

**Alhassanain (p) Network for Islamic Heritage and Thought**

## **The Right to Life in Islam**

The right to life is the basic right from which all the others derive. This text includes discussions about: the sanctity of life from the Islamic perspective, murder, unintentional killing, the death penalty and compensations for victims and also includes discussions of abortion, suicide, and euthanasia.

**Author(s): Abbass Khajeh Piri**

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## **Author's Preface**

When invited by the esteemed IRI's cultural attaché in Moscow, in November of last year, I had the honor to travel to Russia accompanied by the esteemed officials of Besat Foundation, to closely examine the grounds of expansion of cultural strategies and activities in that territory, so that we could compile an executive plan, based on the existing potentials and facilities. We met different top echelon religious and cultural individuals there.

During this visit, we attended a session where officials of religious and cultural affairs of Russia and Tatarstan countries were present, in which they expressed their great interest in Islamic books, texts and even textbooks in Islamic ethics and education.

There is a population of nearly 20 million Muslims in the Russian Federation and particularly in north Caucasia and lands on the Volga riverbank, as well as Muslim and non-Muslims in other countries as addressees in the former Soviet Union who speak Russian fluently. These people have a habit of reading and studying while traveling by the public transportation system.

Translation Movement Institute started its operation nearly a year ago by translating and electronically publishing texts related to Islamic Education. Such facts caused this institute to address the Russian community and to focus the organization of its activities on them.

Having studied the human rights in Islam for a decade I decided to write a simplified, fluent and eloquent short book. I made up my mind to translate it into Russian before publishing it. In this text I intended to introduce and clarify the advanced principles of human rights in Islam to them.

As suggested by the esteemed managing director of Besat Foundation, it was decided that the Persian text be published simultaneously with the Russian translated text. I am thankful to the Almighty and pray that I will have the pleasure to continue my endeavors in this regard.

**Abbass Khajeh Piri, Ph. D**

## Introduction

يَا أَيُّهَا النَّاسُ إِنَّا خَلَقْنَاكُمْ مِنْ ذَكَرٍ وَأُنْثَىٰ وَجَعَلْنَاكُمْ شُعُوبًا وَقَبَائِلَ لِتَعَارَفُوا ۗ إِنَّ أَكْرَمَكُمْ  
عِنْدَ اللَّهِ أَتْقَاكُمْ ۗ إِنَّ اللَّهَ عَلِيمٌ خَبِيرٌ

O mankind, indeed We have created you from male and female and made you peoples and tribes that you may know one another. Indeed, the most noble of you in the sight of Allah is the most righteous of you. Indeed, Allah is Knowing and Acquainted. (Quran, 49:13)

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The issue of human rights, for being an inherent one, has a history as old as human age on the earth. The subject was born when mankind came into existence on the Earth. The bigger the human society and the population grew, the vaster the human rights issue was expanded. It has always been the source of freedom-seeking and freedom-fighting movements and it remained the eternal and perpetual ideal of mankind.

The historians have unearthed documents in their studies and researches that are indicative of the fact that mankind stressed its natural rights and basic freedom and liberty 2000 years before BC.

The emergence of Islam in 610 A.D. not only was the milestone but was a golden and perpetual chapter in human history. Because of the contents of its teachings, particularly in human rights, it was welcomed and accepted by the oppressed people in a vast part of the globe and found many followers.

According to a well-known researcher, thinker and scholar, Abul A'la Maududi, the people in the West have the habit of attributing every good thing to themselves and try to prove that it is because of them that the world enjoys this and that blessing, while claiming that "they originated in the West". They also have a habit of pretending that all the bestowments and privileges are rooted in the West, whereas the very first historical document on the human rights, Magna Carta of Britain (The Great Charter of the Liberties of Britain) was issued by John (England's king at the time) in 1215.

Though the Magna Carta itself came into existence six hundred years after the advent of Islam, this and the subsequent documents, as valid and firm evidence, prove that the West is lagging behind Islam on the issue of the human rights. Its failure to pay attention to human dignity and its delay in its fight against oppression and tyranny which mankind has suffered during centuries is evident here.

When you study the concepts of human rights in the Islamic teachings you realize that it clearly is indicative of the fact that the human rights system in the Islamic law and the teachings of the Prophet (PBUH) are much more comprehensive and more perfect than what is claimed in the West. The reason is the fundamental difference between the two legal systems of West and Islam, in viewing mankind and his material and spiritual characteristics. In Islamic law criteria of human's erudition and wisdom, humanity and spirituality has been paid specific attention to. On the contrary, West's approach to mankind is not based on spiritual and ethical factors.

On the other hand, as ethics and religion can play the role of the strongest support backing the materialization of human rights, strengthening ethical and religious values in every society will cause expansion of support for the human rights. On the contrary, ethical downfall or ignoring religious values, because of having a negative impact, leads to violation of the human rights. Thus, if laws and regulations in force are left unsupported by the great spiritual and ideological support of the individuals in a society, the ultimate attained consequences will not be favorable. In today's world, failure of the UN's human rights organizations and the international documents (declarations) to address religion and religious beliefs has caused it to fail to develop support of the human rights. The pathetic conditions stemming from violation of the Human Rights that we witness day-to-day around the globe is the result of the above fact.

In the series of essays which follow, we intend to briefly introduce some of the teachings of pure true and real Islam. We try to show the legitimacy of the Islamic laws, while comparing it with the West's flamboyant, showy and loud but empty baseless claims, so that everyone will know how much human being owes to Islamic teachings and to law of the holy prophet.

And of God to success

## **The Importance of Right to Life**

Undoubtedly, the phenomenon of life is the most important phenomenon in the Universe. Among various kinds of lives, the human's life (as the life of the noblest of all creatures and the excellent entity of existence) is very important.

Mankind is the most talented creature and that is why his life is important. Actually what distinguishes the value of the human's life from that of other creatures, while making him outstanding among other creatures, are his astonishing and extraordinary physical and spiritual potentials and talents. Cognition of the magnitude of human who enjoys wisdom, judgment, insight, discretion, knowledge, will power, conscience, love, perfectionism and management, is not easy. And these are only a fraction of it as all these are only a part of the power and ability of man's life. Compared to other creatures, scope and span of human's life impact is so vast and astonishing that in various dimensions without any pause in history, it has always attracted the attention of scholars and philosophers.

The most important principle of inherent rights is the right to life for mankind.

This has been unanimously accepted by all schools of thought.

The right to life is one of the inherent and natural rights of mankind. It is the fundamental of other rights of mankind. There are no other rights for mankind without the right to life.

Inherent right means no legislated law is required for the existence of right, and this law is for everyone. Legislated laws in every system and every society must protect and defend the human's right to life to provide necessary safety for man.

