

Origin and Development of Human Rights in Islam and the West: A Comparative Study

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Abstract—Human rights are the most complicated issue and challenge for the twenty first century. Islam has granted some fundamental rights for the whole humanity, without any discrimination that needs be practiced under all situations. The West claimed to be the founder of human rights due to which the people of the world are blessed with all human rights, otherwise they were steeped in ignorance. The question arises—are human rights absolute and bestowed on men by God or they are caused by the development of society or created by the society itself? Basically to answer this question, the present research is conducted by making a comparative study of the human rights granted by Almighty Allah in the Holy Quran and contemporary human rights practiced in the west. The objective of this study is to explore the origin and development of Human rights in Islam and West. After detailed study it is clear that Islam has laid down a comprehensive charter of universal fundamental rights for humanity fourteen hundred years ago. This charter granted a very noteworthy profound declaration of rights. Furthermore it is concluded that there is no substantial difference between some of the fundamental principles set forth in the West and the Islamic precepts, whereas, there is difference in their approaches. On the basis of research it is concluded that the inherent dignity of man and his fundamental freedom tracing its origin back to God or divine inspiration.

Index Terms—Development, islam, origin of human rights, west

I. INTRODUCTION

Human beings while living on earth require some regulations in order to interact with each other. In this process the leaders defined certain responsibilities and rights to establish order in the society but with the emerging of complex issues these responsibilities and rights became ineffective as all of those were man made. That was the time when people started a struggle to explore the divine idea of human rights. In English language the word “right” means “true” or “correct” as a fact. [1]. In Arabic the term “right” stands for Haqq means the established fact (al mawjud al thabit) (Al Quran, 24:25)[2],[3]. Its opposite is kufr (disbelief) [4]. Technically Rights that belong to an individual as a consequence of being a human are called human rights [5],[6] and more dominant meaning is “beneficence and public good” [7]. In general human rights are the rights, which are possessed by all human beings who born on this earth.

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II. LITERATURE REVIEW

A. Pre-Islamic Approach towards Human Rights

Religion is a great spiritual system and every religion of the world has some general principles or values, which they share in this world for the welfare of a society. The teachings of all the prophets are similar not only in matter of belief but also with regard to the honor and dignity of human being. The phrase “*Human Rights*” is not used by classical Jewish traditions but throws light on the freedom and protection of human life. Rabbis (classical commentators on *Torah*), believe that each person is of supreme value [8] and suggests that the Ten Commandments are in some way, related to the dignity of human being, (Exodus, 22:25) code of morality, (Exodus 22:21) Leviticus 19:33-34) and justice (Leviticus 24:22) [9]. These are about mutual respect and dignity [10]-[11]. The status of women in Judaism is not acceptable as they considered them an image of deceit [12]-[11] something filthy and dirty [13]. Jewish society has designed some unidimensional role for women, which restrict them to home and family [14]. Christianity has no direct theory of natural and human rights. The Hebrew Bible and the Christian New Testament have a deep interest in human behavior [15]. Brichto, Sidney, a renowned Christian writer says, “Bible does not say anything directly about human rights but it stresses on the right relations in society [16]. The attitude of Christianity towards rights of women is worse [12]. In short it can be said that “there is a possibility to derive few rights from biblical teachings; but it is absolutely wrong to say that the Bible is about human rights because that implies commitment to a concept and a way of thinking which did not then exist” [17]. Thus Judaism and Christianity offer a complex and uneven history regarding the thought and protection of human rights [18]. Both place women in a degrading and humiliating position, and favoring men in all respects. The period preceding the rise of Islam is known as Age of Ignorance (‘Ayam-I-Jahiliyah’). There was gross inequality and the women-folk were treated as pawns [19]. “Might is right” was the law of land [20]. Therefore it can be said that the glimpses of the idea of human rights existed since ancient times as it has been explored that the pre-Islamic religions and cultures have contributed little towards the human rights in the form of morality but Islam being a last revealed religion provides a complete, comprehensive and more balanced concept of human rights and considered it as a part of human faith.

B. Origin and Development of Human Rights in Islam

Islam is not only a religion but also a complete course of life. It constitutes law concepts, political structures, ethics,

social, economy, logic, behaviors and attitudes. Islam is the first religion in the history which represents the complete and comprehensive idea of human rights. [21]. Islam's concept of human rights is based on the idea of human dignity and equality of mankind (Al-Quran, 17:70). Almighty Allah has made human being Crown of this earth (Al-Quran, 95:4) and confers numerous rights on mankind in religious, moral, legal, economic, social and political fields of life. In reality Allah, the Almighty, has granted the charter of Human Rights in the form of Quran (Al-Quran, 3:138). The Farewell Sermon (Khutbah Hijja-tul-Wada) [22] of the Holy Prophet offers enough guidance for an ideal human life [23]-[21]. It can rightly be called 'the best charter of human rights. The Objectives of Islamic Law (Maqasid e Shari'ah) is to preserve the interests of Man at highest level [24]. These interests are the divine rights of individuals, bestowed by Almighty Allah, that no authority can modified, reduced or even suspend under any circumstances, except the Shari'ah [25]. So unlike the rights granted by kings or parliaments, these rights are permanent, sacrosanct and inviolable. Thus in Islam, rights have been conferred on the humankind by their God as His bounty and state has a limited role to play in granting of rights.

