

*Reference Book of Islamic Human Rights (3)*

# **Islam and the Rights of Privacy Territory**

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**In the Name of God**

**The All-Beneficent, the All-Merciful**

## **Islam and the Rights of Privacy Territory**

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## **Author's Preface**

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

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

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

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

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

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

***Abbass Khajeh Piri, Ph. D***

«يَا أَيُّهَا النَّاسُ إِنَّا خَلَقْنَاكُمْ مِنْ ذَكَرٍ وَأُنْثَىٰ وَجَعَلْنَاكُمْ شُعُوبًا وَقَبَائِلَ لِتَعَارَفُوا إِنَّ أَكْرَمَكُمْ عِنْدَ اللَّهِ أَتَقْوَمُ إِنَّ اللَّهَ عَلِيمٌ خَبِيرٌ» سورة حجرات آیه 13

*O mankind, indeed we have created you from male and female and made you peoples and tribes that you may know one another. Indeed, the most noble of you in the sight of Allah is the most righteous of you. Indeed, Allah is Knowing and Acquainted.*

*(Quran, 49:13)*

## • Introduction

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

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

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

According to a well-known researcher, thinker and scholar, Abul A'la Maududi, the people in the West have the habit of attributing every good thing to themselves and try to prove that it is because of them that the world enjoys this and that blessing, while claiming that "they originated in the West". They also have a habit of pretending that all the bestowments and privileges are rooted in the West, whereas the very first historical document on the human rights, Magna Carta of Britain) The Great Charter of the Liberties of Britain) was issued by John (England's king at the time) in 1215. Though the Magna Carta itself came into existence six hundred years after the advent of Islam, this and the subsequent documents, as valid and firm evidence, prove that the West is lagging behind Islam on the issue of the human rights. Its failure to pay attention to human dignity and its delay in its fight against oppression and tyranny which mankind has suffered during centuries is evident here.

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

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

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

*And of God to success*

## **The Importance of Privacy Right**

While the issue of the privacy right stands after the right of life, this issue enjoys a significant and a special place among the principal freedoms and rights of people since it is rooted in each human's identity and hence is regarded as the people's personal identities. Violation of or absence of this right cause tension, violence, conflicts and mental and physical pains in the people's personal and family lives and their social relations too. This also destroys their personal and social security, so that revealing of people's married life's secrets as an instance of violations of people's privacy can have irreparably destructive effects on the continuation and unification of their married lives and leads to the destruction of their married lives, causing serious and inappropriate consequences and problems for each individual family member (including wives, husbands and children) and even their relatives.

Doubtlessly, people's rights and assets are not restricted to their materialistic possessions and assets (such as materialistic rights). They enjoy non-materialistic rights and intellectual and spiritual assets that are of more importance compared to their materialistic ones. The most important intellectual and spiritual assets of people are: having legal freedoms accompanying with responsibilities, the right of enjoying personal security and immunity from others' illegal violence and transgression of their conversations, correspondences, freedoms of speech and thought, security of people's lives, assets, reputation, dignity and personalities.

There is no doubt that observing the people's privacy is taken as one of the most important instances of people's intellectual and spiritual rights and supporting it is considered the guardian of human greatness and personal identity.

Today, the issue of the privacy right is centralized, in a particular way, in the subjects about human rights especially with the development of communicative technologies, expansion of communication and possibility of easier and more accessible to people's privacy in a cyber form. This centralization of the right of having the privacy among other rights and freedoms is because of this reason that enjoying this right causes the protection of human dignity and greatness,

providing individualistic independence, adjustment and expansion of friendly and constant relations among the people of all societies, creation of a constant psychological and mental security and controlling of people's tensions and conflicts. On the other hand, the violation of the people's privacy (whether individual or from the government's side) causes the creation of psychological insecurity and instability in societies and consequently inappropriate and irreparable results in the areas of individual and social lives.

Supporting of people's privacy against the general power owners and others has a special role in flourishing of talents and guarding of other fundamental values and human rights. It brings about safeguarding of the human's lofty position and protecting his greatness.

In fact human being experiences the meaning of the right of life with all his being when he, in his personal shelter and privacy, feels secure and safeguarding about his life, possession, dignity, personality, chastity or his work or residency place . When the sacred castle of his privacy is transgressed by the illegal and obstinate entering of others or the governments, in fact his life is threatened and his belief about life and living under the sense of insecurity and instability will be lost. Therefore, some experts considered the lack of human's privacy safety the same as taking his right of living and destruction of his humanistic foundation.

It can be concluded that: people's identities are the roots and bases of their privacy and has a close relationship with their lives and their personality structures. Although privacy is a right belonging to each individual of a society member and no one can be denied of this right or be restricted about practicing their right, it should be borne in the mind that observing this right about those people having special and social position and reputation like remarkable scientific, religious, political or art figures will be of more importance and violation of their privacy causes more negative results for them and their societies.

## **The Meaning of the ‘Privacy Territory’ Concept**

The word ‘privacy territory’ is composed of two parts of ‘territory’ and ‘private’. The first part means restriction and ban and the second part means personal and being independent. According to the mentioned meanings, the first and simple definition of ‘privacy territory’ is: an area that due to its specialty, first, people has the right to decide about themselves independently and exclusively. Second, others do not have the permission to enter and attend there and the owner of the territory has the right to be secured against any kind of interference in his private life and affairs make through publicizing of his personal information or by means of physical instruments and he has the right to resist and stand against any unwanted presence and transgression of others in this exclusive area.

Even though there is a general and common interpretation of this term of ‘privacy territory’, scholars during all ages till now could not present a monotonous and decisive definition for this term due to high dependency of this kind of right to the environmental culture and conditions. Instead of that, for making known the concept of this kind of right (which is one of the most tangible and applicable rights of humanity), they expressed some specifications of that (like individualistic characteristics, religious dependency, political and social opinions and ideas, individualistic and family relationships) or attempted to determine the area of ‘privacy territory’ by separating the private area from public one and based the definition of both these two areas on distinguishing aspects of them. Based on these aspects, the personal and private area includes just those affairs related to the person’s own life and destiny and others have no detriment or benefit from them. Public area consists of the affairs of whose benefits and detriments not only the person himself but also others have some shares.