According to Article 3 of the Declaration of Human Rights, everyone has the right to life, liberty and security of person.

Furthermore, according to the International Covenant on Civil and Political Rights "Every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life." [Article 6, Item 1. International Covenant on Civil and Political Rights].

## God's Free-hold on Living

Undoubtedly, God owns the lives of all beings and creatures:

الَّذِي خَلَقَ الْمَوْتَ وَالْحَيَاةَ لِيَبْلُوَكُمْ أَيُّكُمْ أَحْسَنُ عَمَلًا ۗ وَهُوَ الْعَزِيزُ الْعَفُورُ

[He] who created death and life to test you [as to] which of you is best in deed - and He is the Exalted in Might, the Forgiving. (Quran, 67:2)

So every creature and specifically his "life" belong to God. There is no creature (in the world) that has the power to create life.

Imam Ali (a.s) in one of his sermons said:

"Even if all the animals of the earth, whether birds or beasts, stabled cattle or pasturing ones, of different origins and species, dull people and sagacious men -- all jointly try to create (even) a mosquito they are not able to bring it into being and do not understand what is the way to its creation. Their wits are bewildered and wandering. Their powers fall short and fail, and return disappointed and tired, knowing that they are defeated and admitting their inability to produce it, also realizing that they are too weak (even) to destroy it."<sup>1</sup>

Quran emphasizes that creation of life and death is exclusively done by God:

وَأَنَّهُ هُوَ أَمَاتٌ وَأَحْيَا

And that it is He who causes death and gives life. (Quran, 53:44)

The evidence of God's capability in creating life is that he materialized life from nothing and from death.

وَأَيُّهُ لَهُمُ الْأَرْضُ الْمَيْتَةُ أَحْيَيْنَاهَا وَأَخْرَجْنَا مِنْهَا حَبًّا فَمِنْهُ يَأْكُلُونَ

And a sign for them is the dead earth. We have brought it to life and brought forth from it grain, and from it they eat. (Quran, 36:33)

The ownership of life and death, as the most complicated phenomena of life also belongs to God:

وَهُوَ الَّذِي أَحْيَاكُمْ ثُمَّ يُمِيتُكُمْ ثُمَّ يُحْيِيكُمْ ۗ إِنَّ الْإِنْسَانَ لَكَفُورٌ

And He is the one who gave you life; then He causes you to die and then will [again] give you life. Indeed, mankind is ungrateful. (Quran, 22:66)

## Note

1. Nahj al- Balaghah, Sermon 185.

## The Importance of Human's Right to Life in Islam

In the Islamic approach, life is a divine gift and bestowment to every individual. It has priority and is heading all the human rights. It would be useless and meaningless to talk about any rights before this right has been provided for a society's individuals.

The fundamental of the value of the human life, is the value of human's existence as well as malice and viciousness of killing (assault on man's life).

Therefore killing a person is not considered assault on a man's life, but a murder and assault on the reality of humanity and fading away viciousness and indecency of murder.

إِنَّمَا جَزَاءُ الَّذِينَ يُحَارِبُونَ اللَّهَ وَرَسُولَهُ وَيَسْعَوْنَ فِي الْأَرْضِ فَسَادًا أَنْ يُقَتَّلُوا أَوْ يُصَلَّبُوا أَوْ تُقَطَّعَ أَيْدِيهِمْ وَأَرْجُلُهُمْ مِنْ خِلَافٍ أَوْ يُنْفَوْا مِنَ الْأَرْضِ ۚ ذَلِكَ لَهُمْ خِزْيٌ فِي الدُّنْيَا ۗ وَهُمْ فِي الآخِرَةِ عَذَابٌ عَظِيمٌ

Because of that, we decreed upon the Children of Israel that whoever kills a soul unless for a soul or for corruption [done] in the land - it is as if he had slain mankind entirely. And whoever saves one - it is as if he had saved mankind entirely. (Quran, 5:33)

The sanctity for a man's blood is underlined so emphatically in Islam that the value of life and death of an individual equals to the value of life and death of all mankind. The Holy Prophet (S) in his farewell sermon in the last year of his life in Mena, before a crowd of Muslims, while emphasizing on the right of individuals and sanctity for their blood, said: "O people, you have to respect each other's life until the Resurrection Day."<sup>1</sup>

Moreover, in another occasion, talking about the significance of regarding the human life, he has said, "Before God murdering a believer is worse than destroying the whole world."<sup>2</sup>

Again in another occasion he said: "If the residents of the Heavens and the Earth conspire (as accomplices to collaborate) to collectively shed the blood of a believer, God will throw all of them into the fire of hell..."<sup>3</sup>

Of course it should not be misunderstood that sanctity of a man's life is exclusively for Muslims, that Islam has not drawn a line for a non-Muslim's life. A non-Muslim's life is honorable and respectable, too, as long as he refrains from involving in opposition or conspiracy against Muslims or an Islamic government.

As the Prophet (S) said, "He, who gives somebody a chance to live (in his blood) and then kills him, he will be subjected to the fire of hell."<sup>4</sup>

## Notes

1. Sireye Ibn Hesham, vol. 2, page 63.
2. Kanz al-Ummal, Vol.15.P.19.
3. Kanz al- Ummal, vol. 15, page 19.
4. Kanz al- Ummal, Vol.4, P.366.



## Safeguarding the Right to Live

Safeguarding one's and others' lives is among the great divine practices and is considered a Muslim's duty.

Every Muslim must in addition to safeguarding his life, defend another man's life when subjected to assault, particularly if that man is one of the oppressed and weak ones.

It is the duty of societies and governments to ensure and guarantee the right to life for all the people. Not only must they safeguard this right but also defend their citizens before any violation upon men's lives. And it is not allowed to kill anybody without a legal permit.<sup>1</sup>

Safeguarding the continuation of mankind's life, as far as God has destined, is a legal duty.<sup>2</sup>

The reason why Islamic law holds the life of one person equal to that of entire mankind,<sup>3</sup> is that safeguarding the life of a man and continuation of birth generations depend on safeguarding the life of each individual. Obviously each individual has the responsibility to protect his own life first, as a priority.

In addition to the sanctity of man's blood other qualities and factors which define a man's character are equally respected and considered by Islam.

The sanctity of a Muslim's property and reputation in Islam is as important as his life. Actually because human dignity is the same as the reality of humanity which distinguishes mankind from other creatures.

In the Islamic legal system right to life is not just a right for man, but since a life is a divine bestowment, it creates the right to enjoy this gift for a man. On the other hand it makes him responsible to provide necessary means to safeguard this right and also to keep under consideration (health, feeding, etc) as the essential means that makes this right last.

Thus, the right to life is a divine trusteeship entrusted into the human hands and he must shoulder the responsibility of safeguarding it. That is why it is forbidden for a man to commit suicide (deprive oneself of life) or to damage his body or spirit.

