
The United Nations a Myth of Human Rights with reference to the injunctions of Islam

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ABSTRACT

Human Rights history is as old as the human himself is. When we look into the origin of human rights, it appears lucid that with the Creation of Mankind, Allah Almighty has bestowed some rights on His Supreme Creature. Therefore, the discussion on the subject is not new. Fundamental Rights as well as an appraisal on the topic, a misconception always haunts the mind that the origin of human rights has been detailed in the 19th century when the United Nations came into existence on 26th June 1945. This paper illuminates that the myth regarding human rights is based on the Universal Declaration of Human Rights (UDHR) adopted by the United Nations General Assembly Session held on 10th December 1948 in France after World War II. First time in the history of mankind, an organized and well-integrated effort has been made to recognize human rights worldwide and almost every nation in the world realizes the sensitivity of this issue. On the other hand, when we take stock of the last Sermon of Hazrat Muhammad (SAW), delivered on 10 A.H. (623AD) in Makkah, it was the first-ever Human Right Charter. This article reveals that it is not the West (United Nations) that introduced the human laws for the welfare of humanity rather this is Allah Almighty who has given the human rights attached with some responsibilities to be performed with the creation of the human race on this planet. This paper paves the way to give an overall view of this reality by removing the myth/ illusion that it is the United Nations that chanted human rights. I seek to take this sensitive issue keeping in view the prevalent scenario of the West which raised voices against Islam on one pretext or the other. The prime objective of this article is to unfurl the riddle of this United Nations myth and to solidify the notion that Muhammad (SAW) in his last sermon had given the postmodern code of human rights.

Keywords: international law, Islamic law, United Nations, Domestic law, Human Rights

INTRODUCTION:

Secondary data has been collected in fulfilling this task of writing. Before going further, it is imperative to define human rights. Human Right is not a concept but are regulations to be followed for the sustenance of society. Look at the formation of the word “Human Rights” it has been defined as “*One of the basic rights that everyone has to be treated fairly and not in a cruel way, especially by their government.*”⁽¹⁾ In simple words, human rights are those natural or inborn rights that a person enjoys from birth to death. In the Arabic language, the right means *HAQQ* meant for “an established fact”. Thus, I can say that the right has been bestowed upon everyone as a human creature.⁽²⁾ After the classification of human rights tendered in the last sermon of Muhammad (SAW), the western region endeavored to conceptualize human rights along with social, cultural and economic, and political perspectives. As indicated above that some inborn rights have been conferred upon man from the Almighty Allah we can call them, for our understanding, Natural law. After the unfurling of these laws on the occasion of Arafat by the Prophet Muhammad SAW, the west proceeded to strive for a generalized idea of human rights that could suit every individual and State of the world. But when going through the pages of history, reality comes to the surface that Human Rights were reciprocated by the Natural Rights acknowledged by the world after the 2nd World War as the United Nations of General Assembly in which the Universal Declaration of Human Rights was adopted on 10th Dec 1948⁽³⁾. It was the first time when the world leaders unanimously adopted and declared that human rights and freedoms for all people without being prejudiced are equal and that every nation of the world has right the to enjoy those rights. It can safely be inferred that the universality of human rights was acknowledged in the United Nations after due deliberation and consultation. However, we see that some legal experts and philosophers believe that Magna Carta (1215) was the foundation of human liberty and rights. But Magna Carta was not more rather than a charter of landlords and funerals⁽⁴⁾ remarked Henry Marsh. On the whole, human rights --are those rights that enjoy every human on this earth has. However, both spectrums religious and secular are credited with the incumbrance of this term.

(1) Oxford Advanced Learner’s Dictionary.

