

Reinterpreting the Foundations and Anthropological Reflections of Humanistic Thought in the Structure of the Universal Declaration of Human Rights

Mohammad Taghi Yousefi

Department of Philosophy and Jurisprudence (Islamic Theology), Baqir al-Olum University, Qom, Iran. Yousofi77@yahoo.com

Abstract

The structure of the Universal Declaration of Human Rights (UDHR) is based on humanistic thoughts, which has played an important role in its drafting motivations, content, and the actions of its implementers. It has specific foundations and reflections in the field of anthropology, which can be considered the anthropological bases of the Declaration of Human Rights. In this view, man, separated from origin and resurrection (eschatology), replaces God and prioritizes his own desires over God's. This descriptive-analytical article, by considering the content of the UDHR, aims to extract the foundations of human rights, which are, in fact, the foundations and reflections of humanistic thought, such as: negating the belief in origin and resurrection, negating the non-material dimension, negating gender rights, expanding and encroaching rights into other domains, negating duty-orientation, prioritizing hedonism over duty-orientation, negating dignity from religious ethics and rights, and finally, individualism.

Keywords: Humanistic thought, Universal Declaration of Human Rights, Anthropological foundations, Hedonism, Individualism.

Cite this article: Yousefi, M.T. (2025). Reinterpreting the Foundations and Anthropological Reflections of Humanistic Thought in the Structure of the Universal Declaration of Human Right. *Philosophy of Law*, 4(1), p. 183-201.
<https://doi.org/10.22081/PHLQ.2025.77889>

Received: 2024-10-20 ; **Revised:** 2024-11-28 ; **Accepted:** 2024-12-20 ; **Published online:** 2025-04-09

© The Author(s).

Article type: Research Article

Publisher: Baqir al-Olum University



1. Introduction

In recent centuries, after the Renaissance era, numerous international conventions, documents, and declarations have been drafted, some of which are binding and some are not. Some, like the Universal Declaration of Human Rights, were proposed within the United Nations, while others were more limited and drafted at the suggestion of a few countries. However, the most important common point is that influential and powerful countries play a unique role in both their drafting and their interpretation and implementation. Consequently, documents such as the Universal Declaration of Human Rights, drafted in the international arena, regardless of their advantages and disadvantages, primarily serve the interests of the superpowers.

However, it should not be overlooked that in practice, superpowers, while claiming to defend human rights, use human rights documents as a weapon against nations and governments. On the other hand, they have no qualms about violating human rights; they are even pioneers in depriving humans of freedom and the right to life, sometimes instigating wars for their own interests that lead to the loss of millions of lives, the displacement of millions, and irreparable damages to nations, yet they do not consider themselves accountable in any way.

International instruments, documents and conventions generally have corrected content, are accepted by governments and nations, and include rational laws for everyone. It is rare to find a human rights convention containing laws that are clearly and unequivocally contrary to reason or whose invalidity is evident. Rather, even if an invalid or incorrect law exists within them, it is often presented under the guise of defending human rights and a rights-based structure, such as the right to life, liberty, security, and suffrage. However, it should not be neglected that these documents are based on specific foundations that play a fundamental role in the drafting, interpretation, and application of their constituent articles, with anthropological foundations being of great importance. Therefore, this article will first briefly address the content of the Universal Declaration of Human Rights, and then delve into the humanistic foundations and anthropological reflections of humanistic thought that play a role in the structure of this document.

2. The Universal Declaration of Human Rights

In the 20th century, after experiencing bitter experiences, particularly World Wars I and II, which inflicted countless damages and casualties on humanity, and with the establishment of the United Nations on June 26, 1945, the world

sought to take a step towards ensuring international peace and security. Among the actions of the United Nations was the issuance of the "Universal Declaration of Human Rights" in 1948 (Hosseini, 2010). The Declaration of Human Rights consists of a preamble and 30 articles, with its objectives outlined in the preamble:

"Whereas recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world;

Whereas disregard and contempt for human rights have resulted in barbarous acts which have outraged the conscience of mankind, and the advent of a world in which human beings shall enjoy freedom of speech and belief and freedom from fear and want has been proclaimed as the highest aspiration of the common people;

Whereas it is essential, if man is not to be compelled to have recourse, as a last resort, to rebellion against tyranny and oppression, that human rights should be protected by the rule of law;

Whereas it is essential to promote the development of friendly relations between nations;

Whereas the peoples of the United Nations have in the Charter reaffirmed their faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women and have determined to promote social progress and better standards of life in larger freedom;

Whereas Member States have pledged themselves to achieve, in co-operation with the United Nations, the promotion of universal respect for and observance of human rights and fundamental freedoms;

Whereas a common understanding of these rights and freedoms is of the greatest importance for the full realization of this pledge,

Now, therefore, the General Assembly proclaims this Universal Declaration of Human Rights as a common standard of achievement for all peoples and all nations, to the end that every individual and every organ of society, keeping this Declaration constantly in mind, shall strive by teaching and education to promote respect for these rights and freedoms and by progressive measures, national and international, to secure their universal and effective recognition and observance, both among the peoples of Member States themselves and among the peoples of territories under their jurisdiction."

