

أساسيات قبول وعدم قبول حق الذات من وجهة نظر الماديين والإسلام

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**The basics of accepting and unaccepting the right of self in
the views of materialists and Islam**

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المستخلص

من أهم المناقشات في الفلسفة والقوانين (هيمنة الإنسان على نفسه ، عدم السيطرة على نفسه أو نفسها) ، بمعنى آخر : هل إن الإنسان لا يتمتع بحق التدخل في أعضائه بأي شكل من الأشكال ؟ وإن وجد هذا الحق ، فما هو أساس هذا التدخل؟

هناك نوعان من الرؤى الرئيسية في هذا الصدد ، الرؤيا الأولى تتعلق بأولئك الذين قبلوا الهيمنة البشرية على أنفسهم بطريقة مطلقة لأن رؤيتهم تستند إلى النظرة المادية للعالم والنظر في الواقع البشري من خلال جوانبه النباتية والحيوانية من دون النظر إلى الجانب الروحي للإنسان ، أما الرؤية الثانية فهي على العكس من ذلك ، لأنها تتعلق بأولئك الذين لم يقبلوا تماماً الهيمنة البشرية على أنفسهم ويعتقدون أنه بالإضافة إلى الجانب المادي ، فإن للإنسان جانباً روحياً وأن واقع الإنسان مرتبط بإنسانيته وليس بجسده فقط ، ومن هذا المنطلق فإن أساس الشرائع الإسلامية هي المستمدة من الوحي فمثلاً يعد الانتحار حراماً لمخالفته للإنسانية وكرامة الإنسان .

الكلمات المفتاحية: الأساسيات ، الحق ، حق الذات ، النظرة المادية للعالم .

Abstract

One of the most important discussion in philosophy and laws is human domination/lack of domination on himself/herself. In other words, does/doesn't human enjoy the right of intervening his/her organs in any way? If such right exists, what is the basis of such interference? There are two main insights in this regard. Those ones who have accepted human domination on himself in an absolute manner since their insight is based on material worldview and consider human reality by his/her vegetative and animal facets and do not consider human's spiritual aspect. In contrary, those ones who have not absolutely accepted human domination on himself/herself and believe that in addition to material aspect, human has a spiritual facet and human's reality is related to his/her humanity rather than his/her body and, on this basis, Islamic laws obtained from revelation are forged. If suicide is haram (forbidden), it is due its contradiction to humanity and human benevolence .

Key words : basics , right , right of self , material worldview .

Introduction

Human has interferences on his/her organs, some of them are necessary for that organ's evolution such eating by teeth or walking by legs since if such interferences are not conducted, that organ will be destroyed. Undoubtedly, such interferences are legal. Obviously, some interferences are *haram*. There is no dispute on them but some interferences are forged like surrogacy and abortion. Now, the main question is whether such interferences are legitimate or not. If legitimate, what are the basics of accepting such right? Illuminating the basics of accepting/unaccepting right of itself can act as a light to clarify raised problems.

Concerning the background of the research, one can say that dispersed studies are done on the right of self while there is no discussion on philosophical basics and such gap is too sensible. In the meantime, achieving a single basis would play a vital role in preventing taking different decisions.

Acceptance basics

Concerning this question whether human has any right on himself/herself or his/her own organs, a group of people believe that such right exists while another group denies it. This issue is more on type of attitude toward human. Put it differently, what is genuineness for human, are human's tendencies genuine and are human rights justifiable in line with monotheistic worldview. The view of believers in absolute right of self is based on material worldview which grants genuine to human.

(a) Individualism

In material view, what is genuine for human is human tendencies and any authority superior to human is suspected and even rejected and the individual is seen as the origin of forming the society and legitimacy of social contracts. In individualists' view, human has the value and is even prior to the society. Some proponents of such view assert: "people are materials and society is the link between these materials and the importance of society as link is less than materials. The most important thing is materials namely people not links or society." Pazargadi, 1980: 2/550).

