Human Rights in Iranian Juridical Approach

DROITS DE L'HOMME DANS L'APPROCHE JURIDIQUE IRANIENNE

Alireza Najafinejad[1]

Zaid. B. Ahmad[2]

Jayum. A. Jawan[3]

Abstract: There have been different and sometimes conflicting viewpoints regarding Human Rights in Iran from the years after the revolution so far. New and enlightening views have been publicized regarding the relation between Human Rights, Islam, Iran, and the Constitution in recent years including fundamentalists, religious modernists and secular modernists. They have different interpretations on Human Rights based on their positions. This article explains their opinions and differences in interpreting relation between religion and human rights.
Keywords: Human Rights; Juridical; Traditionalists; Reformists; Seculars

Resumé: Il y a eu des points de vue différents et parfois contradictoires concernant les droits de l'homme en Iran après la révolution. Ces dernières années, des points de vue nouveaux et éclairants ont été rendus publics en ce qui concerne la relation entre les droits de l'homme, l'Islam, l'Iran et la constitution. Ce sont des points de vue des fondamentalistes, des modernistes religieux et des modernistes laïques, qui ont des interprétations différentes sur les droits de l'homme en fonction de leurs positions. Cet article tente à expliquer leurs opinions et différences dans l'interprétation de relation entre la religion et les droits de l'homme.
Mots-clés: droits de l'homme; juridique; traditionalists; réformistes; laïques

1. INTRODUCTION

There have been different and controversial ideas about relations between Human Rights and Shari'a (Shiite interpretation on Islam) in Iran since Islamic revolution. These ideas can be categorized into three main approaches including traditionalists, reformists, and secular modernists. The mentioned approaches

---

try to interpret the relations between Human Rights and Shari'a on the basis of religious foundations but their opinions about priorities are different. This article explains In following of the article, I will explain the main ideas of the approaches and clarifies the differences among their ideas.

2. TRADITIONALIST AND HUMAN RIGHTS IN IRAN

After the victory of Islamic Revolution of Iran, different approaches of interpreting human rights have been conducted by jurists and religious scholars. Thinkers explain the existence approaches on Human Rights in Iran from different aspects. For example, Hussein Farastkhah, as a university professor and religious writer that has studied the different kinds of Iran's cultural progress in one of his articles titled "Human Rights Challenging after Iran Islamic Revolution". argues that the only reason for challenging nature of human rights' discourse in Iran is based on the contrast between religious modernism and traditional fundamentalism. He has divided the theorists into three main groups including fundamentalists, religious modernists and secular modernists.

A. Fundamentalists who believe that religion principals and laws should not be ignored just because of modern world and justification of new wisdom (Ayatollah Mohammad Taghi Mesbah Yazdi is in this group).

B. Religious modernists who believe in basic principles of modernization such as rationality, humanism, Human Rights and freedom, except the religious beliefs as well. However, they are interpreting the religion by using modernism elements (Mohammad Mehdi Bazargan who emphasized on new combination of modernism and religion with pragmatism is in this group).

C. And Secular modernists that believe government or other entities should exist separately from religion and religious beliefs (Dariush Shaygan who although accepts modernism, but does not deny traditionalism completely, is in this group) (Farastkhah 2002).

Ahmad Gabel is another Shi'a' theorist who has a different division in his article namely "Shi'a's Leaders Political Tendencies and Human Rights. He argues that there are two major approaches:

A. The people who have not granted any natural rights and privileges to human. They believe that in order to profit by God's gift, legal and religious authorization should be accepted.

B. The second group who believes in human wisdom independent from religious norms. Human kind with this definition can give the permission to profit from a natural phenomenon (Gabel 2002). Gabel made no mention to any special person in his division.