(2) Origin and Development of Human Rights in Islam and the West: A Comparative Study Sadia Rehan International Journal of Social Science and Humanity, Vol. 3, No. 1, January 2013

(3) Journal of Islamic Thought and Civilization (JITC) Article: Volume 6, Issue 1, Spring 2016 A Comparative Study of Human Rights in Islam and Universal Declaration of Human Rights Author(s): Sartaj Ahmad Sofi,

(4) Henry Marsh, Documents of liberty, MW Books, England ,1971 pp 137

LITERATURE REVIEW: -

No concrete evidence is available from which we can adduce the origin of Human Rights. Discussing this, the first and foremost controversy is about the beginning of human rights or what is the ontology of social reality. To find out the answer is as difficult as one is trying to trace the end of history. Karl Marx's forecasted that end of the history would be with the fainting of the state and the emergence of a society with no class systems. In a similar manner, the inception of human rights in history is quite challenging. One thing is clear the modern and prevalent norms of ethics and morality are not to be intertwined only with Western history⁽¹⁾.

Comprehending this idea, we have to first bifurcate the Western and Muslim interpretations of this concept. Human Rights according to the West is a matter of the recent past. However, some researchers have gone to the Babylonian kind of Hammurabi (2130-2088 B.C) but do not tender any plausible evidence for this support. Yes, the commands and orders were available in Republican Rome these were some rights to take part in law-making and election of public officials. Likewise, the bill of rights (1689) is also a worthwhile document. But the Englishers remained unsuccessful in providing an integrated system of this concept. The French philosophers started research upon the philosophy *Droits DE' Homme* coined in the 18th century. This century has seen French Revolution and there saw a new wave full of zeal and zest from philosophers and historians. The people took the power from the corrupt government and founded the milestone of the dignity of man and its inborn rights. After some time, Monarch Napoleon Bonaparte took command of the country as a tyrant. It was a political defeat but was the end of an intellectual and moral era. The French idea of human rights had been enshrined in the "Declaration of the Rights of Man and citizens" adopted by the French National Assembly⁽²⁾. Consequently, this movement and all the events instilled a sensation and a debate in European to consider man's respect and his rights in this world. This situation has provided Statemen and philosophers. Accelerated industrialization, growing slums full of poor and miserable persons living there. These factors gave rise to the thinkers to reform the region and advocated Human Rights. In this regard, the names of Jeremy Bentham utilitarianists (1748-1832) advocated pleasure, happiness from pain, and sorrow and Karl Marx (1818 -1883) preacher of classless society talked about the man's inner self and tried to reform their respective societies. When we read most historians and researchers, we gather that most scholars have agreed on this one point the

(1) What are human rights? Six historical controversies Micheline Ishay Journal of Human Right VOL. 3, NO.3(SEPTEMBER 2004), 359-371

(2) A COMPARATIVE STUDY OF HUMAN RIGHTS IN ISLAM ANDUNIVERSAL DECLARATION OF HUMAN RIGHTS by Sartaj Ahmad Sofi p 37

first universal step in modern times history is the creation of the United Nations after the end of WWII in 1945. Till 1948, no effort could produce fruition in the field of Human Rights, but at 183rd in the meeting of Dec. 20, 1948, a declaration named “Universal Declaration of Human Rights” initiates with these words: -

“The General Assembly proclaims this Universal Declaration of Human Rights as a common standard of achievement for all peoples and all nations. It is encouraged, that every individual and every organ of society must keep this declaration in mind. Similarly, they shall strive to promote these rights and freedoms, by progressive national and international measures to secure their universal and effective recognition and observance -both among the peoples of the Members states, and among peoples of territories under their jurisdiction⁽¹⁾.”

Now we see to what extent Islamic scholars have traced its footprints. Long before the Magna Carta and Bill of Rights as well as the UDHR, Islam has pointed out Human Rights as this is the creation of Allah on the earth so He has given and formulated a few parameters to be followed to avoid any untoward calamity and worldly disruption. The first and fundamental Right has been described in these words;

“They prefer others over themselves although poverty is their lot ⁽²⁾ ” ...
(59:9)

Before the advent of Islam, there was Christianity wherein the concept of was Ten Commandments was prevalent another blueprint of human rights. This is quite clear that the education of every Prophet is about humanity and human rights. When we read the 10 commandments, we can comprehend that these commandments are the rules to be followed related to daily business and other works.