### Notes

1. Declaration of Human Rights in Islamic Law, Article 2, A.
2. Declaration of Human Rights in Islamic Law, Article 2, J.
3. Quran, 5:31, 32.

## Various Types of Life in Islam

Contrary to other legal systems, in the Islamic legal system, when you talk about right to life it does not only refer to the physical life.

Although compared to other creatures, great significance is attached to mankind's physical or material life and its rank is higher than that of animals and plants, man's spiritual life deserves more significance. It enjoys a much higher rank. The Holy Quran refers to it as 'Hayate Tayyebah':

مَنْ عَمِلَ صَالِحًا مِنْ ذَكَرٍ أَوْ أُنْثَىٰ وَهُوَ مُؤْمِنٌ فَلَنُحْيِيَنَّهٗ حَيَاةً طَيِّبَةً ۖ وَلَنَجْزِيَنَّهُمْ أَجْرَهُمْ بِأَحْسَنِ مَا كَانُوا يَعْمَلُونَ

Whoever does righteousness, whether male or female, while he is a believer - We will surely cause him to live a good life, and We will surely give them their reward [in the Hereafter] according to the best of what they used to do. (Quran, 16 :97)

A good life is what makes human discrete from other creatures. It is a sign of man's merit compared to the other creatures, because access to the spiritual life is only possible by mankind. Other creatures do not benefit from it. The importance of man's material life and the reason for equalizing it to the life of all mankind is that God determines right to life for each individual so that while enjoying this divine gift and benefiting from talents bestowed upon him, man can continue the evolution and development toward spiritual perfection aimed at achieving the spiritual life.

Thus, killing a man and depriving him of his life means violation of 'reality of mankind' which is a divine gift and is considered the grounds for transcendental perfection of mankind. In the eyes of Islamic school of thought a man not only enjoys the right to material life, he also has the right to live in a cleansed society free of corruptions and free of uncontrolled moral behavior, no intrigue, so that he can improve himself spiritually. Obviously safeguarding his spiritual life is as important as protection of his material life which has been stressed by Islam.<sup>1</sup>

### Note

1. Declaration of Human Rights in Islamic Law, Article 17.

## Depriving One of Life is Prohibited

Violation on others' life and depriving an individual of his right to live, in the eyes of Islam is the biggest sin. The Prophet of Islam (PBUH) said: "Seeing the destruction of the world is easier for God than seeing a believer being murdered."<sup>1</sup>

Islam promises a killer to stay in hell perpetually:

وَمَنْ يَقْتُلْ مُؤْمِنًا مُتَعَمِّدًا فَعَجَزَؤُهُ جَهَنَّمَ خَالِدًا فِيهَا وَعَضِبَ اللَّهُ عَلَيْهِ وَلَعْنَهُ وَأَعَدَّ لَهُ عَذَابًا عَظِيمًا

But whoever kills a believer intentionally - his recompense is Hell, wherein he will abide eternally, and Allah has become angry with him and has cursed him and has prepared for him a great punishment. (Quran, 4:93)

Furthermore, in the Islamic law, the punishment for killing someone without a legal permit in this world is execution. The Holy Quran says:

وَلَا تَقْتُلُوا النَّفْسَ الَّتِي حَرَّمَ اللَّهُ إِلَّا بِالْحَقِّ ۗ وَمَنْ قُتِلَ مَظْلُومًا فَقَدْ جَعَلْنَا لَوْلِيهِ سُلْطَانًا فَلَا يُسْرِفُ فِي الْقَتْلِ ۗ إِنَّهُ كَانَ مَنْصُورًا

And do not kill the soul which Allah has forbidden, except by right. And whoever is killed unjustly - We have given his heir authority, but let him not exceed limits in [the matter of] taking life. Indeed, he has been supported [by the law]. (Quran, 17:33)

One of the outstanding characteristics of the Islamic law was a serious fight against the inhuman act and tradition of burying their infant daughters alive. Before the advent of Islam, the girls used to be buried alive. But at the advent of Islam it was immediately banned. As Islam being strictly against it, protested and firmly fought against this savage vicious crime.

The Holy Quran says: 'Those who buried these girls alive will be interrogated on the Resurrection Day. They will be asked: Which sin had they committed to deserve death?'"<sup>2</sup>

Another vital point is that the Islamic law attaches great significance not only to the adults' lives but also to children's right to life.

This verse of the Holy Quran is indicative of the significance of this reality:

وَلَا تَقْتُلُوا أَوْلَادَكُمْ خَشْيَةَ إِمْلَاقٍ ۗ نَحْنُ نَرْزُقُهُمْ وَإِيَّاكُمْ ۗ إِنَّ قَتْلَهُمْ كَانَ خِطْئًا كَبِيرًا

... And do not kill your children for fear of poverty. We provide for them and for you. Indeed, their killing is ever a great sin. (Quran, 17:31)

Another issue is that if there are some accomplices who conspire and commit a murder together, this does not alleviate or lessen the burden of the crime or the sin of the killers. The Prophet of Islam (S) said: "Cooperation in killing no matter to what extent will cause disappointment and distance from God's mercy on the Resurrection Day."<sup>3</sup>

Once, during the Prophet's time, a man was killed in the city of Medina by a group of people. No certain individual was identified as the killer. So as soon as the Prophet (S) heard the news, he rushed to the mosque to speak and announced:

"If all the residents of Heaven and Earth participate in killing a human, they will all suffer punishment."<sup>4</sup>

Also forbidding murder and depriving a person of life, is not exclusively allocated to Muslims, but anyone living under the umbrella of an Islamic government enjoys this right, but as long as they do not intend to overthrow the Islamic state to fight against it. Thus, their blood, property and lives will benefit from this sanctity and thus, will benefit from the Islamic state's protection. Thus, the Prophet (S) said: "God will forbid (going to) the Heaven for he who kills a sinner."<sup>5</sup>

The Islamic ruling against murder is so strict that even if someone gives shelter to a murderer, he will face strict and severe blame. The Prophet (S) said: "He who gives shelter to a killer or someone who causes or paves the way for a murder, he will be condemned by God."<sup>6</sup>

This point is also remarkably important in regards to depriving others of their lives: in the Islamic law reluctance or compulsion does not justify the act of murder. Therefore if someone is threatened to be killed should he refuses to commit a murder, his crime is not justifiable. The threatened person has no right to kill another person, just to rescue himself from death, as the value of all men is the same and has sanctity. But the opposite is better, as the Prophet (S) was quoted as saying: "If you are in a situation where you can prevent a believer, who says his prayer, from being killed by you (otherwise you would lose your life), you must prefer to be killed than commit this crime."<sup>7</sup>

As repeatedly seen in the history of the holy wars at the advent of Islam, some self-sacrificing men during the war sacrificed their own lives by giving their very last date to their comrades in the warfront who were starving to death to rescue them. Thus they were honored to be martyrs.