Dr. Mohsen Kadivar, the professor of religious studies in Virginia University referred to transformation progress of religion thought in Iran. He separated two main thought circulations:

A. Historical Islam: the time that cultural, temporal and local condition overcomes Islamic beliefs.

B. Spiritual Islam: in this approach, the real religiousness is based on the ultimate goals of Islam to put in practice (Kadivar 2008).

Ashk p Dahlen in his book "Islamic Law, Epistemology and modernity" has examined Islamic thoughts about Islamic law. He has indicated two major stream of thought as two important divisions in history of Islam, namely: Islamic Modernization and Islamic Traditionalism. In this book, he put most of the religious clergies and theorists such as Ayatollah Javadi Amoli, Hussein Tabatabai, Mohammad Taghi Jafari and Ayatollah Mothahari in traditionalists' category. He has even known Ayatollah Khomeini as one of that Islamic traditionalism. However, Ayatollah Khomeini had different ideas about Human Rights.

In his division, Ayatollah Javadi Amoli is as a symbol of traditionalists. On the other hand, some thinkers such as Bazargan, Mahmud Taleghani and Ali Shariati are in the modernists group who Mojtahed Shabestari is known as a representative of it (Dahlen 2003).

Taghi Rahmani, the writer and religious modernist is also one of the theorists who has defined three groups in the form of different understandings of Human Rights. These three groups in his article "Opposition of Religious Thoughts and Human Rights", have discussed as follows:

A. Traditionalism: in this approach, human because of being human, does not have any rights. The religious rules are fixed, it means that they do not change based on the time and place (Javadi Amoli and Mesbah Yazdi are in this group).

B. Traditional reformist: the thinkers who follow this approach are trying to adjust Islamic laws to some basic principles of modernism such as Human Rights (Ayatollah Montazeri and Dr. Kadivar is in this group).

C. Rahmani has called the third group as religious modernists. Religious modernists have been divided into two groups including:

 • Liberals who are known as moderate groups that believes in relations of religion and Human Rights. They argue that jurisprudence has experienced inharmonious growth, and now it is the time to attend religious knowledge. The thinkers such as Mohammad Taghi Shariati and Mehdi Bazargan are included in this group.
 • Radical Liberals who, on the bases of critical perspective, do not tend to adopt basics of modernity with religion, but they believe in compatibility of religion and modernity.

Mohamed Mehdi Mojtahed Shabestari is another thinker who has categorized Jurists. He categorizes three main stream of thought among Shi'a' jurist[4]:

A. The first group of theorists believes that Quran and Sunnah have mentioned to both to normative values of government and the ways of relationship between governmental institutions and the forms of institutions. Mohammad Mojtahed Shabestari declares that the first group of the theorists insists that Quran and Sunnah have mentioned to basic rules and Muslims have to follow the rules.

B. The second group of theorists believes that Quran and Sunnah have mentioned just too permanent normative principles of government as Shari'a not the forms of governments. So assuming a basis of this theory, Muslims should form the government based on necessities of every period of times.

C. Third group of theorists insists that Quran and Sunnah have not mentioned to any norms about government and Shari'a. Principle of Quran and Sunnah is just about ethics of individuals. So, they believe in separation of religion from government. Shabestari's categorizing is more comprehensive among the others because has included most of the groups of thinkers and jurists on Human Rights in jurisprudence.

3. SHI'A JURISTS AND THE ISSUE OF HUMAN RIGHT IN IRAN

3.1 Traditionalists

In Iran, Islamic traditionalism was born in the prelude to the Constitutional Revolution of 1906-1909, in which Shi'a' jurists were forced to explain the relationship between Islam and various aspects of modern

