

Editorial

There are times in the history of mankind that are historically significant and have been registered as either regretful and sad or uplifting and joyful, and future generations have consequently looked upon them and discussed them in those same terms. Undoubtedly, December 10th of the year 1948 when the Charter of Human Rights was ratified by the United Nations was among one of those historically significant junctures of human history for all peoples especially the western nations; a day that shows man as having reached the pinnacle of intellectual maturity and evaluative reason; the same man who had in his portfolio of recent experiences two world wars, inhuman and intolerant stance towards the weaker nations, and violent reactions towards the colored; he who had dealt with criminals and the accused with prejudice. This turn of attitude and standing was seen in statements as “All men are born free and are equal in right and dignity; they have all been endowed with conscience and intellect and must act in a brotherly manner towards each other,”¹

Or that, “anyone irrespective of race, color, sex, language, religion, political belief or otherwise, social or national origin, wealth, birth or any other positions shall partake of their rights and freedoms as stated in the said declaration”² and where stress has been made on the concepts of, human dignity, freedom, equal rights, prohibition of torture and ...”³, and these were surely God’s blessings that were bestowed upon man on that day due to his intellectual maturity, and were improved upon at later stages. Mankind’s today and future generations alike must stay committed to those values and strive at enhancing them.

But is it in fact the case that ideas such as human dignity, the rights of man, freedom, equality of rights, and negation of discrimination, in all attention to the natural rights of man without sensitivity to various differences as stated

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1. Universal Declaration on Human Rights, Article 1.
 2. Universal Declaration on Human rights, Article 2.
 3. Universal Declaration on Human Rights, introduction.

by the Charter of Human Rights had not existed before or had never been the subject of man's concern? Is it indeed the case that the ratification of those statements by the delegates of the United Nations general assembly was being looked at as such for the first time? Surely, the answer to this question cannot be a positive one.

As far as history remembers, the oldest and most complete rules concerning human relations within a society are those dating from 2123 to 2080 B.C., a collection passed to us by Hamurabi the king of Babel and known as the Hamurabi Charter⁴ (although some know this as the rewritten form of the famous commandments of Moses (PBUH) in Babylonian language).⁵

Subsequent to that, there is the famous charter made by the King of Persia known as “the Charter of Cyrus the Great” dating from the 5th century B.C. based on which freedom of belief and worship has been proclaimed for all people of Babylon.⁶ Almost in the same period as the Charter of Cyrus, in Rome, there was a compilation of the Twelve Plaques dealing with laws concerning political, judicial, civil and some other areas⁷, and in ancient Greece, the ideas of such great scholars as Socrates (464-399 B.C.), Plato (427-347 B.C.), and Aristotle (384-322 B.C.) all concerned certain aspects of human rights.⁸

But after this period and in line with political, economic, and cultural changes which had come about in the world arena, new ideas and theories concerning law and its fundamentals and forms were being expressed. The Stoic School⁹ in 301 B.C. believed in and defended freedom and equality for all human societies.¹⁰

They believed that:

rights as such are subsistent on the nature of things and substances and not ascribed by the structuring and formulating mind. The work of the mind is to discover laws of nature.

1. Individual interests should be subordinate to the interests of the world community and not the interests of a national government. (collectivism¹¹)

4. History of Civilization, Will Durant, Vol.1, page 328.

5. A Study of History, Arnold J. Toynbee, page 161.

6. Human Rights and Basic Freedom, pages 116 & 117.

7. History, Albert Mallet, Vol. 2, page 42.

8. Human Rights and Basic Freedom, pages 20-26.

9. The History of Social Thought, pages 242-243.

10. Ibid, page 26.

11. Political Schools, pages 163-164; The Encyclopedia of Social and Economical Terms,

2. People are naturally a member of this world community. The laws of this community are natural and must be obeyed, and social life is a necessity. (Internationalism¹²)

3. All people are brothers and equal in their rights and are generally citizens of the world nation, irrespective of their wealth, status, race, or culture.

4. The laws of this nation must therefore be drawn according to the laws concerning human society and in alignment with the laws of nature.

5. The world society is the only ultimate ideal.

6. Racism is a false and mistaken concept and idea.

7. Human dignity and individual human rights, without attention to wealth, status, race, and culture, must be respected.

8. Piety consists of the highest human good and every tribe or class can be pious.¹³

The philosophical and legal views of the Stoics not only influenced Roman and Greek thought deeply in the era before Christ, but it also affected the thoughts and ideas of scholars, philosophers, and rulers for centuries after that.

Cicero (63-106 B.C.) with his novel and innovative views,¹⁴ The Emperor Justinian with a collection of all Roman laws in three volumes (528 A.C.)¹⁵, and “John” (1167-1216 A.C.) the King of England with the collection and correction of the Great Charter of England (1215 A.C.)¹⁶, all took serious steps in capturing attention to the subject of human rights and dignity.

On the 4th of July 1776, the Boston General Assembly representing 13 other revolting states rose up against their British colonizers and won by majority vote ratifying a declaration titled “the Declaration of Independence,” the main points of which are stated below:

1. Freedom of speech, press, religion and beliefs
2. Equal rights and services for all people
3. The right to life and property

pages 62-64.