### Notes

1. Declaration of Human Rights in Islamic Law, Page 24.
2. Quran, 81: 8, 9.
3. Human Rights in Islamic Law, P.44.
4. Islam and the Human Rights, P.490 and Human Rights in Islamic Law, P. 44.
5. Islam and the Human Rights, P.491.
6. Wasa'il al- Shi'ah, vol. 19, p.15.
7. Kanz al-Ummal, Vol.15, P.22.

## The Law of Retaliation, Guaranteeing Man's Survival

The importance of survival and continuation of mankind's life in the Islamic law is so much that in order to safeguard it the law of retaliation has been legislated as a guarantee for mankind to survive.

The philosophy of legislation of the law of retaliation and Dieh (blood money) in Islamic law is to safeguard man before unlawful violation and intrusion of individuals upon life and wellbeing of others to prevent bloodshed in a society.

وَلَكُمْ فِي الْقِصَاصِ حَيَاةٌ يَا أُولِي الْأَلْبَابِ لَعَلَّكُمْ تَتَّقُونَ

And there is for you in legal retribution [saving of] life, O you [people] of understanding, that you may become righteous. (Quran, 2:179)

This law prior to advent of Islam has also been ruled in the Torah (the Holy book of Judaism). Then it was expressed by Islamic law in a more complete form.

وَكَتَبْنَا عَلَيْهِمْ فِيهَا أَنَّ النَّفْسَ بِالنَّفْسِ وَالْعَيْنَ بِالْعَيْنِ وَالْأَنْفَ بِالْأَنْفِ وَالْأُذُنَ بِالْأُذُنِ وَالسِّنَّ بِالسِّنِّ وَالْجُرُوحَ قِصَاصًا ۖ فَمَنْ تَصَدَّقَ بِهِ فَهُوَ كَفَّارَةٌ لَهُ ۚ وَمَنْ لَمْ يَحْكَمْ بِمَا أَنْزَلَ اللَّهُ فَأُولَئِكَ هُمُ الظَّالِمُونَ

And we ordained therein for them: "Life for life, eye for eye, nose for nose, ear for ear, tooth for tooth, and wounds equal for equal." But if anyone remits the retaliation by way of charity, it shall be for him expiation. (Quran, 5:45)

But in the eyes of Islam, retaliation never means vengeance or equal retaliation to shed blood against bloodshed, but deciding a proportionate punishment so that (other) people will be considerate about the sanctity of each other's lives and to avoid murder. If you pay attention to the cases of retaliation and its philosophy (for existence) then any skepticism, doubt or suspicion about this advanced Islamic decree will be erased from your mind.

Execution of a retaliation decree In Islam is dependent on a few things:

- If the killer was in a sound mental health condition
- If it was deliberate
- The victim's immediate family won't agree to replace the actual punishment with money or pardon of the killer.

Otherwise retaliation decree for the killer who due to insanity or mental disorder or if deprivation of life is not deliberate due to an error or any condition in which the killer can be subject to pardon or substitution with financial payment as a reimbursement, then a retaliation decree will not be executed.

وَمَا كَانَ لِلْمُؤْمِنِ أَنْ يَقْتُلَ مُؤْمِنًا إِلَّا خَطَاً ۚ وَمَنْ قَتَلَ مُؤْمِنًا خَطَاً فَتَحْرِيرُ رَقَبَةٍ مُؤْمِنَةٍ وَدِيَةٌ مُسَلَّمَةٌ إِلَىٰ أَهْلِهِ إِلَّا أَنْ يَصَدَّقُوا

And never is it for a believer to kill a believer except by mistake. And whoever kills a believer by mistake - then the freeing of a believing slave and a compensation payment presented to the deceased's family [is required] unless they give [up their right as] charity. (Quran 4:92)

When a retaliation decree is executed, individuals will be less likely to commit murder and sanctity of mankind will be safeguarded.

## **Abortion is Forbidden**

Protection of man's life is not limited only to postnatal life in Islam, but it also includes the life of an embryo. In the eyes of Islam life during the prenatal life (embryos) and even before an embryo is formed is subject to protection. Depriving an embryo of life through abortion is a crime and a sin. And he who commits this crime is entitled to punishment. The existence of mankind starts since joining of two primary cells. Therefore, according to The Holy Quran destruction of it at any stage means depriving mankind of life

Islam does not allow abortion for the purpose of birth control (except in some exceptional or emergency cases). For the life of an embryo in every stage of evolution/perfection, since the time a sperm is placed inside a woman's uterus and since the beginning of growth and ultimately developing into an embryo is fully under the protection umbrella of Islam and abortion or destruction of embryo is considered a murder and is unlawful.

In Islam even an embryo which is the result of adultery is protected and abortion is unlawful. In other words you cannot deprive such embryo of life either; just because the sexual intercourse was unlawful it does not justify your terminating the life of the embryo.

Islam does not ban birth control. There is no decree prohibiting a couple to decide to prevent pregnancy. However, once a woman gets pregnant the parents have no right to destroy the embryo which means depriving it of life. Many theology scholars argue that once an embryo is formed an independent entity with life is emerged, that apart from a mother independently has the right to have life. And except in emergency cases determined by the Islamic law nobody even the parents have the right to deprive and embryo of life.

Even those Islamic scholars who have considered the embryo a part of a mother's body still argue that nobody has the right to cut any part of her body and therefore a mother is not allowed to have abortion operated on her. Apparently if the crime of abortion is committed by a third party (other than the parents), even it is not done deliberately, still her/his action is a sin, which entitles her/him to punishment both in this world and the Resurrection Day.

## Depriving Oneself of Life is Forbidden (Sanctity of One's Life)

A remarkable point in the subject of "right to life" is Islamic law is banning suicide. The Holy Quran explicitly prohibits individuals from depriving themselves of life.

يَا أَيُّهَا الَّذِينَ آمَنُوا لَا تَأْكُلُوا أَمْوَالَكُمْ بَيْنَكُمْ بِالْبَاطِلِ إِلَّا أَنْ تَكُونَ تِجَارَةً عَنْ تَرَاضٍ مِنْكُمْ ؕ وَلَا تَقْتُلُوا أَنْفُسَكُمْ ؕ إِنَّ اللَّهَ كَانَ بِكُمْ رَحِيمًا

.... and do not kill yourselves [or one another]. Indeed, Allah is to you ever Merciful. (Quran, 4:29)

In the eyes of Islam a person's body, soul, and life belongs to God. He is the one who gives life and whenever he decides he can take it back. Since the goal of creation and giving life to mankind is his achieving perfection and felicity, therefore and in reality suicide means a retreat from achieving perfection and also a decline and downfall into the valley of failure and loss of mankind.