DISCUSSION:

The topic is sensitive in itself as much has been written and spoken in this respect. I intend to draw an inference that Islam has given a justified modern concept of human rights. Human rights are Divine Laws and have complete supremacy ⁽³⁾. It is worthwhile to denote that the major discrepancy between the Islamic viewpoint and the Western (United Nations) concept of human rights is that Islam has given reciprocal rights and duties whereas the west created this notion keeping in view the hostilities of humans. The western world did not realize the need for human rights till WWII. Before

(1) Hans Kelson, *The Law of the United Nations* (New York: Frederick A Praeger, 1996), 34.

(2) Foundational principles underlying human rights in Islamic law ~; Mahomed Omar, * attorney, M S Omar and Mayat, Durban

(3) *International Human Rights Sixth Edition* Jack Donnelly D Daniel J. Whelan

this major event, human rights were not the prime issue as the League of Nations had not included the term human rights⁽¹⁾. This concept relies upon the hypothesis that the human rights which have been guaranteed to individuals are collective/ general and thus applicable to all the persons on this planet. ⁽²⁾ Much has been done in this respect with the intent that how this world may be made a civilized and peaceful place to be lived in. As mentioned above, the process and progress have been made as a result of WWII. One of the chief traits of this War was that No respect for human life and interestingly world leaders have also realized this because after the sad event of World War join hands to combat this situation.

Human Rights have become an important issue in the world. Human Rights could be explained as rights one has just as one is human ⁽³⁾. Every society in the world has tried to explain and give rights to its people but could not provide much sightedness on this issue of Islam. Islam is a complete code of life that never leaves alone to its followers. It is a religion that has given the knowledge of duties and rights for the first time in the history of mankind. Not only humans but also animals and all other creatures have been given rights in Islam. The apostle of Allah (PBUH) recounted by saying, "O' people: your lives and your property, until the very day you meet your Lord, are as inviolable to each other as the inviolability of this day you are now in, the month you are now in, and the town you are now in" (Al-Bukhari, Sahih Al-Bukhari, 2002). However, it can be inferred that the first organized concept of human rights has been placed by Our Prophet (SAW) in the last sermon.

The last sermon (khutba tul Wida) is the best example of human rights. It is the final declaration announced by the Prophet (SAW) on the occasion of Hajj at 10 Hijri. The Prophet (SAW) first time taught the Ummah how even slaves and children have rights and in which manner they should be treated. Because, before Islam, slaves had no rights and were treated worse than animals. Arab woman was also given due place in society like slaves. The main gist of this sermon was to give a road map to Ummah and the whole of mankind because Islam is a universal religion and how its teachings can be only for the Muslim community.

The salient features of this declaration are as follows ⁽⁴⁾:

- 1: Equivalence of Human rights
- 2: Respect for the obligations
- 3: Everyone has the right to live
- 4: Rights to Justice

(1) Donnelly Jack, (1998) International Human Rights, Westview Press, Second edition p18

(2) Islam and Human Rights Masters Thesis (Uppsats Tillämpade studier 20p) by : Malin Delling p11

(3) Human Rights in Islam (Ch.2: BASIC HUMAN RIGHTS 1. The Right to life) Syed Abul A'la Maududi

(4) Mansurpuri , Muhammad Selman. Rahmatal-lil-Almeen, Maktaba Islamia Lahore.