According to "individualism" theory, an individual is what has genuineness in the universe. The combination of society with people is credit and there is no reality beyond individuals. However, human cannot be subjected by rights alone while the society paves the way for rights

realization. Thus, in the view of individualists, an individual is the origin of rights and even ethics and the state is a side issue. Other believers of this school say: “the goals and benefits of administration should be fully sensible for people. These goals and benefits include peace, convenience, security and keeping people’s life and properties. Thus, any judgment on legitimacy of the administration and its value and efficiency should be based on personal interests” (Mazaheri Tehrani, 2007: 60). Individualism has a long history. The Christ and Epicurus clarified their philosophy based on human prosperity and enjoyment.

Descartes based his philosophy system based on personal existence (Forughi, 1989: 179/1). In contemporary age, John Locke represented personal right theory and its impacts based on “owned self” to defend it. By ownership, he does not just mean exclusive right on external things. Human is the owner of his body and work and, as a result, he has ownership right on the result of his and his antecedents’ deeds. The philosophy of establishing government is to defend such right. This right is accompanying with freedom and the ultimate benefit for community is to meet personal interests and freedom (Katuzian, 1998: 444/1). Other authors like Russo, Kant and Spencer believed such theory. For instance, Kant believed that “government has a deterrent task to protect a legal system that its goal is only to support the right and its implementation and to prevent its negation namely to ensure individual freedom (Dell and Quio, 1957: 166).

Along with and even beyond Kant’s individualism, Spencer believed that government is like a necessary calamity. Thus, governance should be constrained to its most limited scope. History should observe people’s gradual freedom against government (Dell and Quio, 1957: 166). Individualists use components as explained below:

1. Individualism components

Data used by individualists include human separation from the world, human separation from each other, relying personal experience, owned self and desires governance.

1.1. Human separation from the world

Individualism relies upon human separation from natural world and, on this basis, it has emphasized separation between knowledge and value and, in other words, realities and values. What significant for individualists is to emphasize on ethical neutrality of scientific realities world and relying upon person as an independent observer of such

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realities (Moosavi and Haghghat, 2014: 182). This group puts values in person's choice domain and asserts: "values already defined as a concept in higher universe are falling to human will. There is no excellent reality. Goodness is empty and undefinable and human selection can fill this gap (Ariaster, 1988: 22). According to above point, one can conclude that this group believes that one can select his/her own values and realities would not bin him/her. In other word. There is no framework to accept one's ethical, religious and material commands.

1.2. Human separation from each other

One data used by individualists is person's real existence and his/her need to others is not a natural need. Human is not a social or political animal; rather, his/her adherence to others and forming the society is willfully and prudently (Mottahary, 5). This is an ontological data individualism with no validity for society.

1.3. Relying personal experience

Some philosophers emphasize on person as the origin measure of individualism. For example, one can point out Descartes who says: "I think so I exist." Experimentalism fosters individualism since the primary source of human cognition on world is personal senses. The result is to trust in one's experience and argument power and refusing to accept tradition authority" (Mottahari, 31 – 36).

1.4. Owned self

One data emphasized by individualists is owned self. It means that a person's life belongs to him/her not Divinity, society or state.

Accordingly, human can live in any way he/she likes and can intervene in his/her organs. For instance, one can refer to John Locke who says: "human has huge pillars of property due to his/her mastery on himself/herself, self-ownership and his/her work" (Locke, 44).

1.5. Desires governance

According to modern human – oriented thinking, human desire has a radical status. Desires are unchangeable and institutionalized facts in human nature to which ethics should be adapted. Anyone's desires are legitimate as others'. Laws should be posed to prevent people from pursuing their own desires in excess of oppressing other people's desires and, if committed, they should be punished (Moosavi and Haghghat, 2014: 184).

By emphasizing human instincts, Freud believes civilization as the result of oppressing a part of instincts and considers such instinct

oppression as necessary for constituting civil society (Ariastar, 1987: 39 – 41). Individualists emphasize that anyone knows to what he/she intends. "People conceive their affairs and interests better than government and protect them" (Ariastar, 1987: 43).