---

[4]Shabestari is a jurist and professor of Islamic philosophy at the University of Tehran since 1985, where he also teaches comparative religion and theology. He regularly organizes international conferences on the theme of Christian-Muslim dialogue. Since the early 90s, he has been increasingly active in publishing articles in liberal daily papers and magazines in which he argues for a new, more critical approach to religion. With this journalistic work, as well as through a series of public lectures at universities and other public forums, he has played an active part in the religious and political discourse and has become one of the foremost religious intellectuals in contemporary Iran. He studied at the theological seminaries principles of Islamic law, jurisprudence, mysticism, and philosophy, usually with the focus on jurisprudence. In 1970 Shabestari became director of the Shiite Islamic Center in the Imam Ali Mosque in Hamburg, where he was later succeeded by current Iranian President Mohammad Khatami. During the period he spent in Hamburg; Shabestari strongly supported the Christian-Islamic dialogue and extended the mosque's scope of influence by opening it up to all Muslims. He also learned German and could pursue his interest, already evident in Qom, in Western philosophy and Christian, especially Protestant theology. He studied the writings of theologians such as Paul Tillich, Karl Barth, and Karl Rahner, as well as the thinking of philosophers such as Immanuel Kant, Wilhelm Dilthey, and Hans-Georg Gadamer.

life for the first time. The ulama (religious thinkers)was divided into two main tendencies: those who tried to reconcile constitutionalism with Shari'a and were advocating Mashrutah (constitutionalism) and those who basically were against constitutionalism but put forward the idea of Mashrutah al Mashruah (religious constitutionalism) (Dahlen 2003).

The potential incompatibility between parliamentary law and Shari'a was not entirely clear to the jurists and even Fadlullah Nuri, who argued that there can be no legislation in Islam, but only interpretation (Istinbat). He defined the term majlis (parliament) as the great Islamic house of consultation established through the efforts of Ulamas .Among the traditionalist jurists of the first part of the twentieth century, Ayatollah Husain Tabatabai Brujirdi was probably the most distinguished, in the sense that he is considered to be a champion of shi'a usuli thought by later Islamic traditionalists. During the latter part of the twentieth century, Islamic traditionalism in Iran was championed by a number of intellectual Religious thinkers , such as Muhammad Husain Tabatabai, Jalal aldin Ashtiani, Muhammad Taghi Jafari, Murtada Mutahhari and others. Traditionalist have shown negative view point to Human Rights, and only emphasize on human dignity, which is result of believe in God and commitment to Shari'a' values and principles. According to them, the principles of Islam are formed according to specific philosophy and therefore it is unchangeable. For them the text (Quran and tradition) is base and pillar in understanding of Shari'a and time circumstances and place no effective role in reasoning (Ijtihad). They deny the centrality of invoke to the reasoning and science when it seems to be in conflict with predominated understanding of Shari'a.

For Islamic traditionalism, Shari'a is connected to our terrestrial existence on the basis that reality is comprised of multiple states of existence (maratib al wujud) of which the physical world is the lowest and furthest removed from divine origin. Since religion belongs to a higher order of existence, the traditionalists argue that Shari'a is by no means abrogated if it does not conform to the dominating ideas of a certain location and time. Traditionalism places the interpretation on the historical continuity of ideas and generally does not consider the recent history as a major rupture with the past that has decisively interrupted the pertinence of the authority of the accumulated legal tradition.

Islamic traditionalists assert that the interpretation of the revealed sources must furthermore conform to the traditional methodology and employ modern elements of law only as subjects (such as state-building, banking and insurance etc) in the legal discourse. The traditional methodological principles are preserved and the inference of legal norms is considered invalid While it does not include knowledge of the mugaddamat (preliminaries) of Ijtihad, which are specified in the traditional usul al-fiqh literature. Traditionalists in the context of science except text and the conflict of science and the text are definitely superior with text. Islamists traditions of independent reason do not accept the text. Knowledge that does not take Gods reality into account can be newer grasp the true and intrinsic nature of phenomena since it neglects to comprehend the world as a cosmological totality. In this respect, real intelligence is contemplative intelligence or the immanent divine sparks called aghl. As a divine endowment, reason is conditioned by the "clear spring of revelation, which cleanses and purifies all its dust"(Dahlen 2003) and there is ultimately no difference between faith and science. Even if a reason is positioned in opposition to narration, science is considered the purification of the heart, and reason and revelation, the two major sources of valid knowledge, are used complementarily.