The thirty articles also refer to the following rights: enjoyment of equal freedom and rights (Articles 1 and 2), right to life and personal security

(Article 3), prohibition of slavery and servitude (Article 4), prohibition of torture and inhuman punishment (Article 5), recognition of legal personality (Article 6), equality before the law (Article 7), right to effective remedy (Article 8), prohibition of arbitrary arrest, detention or exile (Article 9), right to a fair and public hearing (Article 10), presumption of innocence (Article 11), right to privacy (Article 12), freedom of movement and residence (Article 13), right to asylum and nationality (Articles 14-15), right to marriage and choice of spouse with equal rights, without any racial, national, or religious limitations (Article 16), right to property (Article 17), freedom of thought, conscience and religion (Article 18), freedom of opinion and expression (Article 19), freedom of peaceful assembly and association (Article 20), right to participate in government, directly or through freely chosen representatives (Article 21), right to social security and to the realization of economic, social and cultural rights indispensable for human dignity (Article 22), right to work, to just and favourable remuneration, and to form and join trade unions (Article 23), right to rest and leisure, and to periodic holidays with pay (Article 24), right to a standard of living adequate for the health and well-being of oneself and of one's family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond one's control, and motherhood and childhood are entitled to special care and assistance, whether born in or out of wedlock (Article 25), right to education, free and compulsory in elementary and fundamental stages, and parents have a prior right to choose the kind of education that shall be given to their children (Article 26), right freely to participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits (Article 27), right to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realized (Article 28).

The last two articles of the Declaration of Human Rights dominate the preceding articles. Therefore, the full text of these two articles is provided:

Article 29: Everyone has duties to the community in which alone the free and full development of his personality is possible. In the exercise of his rights and freedoms, everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society. These rights and freedoms may in no case be exercised contrary to the

purposes and principles of the United Nations.

Article 30: Nothing in this Declaration may be interpreted as implying for any State, group or person any right to engage in any activity or to perform any act aimed at the destruction of any of the rights and freedoms set forth herein.

Although Article 29 does not have serious conceptual flaws and is necessary to prevent anarchy, it serves as a powerful tool and leverage in the hands of oppressive superpowers who use it with double standards. They suppress their opponents by labeling them as anarchists and disturbers of social security and order. In contrast, their approach to Article 30 is different; they act precisely the opposite. By interpreting it self-servingly and offering specific and incorrect interpretations, they precisely employ the Declaration of Human Rights to serve their self-serving objectives.

3. Objectives and Foundations of International Human Rights Instruments

The objectives for drafting these instruments, as stated in the preamble of the Universal Declaration of Human Rights, are lofty goals largely based on the innate structure of human beings. Many of their roots can be traced back to divine religions, especially Islam, and even the content presented in the thirty articles of the UDHR is similarly rooted. As mentioned in the introduction, international conventions are generally presented with correct content and rational laws that are accepted by governments and nations. Few would oppose the provisions of these two documents, and anyone who does would be accused of opposing humanity and human rights.

However, this is not the whole truth, and several points need to be addressed:

Firstly, the interpretation of these articles varies, and powers interpret and construe them as they see fit to serve their own interests. They apply double standards to aligned and non-aligned governments and nations. For example, they consider the occupation and invasion of a country as self-defense, but they label the self-defense of plundered nations as terrorism, a clear example of which is seen in the occupied territories.

Secondly, in practice, they use international conventions and documents as leverage, accusing their opponents of non-compliance with international conventions and documents, thereby paving the way for more and more sanctions to cripple them and expand their own power. Therefore, the adherence of weak or developing governments to such documents

progressively weakens them and hinders their development and progress.

Thirdly, arrogant governments never consider themselves bound by such documents, but they use media power to align public opinion with their views, deceiving the public into believing they are justified and increasingly restricting their opponents.