Some western writers have assimilated desires legitimacy in this manner: "when priest encourages patient to repentance, the patient would repent in this manner: nature created me with very strong hot and erotic tastes. My creation in this world is only to realize these wishes and to satisfy them and such aspects of my creation are only due to necessities directly related to nature fundamental designs. I repent since I could not understand absolute existence of such lusts as eligible. Sometimes, I have refused meeting such demands and I repent for this reason (Ariastar, 1987: 39 – 41).

The output of data used by individualists is that human controls his/her organs and can use these organs as he/she likes. However, some date such owned self are pointing out explicitly to human's domination over his organs (in an absolute manner) while other factors are referring to such domination indirectly.

2. Individualism criticism

One of the elements of individualism was human separation from the World. This negates the relationship between "event" and "value" and its necessity is human independence in selecting value system while such necessity is in conflict with Islamic view. Since in Holy Quran, the Divinity has recognized human as responsible:

We offered the trust to the heavens, and the earth, and the mountains, but they refused to bear it, and were afraid of it, and the human carried it. Surely, he is a harm doer, and ignorant. (AHZAB: 72).

Considering this verse, one can say that human is responsible rather than autonomous since accepting deposit is seen as a human trait.

Another individualism input is to rely upon personal experience and rationality. This is in contrary to Islam since Islam pursues two goals:

1. Human guidance and prosperity is owed to such issue so that its interference cause negating messengers' purpose.
2. Such needs cannot be obtainable through ordinary cognition. By the first trait, those sciences are left to which human prosperity is not owed; these include such sciences as physics, chemistry and mathematics. By the second trait, the sciences are left that can be

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obtainable by ordinary cognition such as medical and similar ones (Tabatabayi, 2014: 2/130).

So religion's territory is in such delineation.

Although wisdom is a tool which paves the way for human relation with outside, it does not mean that wisdom should be independent and does not need higher guidance. Thus, human needs revelation to achieve prosperity in the light of revelation based teachings even though wisdom can help human as an important tool in this route.

Another individualism input is owned self. Although human owns his/her body and soul, it is not an absolute ownership; rather, it is limited since real ownership belongs to the Divinity and human ownership is nominal. Thus, if we assumedly accept human ownership, such ownership is not absolute and its limits are delineated by religion.

One input of individualism is desires governance. On this basis, theism is replaced by desires and this means to deny resurrection.

Some philosophers say: "although it seems difficult, government establishment, that is, good social order is a problem which can be mentioned even among a nation combined by Satan and one can find a solution for it, provided that Satan are wisdom (Strauss, 1994: 63).

According to above points, one can conclude that desires governance is not absolutely accepted by Islam and a society should limit desires and human has no right to intervene his/her organs based on desires.

(b) Utilitarianism

As the founder of such school, Bentham believed that the simplest ethical element is enjoyment and pain. He believes that the measure for ethical judgments is the utility of the action and says: "this measure is the same propensity to action to improve or reduce happiness (enjoyment) and sadness (pain)" (Kapaldi, 2004: 26). The utility of an action is the same tendency to do it in order to achieve enjoyment (prosperity) and to prevent pain adversity (Kapaldi, 2004: 27). He believes that the basis of enjoyment is personal interest and like Habeas, he considers it as "self-orientation" and says: "anyone should be considered as a body and no one can be considered as one person (Stewart Mill, 1966: 185). When we do not want something except than enjoyment, we cannot ask for others' enjoyment like ours' (Plumentz, 2008: 2/817). Thus, according to Bentham, our works should be toward improving enjoyment and reducing pain and in ethical decisions, we should measure the value of our works based on its related enjoyment and pain.

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According to utilitarianism, the basis of human domination on himself is to achieve enjoyment and to avoid pain and hardship. By such calculation, a woman concludes that she will achieve the highest enjoyment in the world if she aborts her baby or if a person is suffering from pain and can be released by stopping oxygen capsule, they can do such acts in accordance with this theory and such actions are ethical.

In utilitarianism, the goal of punishment is future; namely, ultimate goal of punishment is to support social interest. In his book “Civil and Penal Legislation Dissertation”, Bentham writes: “Nature has put human under the command of enjoyment and pain. All our images are owed to them. All our judgments and decision making are backing to them” (Ardabily, 2015: 1/113).