The absence of a decisive and exact definition of ‘privacy territory’ is regarded as one of the significant challenges of today's legal systems. The basic reason for disagreements on a single definition for this right is resulted from one side from different elements that have strong effects in determining the area of human privacy (like: cultural and customs, political and economic structure, faiths and society beliefs) and vary from terms and situations point of views in different societies and on the other side from different personal and social states and positions of human , originating from his characteristic complexity and putting them together in a single and simple definition is impossible.

The necessity and significance of presenting a decisive definition for the right of privacy territory is because this causes a suitable and correct recognition of this right and provides the possibility of its safeguarding and supporting against others' illegal violation and transgression.

To define 'privacy territory' as a violation-proof area of each human personal life, considering paying attention to the elements and fundamentals of this right is necessary. These fundamentals are:

**A. *Being private*:** In fact, this element is the distinguishing characteristics of the private area from the public one. What is placed in the private area is solely related to the person's destiny; however, affairs related to the public areas are common among individuals of society and do not have any specific aspect.

**B. *Being secure*:** Security and safeguarding of a person's privacy area against others' violation and transgression are taken as the main fundamentals of this right. In the territory of this right, people expect that others cannot access or interfere with their zones of privacy or find command or surveillance over them except with privacy owners' permission and satisfaction. Security in people's privacy causes them to be able to keep their personal life's affairs safe from other's access and violation and to prevent these personal and special data from revealing.

**C. *Having freedom*:** On the basis of this important element, people in their own private life can determine their ways of lives freely and independently within their guarded and secure privacy and away from any pressure and imposition and without any anxiety about the disclosing of their private life information decide to what extent and under what conditions others can be informed about his personal affairs or interfere with their privacy.

The result of people's freedom in their own privacy territory is that they can independently think either at the level of ideas or practically and act accordingly.

## **The Boundary between Privacy Territory and Public Area**

Certainly, distinguishing between the public area and privacy territory in precise form is not a simple and easy task especially as for determining the boundary between these two areas some elements like cultural and religious elements, especially the element of religion have an important and effective role. In the systems based on faith and religious principles, distinguishing of these areas can be done just by paying attention to the scales originated from the religious beliefs of a society.

Special attitudes of divine and Divine religions, Islam's religious law in particular, to people's humanistic identity creates a particular necessity for determining people's privacy territory. We will deal with this issue in the following chapters with full details.

Here, for determining briefly the limits of public and private areas, we describe the features of each of them.

### ***A. Features of people's private area are:***

***Firstly***, in the private area, people have no desire that others have access to their personal affairs and desire these affairs to be hidden and away from any surveillance or presence of others.

***Secondly***, in this area people desire to decide about their own personal and private affairs independently and away from others' guardianship and supervision except in some cases that they, themselves, are satisfied with others' participation in their decision makings.

From the viewpoint of Islam, in the area of privacy, the person's behavior and manner are determined by divine decrees of religious law and the Islamic government or ruler doesn't have any special role in this area and as far as people's behavior and manner have no external reflection of the society, government has no right to enter and interfere with in that area.

### ***B. Characteristics of public area:***

***Firstly***, the affairs placed in this area are common among people and all individuals of a society and this area has no personal or private aspect. Even if these affairs are taking place in people's privacy, they have the qualifications of general aspects due to their external reflections and social influences.

*Secondly*, in the domain of public area, some affairs will be happened that because of the generalizing aspects of this area have no hidden and inaccessible features unlike people's privacy that its feature was keeping people's personal affairs and secrets hidden and concealed.

*Thirdly*, the affairs of this area are within the power scope of Islamic state and government and the government as a protector of public order, national authority and the people's trustee can supervise these affairs and put them into practice and control that nothing against the public benefits will happen.

*Fourthly*, in this area, the principal of free stream of information is dominant and people of the society have the right to be informed about what happens in the society. Therefore, in a public area unlike the people's privacy, there is no restriction in informing others or prohibition of publication which is a must and necessity in people's privacy for prevention of revealing of their personal secrets and the government responsibility is informing and utilizing of the principal of the public supervision for managing the society.

## **The Necessity of Observing the Privacy**

In the opinion of the experts and scholars of social sciences, the need for privacy or personal privacy is rooted in the human's disposition and nature and human by nature desires to build a privacy safe for himself by determining a specific area in order to be alone there without others presence. Thus, people in response to their dispositions' call by determining an exclusive area and limit consider it as their own secure shelter and find peace and security in it. Some scholars are on this idea that the need of using of the right of privacy, in fact, is not exclusive to human and is a temperamental need common between human and other animals, but the degree of the need and the scope of this right in human is wider and more specialized as he enjoys of higher degrees of power of intelligence and thinking.

The sense of human need to the right of enjoying the privacy territory has a record as old as human life. A short survey in the periods of the history of human life is eloquent of this that since the beginning of human social life, he has determined to find a secure and safe shelter for him and ban others' presence from there.

This feeling and need are not limited to a particular society or period of human life and in all societies even primitive ones where there were no developed facilities or advanced culture, people attempted to limit others' transgressions or presence in their privacy by considering systems and regulations.

Hippocrates, who lived about three centuries before Christ, stipulated that those educated in medicine take an oath for keeping their patients' secrets confidential.

Even today, the privacy is in the center of issues related to human rights and freedoms of the mass of the human societies. Considering the issue of privacy, particularly with the advent of modernity and its effects and influences is more in demand in humanistic societies than any other time. The rapid and wonderful developments in the communicative methods and instruments such as mass media and the inclination of such media for presenting some propagandas and publicizing people's personal life's affairs (specially social and political celebrities) to compete each other with the aim of attracting more audiences are taken as a serious threat for people's privacy.