It is clear that these documents are based on a set of specific ontological, epistemological, and anthropological foundations, and a discussion of all of them is beyond the scope of this article. Therefore, this discussion will be limited to anthropological foundations. The structure of the Universal Declaration of Human Rights is based on humanistic thought, playing a role in both its drafting motivations, content, and the actions of its implementers. This thought has specific foundations and reflections in the field of anthropology, which can be considered the anthropological bases of this document.

4. The Importance of Anthropology in Drafting Human Rights

The most important term in drafting any document centered on human rights is "human being" or "man". Until human identity is recognized and defined, any drafting of rights and duties for him will be incomplete and ineffective. If human identity is understood as a physical, one-dimensional entity meaningful only in its material and worldly life, whose existence ends with death and has no connection to an origin or resurrection, then naturally, the drafting of any rights and duties for him will take on a specific character. Similarly, if human identity is considered two-dimensional and endowed with eternal life, the drafting of a legal system will certainly undergo significant differences. This is for a human who is not only not estranged from origin and resurrection, but whose worldly life is even connected to his spiritual and otherworldly life, and whose eternal life is shaped by his worldly activities. In this view, humans must assume other duties, and naturally, human rights will also differ.

Of course, such a statement does not mean denying any commonalities between the two legal systems. Rather, the existence of serious differences, despite common rights and duties between the two legal systems, is certain, to the extent that sometimes some laws are directly opposed to each other. Human rights cannot be considered independent of legal schools because human rights are school-dependent. Ascribing rights to humans is contingent upon adopting a stance regarding human nature. Based on this, one of the criticisms leveled against the Universal Declaration of Human Rights is that it speaks as if human rights are not school-dependent and that humans, as humans, regardless of any school of thought or perspective, must accept this

declaration. However, it is impossible to define rights independently of our view on human nature. The drafters of the Declaration drafted it with a specific view on human nature, and then spoke as if they had no attachment to their own views. While attachment always exists, and for this reason, multiple declarations for human rights can be written (Malekian, 2006, p. 204). Human rights conventions are also precisely influenced by the drafters' perspective on humanity, which will be discussed further. As previously mentioned, the structure of the Universal Declaration of Human Rights is based on humanism, and the foundations and reflections of such thought are precisely its anthropological foundations and reflections. Our mission in this article is to explain this. However, before explaining the foundations, we will briefly explain humanism.

4-1. Humanism and Anthropocentrism

In the view of monotheistic religions, the only deity is the exalted God, and He is the axis and center of everything. In this view, humans and all beings are His creations and are subject to Him. Therefore, the axis of all human efforts and intentions should be God and nothing else. Consequently, legal laws and everything related to human action should be in obedience and adherence to God and His commands; otherwise, they are worthless.

The humanistic thought dominating the last two centuries stands in contrast to this idea. Humanism is defined as any philosophy that accords a special status to human beings and their abilities and capacities, placing them as the measure and center of all things (Sarbakshi, 2009, p. 238). According to humanistic thought, the subject that should be addressed above all else is human nature (Javadi Amoli, 2002, p. 54). John Addington Symonds, the English critic and author of "The Renaissance in Italy," considers the essence of humanism to be a new and important understanding of human dignity as a rational being, separate from divine decrees (Davies, 1999, p. 31). Humanistic thought precisely places man in the place of God and prioritizes his own desires over God's, considering himself the possessor of rights, not duties.

Of course, this human who replaces God in humanism is the same human with worldly, self-serving desires, lacking a transcendental and supra-material dimension, and with no resurrection or ultimate destiny other than this worldly life. In fact, it is a being cut off from origin and resurrection, neither aware of prior goals nor of subsequent results and reflections. Consequently, in humanistic thought, man is merely a more advanced and complete animal that has evolved through the law of evolution or Darwinian development,

surpassing other animal species, and in his material and worldly life, has replaced God and His will with himself and his own desires. With this introduction, we will organize the foundations of humanistic thought and the Universal Declaration of Human Rights based on it under two headings: foundations and reflections.