In this regard, wisdom can help us to select the path and it measures the benefits and costs of enjoyments and pains. “Utility logic in all operations is based on computing and comparing hardships and interests” (Ardabily, 2015: 1/9 – 10).

Bentham concludes that by computing the benefit of an action and aside from the expected penalty, he/she commits crime. Thus, if penalties are adopted in a manner in which anyone can find his/her benefit in refusing contaminated by delinquency and can predict the undesired result of his/her deed, the ultimate goal namely public interest will be provided (Aedabily, 2015: 1/11). Accordingly, one can even commit actions considered as crimes by law. In other word, they believe that the laws may be changes and the important thing is that human investigates the result of his/her action in terms or desired or desired results; thus, if an action is more enjoyable, he/she will commit it.

(c) Privacy causality in right of self

A foundation to which one can assign for human domination on himself, is the necessity of privacy protection adopted in laws of countries. Privacy right includes right of controlling personal information, right of personal or financial information confidentiality from public view, the right of enjoying a safe shelter and protected area, the right of freely living without any interference by other people, the right of being released from all shackles, the right of feelings protection, thoughts and morale and mental nature, etc. (Nobahar, 2008: 246 – 262).

According to this principle, the only legal reason for the society to limit one member’s freedom is not to permit him/her to damage other people’s interests directly.

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Society and government can utilize the right of interference when one can prove that the action which is going to be prevented would hurt other people while a person enjoys absolute freedom regarding those parts of his/her actions that are just related to him/her and the government has no right to intervene in this section (Stuart Mill, 1966: 24).

Considering privacy, one can say that human can terminate his/her life and can use his/her organs as likes. Anywhere interference in organs would not hurt others, such interference is right. It seems that human self – domination is the reason for privacy not using privacy as a basis for human domination. Additionally, this principle is not right in an absolute manner and has problems. One should not neglect that human is living in society not individually.

Discourse 2: the basics of unacceptance

Those ones who have not accepted human domination may even believe in material worldview, their basics are different from those ones who believe in right proof as mentioned below.

(a) Legal paternalism

Paternalism is derived from the term “paternal” and it means to behave like a father or to treat someone else like a child. Legal paternalism means to act for the goodness of others without their consent; as parents behave their children. Paternalism proponents prefer people’s interests including their life, health, convenience and prosperity to their freedom. On this basis, those ones who can take right and rational decisions for people to provide their health and prosperity would take paternal task for them (Mahmood Janaki, 2007: 129).

In explaining legal paternalism, some say: “as a father watches out his child and due to his child’s physical and mental weaknesses and vulnerability, he is tasked to protect him/her and prevent his/her bad choices, the government is responsible to keep its citizens and to protect them. Thus they should be supported and protected not only against themselves but also others” (Yazdian Jafar and Khiermand, 2015: 79).

According to legal paternalism theory, a person cannot discern and legislator limits his/her freedom for his/her own expedience. However, such expedience differs dependent to conditions.

If the ultimate goal of legislator is to improve people’s convenience and welfare, it should prevent damaging people in any way since if the people have the right of self-interference in an absolute manner, they may kill themselves or it may grant right to others which prevent

providing the goals pursued by legislator like a father. Additionally, bad effects of no interference by governance are transferred to the society. To the same reason, it is seen that legislator has criminalized some behaviors like alcohol drinking prohibition, illicit drugs abuse, the necessity of fastening seat belt, etc.

The reason of disagreement with paternalism is that administration would ignore people's request and would treat people coercively. However, it seems that government's intervention is legitimate in some cases when it is assumed that human self – interference would damage society but if such interference has no damage for society, government's intervention is illegitimate.

(b) Legal moralism

In this theory, what enjoys genuineness is ethics and legislator criminalizes an action if it is in contrary to ethics. It means that legislator can criminalize and punish the acts related to human even though they pose no damage to society.

In principle, legal moralism is argued in a manner by which the strength of any society depends on keeping its ethics since ethics is the criterion to distinguish goodness and evilness and invites us to benefaction, chastity, abnegation, authenticity, respecting human beings, avoid backbiting, not lying, nobility, humanity, not making damages to others and other values.