The Prophet (S) was quoted as saying: "Whoever commits suicide by means of some instrument, he will be tormented on the Resurrection Day by the same tool."<sup>1</sup> Also according to another narration he has been quoted as saying: "If someone suffocates himself he has put himself in the hell fire and he who hits himself by a spear is in fire."<sup>2</sup>

You should know that sin of killing oneself in Islam is absolute, the same way that killing others is a sin, committing suicide is also a sin and unlawful. Depriving yourself of life is one of the major sins. The Holy Quran has promised severe punishment for the individual who terminates his own life:

وَمَنْ يَفْعَلْ ذَلِكَ عُدْوَانًا وَظُلْمًا فَسَوْفَ نُصَلِّيهِ نَارًا ؕ وَكَانَ ذَلِكَ عَلَى اللَّهِ يَسِيرًا

And whoever does that in aggression and injustice - then we will drive him into a Fire. And that, for Allah, is [always] easy. (Quran, 4:30)

There are different motives for suicide including: Weak religious beliefs, weak spirituality and religious ethics, excessive tendency or eagerness toward material things including all worldly demands, Insanity (mental disorder), and intolerable physical illness.

None of the aforementioned factors or reasons is justifiable in the eyes of Islam for committing such a great sin. But any goodness or evil (vicious) a man faces during his lifespan stems from a good or an evil deed which is the reward or punishment of that deed. Or it could be a test by God. If Man faces such difficulties he must be patient and must tolerate them, and should choose reform and gratitude. The Holy Quran invites the believers to tolerate with assiduity, patience and endurance.

يَا أَيُّهَا الَّذِينَ آمَنُوا اسْتَعِينُوا بِالصَّبْرِ وَالصَّلَاةِ ؕ إِنَّ اللَّهَ مَعَ الصَّابِرِينَ

O you, who have believed, seek help through patience and prayer. Indeed, Allah is with the patient. (Quran, 2:153)

Thus, the divine religions, particularly Islam, severely oppose Euthanasia and consider it a way of suicide. Apparently, Euthanasia for a person suffering from an incurable illness is ignoring human dignity and mankind's



supreme life value. Both non-voluntary (non-voluntary Euthanasia) and emergency death (desperate Euthanasia) are considered unlawful according to Islam law.

Thus not only the killed patient will suffer his punishment but also the person who according to his own demand (his diagnosis) actually commits such kind of killing will be punished as a murderer. Thus, it does not matter if the killed patient had announced his willingness or agreement before death.

As a patient's agreement does not help in any way in lessening the crime, there is no difference whether or not he has agreed. So one's act of Euthanasia is subject of unlawfulness of a murder.

The Prophet (S) was quoted as narrating the following story: "Once there was a man whose hand was wounded. The pain was so severe and intolerable that he cut his hand and then died of blood loss. Then God said he preceded me in taking his life. That is why I announce that he is deprived of heaven."

### Notes

1. Sonane Darmi, Vol.2, P.192.
2. Kanz al- Ummal, Vol. 5, P. 35.

## Permitted Cases to Deprive Oneself of Life in Islam

Although, in the eyes of Islam, the right to life is considered a divine gift and the most important inherent right of mankind and thus safeguarding it is a divine duty for both the people and the state. Using any tools that can totally or partially destroy the source of mankind, is banned and unlawful.<sup>1</sup>

But we must not misunderstand that the right to life in Islam is absolutely without any exceptions. This right enjoys sanctity as long as the life of another man is not endangered. Or perhaps there is a more important necessity aimed at perfection of mankind which, as an exception, might call for termination of somebody's life.

The followings are brief cases of such exceptions:

A- Retaliation decree: As explained before, in the eyes of the enlightening religion of Islam retaliation is not merely depriving the killer of his life, but the philosophy of its legality is countering unlawful violation of mankind's right to life, so it is a guarantee to the survival of mankind. Additionally, retaliation in fact is a just and fair punishment and a conventional practice. The execution of retaliation would relief the public's Conscience which was wounded and not at ease because of a murder.

B-Abortion if urgency calls: As explained in details previously Islam does not only protects right to postnatal life but also prenatal life (since the earliest stage of formation of embryo in a mother's uterus.)

In the eyes of Islam life during the prenatal life (embryo's) and even before an embryo is formed is subject to protection. Depriving an embryo of life through abortion is a crime and a sin. And he who commits this crime is entitled to punishment. And deprivation of life will not be lawful unless due to a proper justification.

But sometimes it is possible that the continuation of pregnancy would be endangering a mother's life or health or might cause extraordinary difficulties for the mother. Should urgency rise and in the above cases abortion is allowed as an emergency as considered the priority, and so the life of an embryo can be terminated. Also if an embryo is found dead in the uterus of a mother, abortion would be allowed.

C-Fighting against God and the Prophet and the corruption on the Earth: In Islam a man who practically tries to stand against God and oppose an Islamic system is considered a belligerent and corruption on the Earth. A punishment has been defined and determined for him. To what extent should he be punished depends on intensity, type and extent of the measures taken by him: If he has committed a murder he deserves death penalty and execution. The Holy Quran says in this issue:

إِنَّمَا جَزَاءُ الَّذِينَ يُحَارِبُونَ اللَّهَ وَرَسُولَهُ وَيَسْعَوْنَ فِي الْأَرْضِ فَسَادًا أَنْ يُقَتَّلُوا أَوْ يُصَلَّبُوا أَوْ تُقَطَّعَ أَيْدِيهِمْ وَأَرْجُلُهُمْ مِنْ خِلَافٍ أَوْ يُنْفَوْا مِنَ الْأَرْضِ ۚ ذَلِكَ لَهُمْ خِزْيٌ فِي الدُّنْيَا ۗ وَهُمْ فِي  
الْآخِرَةِ عَذَابٌ عَظِيمٌ

Indeed, the penalty for those who wage war against Allah and His Messenger and strive upon earth [to cause] corruption is none but that they be killed or crucified or that their hands and feet be cut off from opposite

sides or that they be exiled from the land. That is for them a disgrace in this world; and for them in the Hereafter is a great punishment. (Quran, 5:33)

Apparently committing such deeds which (threatens and) infringes upon the security of the general public and creates fear in people, in proportion to the extent to which he has acted, would be followed by the punishment of the convict.

### **Note**

1. Declaration of Human Rights in Islamic Law, Article 2, B.

## Holy War, Symbol of Eternal Life

In Islam Holy War (Jihad) is another important exception for depriving oneself of life for the sake of God. The persons, who take part in Holy War in order to materialize, establish and defend divine ideals, voluntarily endanger their lives, wellbeing or physical health.