C. Human Rights in the West

In West the term "human rights" is comparatively new, and came to every day parlance only after the World War II and the founding of United Nation in 1945. The view of the western world with regard to International Human Rights law generally stresses on the basic civil and political rights of individual [26], whereas the question of what is meant by a "right" is itself controversial and the subject to debate in the West. Some rights are intended as instantaneously enforceable; others as specifying a possible future pattern of behavior [26]. Rights that are considered as binding commitments are often called fundamental but they may still be restricted, or altered, in special circumstances by the government [27]. Thus human rights in the western perspective are not considered as divine rights rather these are the constitutional rights conceptually derived from the theory of natural law and develop within the society.

D. Contemporary Evolution of Human Rights in the West

The ancient world of Greece and Rome did not have the idea of human rights but some scholars have claimed to trace a rudimentary concept of human rights back to the stoic philosophy of classical times "via" the natural law jurisprudence of Grotius and the "ius" natural of Roman law [28]. It is valid to say that few Greek and Roman philosophers recognized the idea of Natural Rights [29] but it seemed clear from the wide-ranging and discursive history of human rights that the notion of the subjective rights dates only from the late middle ages.[30]. Indeed it was only during the medieval period that the subjective understanding of ius, as a right became accepted and wide spread [31] the same century saw, occurring in England, the signing of Magna Carta or the Great Charter of Liberties on June 1215. The said charter is widely considered as one of the major landmarks in the historical development of human rights [15]. Once the idea of subjective rights entered the modern

vocabulary of Europe, it became a preferred way of distinguishing the moral responsibilities of justice which a mankind had for one another [32]. Later on, the political institutions and constitutional history of England motivated many great philosophers of the world to think, feel and write in terms of liberties, rights and free choice [33]. With regard to the Evolution of human rights in history, the most relevant aspect of the revolution in England was "An Act Declaring the Rights and Liberties of the subject and settling the succession of the Crown" to which the revolution gave rise in 1689. In 17th century the Rights of the English men were expanded through this piece of legislation [34]. In the United States of America, the Declaration of independence introduced a sublime conception of civil liberties and human rights. The said Declaration was declared by 13 American colonies on July 4th, 1776 [35]. Nevertheless the rights of American citizens were legally secured in the form of Bill of Rights in 1789 which made first ten amendments in the constitution of the United States [34]. In France, the foundations of the rights of the French citizens are provided by the "Declaration of the Rights of Man and of the citizen." issued by the National Assembly of France at the outset of the French revolution on August 26, 1789 [34]. It is evident that till the seventeenth century some specific human rights issues were internationally addressed but the general protection of human rights did not appear until the twentieth century [36]. In reality the English, French and American Revolutions in their own way contributed towards the development of human rights and the ultimate goal of these revolutions was to protect human dignity and preserve individual liberty. But unfortunately these revolutions could not become successful to achieve this goal completely and to remove the human melancholies and sorrows. The real concept of human rights in the west was appeared at the end of the 19th century especially after the World War II (1939-45). International organization called United Nations was established in April 25, 1945 in order to achieve international cooperation for preservation and promotion of Human Rights [34]. For the said purpose United Nations' developed some principle instruments of human rights, among them Universal Declaration of Human Rights (1948) is considered most significant one.

III. CONCLUSION

The in depth study proved that Islam is the founder of granting human rights and has comparatively given an extremely profound declaration of rights fourteen centuries ago. The idea established through this study is that human rights are absolute and immutable bestowed on men by God and are not caused by the development of society. As far as the western concept of human rights is concerned, there scripture have the idea of morality but the term right originates later on from the concept of natural rights. It is also evident from the above discussion that the Greek philosophy, Roman law, 17th and 18th century English, French and American Revolutions in their own way contributed towards the development of human rights but in reality United Nations' Universal Declaration of Human rights (1948) is the

land mark in the western history of human rights. It is also highlighted by the comparison of the Western and Islamic approach that Islam tackles the issue of human rights; taking into consideration man's relation with Allah .In contrast western attitude towards human rights is worldly or secular. In Islam, sovereignty belongs to Allah, whereas in modern secular democracies of the West, people are regarded as supreme ruler and the constitution is supreme law of land. The research also focuses that in Islam rights have been granted by Allah and His messenger that are sacred, unchallengeable, Universal and timeless. On the other hand, the people in West have obtained rights from their rulers after great effort and can be withdrawn on the demand of one or the other. Consequently Islam being a last revealed religion provides a complete and more balanced concept of human rights and considered it as an essential part of human faith.

IV. RECOMMENDATION

Islam has given to mankind a comprehensive framework and an ideal code of human rights. The world should sincerely return towards Islam and recourse to divine revelation, as its guidance is equally valid for Muslims as well as for nonmuslims.

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