5. Foundations of Humanistic Thought in the Universal Declaration of Human Rights

The foundations of humanistic thought that play a significant role in the explanation of the Universal Declaration of Human Rights can be explained under the following headings:

5-1. Negation of Belief in Origin

Undoubtedly, human life is not disconnected from an origin, and it must undoubtedly reach an origin that itself does not need an origin. This eternal origin is the God of religions. However, in the humanistic view, such an origin is denied, and there is only belief in the emergence of man from nature and within nature. Consequently, the rights and duties enacted for man will be different. This is because the exalted God has the right of ownership and life over the human He created, and thus the human acquires duties towards Him. In contrast, in thought disconnected from God and centered on man, such duties become meaningless. Michael Freeman, referring to the natural right of man as a creature of God, acknowledges: "The new theory of human rights began with John Locke's assertion that we have certain natural rights because we are created by God and will live for the time He determines, not what we desire and wish" (Freeman, 1994, pp. 494-576). Therefore, the expectation was that the Universal Declaration of Human Rights would be based on the belief in origin, creator-centrism, and God's ownership, and that all rights stem from the owner of existence. However, the reality is that not only has this not happened, but it has taken an anti-foundationalist approach and continues towards the hypothesis of negating God (Mumtaz, n.d., p. 44). Consequently, in the international human rights document, there is no mention of God's right, Creator, or Maker. Instead, Western human rights are based on the principle of self-ownership. Macpherson states: "The individual who is the subject of human rights is fundamentally the owner of his own person and capacities, for which he owes no debt to society" (Macpherson, n.d, p. 3). Isaiah Berlin, while emphasizing this principle, says: "Everyone's life is their own property and belongs neither to God, society, nor the state, and they can treat it as they

wish" (Blaster, 1998, p. 38).

5-2. Negation of Eschatological Belief

Just as humanity has an origin, and denying it gives a specific direction to the drafting of human rights, so too does eschatological belief or teleological thinking, or in other words, thinking about the ultimate end, play a role in shaping the structure of human rights. Eschatological belief regarding humanity is based on the premise that human life is not limited to worldly life, but rather humans have eternal life and are responsible for it. Their ultimate goal and activity is to encounter the exalted God, and if they act according to His will and think rationally and behave accordingly, they will meet with His pleasure; otherwise, they will meet with His wrath. Undoubtedly, a legal system arising from such a belief will differ from a system that denies such a belief. In this system, humanity has no responsibility for the afterlife; rather, its entire concern will be to build its world according to its worldly desires and needs. It is evident that the rights established will be individualistic, and individuals will enjoy their freedoms as long as there is no interference from others. Jean Hersch states: "Human rights are individual rights, and their purpose is to protect the individual against government" (Hersch, n.d, pp. 141-142).

The Universal Declaration of Human Rights is also drafted on this basis, and an eschatological perspective is not visible in it. Although Article 12 emphasizes the right to freedom of religion, this article is based not on eschatological belief and a religious view of humanity, but on the individual right of every human being to choose religious or non-religious teachings. As long as their religious orientation does not impede the activities and freedoms of others, they are free in their personal practice, and no one should prevent their religious adherence. However, in practice, this degree of freedom is limited in many societies. For example, the presence of women with Islamic headscarves is prohibited in some public and social gatherings, even though it does not hinder the activities and freedoms of others.

5-3. Negation of the Non-Material Dimension

The existential structure of a human being, if it benefits from a transcendental and supra-material dimension, takes on a unique identity that distinguishes it from animal, plant, and elemental identities. In this structure, the main characteristic of a human being is reason and intellect, which elevates him above the level of inanimate objects, plants, and animals. This characteristic,

in philosophical terms, makes humans a distinct species from others, and from a religious perspective, endows humans with a dignity that others lack.

In contrast, the opposing view recognizes human identity only in its material and bodily structure and denies any supra-material dimension for it. Consequently, there is no serious difference between humans and animals. Just as animals have desires and anger and their primary concern is to satisfy their hunger and their sexual and aggressive urges, humans too have the same primary concern. Of course, humans are more advanced than animals. Due to their language (Harari, 2018, pp. 49-51) and specific cunning, humans are more advanced in all faculties shared with animals and have the power to exploit nature, plants, and animals, recognizing nothing but their own benefit. This view of humanity, which is in fact the beginning of modern anthropology in the 19th century, has so degraded the level of humanity and, consequently, anthropology, that a range of physical activities have been termed anthropology, from measuring human skulls to collecting handicrafts for university museums in European cities (Coleman & Watson, 1993, pp. 16-18). Accordingly, fields such as "physical anthropology," "anthropological linguistics," "archaeology," and "social and cultural anthropology" are considered subfields of modern anthropology (Ibid., pp. 2-4). Modern anthropology is also mostly related to sciences such as zoology, physiology, genetics, paleontology, and the like (Dierks, 2001, pp. 3-4), and primarily encompasses perspectives that have approached anthropology with a physicalist orientation. The human under discussion in these types of anthropological approaches necessitates the drafting of specific individual and social rights. It can certainly be said that the majority of international human rights documents drafted in the Western world in the last two centuries have been formulated based on such a view and perspective. The Universal Declaration of Human Rights is also of this nature.