Societies access to developed equipments and technologies and modern communicative and electronic instruments make violation and transgression of people's privacy as possible even without the people's awareness and understanding of such violation and transgression.

Accordingly, not recognizing of his privacy by a person is regarded as annihilation of his individuality and within such state he will lose his conscience and efficiency.

Every person in his privacy finds this opportunity that away from the presence, impressions of desires, thoughts and impartment of other people of the society and just by relying on his self individuality to think and to face his own self, expose his deeds and acts to the judgment of his conscience and in this way design the path of his future and without any ostentation and pretension, take the path of his self-correction and refinement and face against difficulties and tribulations otherwise person who has no privacy because of constant and continuous presence among others is deprived of his individuality and never finds the opportunity of dealing with his own individual dimension.

## **The Privacy Territory Domain**

As mentioned before, since the dawn of human life on the earth and the feeling of the possibility of others' presence and interference in his own privacy, he began to strive for separating and determining the boundaries of his own life privacy and public areas. He attempted for considering the separation of these areas as certain and non-vulnerable and determined his privacy based on definite and clear scales and regulations accompanied with determining some examples.

Determining the scope of privacy is of special importance from the point of view that from one side the possibility of complete and fully-fledged defense of this certain and valuable right is provided and from the other side, forbids people from transgression or violation of others' or society individual right which is resulted from not determining a right domain for people's privacy.

It is clear that if determining of people's privacy domain is based on the right and sensible criteria in addition to regarding of every person's privacy, it guarantees the others' rights and society benefits and its acceptance from society individuals and governments causes the stability and consolidation of people's privacy. Otherwise the grounds for breaking of this privacy because of the contrast between the person's benefits and others' or society interests may be formed and impedes the continuation and stabilization of practicing of this certain right.

Due to the importance and sensibility of the required criteria for determining the privacy, recognition and counting of the most important elements have direct and considerable influence on determining these criteria.

*Some of these elements are:*

### ***A. Society customs and culture:***

Generally, the element of culture in every society has a close relation and direct significant impression in determining the criteria of people's privacy. The scope of culture includes beliefs, customs, traditions, manner of life and people's relations with each other in a society and these must not be neglected.

The influence of culture is so extent that even the outward and surface structure of people's lives in a society or the style of a building's architecture can

be influential and effective in determining and distinguishing of the scope of people's privacy.

Noticing the element of culture is in fact regarding the impediments that are observed in a society and perhaps are not existed in other societies.

### ***B. Society Economic Structure:***

The influence of economic structure in determining the criteria related to the privacy territory is the consequence of the economic influence on personal and social relations in a society.

There is no doubt that the kind of structure and economic situation of a society has a significant and an undeniable influence on regulating of a society people's relations with each other from one side and with the government from another side.

It should not be expected that social relations in societies based on an open economy and capitalism be identical and the same as societies with the socialistic or common economy. And having an open or close economic system of a society has influences in regularizing these social relations.

### ***C. Society Political Structure:***

Among influential elements in selecting a proper criterion for determining the area of privacy is the structure of government and society political organizations.

The formation of political structure depends on several elements such as: general culture of the society, historical and political backgrounds of every society and people's individual and social beliefs and tradition. Establishment of a political system in a society without considering these elements will not be durable and stable.

### ***D. Social Security and General Interests***

Doubtlessly, one of the important concerns in determining people's privacy is the influence of this issue on the subjects of social security and general interests and benefits. Because any kind of excess and immoderation in the expansion and spread privacy area can cause the possibility of misusing of this right and violation of the public rights or endangering the social security. Thus, it is necessary to lay out the criteria for determining the scope of privacy in a way that guarantees the impossibility of misusing and any society detriments,

especially social security. Where the right of a person's privacy contrasts with the individuals of a society right of having social security, the priority must be taken for public interests.

***E. Other Rights and Basic Freedoms:***

Recognized and considered individual and social rights for human beings are among the most influential elements for determining criteria for the privacy limits. For instance, limits and terms of freedom of speech in a society can have a direct and special in determining the privacy area of the society individuals and causes the expansion or limit the people's privacy area.

The society individuals' right of free using and access to information also can clearly influence the people's privacy. It is clear that the expansion of the right of using and access to information as a constant and potential danger can be regarded people's privacy restricting elements.

## **Instances of Privacy Territory**

Existed limits and impediments for presenting a definite and a single definition for privacy territory causes that mostly instead of its definition, its instances have been expressed.

While expressing different instances and areas of privacy determines the scope of this natural right of human beings to a considerable extent, as it has been mentioned, the disagreements on the degree of the influence of the remarkable elements for determining private criteria impede of coming to a suitable conclusion about the single meaning of this right.

General Instances of privacy can be counted as follows:

### ***1. Bodily and Corporeal Privacy:***

Any kind of attack and disturbance to a person's bodily and corporeal entirety (such as hurting with harmful nuclear radiation, intro-corporeal inspections and so on) without the person's permission, is taken as a violation of his bodily and corporeal privacy. The owner allows this right to resist against elements caused such a violation of his privacy to defend his bodily and corporeal privacy.

### ***2. Mental and Psychological Privacy:***

Enjoying of mental and psychological privacy is a certain right of all human beings, particularly in their own private rights.

According to this right, taking any action causing the disturbance or deprivation of people's mental and psychological peace or endangering this peace is being taken as violations of his privacy. There are several elements for depriving of people's mental and psychological security among them illegal inspections, supervisions and investigations, revealing of personal secrets and information and generally revealing of the affairs that revealing of them results in people's disturbance and bothering and illegal and concealed keeping people under surveillance can be mentioned.

### ***3. Physical Privacy:***

Every person's home and residing place is considered as his privacy and any kind of illegal and without the owner's permission entering and trespassing to this place is the person's privacy violation. Meanwhile, any inspection or

investigation into the person's private place is considered as a violation to his physical privacy and solitude.