Actually, for mankind Holy War is one way to achieve perfection. It is also the loftiest and most important path toward his transcendental life.

Giving away the life and belongings for the sake of heightening the word "Islam", maintaining the limits of the school of thought, freedom, defending life and property of the oppressed ones, has a high advantage. The Holy Quran has stressed this in many verses.

God expresses such an advantage in the following verse:

فَضَّلَ اللَّهُ الْمُجَاهِدِينَ بِأَمْوَالِهِمْ وَأَنْفُسِهِمْ عَلَى الْقَاعِدِينَ دَرَجَةً ۗ وَكُلًّا وَعَدَ اللَّهُ الْحُسْنَىٰ ۗ  
وَفَضَّلَ اللَّهُ الْمُجَاهِدِينَ عَلَى الْقَاعِدِينَ أَجْرًا عَظِيمًا

Allah has preferred the mujahideen through their wealth and their lives over those who remain [behind], by degrees. And to both Allah has promised the best [reward]. But Allah has preferred the mujahideen over those who remain [behind] with a great reward. (Quran, 4:95)

The rank of a person who takes part in Holy War is so lofty in Islam that the Prophet (S) said: "Higher than any goodness is goodness where an individual is killed for the cause of God, and there is no goodness or advantage higher than that."<sup>1</sup>

Imam Ali (a.s) refers to Jihad (Holy War) as one of the doors to heaven. This door has been opened by God to his friends, his followers and to special people.<sup>2</sup>

Not only Islam does not consider the deed of the person who takes part in Holy War as "jumping into the valley from the edge of a cliff,"<sup>3</sup> but also considers itself the buyer of his life and property, and says:

إِنَّ اللَّهَ اشْتَرَىٰ مِنَ الْمُؤْمِنِينَ أَنْفُسَهُمْ وَأَمْوَالَهُمْ بِأَنَّ لَهُمُ الْجَنَّةَ ۗ يُقَاتِلُونَ فِي سَبِيلِ اللَّهِ فَيَقْتُلُونَ  
وَيُقْتَلُونَ ۗ وَعَدًّا عَلَيْهِ حَقًّا فِي التَّوْرَةِ وَالْإِنْجِيلِ وَالْقُرْآنِ ۗ وَمَنْ أَوْفَىٰ بِعَهْدِهِ مِنَ اللَّهِ ۗ فَاسْتَبْشِرُوا  
بِبَيْعِكُمُ الَّذِي بَايَعْتُمْ بِهِ ۗ وَذَلِكَ هُوَ الْفَوْزُ الْعَظِيمُ

Indeed, Allah has purchased from the believers their lives and their properties [in exchange] for that they will have Paradise. They fight in the cause of Allah, so they kill and are killed. [It is] a true promise [binding] upon Him in the Torah and the Gospel and the Qur'an. And who is truer to his covenant than Allah? So rejoice in your transaction which you have contracted. And it is that which the great attainment is. (Quran, 9:111)

Holy war (Jihad) against atheists and hypocrites,<sup>4</sup> Jihad against the pagans,<sup>5</sup> Jihad aimed at expansion of Islam and eliminating enemies intrigue,<sup>6</sup> Jihad aimed at fighting against oppression,<sup>7</sup> Jihad aimed at defending (the country) against the non-Muslim's invasion<sup>8</sup> and finally Jihad due to breach of contract signed by non-Muslims with an Islamic state.<sup>9</sup> Not only it is every Muslim's right but also in the eyes of Islam it is a

religious duty and Muslims (except those having a justifiable excuse) cannot ignore this religious responsibility.<sup>10</sup>

Undoubtedly the warrior for Islamic purpose will enjoy eternal spiritual life, although his destiny may be termination of his worldly physical life.

### Notes

1. Political Theology in Islam, p.14.
2. Nahj al- Balaghah, Sermon 24.
3. Quran, 2:195.
4. The Holy Quran, Chapter Al- tawbeh , verse: 73.
5. The Holy Quran, Chapter,Al- tawbeh , verse: 36.
6. The Holy Quran, Chapter,Al-Anfal, verse:39.
7. The Holy Quran, Chapter, Al- hajj , verse:39.
8. The Holy Quran, Chapter, Al- Bacharach, verse:190.
9. The Holy Quran, Chapter, Al- Tawbeh, verses:12 and 13.
10. Quran, Chapter, Al- Tawbeh, verse: 81.

## The Noble and Lawful Defense

Another exception in the decree prohibiting suicide (depriving self of life) identified in Islam is defending one's own life, belongings or family. There are numerous quotations from the Prophet (S) expressing the significance of defending life, property or one's family. Hereunder we point to one of them:

من قاتل دون نفسه حتى يقتل فهو شهيد ، ومن قتل دون ماله فهو شهيد ، ومن قاتل دون أهله حتى يقتل فهو شهيد ، ومن قتل في جنب الله فهو شهيد.

"He, who fights to defend his own life, till he is killed, is a martyr. He, who gets killed while defending his own property, is a martyr. He, who kills to defend his family and gets killed, is a martyr. He, who gets killed for the cause of God, is a martyr."<sup>1</sup>

Considering the rank of a martyr, defending the privacy of his life, property and family, is indicative of the value and significance Islam regards for countering invasion. Intrusion and oppression, regarding individual's security and man's family, in such an extent that Islam allows a man to endanger his own life to defend and save his own and his family's security, and to fight until he loses his life.

The Prophet (S) in another occasion said: "He, who opposes and resists tyranny and is seeking justice before being killed he is considered a martyr."<sup>2</sup>

This is God's command that emphasizes:

فَمَنْ اعْتَدَىٰ عَلَيْكُمْ فَاعْتَدُوا عَلَيْهِ بِمِثْلِ مَا اعْتَدَىٰ عَلَيْكُمْ ، وَاتَّقُوا اللَّهَ وَاعْلَمُوا أَنَّ اللَّهَ مَعَ الْمُتَّقِينَ

...So whoever has assaulted you, then assault him in the same way that he has assaulted you. And fear Allah and know that Allah is with those who fear Him. (Quran, 2:194)

## Notes

1. Kanz al- Ummal, Vol.4, P.425.
2. Foroo'e Kafi, Vol. 5, P.52.

## Right of Livelihood

Livelihood is considered a part of mankind's right to life. In addition to the fact that in the Islamic law, deprivation of a man of his life is forbidden, right of livelihood and enjoying the minimum facilities and devices to continue life is also considered important.

Islam considers enjoying the primitive but essential means to make continuation of life possible, important. It has presented comprehensive and vast programs aimed at materialization of this fundamental and vital right, especially in the form of an anti-destitution campaign, aimed at uprooting and eradicating poverty among the individuals of an Islamic society.