5-4. Reflections of Humanistic Thought in the Universal Declaration of Human Rights

Humanistic thought has reflections that are sometimes considered its constituent elements (Rajabi, 2002, pp. 46-49). These reflections are, in fact, specific foundations and elements that have played a role in the drafting of the international Universal Declaration of Human Rights, some of which are mentioned below:

- **Negation of Gender Rights:** One of the anthropological foundations and elements of the Universal Declaration of Human Rights is the negation of

gender rights. This is because in humanistic thought, which is the basis of human rights instruments, the human who sits in the place of God has both positive attributes, being worshipped, central, focal, sacred, and respected, and all legal and ethical laws must be drafted according to his will. Furthermore, he has negative attributes, meaning he is not subject to ethnicity, gender, or discrimination. Therefore, human beings—men or women—enjoy equal rights, and no distinction should be made between them. Accordingly, Article 16 of the Universal Declaration of Human Rights, while referring to the right to form a family and marry freely with the full consent of both parties, adds that spouses have equal rights in all stages of marriage and its dissolution. Although the sexual and bodily differences between men and women are undeniable, there are no gender-specific laws; men and women enjoy exactly equal rights, just as they behave based on equal division of labor in duties. In this vein, due to the separation from the origin and the negation of divine laws and sharia, the satisfaction of sexual desires does not necessarily entail gender. Rather, same-sex marriage and the enjoyment of equal rights also apply to same-sex individuals.

5-5. Expansion and Encroachment of Rights into Other Domains

Another anthropological foundation of the Universal Declaration of Human Rights is the expansion and encroachment of rights into other domains, which is one of the reflections of humanism. The expansion of personal rights and their encroachment into other domains such as ethics and politics, and the like, is one of the ominous consequences of anthropocentric thought. In ethics and politics that are shaped by divine religions and centered on God, a serious conflict arises between human rights and divine rights. Therefore, ethics and politics stemming from human rights are in conflict with ethics and politics stemming from divine will. In humanistic thought, the will and desire of man, as man, are the criterion of right, so his right overrides everything else, and moral judgments derived from divine will, which are found in divine religions, completely lose their significance. Indeed, as some contemporaries have put it, in today's world, man becomes so central that he has laid the foundation for a new ethics with the "literature of science" and "literature of wealth". Ethics, like society and politics, is a human construct, and there is almost nothing left that is accepted by humans as prefabricated and untouched. In today's world, not only are radio, computers, and airplanes human constructs, but also its ethics, politics, and ideology are human creations (Soroush, 1992a, p. 5).

5-6. Negation of Duty-Orientation

The negation of duty-orientation is also another foundation of the Universal Declaration of Human Rights. This is because one of the natural common reflections of humanism, following the encroachment and expansion of rights-orientation with human desires as its axis into other domains, including ethics and politics, is the negation of duty-orientation and its replacement by rights-orientation. Hobbes states: "Man in the state of nature is subject to no duty, and his will is absolute and limited by no standard or rule. The absence of duty is in a sense the same as natural right, and natural right is an absolute right, for it results from the nature of will and not from a higher law" (Hobbes, n.d., p. 91). For example, homosexual acts, or as commonly known, "homosexual play," are referred to as *liwāt* (for men) and *musāḥaqah* (for women) in divine religions and are considered abominable moral acts, to the extent that divine legislative will prohibits them. Humans are obligated to refrain from them and satisfy their sexual desires through the opposite sex, specifically within a defined structure like marriage. However, in humanistic thought, such a duty fades away, and it is a human right to behave as one pleases. Therefore, homosexuals have rights, and governments, social organizations, or individuals should not prevent them from exercising their rights. Homosexuality is considered as sacred, defensible, and a natural human right as the right to worship God based on duty-orientation and the theological teachings of divine religions. Consequently, if a society, based on duty-orientation, considers this sacred human right a crime, it has acted beyond its legal limits and powers and has violated the rights of its citizens (Altman, n.d., p. 146). Therefore, at the "Beijing" conference, following the desire to globalize the legitimacy of homosexuality and moral and cultural decadence, they called for the negation of any discrimination against homosexual tendencies. Same-sex marriage has become official in some Western countries such as Norway, Sweden, and the Netherlands. In this regard, a convention titled "Convention on the Elimination of All Forms of Discrimination Against Women" was drafted, according to which no place should be exclusive to a specific gender, and no scientific field should be exclusive to women or men. Academic centers such as high schools and universities should be co-educational to ensure equal access for all. Abortion and various marriages, including same-sex marriage, will also be free and legitimate. The efforts of Western societies to present homosexual behavior as scientific and natural are evaluated in this context (Ebtekar, n.d., pp. 132-135).