Besides the person's living place and his isolation, his working environment is known as his privacy provided by not being public and any kind of direct surveillance or using of technologies (like installing candid cameras) illegally and without the privacy owner's permission or forcing restriction about the person's private solitude (either in his personal working or residing place) is as the breach of this right.

Illegal investigation and inspection of people's private affairs such as their pockets, wallets, places of keeping their personal documents and certificates, computers and other things having a personal feature is also a violation of people's privacy.

#### ***4. Communication Privacy:***

Correspondences, mobile and telephone conversations, telegrams, faxes, telexes and e-mails and any communicative forms are a part of people's privacy. Investigation, revealing, recording, bugging, not transmitting, censoring, misusing and illegal inspection in all communicative instruments and methods, is a breach of people's privacy.

It should be noted that accessing the human being to new and developed technologies and expansion of communicative instruments and equipments facilitate the possibility and violation grounds of people's communications. Therefore, it is necessary for privacy right safeguarding to take actions for redefining the area of this right and its violation cases in accordance with the expansion of communications technologies.

#### ***5. Information Privacy:***

People's personal secrets and information consist a significant part of their privacy and revealing or publicizing of this information is regarded as a violation to their privacy area whether taking such violation of people's information privacy is either deliberate and knowingly or arises from violating person's mistake or imagination.

Information put in people's privacy territory includes all their private secrets and information such as the information related to medical affairs, personal correspondences, private family life, judicial and penal cases and verdicts against

them, financial and economic affairs, their jobs issues, people's private facts and even people's hidden and secret specifications and habits.

Considering this important point is significant that violation of people's information privacy is not only just in cases in which the information and secrets of people are publicized wrongly and incorrectly or in the forms of the publication of slander or untruths but also even the publicizing of true and referable information about people is known as violation of their privacy. Even revealing of information which are presented to others in professional and job-related relations (like doctor-patient treating relation or lawyer-client one) is a violation of the information owner's privacy. Because the person receiving the information in the working area according to accepted bases and conventions about keeping the professional and job-related secrets is obliged to protect his clients personal information and secrets.

#### ***6. Personality Privacy:***

Every person has an independent and legal identity and personality and this specified privacy includes the person's identification marks such as: name, titles, family names and nicknames, his picture and social reputation (such as reputations of science, art, economics, religious etc.).

No one has the right to utilize from a person's name, identity and reputation that are part of his privacy for commercial, business or any other purposes without the person's permission and satisfaction. Any kind of misusing from the person's reputation or identification marks or possessing them are evident instances of privacy violation and resulted in social and legal charges for illegal users of them.

#### ***7. Religious and Economic Privacy:***

Thought freedom means human beings are free in their selection of ideas without any pressure elements. This is of all human beings certain rights and is regarded a part of their privacy.

Any kind of people's personal idea inspection or investigation about his religious beliefs by other people or governmental agents or even under the coverage of state orders and regulations is illegal and violation of people's privacy.

Beliefs and observing religious rules are in fact the most internal dimension of a human characteristic. He has always been granted the right to keep his religions and beliefs concealed and obstruct his personal opinions from others' access.

It should be noticed that these beliefs and opinions by expressing and verbalizing from their owner are taken as revealed and will be out of the circle of privacy. The feature of this kind of privacy is that it never consists of legal restrictions and violations.

### ***8. Marriage and Family Privacy:***

Doubtlessly, family privacy is the most important segment of a people's personal and private affairs. Any kind of interference or violation of family life is a violation of people's privacy and causes charges for the transgressors and the right of defending and encountering for the privacy right owner.

In family privacy besides the fact that other people and the government do not have the right of investigation and interference within the families' privacy and the information and affairs of each family is only related to that family members, there is a dependant privacy among members of families that no member of the same family has the right to attempt to violate or transgress the privacy of any other family member.

In the family area mothers and fathers as the main axis of family center have special rights and privacy that other family members, specially the children, should attempt to observe these rights and privacy. Among the cases of parents' specified privacy that observing of it is a must is married and sexual privacy of the parents that has specified and exclusive aspect for them and interference with it is regarded an offense to the parents' specified and exclusive privacy.

Meanwhile, each of the parents has a specific privacy that spouses must attempt for its safeguarding and protecting.

Accordingly, husbands have a special privacy that should be respected from their wives' sides and wives also in particular cases have privacy that should be kept and respected by husbands.

Children as the results of marriages and members of the family, in their own turn, have privacy that not observing of it from parents and other family

members can cause problems threatening family stability and durability seriously.

Generally, peace, security, independence and freedom in a family relies on this that every family member recognizes the privacy of other members of the family observe the privacy right.

It is obvious that legal interference of parents is necessary for children's training and preventing them from deviation are considered as conventional and natural duties of parents and applying them in the determined areas and taking the element of the society culture into account are not regarded illegal violation of children's privacy.

### ***9. Dignity and Prestige Privacy:***

Prestige, reputation, chastity, credit and social fame and honesty are important parts of people's privacy and violation of any of them is considered as personal privacy violation.

Revealing of people's secrets and wrong and inappropriate interpretation of others' deeds and talks, misusing of others' correspondences and publicizing their information that result in offenses to people's dignity and prestige or the jeopardizing of their social reputation are obvious instances of violation of people's privacy.

To consider the title of privacy violation to the act of revealing of information and publicizing people's affairs, it is not necessary that these revealed and publicized information and affairs or what affiliated to them be untrue or false or the revealing or publicizing person did this intentionally. Even unintentional publicizing of correct and right information and news that the owner(s) of them desires not others to access them can also cause the jeopardizing of people's reputation and social credit and their privacy is violated either intentionally or unintentionally.

Presenting of pornographic pictures and sexy texts or publicizing of immorally personal issues of people with the aim of destroying their honesty and reputation by means of internet, satellite, telephone messages and other forms of media is a violation of privacy, social credit and prestige.