If ethical level of people will be high in a society, undoubtedly, their material and spiritual prosperity as well as individual and social prosperity will be high and the expansion of ethical virtues in a society would bring peace, kindness, progress and justice for such society. To the same reason, states and societies always attempt to raise individual and social ethical level to the maximum level and to prevent the behaviors which may reduce ethical level in the society (Mazaheri Tehrani, 2007: 70).

“Habeas is, *inter alia*, a philosopher who emphasized on crime immorality. Thus, in accordance with legal moralism principle, an anti – ethical action which scatters society's ethical cohesion is subjected to penalty since it is contrary to human life necessary values” (Borhani, 2009: 172 – 208).

“Legal moralism principle on criminalization does not consider people's consent in crime realization as effective. Based on this principle, if we consider the consent of prostitutes and their customers as well as

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the consent of mature homosexuals as a basis for the legitimacy of their acts on the basis of domination on organs, then we should also consider murder and many other penal crimes as legitimate by victims' consent" (Tabyat, 2005: 182).

Moralists believe that continuance and sustainability in a society owes to their commitment to ethics and penal system should support such ethics otherwise the society will be scattered. Some proponents of this theory assert: "acts by those ones who negate the most radical social values through, for example, sexual illegitimate behaviors such as homosexuality and prostitution are compared with betrayal, namely, it weakens the society like betrayal" (Murphy, 2007: 8).

Considering moralism principle, one can conclude that behaviors concerning human domination on his/her organs are forbidden if they destroy ethics and legislator should criminalize them. To the same reason, such behaviors as prostitution, adultery, homosexuality, abortion, murder with consent, conducting dangerous sports and so on should be criminalized.

According to moralism theory, one can conclude that by assuming human's self – domination, legislator can enter and criminalize such behaviors if these interferences are in contrary to ethics and only people's consent does not realize crime, namely, for criminalization, one should also consider ethical component and a person cannot commit acts in contrary to ethics.

However, this view is based on material worldview and has opponents like liberalists. Likewise, I slam opposes this view. Although ethics are highly important in Islam, executing ethics is to attract the Divinity's consent rather than keeping the society.

(C) Conclusion and independent theory

To achieve the basics of human's right of self, it seems that one should initially discuss on human rights and then, such basics should be measured to clarify its deficits. Thus, we initially express human right basics.

1. Human rights basics

Human rights basics are categorized in four groups as anthropology, epistemology, jurisprudence and ontology as explained below:

1.1. Anthropology basics

The first basis of human rights anthropology is human inner munificence. It means that human is valuable aside from race, belief,

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place of life or any other factors. This meaning is usable via human rights declaration: “since identifying inner respect of all human family members and their identical and nontransferable rights forms the foundation of freedom, justice and peace in the world ...”

In the meantime, article 1 of the same declaration reads: “all human beings born in free and are equal in terms of respect and rights and all have conscious and wisdom” (Johnson, 2010). Some perceived that in this article, “such respect is due to human personification” (Shabestary 2000: 309 – 311).

The second basis in human rights anthropology is human’s integrity and independence; it means that human is depended to nowhere and does not ask any super force for help. This perception can be used from article 1 of human rights declaration: “all human beings born in free”. The interpretation shows that human is not dependent to anywhere against be created which points human dependence to the Divinity. Those ones who have used these materials to eliminate the role of the Divinity; it means that the backup of such materials is a materialistic thinking.

1.2. Ontological basics

One of the basics of human rights is its ontological basics in which the most important element is separation this world from the next one. Human rights declaration authors looked for achieving their goals in the world and have paid no attention to issues in the next world.

Such basis can be utilized from article 2 of human rights declaration: “anyone can enjoy all rights and freedoms mentioned in present declaration without any discrimination especially in terms of race, color, sex, language, religion, political belief or any other belief as well as nationality, social status, wealth, birth and/or any other situation.”

Freedom in changing the religion and not distinguishing people by religion indicates that there is no relationship between this and the next worlds as if human rights proponents have no belief in the next world and what is important for them, is to organize human in this world from poverty and wild acts as mentioned in the introduction of this declaration.