The principle of knowledge, matters concerning the nature of cognition and existence of reality as intuitive and a priori and argues that the "rejection of each one of these (principles) results in sophistry". By assuming that the status of a scientific proposition is "determined by its subject and method" and that "the question of a subject is a divine matter related to (a specific) principle of reality and existence"(Dahlen 2003).

Islamic scientists refer to religious jurisprudence for the issue of the relation between Islam and modern Human Rights. Referring to jurisprudence is visible in both parties' discussions about Human Rights; the party that is after highlighting the attitudes similar to modern Human Rights in religious jurisprudence and lessening the disputations between traditional jurisprudence and international standards of Human Rights and consequently, showing the contradictions unimportant; and the party that is after highlighting the non-accordant aspects and believes that the present contradictions are not terminable and one (international standards of Human Rights) should be ignored in favor of the other (jurisprudential rules). However, both

parties agree one point; i.e. some jurisprudential rules are apparently not in accordance with discriminations in the rights of men and women, Muslims and non-Muslims, slaves and free people and the violence in some of the standards of Human Rights. Some jurisprudents like Mesbah Yazdi, Allameh Jafary, and Ayatollah Javadi Amoli is among the jurisprudents that think in the framework of traditional point of view. It should be noted that Muslims because of being Muslim should observe Halal and Haram (lawful and unlawful in Islam) not the international standards of Human Rights.

So, Islam and in fact, the jurisprudence that its rules are not in accordance with modern Human Rights should be defended, and it is impossible to consider it obsolete because of some accordance between these rules and those rights. For example, from this point of view Ayatollah Mesbah Yazdi believes that: "We are not afraid of telling the truth. We announce clearly that there is severe punishment or in others' word harshness in Islam. Harshness is legitimate against the guilty people and against the atheists and enemies of Islam. In Holy Quran and Islam, it is clearly insisted on acting harshly and even dishonoring the victims in some consider these acts contrary to the dignity and honor of human. The answer is that acting against the dignity of the criminals and even dishonoring them is necessary" (Yazdi 2000). In regard to the legal non-equalities, a group of the jurisprudences believes that although all human beings are equal in one sense but from this premise it should not be induced that everybody should have equal social rights. "It should not be said that all human are considered equal by God'. Those who are more pious are superior and surly some social posts should be assigned to more qualified people.

So, the difference between the people is to some extent acceptable. A society in which the Muslims and atheists have the same rights and the same chance to occupy the posts is not legitimate in Islamic jurisprudence. This is not important that others reject this difference of rights and qualifications as being a second citizenship"(Yazdi 2000). In this group, there are some traditional thinkers that speak about metaphysical Human Rights and reject the modern Human Rights. They insist that Human Rights should be derived from the philosophical comprehensive nature and only God has the complete knowledge of this comprehensive nature. Therefore, it is only the one God that can tell us what the Human Right is. This has been described in Holy Quran and Islamic Sunnah.

All Muslims should observe the Human Rights derived principles out of Holy Quran and Islamic Sunnah (Shabestary 2006). Ayatollah Javadi Amoli and Ayatollah Mohammad Taghi Jafari is among the thinkers that speak of metaphysical Human Rights. Javadi Amoli believes that human beings are not able to get read of the plurality of matter without revelation. He emphasizes that man is not able to recognize and develop unique and shared Human Rights (JavadiAmoli 1996). About the international declaration of Human Rights, he asserts that "it is probable to find some articles with interesting appearance in the international declaration of Human Rights that is apparently identical to legal principles of Islam. For example, in the articles that the subject of which are Freedom, general security, welfare and education, some legal principles are superficially harmonious with the Islamic teachings. This charming face should not deceive us. Whether the planners of the declaration of Human Rights induct the same meaning from the concept of freedom that is why some of the Islamic thinkers bow down before the western beliefs with this vain premise that are identical to the revelation. They believe that if we put the bias thinking aside there will remain no difference and understanding is impossible in differences of the world views, unless by unifying the original ideals of an ideology"(JavadiAmoli 1996).