- 5: To possess the assets
- 6: To live in a community
- 7: Slaves and servants enjoy independence
- 8: Obliteration of disorder
- 9: Fiscal autonomy
- 10: To have/ take the legacy
- 11: Also, those who are infants
- 12: Societal Individuality
- 13: To take the financial liberty
- 14: To have the property ship
- 15: Right of a woman
- 16: Groom's right
- 17: Statutory liberty
- 18: Awareness is entitled
- 19: Divine Rights

On the other hand, the Western Concept of Human Rights ⁽¹⁾ (a manmade Concept) felt the need and devised some rights. Now taking a look at UNO human rights, we will see how old is this organization itself. The UNO was established in 1945 after the 2nd World War. Fifty States met in San Francisco ⁽²⁾ and this declaration was approved through UN General Assembly in Paris in the year 1948 by a vote of 48-0 ⁽³⁾. The mission of this organization was world peace. Through this UDHR the West wanted to maintain a friendly and secure atmosphere amongst the Nations and with the help of this declaration to be a role model for the whole world. There are 30 articles in total whereas some of the Human Rights mentioned in the Universal Declaration are as follows:

- 1: Right of freedom and safety.
- 2: Freedom from suppression and serfdom.
- 3: Freedom from torment and sentence.
- 4: impartiality in any Situation and spot.
- 5: treatment with Justice.
- 6: Right to an impartial trial by a sovereign and unbiased law court.
- 7: Presumption of innocence until has been proved.
- 8: Right to own property.
- 9: Right of privacy, family, and house.
- 10: Right of nationality.
- 11: Independence of belief and expression.

(1) UN Objectives. www.un.org

(2) UDHR – Released January 1949 Department of States.

(3) UDHR – Released January 1949 Department of States

- 12: Right of rest, leisure, and peace.
- 13: Right of the safety of mother and child.
- 14: Right to health and medical care.
- 15: Right of nuptial agreement and originate a household.
- 16: Freedom of thought.
- 17: Liberty of Expression.
- 18: Social Security.
- 19: The Right to Democracy
- 20: The Right to play
- 21: To have the Copyrights

Different Muslim and Non-Muslim scholars have defined/ explained human rights according to their respective propensity and opinion. Some of them are mentioned here. Dr. Tahirul Qadri is a Muslim scholar and is considered a school of thought in his circle. While describing human rights Dr. Tahirul Qadri says ⁽¹⁾:

“Human rights are the rights which are given by the

Creator (Allah) of humanity through his messengers. These rights are immutable but have a reciprocal relationship to the duties.”

Another well-known Muslim scholar Molana Abu ala Maududi says that ⁽²⁾:

‘Honour for human rights is enshrined in the Shariat

Law (which is the root of these rights to be found in Islamic doctrine).

By giving these rights Islam has shown the dignity and respect of human beings. As Allah in the Holy Quran says ⁽³⁾:

“We have honored the sons of Adam; providing them with transport on land and sea, given them for sustenance things good & pure; and conferred on them special favors, above a great part of our creation.”

John F Kennedy the 35th American president once said:

“The rights of every man are diminished when the rights of one man is threatened” (11 June 1963.)

Kennedy’s words reflect the teachings of the Quran when Allah states in surah Al Maidah stating:

(1) Human. Rights in Islam. MQ publications LHR – 2004.

(2) Maulana Maududi. Human Rights in Islam. Book. Published in 1976

(3) Al-Quran. Surah 17 verse 70.

“If someone murders any human being, not in revenge such murder or to extends disruption on the earth, it would be as he murdered whole humanity ⁽¹⁾.”

John Tasioulas, a professor of politics and philosophy, says the significance of the Universal Declaration is that it introduces a new period of thinking about Human Rights. John also confesses it all starts after world war two and powerful states do that just to save the dignity of human beings & the universality of human rights.

So, two main privileges are on this topic, one is Islamic and the other is western. It is difficult to say who is right in his verdict that's why we will make a comparison to study the matter. By comparing such concepts of the West of UDHR and the last address of Hazrat Muhammad (S.A.W), one can easily find out that Islam is a religion of rights and duties. It also saves the rights of communities collectively and individually. The last address of Hazrat Muhammad (S.A.W) is the utmost noteworthy text in human history and is delivered years ago in 10 AH| 632 AD. Whereas UNO's declaration is presented in 1948. This declaration is not even a century ago ⁽²⁾.