1.3. Jurisprudence basics

What inferred from introduction and articles of human rights declaration is that the legal basis is the same natural law school which considers justice as the goal of laws and it is mentioned in different parts of declaration and in different forms as justice. For instance, one can point respect and laws equality in article one, no discrimination in in

enjoying the laws in article two, equality against law in article seven, litigation full equality in article ten and equality if the rights of wives and husbands in article sixteen which all indicate signs of justice. It seems, however, that one cannot provide justice everywhere like cases with different capabilities and merits.

1.4. Epistemological basics

In terms of epistemology, human rights have accepted the capability of wisdom in understanding and discovering the basis of laws and its impacts as a decisive principle. Wisdom understanding is decisive and those ones who have devised human rights charter have paid attention to decisive aspect of wisdom. Some people have imagined that wisdom understanding is considered relatively as human rights presumption. They have written: “in the shadow of human societies’ continuous experiences, collective wisdom has achieved such discovery and does not consider its achievement as ultimate and unchangeable; rather, it is ready to supplement and modify its verdicts via new experiences” (Kadivar, 109).

Some fans of this theory believe that “human’s collective wisdom is able to recognize the implications of justice and tyranny in human relations and laws so that such wisdom understanding is seen as symmetry to copies of religious verdicts and leaving rational norms and religious texts references” (Kadivar, 109). Since authors of human rights thinking have adopted decisive verdicts on human inner respect and based on their decisive results from this principle, one can conclude that wisdom understanding is a decisive presumption in human rights basics in which there is no room for any blemish.

2. Criticizing human rights basics

Human rights basics are not absolutely accepted by Islam and they need modifications in the Islamic view. Here, we criticize human rights basics in Holy Quran view:

2.1. Criticizing anthropology basics

The Divinity has respected human’s dignity and this can be obtained in the verses of Holy Quran: We have honored the children of Adam and carried them on both land and sea (Osara, 70).

Shahid Motahari says about human: “human is not only a standing animal with wide nails, walks by two legs and speaks. Holy Quran considers human as the case for most excellent applauses and greatest blames. On the one hand, he/she is superior to sky, land and angels and,

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on the other hand, more inferior to animals. One can render Holy Quran applauses on human as below:

In the view of Holy Quran, Human is an entity elected by the divinity as Her caliphate and successor on the earth constituted by soul and body, Divinity familiar nature, independent, trusted, responsible for him/her and the world, dominating nature, sky and earth, familiar with goodness and evilness, enjoying unlimited practical and scientific capacity, enjoying inner dignity, merited to use divine gifts and accountable against the Divinity (Motahari, 247 – 252).

If human grants himself/herself such right to do everything such as prostitution or committing suicide, these are in contrary to human dignity and a big barrier against human prosperity and perfection and by such deeds, human destroys his/her own dignity. Thus, in the view of Holy Quran, dignity is, *inter alia*, the most important basics of anthropology and human is not allowed to destroy dignity by such deeds since human's dignity is depended on his/her humanity not existence. The second basis of human rights anthropology is human's independence. In the view of Holy Quran, this can be negated since by considering Holy Quran verses, human is absolute poverty and is not independent and his/her holy space is without need and, to the same reason, we can see that human is called as *worshipper* in Holy Quran.

2.2. Criticizing ontological basis

In the view of Holy Quran, this and next worlds are the same faces of a coin related to each other closely. Type of living in this world determines the type of living in the next world. In the meantime, recalling the next world in human mind would cause that he pursues special goals in material life and the type of glance at the next world would change life in this world. In the view of Holy Quran, endless life is the result of his material life. Those who believe and do good works, establish the prayers and pay the obligatory charity, will be rewarded by their Lord and will have nothing to fear or to regret. (BAGHARA, 277). This verse and the similar ones indicate that the right of self should be prevented if it is in contrary to next world prosperity and even those ones who do not believe in the next world, consider such actions in contrary to human's nature.

2.3. Criticizing epistemological basis

It is not right that wisdom is a source for recognizing expedients and corruptions in the world since wisdom can recognize benefit and loss in

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material affairs and can plan for it. However, wisdom cannot recognize the expedients of this and next worlds since in such case بعث رسل و انزال كتب..... should not be happened while we observe opposite.