Some have considered the rights-oriented approach and avoidance of duty

and disregard for responsibility as characteristics of secularism (Soroush, 1992a, p. 5). Soroush believes that modern man, with his secularist approach, seeks pleasure and joy (not sorrow and separation), is focused on life (not on death), demands rights (not just duties), is oriented outward (not just inward), loves the world (not abandons it), is an agent in the world and possesses ethics suitable for it (not merely enjoys it), is oblivious to his servitude and createdness, and prides himself on being a creator (Ibid., p. 6; for more explanation, see: Sarbakhshi, 2009, pp. 243-247). The reality is that the main root of such an approach is the humanistic view of man and the prioritization of human desires in all individual and social spheres. While secularism, in some of its forms, at least in individual rather than social arenas, respects religious views and prevents religious interference in other domains, especially social domains. Therefore, someone might be secular in the social and political spheres but religious in the individual sphere and prefer religious views over personal ones. However, in humanistic thought, even this much regard for religion does not exist, and humans, by prioritizing their desires, rise to demand rights that they consider undeniable for themselves and challenge religions and their adherents.

5-7. Prioritizing Hedonism over Duty-Orientation

Another reflection of humanistic thought, which is another foundation of the Universal Human Rights document, is hedonism. Although hedonism has a long history, and some, like Aristippus, considered it the source of value, and it also exists with slight differences in Epicurean thought (Jacks, 1976, pp. 42-44), in recent centuries, it has also been discussed in the framework of utilitarianism by figures such as Jeremy Bentham and John Stuart Mill (Ibid., p. 51; Sanehpour, 2003, p. 64). Undoubtedly, humanistic thought is its most important foundation because, based on humanism, pleasure replaces the idea of human duty, and human goodness and happiness also reside in pleasure. Therefore, hedonism gives a special structure to value systems and legal and ethical laws. In this tendency, pleasure—and not duty—is considered a natural human right and must naturally be taken into account in the drafting of a legal system. According to Thomas: "Man in the state of nature is subject to no duty, and his will is absolute and limited by no standard or rule. The absence of duty is in a sense the same as natural right, and natural right is an absolute right, for it results from the nature of will and not from a higher law" (Hersch, n.d., pp. 141-142). The idea of hedonism is so ingrained in the fabric of human rights documents that even those who find pleasure in insulting the sacred

values of divine religions through freedom of expression and act upon it should not be confronted or even condemned verbally. Rather, they can only be criticized in theory and no more. This is because the principle of freedom of expression, based on human will and desire and stemming from a natural right, i.e., pleasure, has inherent value, and its scope encompasses all human activities in the individual and social spheres.

5-8. Negation of Dignity from Religious Ethical and Legal Rulings

In the structure of the Universal Declaration of Human Rights, no dignity or respect remains for religious ethical and legal rulings. This is because the criterion of dignity is human choice and nothing more. With this criterion, dignity fades from religious ethical and legal rulings. Chastity and purity in the realm of ethical rulings, and respect for divine boundaries and legal and social rulings stemming from divine religion, will no longer be valuable. This is because in humanistic thought, the criterion of dignity and value is man and his desire. Rulings that are considered dignified and valuable in the religious sphere, because they are contrary to the desires of most humans, will be considered worthless, if not anti-values. In this school of thought, the most abominable ethical act [homosexuality] is considered sacred, defensible, and an undeniable and natural human right (Altman, n.d., p. 146). Therefore, the Universal Declaration of Human Rights fully supports the rights of homosexuals.

5-9. Individualism

One of the reflections of humanistic thought, and in other words, one of the foundations of the Universal Declaration of Human Rights, is individualism. Individualism, or the doctrine of the primacy of the individual, is a tendency in which humanism manifests as individualism and is considered a core component of modernism (Sarbakshi, 2009, pp. 251-252). It has a close connection with democracy and liberalism. Alexis de Tocqueville, the French sociologist, in his book "Democracy in America," distinguishes American society from other societies, especially traditional ones, on the grounds that American society, and any society resembling it, has broken traditional bonds among people by relying on individualism and democracy, creating a new organization. From his perspective, the most important characteristic of such societies is individualism (Ibid., p. 252). Some contemporary dissenting thinkers, while praising the individualism of modern man, argue that modern man considers servitude to God merely a human right and not his duty towards