Secondly, UDHR does not provide any new things. The rights which are mentioned in this chart, Islam has already taught to mankind years ago. Furthermore, it is observable that Islamic rights are divine rights that are given by Allah through his Prophet (PBUH). Whereas UDHR is manmade and most of them are not applicable. In His last sermon, Prophet (S.A.W) addressed Ummah and said:

‘There is no superiority for an Arab over a non-Arab. There is no superiority for a non-Arab over an Arab. There is no superiority for a red (race) person over a white person. Likewise, there is no the superiority of a white over a red (race) person, except for the piety and God-Consciousness.’”

This concept of equal rights can be seen in Muslim societies, where everyone is either Muslim or non-Muslim living a free life without any fear. While in the west the concept of superiority of race and color can be seen even today. The murder of George Floyd, 46 years old black, in the United States is a fresh example of racism ⁽³⁾. which happened in 2020. No such kind of incidents of race and color took place in Muslim society to this extent.

(1) Imam Ahmad BIN Hanbal. Musnad Ahmad, Hadith No 411

(2) The New York Time. Published on May 31, 2020

(3) www.voanews.com.

Whether it is Palestine, Iran, Syria, Kashmir, India, or the United States itself, there is no picture of human rights fulfillment and for this grave injustice, the West is responsible. The present condition of Afghanistan is a terrible face for human rights champions and NGOs. It seems like human life has no value in Afghanistan for the west. Pakistan, China, and other Islamic countries are helping Afghans in this worst situation. In this regard, the Afghan foreign minister penned an “open letter” to the US congress to unfreeze Afghanistan’s assets²³. If Washington and Europe do not unblock Afghan assets and end other financial sanctions, then Afghanistan will definitely face the worst circumstances. They are demanding their own money and rights of liberty from the world after bearing a long war. Another western concept is that they have given rights of inheritance to women and empowered them. Whereas Islam has given equal status and inheritance rights 1400 years ago. In fact, the west empowers women in 1771 and mostly white women had property rights⁽¹⁾ but Islam does not believe in this discrimination of race and color.

In Islam, a person who claims rights also has to perform duties as well. Rights and duties are interconnected. But in UN human rights everybody has free will and unlimited liberty. A person can do what he wants which can lead the society towards anarchy because for a civilized society one must have to follow some guidelines under the rule of law.

CONCLUSION:

So, summing up all the above discussion, I am of firm conviction to say that the concept of human rights tendered by the UNO is not older than that of Islam. In fact, it may not be unfair to say that human rights which have been guaranteed by the UNO are copies of the last sermon of the Prophet (PBUH), and now the west only trying to take credit itself. There is nothing new that Islam has not already taught to its followers and mankind. Equally significant to mention here is that the rights given by Islam are applicable and can be practiced by everyone anywhere whereas Europe and America just either play with words or pays lip service to this concept. Russell a popular scholar says that mankind can go towards destruction again and its future can be barbarism⁽²⁾. So, it would happen only when people, societies, and nations will not give respect to each other and their rights. The world once again can be the part of Arab society where the life of a layman was maltreated, women had no rights and the darkness of ignorance covered the world. Islam, in human history, gave light and the right to life to humans even those who are incarcerated have rights. So, no matter whether the west credits itself with the

(1) Jone Johnson Lewis, A Short History of Woman’s Property Rights In United States. July 13, 2019.

(2) Bertrand Russell, Unpopular Essays. Edition 2003

declaration of rights, it is a fact that Islam hundreds of years ago had given and taught mankind the best ways of living by the best proposing possible human rights.

As Allah states in the Holy Quran that:

اللَّهُ وَلِيُّ الَّذِينَ آمَنُوا يُخْرِجُهُم مِّنَ الظُّلُمَاتِ إِلَى النُّورِ⁽¹⁾

“Allah is the guardian of those who believes, He brings them out of every darkness into light.”



(1) Al-Quran : 2 / 257.