3.2 Seculars

The new secular movement unlike the two previous movements did not care much about religion. According to their views, central role of religion for social life was replaced by regulation and new human criteria, which was result of people objective experiences. Seculars are believed to Human Rights regardless of their religious beliefs. They believed to Gender equality. They believed to Non-interference of religion in politics.

One of the prominent figures of the new trend, better known to the West than others, is Abdolkarim Soroush. Some of his basic views can be formulated as follows: Religion, due to its celestial nature, is not limited to historical and human decrees. However, our understanding of religion is time dependent and changes as the human knowledge is transformed. Islam (and any other religion) has been modified by its

essence, not its changeable formal components. Therefore, a true Muslim is one who is devoted and committed to the essence of Islam.

There is a distinction between political secularity and philosophical secularity. The tension between these two distinctions has always existed in Shi'ism in Iran, though Shi'ism is alien to secular politics. Authorization to reinterpret Islam is allowed for the most highly learned man of the time. Such a person is not necessarily a clergyman who is most educated in Islamic theology. Men with high qualifications in modern knowledge and education are in a better position to revise Islamic thought and practice (Moossavi 2007).

The third group of Islamic thinkers holds a completely different point of view in comparison to above mentioned thinkers. This group that is known as 'modernist thinkers' started their discussion of the relation between Islam and Human Rights not from the texts nor from jurisprudence but from philosophy and theosophy. They maintain that although there are some similar and some common concepts between religious text and modern Human Rights, these words are based on different presumptions of the world such as human, happiness, etc. The main assumption of this group is that jurisprudence is based on theosophy and the origin of the accordance or difference should be sought in philosophical principles.

Dr. Abdolkarim Soroosh believes in the fact that all Islamic legal systems are noting but an accident and the religious goals should not be considered the same as the ways of achieving these goals. All prophets of God including Mohammad have risen not for improving the welfare of the people or for making a change in their level of wisdom. The task of the prophets was introducing a new meaning and base for life not a new way of living. The social rules introduced by the prophet of Islam was based on the accidents of the society and was mainly for terminating the disputations of that time. Inequalities are accidents of Islam and are derived based on the situation in which the prophet was appointed. These are in no way absolute humanistic values; that is why they are considered as Asri Ijtihad and it is possible to substitute them with other accidents, customs, and values and in same time keeping them in line with the religious goals (Soroosh 2009).

3.3 Reformists

Religious reformers and revivalists have drawn attention to these situations and circumstances in Muslim societies for a long time, and since the construction and application of Shari'a, they have been concerned about the inability of traditional understanding of Shari'a to cope with the needs of contemporary Muslim societies or to offer suitable solutions (Somea 2001). In fact, the idea of Islamic reformism, in general, has existed among Muslim scholars for a long time. The movement for the reconstruction of Shari'a has been present almost since the construction of Shari'a itself.

Contemporary Muslim scholars have also noticed that Muslim societies lag behind in science and technology in comparison to others. They have stressed the need to reconstruct the religious thought for the Islamic umma (nation), and have proposed several theories and methods by which to remedy the shortcomings and problems of religious society. Muslim reformists argue that Islam must be reconstructed in order to meet the needs of modern man and society and sought solutions for Muslim societies in the modern era. in a same way, Religious thinkers and modernists in Iran, attempted to reevaluate the validity of Islamic tradition as well as to reformulate and redefine certain religious doctrines and institutions in terms of the prevailing ideas of the time (Somea 2001)

The opposition of the ulama (Muslim jurists) and religious conservatives prevented Islamic modernismfrom institutionalizing the principle of change in religious thought and institutions in Muslim societies as a movement of religious reform. The ulama whose education and orientation not only restricted them to the traditional confines but prevented them from even perceiving the problems adhered to Shari'a as constructed and received. They saw Shari'a as being, on the one hand, closely intertwined with all aspects of life, and on the other hand, as a comprehensive system containing all the solutions for man's and society's problems.