In Islam the anti-poverty phenomena and campaign is considered the public's duty in the society. Monopolizing policies favored by a certain group (the rich) as the main obstacle in the way of just and fair distribution of wealth, facilities and financial resources of a society is prohibited. Quran explicitly opposes the concentration of a society's wealth (exclusive ownership of riches) in the hands of a few.

مَا آفَاءَ اللَّهِ عَلَىٰ رَسُولِهِ مِنْ أَهْلِ الْقُرَىٰ فَلِلَّهِ وَلِلرَّسُولِ وَلِذِي الْقُرْبَىٰ وَالْيَتَامَىٰ وَالْمَسَاكِينِ  
وَابْنِ السَّبِيلِ كَيْ لَا يَكُونَ دُولَةً بَيْنَ الْأَغْنِيَاءِ مِنْكُمْ

And what Allah restored to His Messenger from the people of the towns - it is for Allah and for the Messenger and for [his] near relatives and orphans and the [stranded] traveler - so that it will not be a perpetual distribution among the rich from among you. (Quran, 59:7)

Also the individuals of a society are proscribed from doing anything that contradicts the right of livelihood of mankind in a society and puts the destitute under pressure and drives them into a difficult situation. Puts the low-income class and disrupts their lives by depriving them of the minimum necessities of their lives. For instance, hoarding routine shopping list items and necessities of life of the public would be contrary to livelihood of the people and cause difficulty for them in providing their foodstuff, and to run their lives has been banned.

The Prophet (S) explicitly said: "Whoever hoards products is a sinner."<sup>1</sup>

In another narration the Prophet (S) was quoted as saying: "Whoever hoards some food for 40 days is apart from God and God detests him."<sup>2</sup>

## Notes

1. Wasa'il al-Shi'ah, Vol .2, P.425.

2. Tahdhib al-Ahkam, Vol. 6, P. 368.

## Islam's Measures for Continuation of Life

In addition to prohibiting hoarding of everyday grocery needs of the public, Islam has foreseen (executive, economical and social) tactics, strategies, arrangements and measures in its anti-poverty campaign to fight the concentration of earnings and wealth in the hands of certain numbered people. Enforcement of such tactics would lead to distribution and adjustments of wealth and would ensure and guarantee social and economic justice. It would also bridge the gap between the poor and the rich. It would actually prevent the creation of a deep gap between the two classes. In other words the class- differences which has caused the creation of the wealthy class against the destitute or the low-income class who are weak or incapable of running their lives and the primitive affairs and maintain and secure the very viable elementary needs in their lives.

Islam has taken steps to establish and found compulsory or encouraging financial duties (called entities) to remove deprivation and to provide elementary life requirements. By providing a spiritual support for such eco-social entities, is guiding the Islamic society toward improvement and promotion of living conditions and public's livelihood. Some of such financial duties (entities) are:

1- Donation to charity (Enfagh): Although this act is optional, it has been repeatedly emphasized by Islam. It is aimed at encouraging the members of a society to provide the necessities of destitute and the deprived ones. There are countless quotations from the Prophet (S) and countless verses in The Holy Quran in this regard. The following is a sample:

مَثَلُ الَّذِينَ يُنْفِقُونَ أَمْوَالَهُمْ فِي سَبِيلِ اللَّهِ كَمَثَلِ حَبَّةٍ أَنْبَتَتْ سَبْعَ سَنَابِلَ فِي كُلِّ سُنبُلَةٍ مِائَةٌ حَبَّةٌ ۗ وَاللَّهُ يُضَاعِفُ لِمَنْ يَشَاءُ ۗ وَاللَّهُ وَاسِعٌ عَلِيمٌ

The example of those who spend their wealth in the way of Allah is like a seed [of grain] which grows seven spikes; in each spike is a hundred grains. And Allah multiplies [His reward] for whom He wills. And Allah is all- Encompassing and Knowing. (Quran, 2:261)

Also The Holy Quran blames those who refrain from donating to charity by helping the needy:

وَالَّذِينَ يَكْتُمُونَ الذَّهَبَ وَالْفِضَّةَ وَلَا يُنْفِقُونَهَا فِي سَبِيلِ اللَّهِ فَبَشِّرْهُمْ بِعَذَابٍ أَلِيمٍ

.... and those who hoard gold and silver and spend it not in the way of Allah - give them tidings of a painful punishment. (Quran, 9:34)

The Prophet (S) said, " It is never acceptable that one of you should sleep having eaten his dinner when one's neighbor is still hungry."<sup>1</sup>

Donation in the eyes of Islam has been attached such a great significance that it is categorized as the top prioritized deeds among the most privileged worshiping deeds, such as prayer. The word donation comes immediately after the word "prayer or al-salaat" in several verses.<sup>2</sup>

2-Khums (a Fifth): One of the financial duties foreseen aimed at improvement of a destitute life and livelihood as well as especial urgent spending needs in an Islamic society is khums (a Fifth). Khums is an imposed donation levied on every Muslim's one fifth of the profit, turnover, and income. The profit earned by a Muslim because of his lawful business



after reduction of routine living expenses in the period of one year is subject to khums taxation. The followings are also subject to khums: treasure, diving, mining (drilling and digging mines), war booty, wealth mixed with someone else's wealth whose owner is unknown (money laundering and any money which is not entirely yours), will be subject to khums.<sup>3</sup>

The Holy Quran says in this issue:

وَأَعْلَمُوا أَنَّمَا غَنِمْتُمْ مِنْ شَيْءٍ فَإِنَّ لِلَّهِ خُمُسَهُ وَلِلرَّسُولِ وَلِذِي الْقُرْبَىٰ وَالْيَتَامَىٰ وَالْمَسَاكِينِ  
وَإِنَّ السَّبِيلَ إِنْ كُنْتُمْ آمَنْتُمْ بِاللَّهِ

And know that anything you obtain of war booty - then indeed, for Allah is one fifth of it and for the Messenger and for [his] near relatives and the orphans, the needy, and the [stranded] traveler, if you have believed in Allah. (Quran, 8:41)

3-Zakaat donation: Zakaat in the Islamic economical decrees includes a part of one's belongings. When a wealthy Muslim's riches reach a certain amount, he must donate a certain part of his savings.<sup>4</sup>

There are many verses in The Holy Quran about Zakaat. The requirement of Zakaat has been emphasized after prayer:

وَأَقِيمُوا الصَّلَاةَ وَآتُوا الزَّكَاةَ ۚ وَمَا تُقَدِّمُوا لِأَنْفُسِكُمْ مِنْ خَيْرٍ نَجِدُوهُ عِنْدَ اللَّهِ ۗ إِنَّ اللَّهَ بِمَا تَعْمَلُونَ بَصِيرٌ