God. More importantly, modern man does not recognize divine authority for anyone (Soroush, 1992a, p. 9). This perspective is directly opposite to the view of divine religions, which consider humans obligated to serve God and recognize God's sovereignty. However, based on humanistic individualism, the individual chooses his own legal and ethical values, to the extent that his individual and even social behaviors are by his own choice, and no one has the right to interfere unless those behaviors cause harm to others and their dissatisfaction. The Universal Declaration of Human Rights is based on this foundation, namely humanistic individualism. Therefore, Articles 1, 2, 18, and 19 of the Universal Declaration of Human Rights explicitly affirm the right to personal freedom. This freedom is not based on human rights valid in divine religions, but on the anthropocentric and humanistic thought previously explained. Consequently, all ethical and legal values belong to the individual, and something acquires social and legal value only if it is also valuable to an individual (Cohen & Aroto, n.d, p. 609).

Among the reflections and branches of individualism are ethical and legal liberalism. Liberalism is the philosophy of maximizing individual liberty in society to the greatest extent possible (Sarbakshi, 2009, p. 256; Blaster, 1988, p. 14). Based on liberal thought, absolute human freedom is the fundamental principle in law. Prioritizing human desire over human well-being leads to even the most abominable ethical acts being considered not only permissible but also undeniable and natural human rights (Altman, n.d, p. 146). However, this absolute freedom, due to its unacceptable consequence—the anarchy that may afflict society—must be limited. Therefore, it is limited to not interfering with the freedom of others. On this basis, the structure of the Universal Declaration of Human Rights and similar documents was formulated so that individuals can achieve their desires by exercising their anthropocentric right to freedom. As long as they do not hinder the freedom of others, they are unrestrained in exercising human rights and realizing their desires. As some contemporary dissenting thinkers put it, modern man is a human who does not conceal half of his existence and is not ashamed to bargain and compete for worldly positions (Soroush, 1992b, p. 5).

6. Conclusion

In recent centuries, following the Renaissance, numerous international conventions, documents, and declarations have been drafted. Superpowers, due to their undisputed influence and dominance over the destinies of countries, play a unique role in both their drafting and their interpretation and

implementation. They use human rights documents as a weapon against nations and governments, and on the other hand, they have no qualms about violating human rights and do not consider themselves accountable for it.

International documents and conventions generally have corrected content and are accepted by governments and nations. They consist of rational laws for everyone and are often presented with the slogan of defending human rights and a rights-based structure, such as the right to life, liberty, security, and suffrage. These documents are based on specific foundations that play a fundamental role in the drafting, interpretation, and application of their constituent articles, with anthropological foundations being of great importance.

The structure of the Universal Declaration of Human Rights is based on humanistic thought, playing a role in both its drafting motivations, content, and the actions of its implementers. This thought has specific foundations and reflections in the field of anthropology, which can be considered the anthropological bases of such a document. The nature and essence of the humanistic thought dominating the last two centuries is a new and important understanding of human dignity as a rational being, separate from divine decrees. This is to the extent that man, cut off from origin and resurrection, replaces God and prioritizes his own desires over His, considering himself the possessor of rights, not duties.

The foundations of humanistic thought that play a significant role in the explanation of the Universal Declaration of Human Rights are as follows:

1) Negation of belief in origin: In this document, there is no mention of God's right, Creator, or Maker. Instead, it is based on the hypothesis of negating God and the principle of self-ownership.

2) Negation of eschatological belief: In this document, humanity has no responsibility for the afterlife. Rather, its entire concern will be to build its world according to its worldly desires and needs.

3) Negation of the non-material dimension: Human identity is only in its material and bodily structure, and it has no supra-material dimension. It is an advanced animal that has the power to exploit nature, plants, and animals and recognizes nothing but its own benefit.

4) Negation of gender rights: One of the anthropological foundations and elements of such a document is the negation of gender rights. This is because the human who replaces God is worshipped, central, focal, sacred, and respected, and is not subject to gender. Therefore, men and women enjoy equal rights

5) Expansion and encroachment of rights into other domains: Another anthropological foundation of the Universal Declaration of Human Rights is the expansion and encroachment of rights into other domains. This is because the will and desire of man, as man, are the criterion of right, so his right overrides everything else, and ethical and legal judgments derived from divine will, which are found in divine religions, completely lose their significance.