12. Political Schools, pages 35-39.

13. Political Schools, pages 17-19.

14. The History of Social Thought, pages 252-262; Masters of Political Thought, Vol. 1, Section 2, pages 307-334.

15. Human Rights and its Evolution in the West, page 103.

16. Human Rights and Basic Freedom, pages 123-125.

4. The right to take collective action for safeguarding public interest.¹⁷

After the American “Bill of Rights” and the victory of the Great French Revolution, in 1781, the French National Constituent Assembly drew up and published a draft entitled “The Declaration of Human Rights.”¹⁸

This declaration which also comes at the beginning of the French constitution consists of an introduction and 17 articles.¹⁹

These perspectives existed within the world arena and in particular for America and Europe until the end of the Second World War and the formation of the United Nations Organization in 1945.²⁰ According to article 68 of the United Nations Charter, the Social and Economic Council of the United Nations was given the responsibility of forming a council for the promotion of human rights. Thus, in 1946, the first Council of Human Rights was set up, and in 1948, its first achievement entitled “The Universal Declaration of Human Rights” was presented to the third round sitting of the General Assembly, and after discussion and investigation, it was ratified on the 10th of December 1948.²¹

Amidst all this, Moslems, who form a considerable number of the world population, know Islam as the forerunner in safeguarding the rights of man.²² They believe this while Islam appeared on the scene 615 years after the coming of Christ and when 150 years had already been spent in what is known as the Middle Ages in Europe, a period in which mankind and humanity was in a depressive decline and simply forgotten, and a time in which human dignity, freedom, and natural rights of men were not spoken of.

In that same milieu, in the Arabic peninsula, the Prophet of Islam (S) introduced such values and ethical and religious codes of conduct as “human dignity”, “man entitled to rights”, “human freedom”, “equality of all men before the law” and “the negation of discrimination” etc., some parts of which were taken up by the United Nations General Assembly centuries later.²³

Based on these same grounds, Moslems have founded various national organizations and foundations both regional and international the most important of which is the Organization of Islamic Conference (OIC) with 57

17. Islam and Human Rights, page 18.

18. The French Legal System, page 24.

19. Human Rights and Basic Freedom, page 139.

20. International Organizations, page 164.

21. Ibid, page 223.

22. Islam and Human Rights, pages 102-106.

23. Human Rights and Basic Freedom, pages 103-111.

members.²⁴ This organization has, to date, given out three declarations and plans on Islamic Human Rights.²⁵ The following will show a list of their titles and points out the most important parameters of their last rulings on the subject namely “The Cairo Declaration on Human Rights in Islam” while stating its advantages and distinctions in comparison to “the Universal Declaration of Human Rights” and other declarations prepared and published by the relevant organizations of the United Nations Organization.

1. The setting out of the declaration on the basic rights and duties of man in Islam, ratified in 1979 in Mecca;

2. A document on human rights in Islam ratified in Ta’if in 1981;

3. The Cairo Declaration on Human Rights in Islam ratified in 1990.²⁶

Definitely, the Cairo Declaration shows the distinctive advantages of the Islamic world view regarding the rights of man in comparison to other world views.

Paragraph (b) of Article 11 of this Declaration deals with resistance against colonialism and the right of standing up against its aggression. This paragraph stresses that “Colonialism of all types being one of the most evil forms of enslavement is totally prohibited. Peoples suffering from colonialism have the full right to freedom and self-determination. It is the duty of all States peoples to support the struggle of colonized peoples for the liquidation of all forms of and occupation, and all States and peoples have the right to preserve their independent identity and control over their wealth and natural resources.” Paragraph (a) of Article 17 and paragraph (a) of Article 18 point to the creation of a religious and spiritual environment.

Paragraph (b) of Article 17 states that “Everyone shall have the right to live in a clean environment, away from vice and moral corruption, that would favor a healthy ethical development of his person and it is incumbent upon the State and society in general to afford that right.”

Paragraph (b) of Article reads “Everyone shall have the right to live in security for himself, his religion, his dependents, his honor, and his property.”²⁷

The distinctive difference between the Islamic Declaration of Human Rights from other similar documents such as the Universal Declaration of Human Rights is that each of its rulings on the rights of man are rooted in Islamic religious law and the stress is on the non-contradiction of Islamic

24. International Organizations, pages 338-340.

25. The official Website of the Organization of Islamic Conference.

26. The International Human Rights System, page 334.

27. Ibid, pages 357-358.

religious jurisprudence with those rights which is of course a necessary and relevant point of importance, but it does not necessarily mean that all of Islam's world view is expressed by these rulings and rights . In fact, this declaration and other similar documents can only at best show what the bottom basic rights of man and his relationship with others and living environment are, while the Holy Quran, the Holy Prophet's tradition, the heritage of His Pure Descendants, and Imam Sajjad (A)'s Treatise of Rights on human rights and the rights of social groups have all presented a highly elevated view of man as the inheritor and the representative of divine will on earth, a stance which shows the deep and lifted view that is taken in Islam and goes beyond the basic rights declared for man by himself.

For all intents and purposes, the great spiritual heritage of the Prophet of Islam is easily accessible to all men to judge the value of that which He has brought to man as the best way for reaching the greater good of human society and man's beatitude, compared to that which has been outlined by man himself; a judgment that will be up to all men of wisdom and knowledge.

