female"¹⁰. So in this way Allah gives clear message to the followers of Islam that you are brother and sister amongst you.

Islam discourages slavery. According to Allah, "Every human being is created free from the body of Adam and Eve."¹¹ Arrest of people without any reason is also prohibited. Once a man asked Our Holy Prophet Muhammad (SAWW) about the imprisonment of his neighbors, he asked twice but our Prophet did not reply. Upon a thrice repetition, Prophet Muhammad denounced an arrest without a reason. Hence even the government is not allowed to arrest a citizen without a valid reason. Same idea is given under UDHR.

Islam and Islamic era is full of such sort of examples which protects human rights in wider perspective than the western Human Rights agenda.

Conclusion:

Although the notion prevails in the West that Europe has cradled the human rights. But the historical facts verify that Human Rights is the brainchild of Islam which came in 4th century while UDHR or even Magna Carta appeared in the 18th and 12th century respectively. The width and scope of human rights in Islam is matchless.



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