### ***10. Professional and economic privacy:***

Usually people have no desire that the information about the amount, source and ways of income, their assets and generally speaking their personal and business data be at others' access or other people be informed of their bank accounts turnover or balances, their credits, debts, interest-free loans and claims. These data and similar information like the name and people business identity marks and names are in fact in the area of people's privacy and violation of this kind of information is a violation and transgression of the information owner's privacy.

Certainly, eligible government legislators have the right of investigation of people's financial and professional information.

Nevertheless, this right firstly has been applied just within an area determined by the government regulations and laws (like the law of people's income tax). Secondly, government officials who enjoy this authority and due to their job responsibilities have access to such information and gather them must take the information about people's economic situation as their own professional and vocational secrets and avoid from revealing them before others.

In addition to the people's possession of assets that is of their privacy, rights related to their intellectual possession such as inventions and innovations are instances of people's economic privacy.

In the resolution of international congress of lawyers held in 1967 in Stockholm, 10 instances about violation of people's privacy have been expressed and this resolution is not of enough comprehensiveness since about five decades have passed since its issuance and due to political and social developments and a review on that seems to be a must.

## **The Importance of Privacy Territory in Islam**

The support of people's privacy in western legal systems does not have a long record but this right in divine religions and particularly the legal system of Islam enjoys a long background and certainly Divine religions more than any other legal systems put value and importance on this right and emphasized more on its following and observance.

In Torah and Gospel, Jews and Christians' sacred books, there are many referrals and specific rules about violation of people's privacy are mentioned there.

The privacy right and the necessity of supporting this right in Islamic resources and the remarks of the great men of Islam is the recognition of this right and they emphasized at this point a lot.

The importance of recognition of this right of Islam besides the subject of its historical background and oldness (more than 14 centuries from the proclaiming of this right) is on the matter of significance from the viewpoint of the time of appearance of Islam.

Islam religion appeared in a situation in which institutionalized ignorant habits and savagery traditions in the Arabian peninsula and other lands have overshadowed people's lives to such degree that 'the right to life', as the most obvious right of a human being, was not supported. They buried their daughters alive with no difficulty and did not believe in any right of life or continuation of living for them.

In such situation, Islam as a herald of human rights, insisted on the observing of all people's privacy (regardless of their ideas and religions) and invited everyone to avoid from the violation of people's area of privacy.

Islam never satisfies itself to express the right for human beings and in addition to expressing the right, determines its domain; the methods of accessing it and in its legal system provide the necessary executive gestures and functions to support it.

In the Islamic jurisprudence regulations, there are several rulings about the support of people's privacy and confronting against violators and transgressors of this obvious human right. Meanwhile, the Prophet of Islam and Imams' (religious leaders after the Prophet) manners after the honorable Messenger of

Islam (p.b.u.h) includes of many practical instances about the defense of people and personal privacy.

However, from the perspective of the religious law of Islam, increasing of knowledge and confronting ignorance and nescience are known to be the most essential elements and instruments to reach the perfection. In the area of others' privacy, ignorance about others' secrets and what is passing in people's privacy is a lofty stage of knowledge and perfection. Because in this case people encounter the sensual desires of knowing others' private affairs and secrets and is victorious in this struggle and with his will and insistence keeps the respect of others' privacy.

## **The Basis of Privacy Right in Islam**

A challenge that the western legal system has always encountered with about the human right has been the instability in the basis and the impossibility of determining a definite area for each recognized right of humanity. The fundamental reason for that is the lack of existing a determined of evaluating system.

In Islam any of human rights relies on evaluating regulations and principals which their recognition causes the stability of these rights and prevent of creating any challenges in applying them.

A fast review over the main bases of privacy right in the Islamic legal system expresses the depth of Islam perspective about this human obvious right:

### ***1) The Principle of human essential greatness:***

Islamic perspective about the basis of human right (including human privacy right), unlike western materialistic and humanistic thought (which is captured by instability and not having an identity because of not considering the spiritual dimension of human being's existence), considers the principle of human being's essential greatness and honesty.

Islamic religious law based on the essential greatness of human beings, recognized some rights for him and one of these rights is 'privacy territory right' for each human being.

Human being that is meant by Islam is a character that in addition to his physical and bodily dimensions has a spiritual and divine dimension to which from the spirit of God is blown.

*ونفختُ فيه من روحي*

***When I have shaped him and ran my created soul in him fall down prostrating towards him (Quran, 15:29).***

Human being's divine and spiritual dimension causes his distinction from other beings and grants his honesty and greatness.

The great Quran expresses human being's superiority over other beings in this way that:

و لقد كرّمنا بني آدم و حملناهم في البرّ والبحر و رزقناهم من الطّيبات و فضلناهم على كثير ممّن خلقنا  
تفضيلاً

*We have honored the children of Adam and carried them on both land and sea. We have provided them with good things and greatly preferred them above much of our creation.(Quran, 17: 70)*

Safeguarding and keeping of people's greatness are dependent on the recognition and keeping of his privacy and when a person keeps others' privacy, he in fact respects human beings' dignity and greatness. Based on this, Islam determined strict regulations for violation and transgression of people's privacy and regarded that a fundamental strategy in its own criminal law.

Safeguarding of people's privacy in Islamic laws is because Islam considers human beings as the basic foundation of every construction and training and takes his dignity and privacy vital and necessary.

## **2) The Principle of no sovereignty of human beings over each other:**

From the perspective of Islamic religious law absolute guardianship is exclusive to the Godly Being and just the unique God has the rule and sovereignty over all people's lives, possession and affairs.

The Holy Quran in expressing the principle of monotheism insists on the divine absolute sovereignty:

و هو الله لا اله الا هو ، له الحمد في الاولى والاخرة وله الحكم و اليه ترجعون

*And he is Allah; there is no god except him. The praise is his in the former as in the latter. His is the judgment; to him you shall be returned. (Quran, 28: 70)*

Meanwhile the Holy Quran explicitly rejects any kind of sovereignty that its origin neither is nor divine:

...ان الحكم الا لله، امر الا تعبدوا الا اياه، ذلك الدين القيم ولكن اكثر الناس لا يعلمون

*He has commanded you to worship none except him. That is the right religion, yet most people do not know. (Quran 12: 40)*

Therefore, the necessity of this basic and obvious principle is that people have no sovereignty over each others' lives, possessions and personal affairs except

the case that for such sovereignty enough sensible reasons based on Islamic religious law are offered.