If human wisdom could conceive interests and corruption and could determine prosperity in this and next worlds, there was no meaning for arguments by messengers.

In the meantime, wisdom capability to conceive interests and corruptions implies accurate recognition on human existence which is not happened for human. Thus, to consider wisdom as basis for human rights – since human can recognize benefit and cost, it has nomination role on his organs and can conduct such deeds as prostitution, selling body organs, conducting dangerous sports – is a deficient word since human fact is not unique to his existence; rather, it is due to humanity.

2.4. Criticizing criminological basis

In criminological vision, two problems are presumed: accepting natural rights and defining justice as equality.

Regarding the first part (definition of natural rights), there are several definitions of natural rights, some of which are the same as the Quran and some are different; If they mean human nature, regardless of its connection with a higher being (God), this view is incompatible with the view of the Qur'an and Islam; Because the effect of this view is to abandon revelation, while from the Islamic point of view, revelation is the most important tool to achieve the existential needs of human beings.

If we consider natural rights as talents and contingencies existed in any human, it will not be contrary to Holy Quran's attitude. Some thinkers say: "in our opinion, natural rights are emerged from where creation device leads creatures by clarification and respecting the goal toward perfection in which talents are hidden. Any talent is the source of a natural right. There are different natural talents. Creation device has put any creature in its own circuit and has put its prosperity in moving in such natural circuit. Creation device has aims in its work and has not put them randomly and unconsciously" (Motahari, 1996: 148 – 149).

If natural rights mean inner talents provided by the Divinity based on her wisdom and a series of these talents and contingencies would be the source of musts as we call them as "rights". This view is in agreement with Quran. Human has the right learn, to marry and so on. In West, it is by humanism thinking which consider human interference in his organs;

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otherwise, some who believe in religious orders and revelation would never allow himself to conduct what forbidden by religion.

Considering justice definition, one should say that considering the meaning of justice as equality in all conditions is in contrary to Holy Quran like: Believers, be maintainers of justice and witnesses for Allah, even though it is against yourselves, your parents, or your kinsmen, whether he is rich or poor, Allah has more rights over both of them. So do not follow desires, so that you are (not) just. If you twist or turn, Allah is Aware of what you do. “” (NESA (WOMEN): 135).

Conclusion

Reality is that human rights in the West differs fully from human rights emanated from revelation in their foundation. The main difference is on roots concerning glance at human. Western human rights believe that human is just a mundane existence and all rights should be written for mundane human while Islam believes that human reality is due to his humanity rather than existence. Thus, all Islamic rules are composed on this basis. For instance, if suicide is considered as *haram* or self – cutting, is due to the fact that material life is an introduction for growing talents and personality excellence of human and all Islamic orders are on this basis. If we see that such actions as backbiting, faultfinding, mocking, and insult are considered as *haram*, it is due to the fact that they hurt human's respect. If it is not allowed to get confession under torture or if punishment should be prevented if the weather is too cold or hot or criminal is patient, if punishment is not allowed under suspicious conditions, it is due to the fact that human has dignity and one has not right to destroy such dignity. Thus in cases on human's interference on his/her own organs, one can conclude that human has no right for such interferences if these acts are against human dignity and evolution.

In other words, human has body and soul and human's body has contingencies such creating and destroying. In human soul, there is a contingency on achieving perfection and such achievement is possible only through Divinity as announced by Messenger (obey and follow). Thus, according to Holy Quran, human's original right is to achieve evolution and any introduction which guides human to achieve such right is seen as a collateral right. Therefore, the goal of human creation and his/her original right is to achieve evolution and other rights (plant and animal) are considered as natural rights which make human to achieve evolution; otherwise, human is not achieved his/her original right.

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In Islamic view, if human's self – domination leads to his/her inferiority – for instance human has the right to abuse all opioids or to look at anything or interfere his/her organs in any way, such absolute domination would yield to human slavery and those ones who have considered absolute freedom for human have not recognized human and have neglected his/her spiritual aspect and have considered human life unique to this world so absolute freedom leads to human slavery.

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