Autocratic governments in Muslim countries have also confronted the reformists whose views ,they claimed, endangered Shari'a as well as people's unity and national security (Mayer 1991). Overall, the

reformists attained little success. The notion of Time and Place is a keyword in Iran's post revolutionary juristic rhetoric where it signifies the permanent performance of Ijtihad. In light of the effort of implementing Islamic law within the structure of the modern state, permanent performance of Ijtihad (fighe puya) is essentially interpreted by Islamic reformists to be the practical implementation of the eternal Shari'a into changing human conditions. Religious reformists believe in the centrality of religion and try to reconcile the classical patterns with the modern phenomenon and emphasize that the religion principles are effective measures of handling the affairs.

They believe in new presumptions and understanding from the religious texts. They believe to the centrality of considering Place and Time circumstance in understanding and interpretation of texts (holy Quran and tradition). According to them, it is possible in modern time to come out with a new understanding and interpretation of Shari'a and reconcile between new questions and demands with Shari'a. They are in favor of positive view-point and are in the middle of the readers in the challenge between modernism and classical views. Another group of the jurisprudent that belong to the Dynamic Jurisprudence ideology emphasizes on the common aspects between Islam and Human Rights and look for reducing the different aspects. They accept that number of jurisprudential rules are not in accordance with modern Human Rights.

However, they do not infer from this premise that the present Islamic jurisprudence should be put aside and be substituted by a new jurisprudence based on new principles. On the contrary, they believe that it is possible to maintain the same interpretation of religion and human being and at the same time make an interpretation of the holy Quran and Sunnah in the traditional framework that is in accordance with the concepts of Human Rights. The opponents of Dynamic Jurisprudence believe that through a systematic Ijtihad in the jurisprudential minutiae the number of the non-accordant items between Islam and Human Rights is reducible and through reviewing the traditional Ijtihad in regard to the concepts like equality, dignity, and freedom, new opinions are presentable. Ayatollah Montazeri, is one of the thinkers that believe in the argument that Islam is a comprehensive and all-inclusive religion that possessed all the advantages of the previous religions and is compatible with different situations, places, and periods. Furthermore, the human's reason comes to a step of maturity that can infer the practical planning for each time and place from the Holy Quran and it needs no new prophet (Montazeri 1999).

Ayatollah Saneei is another jurisprudent that consider Islam as the religion of Human Rights. His interpretation of Islam is based on the accordance between the religion and Human Rights. He asserts that: "in Islam, the rights of the human beings are contrary to racial, sexual, and geographical discrimination. Islam believes in rights of all human beings with any religion and opinion (Saneei 2008)". The spirit of Human Rights and the request for justice exists in one Islamic principle named equity. This means that Muslim should wish for others whatever he wish for himself and does not wish for others whatever he doesn't wish for himself. Equity is the most remarkable ethical principle of Islam's observance of which results in observance of Human Rights and freedom of man" (Saneei 2008).

Mohsen Kadivar and Dr. Morteza Motahari are two Islamic scholars that think in that way also. Contrary to the above mentioned approach, there is another group that is after the accordance between Human Rights and Islam. The followers of this approach try to show the fact that a great number of the principles of modern Human Rights have been recognized by Holy Books and in Sunnah and some others are inferable from these references. In this regard, some attempts have been made to present more humanistic, modern and liberal interpretations of the Holly Text and Sunnah of Islam(Halliday 2003).