It is obvious that where there are doubts and ambiguities because of lack of any logical reasons or causes based on the Islam religious law about the sovereignty over others, by referring to the general principle of human beings' dignity, a verdict for removing of people's sovereignty over each other must be issued as applying any illegal sovereignty of people over each other is against the principle of human being's freedom and result in preventing him from utilizing his freedoms and natural rights and consequently is regarded transgression and cruelty to him.

In the regulations of illustrating religion of Islam, guardianship in the interdicted people and infants' affairs named under the title of "non-litigious jurisdiction" is recognized and its basis is safeguarding their rights and observing of the public interests.

Additionally, sacred Islam religious law firstly legalized the sovereignty of Islamic governor that is the continuation of the great Prophet of Islam (p.b.u.h) and his pious and eligible successors in the framework and realm of Islamic religious law. Secondly, by considering special conditions for Islamic governor such as piety and his practical obligation to Islamic percepts, exerting the sovereignty puts him out of the circle of his personal interests. Thirdly, except in some cases that the public's interests necessitate, the governor's sovereignty is just applied in the public area and private area is kept safe from his transgression as much as possible. Fourthly, for recognition and clarification of the public interests and prevention of any kind of illegal misusing and transgression of people's privacy, Islamic religious law presented a definite mechanism so that Islamic governor has power of sovereignty within that defined area.

Obviously, Islamic governor's sovereignty is resulted from the Divine Absolute Sovereignty, granted to him in a determined area and till the time he has the required qualifications clearly, this sovereignty is applicable and as soon as he loses these qualifications, he will be deposed from automatically and his eligibility of sovereignty will be lost.

**3) *The principle of having no permission of interference within others' affairs:***

In Islam's legal system, prohibition of interference within people's personal and privacy is taken as one of the strategic principles and according to it firstly, all people enjoy freedom of acting in their own private affairs. Secondly, any interference of others within people's privacy is against the general principle of not interference and only the case is legal that the privacy owner demands such interference or permits others to interfere with his privacy.

The concept of interference does not necessarily mean taking a physical action but any concealed supervision and surveillance of others, investigation or inspection in people's affairs or revealing of their secrets or deficiencies is considered as a kind of interference or transgression of their privacy and is in contrast within the principle of interference prohibition.

An obvious instance of this principle is the freedom of having opinions on Islam. The Great Quran rejects the unwillingness of accepting an idea and stated:

*لا اكراه فى الدين*

***Righteousness is now distinct from error. (Quran, 2: 256)***

In the area of privacy, although Islam determined individual obligations in the path of perfections and elevation for human beings, it has no interference in what they do in their privacy. When a human being takes actions to present his speeches and deeds in public as an expression of his speeches and deeds in the area of society qualify for effectiveness, he is responsible for them like apostasy that due to its social effectiveness of Islam religion law there are particular decrees and verdicts for it.

**4) *The principle of the reverence of Muslims' blood, possessions and honor:***

The Islam religion law made any violation or transgression of Muslims' blood, possessions and honor illegal and according to this general regulation no one can transgress to others' lives, possessions and reputations.

The Prophet of Islam (p.b.u.h) in a sermon expressed in *Hojat al- Veda'at* (farewelling Hajj (pilgrimage to Mecca)) among a large mass of Muslims, by emphasizing on this principle states: ***"O! Muslims, your blood (lives) and***

*possessions are illegal for each other till the Doomsday.”(Sireyeh Ibn Hesham, Vol.2, P. 603)*

The respectful Prophet of Islam (p.b.u.h) takes the reverence of Muslims’ blood, possessions and honor as the reverence of Kaaba and urged everyone to keep this reverence and mutual respect.

Safeguarding of the Muslims’ lives, possessions and reputations is of the very first rights of each member of Islam’s society and besides every one’s personal obligation for safeguarding of people’s privacy, Islamic government is obliged to take necessary strategies for protection of this obvious right and face transgressors and offender of people’s lives, possessions and reputations seriously.

It should be noted that the principle of people’s lives and reputations in an Islamic society is not exclusive to Muslims and all people living in the territory of Islamic government enjoys this right even non-Muslims and others have no right to transgress or offend them as long as they do not plot and conspire against Muslims.

***5) The principle of being private of people’s personal affairs:***

In the eyes of Islam, a legal norm is on privacy of people’s personal affairs and being public of theses affairs necessitates proof and reasons. Therefore, investigation and questioning in affairs related to people are not accepted and legal except the cases proved by reasons are instances within a public area and is related to society and others.

***6) The principle of human beings control over his affairs:***

The principle of human’s ruling over his own affairs is based on a narration stated from the respectful Prophet of Islam that is accepted by all Muslims unanimously that: “***People have control over their own possessions.***”

Although the Prophet’s statement apparently is related to the human’s control over his possessions, according to the logical principles and most importantly this principle is not exclusive to the human’s financial rights and includes all human rights such as his divine, spiritual and non-materialistic rights. According people have control over all the affairs of their rights and lives and it necessitates that they have no right to rule over others’ rights.

The Great Quran states people's control over their destinies and lives in this way that:

ان الله لا يغير ما بقوم حتى يغيروا ما بانفسهم

***Allah does not change what is in a nation unless they change what is in themselves. (Quran, 13: 11)***

People's control over his affairs even includes his privacy and any illegal and without-reason control and prevalence of others' over people's privacy is the breach of this important base and is against the principle of human's complete dominance over his destiny and is not allowed for anyone.

Obviously, the area of this dominance principle just includes the legal rights of human beings and those affairs that their fulfillments require corruption and its expansion or committing prohibited actions are out this principle inclusion.