And establish prayer and give zakaat, and whatever good you put forward for yourselves - you will find it with Allah. Indeed, Allah of what you do, is Seeing. (Quran, 2:110)

Also, describing those who assist God, The Holy Quran, says:

الَّذِينَ إِنْ مَكَّنَّاهُمْ فِي الْأَرْضِ أَقَامُوا الصَّلَاةَ وَآتَوُا الزَّكَاةَ وَأَمَرُوا بِالْمَعْرُوفِ وَنَهَوْا عَنِ الْمُنْكَرِ ۗ وَاللَّهُ عَاقِبَةُ الْأُمُورِ

[And they are] those who, if We give them authority in the land, establish prayer and give zakat and enjoin what is right and forbid what is wrong. And to Allah belongs the outcome of [all] matters. (Quran 22:41)

Zakaat can be a source of money from which the followings can be helped: social security, destitute, poor people, orphans, the unemployed, passengers and anybody caught by life's bottlenecks.<sup>5</sup>

4-Tax (Kheraj): This tax is levied on farmers. It is an amount out of the agricultural products, or its value in cash, collected. This tax is levied on peasants and their agricultural land depending on the discretion of an Islamic government and according on farmer's or a landowner's agreement and in favor of the public. When spending this money the priority must be given to wellbeing of (all) the farmers and flourishing of the agricultural land.<sup>6</sup>

5-Jaziyeh: this tax is levied on non-Muslims. But non-Muslims here include only those who are followers of other monotheistic religions (followers of God's traditions and monotheist prophets). Such taxpayers have a commitment to pay this tax and to keep the limits of Islam and Muslims and to respect such boundaries and borders, as their lives and

property is located in the safe and secure boundaries of Islam but they enjoy the same rights and limits as Muslims.<sup>7</sup>

6- Kaffarat: One of the financial obligations in the Islamic theology is Kaffarat. It is a property that must be given away to compensate for some sins such as monetary compensation for murder,<sup>8</sup> or monetary recompense for failing to keep or honor a promise,<sup>9</sup> or monetary compensation for unlawful hunting.<sup>10</sup>

In order to concentrate financial resources, the entity of Islamic Treasury (Beit al-maal) has been foreseen which is the Islamic government's treasury. The cases of taking money out of this treasury, and how to spend it, as well as relevant priorities has clearly been mentioned in the public financial system in Islam. Any discrimination (abuse) in using the treasury is prohibited.

Certainly, no legal system, has outlined or presented executive plans and policies for right of viability, continuation of mankind's life as well as the deprived and needy people's enjoying the life's primary instruments as clear as Islam.

### Notes

1. Human Rights in Islamic Law, P.4.
2. Quran, Chapter, Al- Ibrahim, verse: 31, Quran, Chapter, Al- Bagharah, verse:3, Quran, Chapter, Al- enfagh, verse:3, Quran, Chapter, Al- hajj, verse:35, etc.
3. Islam and Ownership, p. 21.
4. Analytical Project of Islamic Economy, p. 220.
5. Analytical project of Islamic economy, p. 222.
6. Islam and Ownership, p. 211.
7. Islam and Ownership, p. 211.
8. Quran, 5:45.
9. Quran, 5:89.
10. Quran, 5:95.

## Conclusion

Given what has been explained above, regarding mankind's right to life in the eyes of Islam, we conclude that: Islam's mentality pays attention to right to life comprehensive aimed at achieving perfection and transcendental life materially and spiritually.

Attention to right to life in Islamic school of thought is based on realism, far from irrational excessive and under-spending behavior, seen in the Western system's propaganda. when we try to compare the Islamic Human Rights (over 1400 years old) with the Western Human Rights (200 years old), we notice that Islam's mentality toward the Human Rights (including mankind's right to life) and also the compiled executive plans in the Islamic sources for its materialization has caused Islam to last for eternity during the history. On the contrary, the western the Human Rights has failed to prove beneficial in this regard.

### **Below we briefly point to such comparative study:**

Islamic Human Rights system regards the right to life a gift from God. It sees life's value based on human's lofty dignity and decency (degree). In the eyes of divine schools of thought, whereas the western Human Rights system depreciates the right to life from the humanistic approach, while regarding it as low as a mere natural right for mankind. Consequently, in the Western legal system right to life as an "absolute" right is unlimited, whereas in the Islamic legal system the continuity and survival of this right depends on conditions determined by Islam.

The Interpretation of right to life by the Western legal system is material, without consideration for the spiritual aspect of man's existence, whereas the Islamic legal system is based on all the aspects of human existence (both material and spiritual). Actually the human spiritual life is attached more significance in the eyes of Islam to such an extent that (in case of a conflict) it has priority over the material one.

In the international Human Rights Documents, human's life is defined merely as a "natural right", whereas man's life in Islamic legal system is identified as both a "right" and a "duty". In the eyes of Islam not only a man has no right to terminate his life and is responsible for safeguarding it but also he must (feel responsibility to) protect other people's lives (be it threatened by natural disasters or causes or subject to a third party's intrusion, etc). He must rise up to resist and reject the threat and the intrusion. If he turns a blind eye to it he is a sinner.

Prohibition decree against abortion (except in urgent cases such as mother's life being at stake or emergencies determined by the Islamic Law): One of the privileges of the Islamic laws in regard to "comprehensive identification" of right to life for humans is paying attention to human dignity even prior to his birth, whereas in the Western Human Rights Declaration and documents, disregarding the sanctity of an embryo, abortion is not forbidden. In most western nations, deprivation of humans of their lives at the stage before birth (abortion) is permitted and hence lawful. Sometimes it is even encouraged.

In the Islamic Human Rights system, because of human dignity, provision of an appropriate and favorable life for a person is part of his right to life and is respected.<sup>1</sup>

Strategies have been foreseen aimed at its materialization, such as financial sources and duties, inclusive of zakaat, khums, kaffarat and normal or general donations. But in the Western approach and its Human Rights system, only "human welfare" has been mentioned along with a very few other points. There is no mention of or consideration for human dignity.<sup>2</sup>

The Islamic school of thought takes care of special classes in the society including senior citizens (the elderly), women, children, the sick and the wounded (or disabled) in armed clashes. Also special attention is paid to prisoners of war (POW's), banning mutilation of killed soldiers, how to treat POW's and their families. All such things are indicative of the magnitude and magnificence of Islam, and how Islam looks at Human Rights. Whereas the Declaration of the Human Rights fails to adequately cover the above rights.

### Notes

1. The Islamic Human Rights, Article 2.
2. The Declaration of Human Rights, Article 25.

## References

1. The Holy Quran.
2. Nahj al- Balaghah.
3. Sireye Ibne-Hesham, 1858, printed in Katiguen.
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