Some Islamic thinkers like Mojtahed Shabestari, Habibollah Peyman, Yousofi Ashkevari are classified in this group. For example, Mojtahed Shabestari believes that in terms of political, religious and social freedoms; Muslims contemporary with Prophet Mohammad did not enjoy the kind of freedoms mentioned in modern documents like an international declaration of Human Rights, but the sayings and deeds of Prophet, which was contrary to the modern principles of freedom were not the first gradient goals, values, and rules of Islam and were not highly recommended by the Prophet. Those were derived from the realities of that era and considered random affairs(Shabestary 2006).

CONCLUSION

The mentioned approaches try to interpret the relations between Human Rights and Shari'a on the basis of religious foundations but their opinions about priorities are different. This article explained main ideas of the approaches and clarified the differences among their ideas about Human Rights.

There have been different and controversial ideas about relations between Human Rights and Shari'a in Iran since Islamic revolution. These ideas can be categorized into three main approaches including traditionalists, reformists, and secular modernists. Traditionalists believes that Shari'a is connected to our terrestrial existence on the basis that reality is comprised of multiple states of existence (maratib al wujud) of which the physical world is the lowest and furthest removed from divine origin. Since religion belongs to a higher order of existence, the traditionalists argue that Shari'a is by no means abrogated if it does not conform to the dominating ideas of a certain location and time. But According to seculars' view, central role of religion for social life was replaced by regulation and new human criteria, which was result of people objective experiences. Seculars believe to Human Rights regardless of their religious beliefs. They adapt Gender equality. and emphasize on Non-interference of religion in politics. Reformist approach attempts to reconcile traditionalist and secular ideas and argues that Islam must be reconstructed in order to meet the needs of modern man and society and seek solutions for Muslim societies in the modern era. Religious reformist's thinkers and modernists in Iran attempted to reevaluate the validity of Islamic tradition as well as to reformulate and redefine certain religious doctrines and institutions in terms of the prevailing ideas of the time.

REFERENCES

Dahlen, A. P. (2003). *Islamic Law,Epistemology and Modernity.* New York, Routledge.

Farastkhah, H. (2002). Human Rights Challenging after Iran Islamic Revolution. The collection Article on Inspection Human Rights Issues In today's world. *Tehran, Enteshar publisher:* 255-281.

Gabel, A. (2002). *Shi'a's Leaders Political Tendencies and Human Rights.* The collection Article on Inspection Human Rights Issues In today's world. M. Bastehnegar. Tehran, Enteshar publisher.

Halliday, F. (2003). Islam and the Myth of Confrontation. *Religion and politics in the Middle East: 95.*

JavadiAmoli, A. (1996). *The philosophy of Human Rights.* Gom, nashre asra.

Kadivar, M. (2008). *Haghghonnass (The Rights Of Mankind) Islam and Human Rights.* Tehran, Kavir publisher.

Mayer, A. E. (1991). *Islam and Human Rights, Tradition and Politics.* Westview Press.

Montazeri, H. (1999). *The open gate of Jihad; an answer to the questions of Dr. Soroosh, Qom.*

Moossavi, N. (2007). "Secularism in Iran: A Hidden Agenda?' in *Kosmin and Keysar.*

Rahmani, T. (1999). *Opposition of Religious Thoughts and Human Rights. Human Rights and thinkers.* M. Bastehnegar. Tehran, Enteshar.

Saneei, Y. (2008). *The abstract of the ideas; Islam and Human Rights.* Qom, Saghalayn Cultural Institute.

Shabestary, M. M. (2006). *A critique of the official Reding of religion.* Tehran, Tarh-No.

Somea, R. E. (2001). *Human Rights in Shari'a and Iran Are constitutional and legal system: the case of freedom of expression. montral.* Montreal University. PHD.

Soroosh, A. (2009). Are inequalities accidental (ARAZI) or intrinsic(ZAATI) in Islam? *Kian 48.*

Yazdi, M. T. M. (2000). *The political theory of Islam.*