***7) Wisdom and conscience verdict:***

Certainly, unwanted and imposed inspection and presence in people's privacy and keeping this privacy under surveillance and investigation in people's private affairs are of such affairs that every healthy mind and pure conscience censures and every fair and healthy human regards them sins and faults.

## **The Realm of Privacy in Islam**

Islam considers the safeguarding of people's privacy as not only an individual duty of all people but also as the Islamic state and government's obligation and regards any illegal interference and violation of people's privacy (either from the side of other people or the government authorities) sin and illegal. Islam invites everybody to observe this sanctuary and avoiding from its breach and transgression and for those violating others' privacy in addition to heavenly punishments considers worldly penalties.

Doubtlessly, if the area of people's privacy in all dimensions will not be defined and every one defines it according to his own taste and thoughts, it should not be expected that the safeguarding and protection of this sanctuary be actualized.

Islam by expressing the restrictions related to privacy defined the actions causing its violation and prohibits people from doing them and considers punishments for those committing such actions.

Some of such actions are: investigation into others privacy and about their secrets, entering to the privacy of people's houses and homes without their permission, eavesdropping people's conversations, suspicion and mistrust of others, illegal look in people's privacy and correspondences, gossiping, sarcasm, cursing, telling tales, fault finding and offending people's reputations.

Any of the above actions will be survived here shortly and the ways to avoid them in lofty instructions of Islam will be expressed.

### ***1. Prohibition of investigation and inspection***

In dictionaries of Farsi for the word 'investigation' (*tajassos*) in this language, there are many meanings like: touching by hand, touch, look for, inspect, and checking with hands, gathering news and research. The root or the common image of all these meanings is the attempt to gain information about others.

The literal meaning of 'investigation' is that a person is after gaining news and becoming aware of affairs that the owner of them tries to keep the hidden or concealed or doesn't desire others to have access to them. A person attempting to gain such information is called 'spy'.

In Farsi, the term '*tahassos*' also means gaining news and becoming aware of others' information.

Some consider (*tajassos*) 'investigation' and (*tahassos*) as synonyms and takes no difference in their connotations but some know the distinguishing aspects of these two terms in this that in the investigation the spy is after the information that are denied from him but (*tahassos*) is gaining information about others without any denial.

It is also said that 'investigation' is searching and trying for gaining information from the information of internal affairs and not apparent and clear affairs of others but (*tahassos*) is about the news and information that people can with a little attempt and just by using his common sense. Sometimes these two terms are distinguished according to their aims and accordingly, 'investigation' is interpreted as searching in others' news and information with a malevolent and malicious aims and with the intention of conveying them to others but the allocated connotation of (*tahassos*) is becoming aware of the apparent affairs of others with benevolence and no malicious aim neither for oneself (nor others).

The fundamentals of investigation and inspection are:

- A. Searching and looking for concealed affairs of others which are not desired by them to be at others' access.
- B. Being personal and private of those affairs in a way that access to those is just the right and within the authority of their own.

Prohibition of investigation is stated explicitly and emphasized in the Divine words. The great Quran addressed the believers in this way that:

*يا ايها الذين آمنوا... ولا تجسسوا...*

***Believers... neither spies. (Quran 49: 12)***

Meanwhile the respectful Prophet of Islam (p.b.u.h) stated explicitly: "***I am not authorized to split people's heart and become aware of their hidden and internal thoughts.***" (*Mizan al- Hekma, Reyshahri, P. 391*)

Investigation and curiosity in others private affairs from one side are addictive for the spy and captivate him and from the other side its influence on the society is the creation of the sense of insecurity and causes the public security and trust that are the greatest assets of a society to be marred. Specially, if an illegal and

unwanted investigation is managed by government in people's private affairs that results in corruption among people and in the society, according to the Prophet of Islam. (*Sunan-e Ibn Davood*, V.4, P.272)

Even in the heart of the family also if the parents take such actions about their children which more than the limits of required and conventional supervision, this will cause the sense of suspicion and distrusts pathetically and finally leads to making the family fundamentals shaky.

In Islam religion law, this right is given to the house owner to hinder a person who attempts to investigate from inside his house. If the spy will not give up his disturbance and keep investigating, the house owner stops his illegal action by throwing gravels and even if this leads to injury or unintentional death of the spy, the house owner will not be responsible for the regulations and religion law.

Besides the physical investigation of people's privacy, also inquisition is also of obvious instances of investigation and violation of the privacy of the opinion or idea owner and is forbidden by Islam sacred religion law.

It should be noted that the main reason of Islam sensitivity for forbidding the investigation in others' personal affairs and privacy is this that inspection and investigation are one of the important and effective in destruction of relations within a society and many social vulnerabilities have roots in this . A campaign against this social destructive element can have a basic and instructive role in strengthening people's relations in a society.

Distinguish between investigation in social affairs and in peoples' privacy is necessary. What is forbidden by Islam religion law and introduced as an illegal and immoral act is the investigation into people's private affairs since this is in contrast with the human honesty and greatness. While the investigation in social affairs for removal of corruption as a necessity and for the public expediency is required and is regarded the responsibility of Islamic government. Accordingly, there are differences between instances of investigation in the social area and area of people's privacy.

Instances of investigation in social affairs are: continuous supervision and inspection in people's social behavior in the society, keeping enemies' actions and provocations and trying to gain information about influential incidents in society.

Instances of investigation in people's privacy are: attempts to gain information about others' private affairs by eavesdropping or listening into their private conversations, inspection in people's personal and private things, interrogation and questioning about people's private affairs and secrets, attempts to discover personal deficiencies, sins or personal moral corruptions of people such as private drinking of alcohol and any kind of unnecessary inspection and investigation that considering the stated decree ( do not inspect) is not within the absolute reverence of Islam religion law.

## ***2. Prohibition of illegal entrance to people's privacy***

Doubtlessly, home and house are of obvious and important instances of people's privacy and entering them without permission is the breach of the owner of the house or home privacy and violation of his absolute right.