6) Negation of duty-orientation: Among other foundations of this international document is the negation of duty-orientation and its replacement by rights-orientation. Even homosexuality is a human right. Therefore, homosexuals have rights, and governments, social organizations, or individuals should not prevent them from exercising their rights.

7) Prioritizing hedonism over duty-orientation: Another reflection of humanistic thought, which is another foundation of this global document, is hedonism, to the extent that it gives a special structure to value systems and legal and ethical laws. In this structure, insulting the sacred values of divine religions is also permissible and even has inherent value because it stems from a natural right, namely "pleasure," which has inherent value.

8) Negation of dignity from religious ethical and legal rulings: The structure of the Universal Declaration of Human Rights is based on the negation of dignity from religious values. This is because the criterion of dignity is human choice and nothing more. Religious ethical and legal values, because they are contrary to the desires of most humans, are considered worthless or even anti-values.

9) Individualism: Another foundation of the aforementioned document is individualism. Individualism is considered one of the main components of modernism. Based on individualism, modern man does not recognize divine authority for anyone. Rather, the individual chooses his own legal and ethical values, to the extent that his individual and even social behaviors are by his own choice. Therefore, it can be said that the Universal Declaration of Human Rights is based on "humanistic individualism".

References

- Altman, A. (n.d). *Arguing About Law: An Introduction to Legal Philosophy*.
- Arblaster, A. (1988). *The Rise and Fall of Western Liberalism*. Translated by A. Mokhber. Tehran: Markaz Publications. [in persian]
- Arblaster, A.R. (1998). *Western Liberalism: Its Rise and Fall*. Translated by A. Mokhber Dezfuli. (3rd ed.). Tehran: Markaz Publishing. [in persian]
- Cohen, J.L. & Arato, A. (n.d). *Civil Society and Political Theory*.
- Coleman, S. & Watson, H. (1993). *An Introduction to Anthropology*. Translated by M. Salasi. Tehran: Simorgh Publishing. [in persian]
- Davies, T. (1999). *Humanism*. Translated by A. Mokhber. Tehran: Markaz Publications. [in persian]
- Dierks, H. (2001). *Philosophical Anthropology*. Translated by M.R. Beheshti. Tehran: Hermes Publications. [in persian]
- Ebtekar, M. (n.d). Interview on: "Intellectual Foundations of the Beijing Document. *Farzaneh Journal*, vol. 2.
- Freeman, M. (1994). The Philosophical Foundations of Human Rights. *Human Rights Quarterly*, no. 16, pp. 494-576.
- Harari, Y.N. (2018). *Sapiens: A Brief History of Humankind*. Nik Gorgin, (12th ed.). Tehran: Farhang Nashr-e No.
- Hersch, J. (n.d). Human Rights. *Western Thought*, pp. 141-142.
- Hobbes, T. (n.d). *Leviathan*. M. Oakeshott (ed.). Oxford: Blackwell.
- Hosseini, S.E. (2010). Human Rights and Forthcoming Challenges in the Mirror of Islamic Legal Philosophy. *Ma'rifat Journal*, No. 82, pp. 40-57. [in persian]
- Jacks (1976). *Philosophy of Ethics (Practical Wisdom)*. Translated by S.A. Pourhosseini. Tehran: Amirkabir. [in persian]
- Javadi Amoli, A. (2002). *The Relationship Between Religion and World*. Qom: Asra Publications. [in persian]
- Macpherson, C.B. (n.d). *The Political Theory of Possessive Individualism: Hobbes to Locke*.
- Malekian, M. (2006). *Right, Judgment and Duty: A Dialogue with a Group of Seminary and University Professors*. edited by S. Sarami. Qom: Research Institute of Islamic Sciences and Culture, pp. 195-236. [in persian]
- Mumtaz, J. (n.d.). *Human Rights in Light of International Developments*. Tehran: Dadgostar. [in persian]

- Rajabi, M. (2002). *Anthropology*. Qom: Publications of Imam Khomeini Educational and Research Institute. [in persian]
- Sanehpour, M. (2003). *Philosophy of Ethics and Religion*. Tehran: Aftab-e Tose'eh. [in persian]
- Sarbakhshi, M. (2009). *Secular Ethics*. Qom: Publications of Imam Khomeini Educational and Research Institute. [in persian]
- Soroush, A. (1992). A Discussion on the Interaction of Development and Ethics, Livelihood and Virtue. *Kiyan Journal*, 5(25), pp. 5-25. [in persian]
- Soroush, A. (1992). The Meaning and Basis of Secularism. *Kiyan*, 50(26). [in persian]