In the Great Quran verses and the Prophet's tradition and his eligible successors, determined ceremonies are considered for entering the house, home and privacy and Muslims are obliged to follow these ceremonies.

According to those customs, when a person wants to enter others' home and privacy, he must act as follows:

***1. Estinas*** (An Arabic term which literally means Asking for kindness. Here it means presenting acquaintance with kindness): Entering others' place of residency or privacy necessitates that the entering person firstly introduces himself to the home or privacy residents, the Great Quran states:

*يا أَيُّهَا الَّذِينَ آمَنُوا لَا تَدْخُلُوا بُيُوتًا غَيْرَ بُيُوتِكُمْ حَتَّى تَسْتَأْذِنُوا...*

***Believers do not enter houses other than your houses until you first ask permission. (Quran, 24: 27)***

*Estinas* means the introducing and presenting acquaintance of the entering person with the host.

Considering this point is of importance that in the Great Quran the term '*estinas*' is used which its root is '*ons*' (familiarity). The connotation of this term is that the person who wants to enter the others' home or house must introduce himself kindly, softly, politely and in a friendly manner.

**2. *Estizan* (Asking for permission):** Entering the most obvious instances of people's privacy is due to this that firstly permission from the home or house residents are asked.

Muslims' conventions in the beginning of Islam following the ignorant Arabs was that they entered others' homes or houses (even the Great Prophet's home) without asking for permission. Therefore, to correct this false behavior, avoidance of offending the reverence of others' homes and guarding people's privacy, the Great Quran determined that Muslims in addition to '*estinas*' and before entering others' private places, ask for permission from the home's residents and till they are not given the permission avoid from entering others' privacy:

*فان لم تجدوا فيها احداً، فلا تدخلوها حتى يؤذن لكم*

***And if you do not find anyone there, do not enter it until permission is given to you. (Quran, 24: 28)***

The Prophet of Islam (p.b.u.h) manner was that even for entering his daughter's home, her holiness, Fatima (a.s), after saluting to the home's residents, asked for her permission and the Prophet, himself, and his accompanying people never entered her home without asking for permission.

Naturally, people should not expect that the homeowner be ready for accepting them all the times and necessarily answer positively to their asking for entrance permission and let them in. The reverence of the home owner and his rights necessitate that if he is not ready to accept them and answers negatively to their asking for entrance permission, avoid from entering his home and leave there without any feeling of offence, unhappiness and sadness since sometimes people prefer to pass time in their privacy with their close relatives and away from any mind-engagements resulted from his presence in a society or others' contacts or free from conventional and existing bounds and restrictions in his secure shelter pass the time in a lonely way and keep his distance from others in particular times and feel free.

This point in the instructions of the Great Quran is explicitly stated in this way:

وإن قيل لكم ارجعوا، فارجعوا هو أزكى لكم و الله بما تعملون عليم

***And if you are told 'return', so return that is purer for you; and Allah knows the things you do. (Quran, 24: 28)***

The depth of Islam view point about privacy will be manifested when the Prophet's manner for asking for permission to enter another person's place of residency was stipulated some ceremonies. One of such ceremonies is that at the time of 'estizan', the person asking for permission must not stand before the door of the house. It is narrated that Islam Prophet (p.b.u.h) stated Abu Sa'eed, one his companions, who was asking for permission before the Prophet's house door that at the time of asking for permission not to stand in front the house door and stand on the left or right side of the door as when the door were opened, there would be no command for looking inside the house and causes no insecurity for the house's residents.

**3. Saluting the home or house's residents:** According to Islam's sayings, the person entering another person's home privacy after 'estinas' (or introducing himself kindly, softly, politely), salute the home's residents and waits for their responses and never enters any homes without saluting.

The Great Quran regarding this point states that explicitly:

يا أيها الذين آمنوا لا تدخلوا بيوتاً غير بيوتكم حتى تستأنسوا و تسلموا على أهلها...

***Believers do not enter houses other than your houses until you first ask permission and greet with peace the people thereof.... (Quran, 24: 27)***

**4. Entering form conventional and common ways:** After 'estinas' and 'estizan', it is expected that the entering person enters from the determined and conventional way to the host privacy and not from uncommon and unconventional ways.

The great Quran to emphasize this point states:

وليس البرّ بأن تأتوا البيوت من ظهورها و لكنّ البرّ من إتقى، و أتوا البيوت من ابوابها و إتقوا الله  
لعلكم تُرحمون

***Righteousness does not consist in entering dwellings from the back. But righteousness is he who wards off (sin). (Quran 2: 189)***

This point even in legal investigations of people's privacy must be observed and considered to result not in causes of disturbance in people's security.

The Islamic human rights declaration is pointing to the reverence of people's houses by saying that *(People's houses in any case have reverence and must not without the permission of their owners enter them illegally or destroy or confiscate them and make their residents evacuee.)* (Paragraph. C, Article. 18)

Obviously, state agents and legislators also except in some cases legalized by law due to the public interests have no right to enter a person's privacy without his satisfaction and threat his security.

### ***3. Prohibition of revealing secrets and expansion of prostitution***

Revealing secrets do not mean that people attempt to defame others and to reveal their concealed affairs and transgress or violate their privacy. The main feature of revealing one's secret is the revealing of the kind of information of affairs that people avoid from revealing them or prefer denying them over revealing or publicizing of them.

Considering the term 'kind of' instead of the term 'personal' as a qualification for such information and affairs that their revealing is revealing of secrets is because a person is satisfied or even willing in revealing of some parts of his personal affairs that people usually try to deny them. However revealing of such secrets are taken as instances of 'expansion of prostitution' in society and in these cases even the satisfaction of the privacy owner cannot be the permission of revealing these secrets as by revealing the cases that are in contrast with the public morality, violation of the public rights is actualized. For example, that is why in Islam there are many emphases on covering the nakedness and accordingly displaying of the nakedness is illegal and the disclosing person of it is found guilty of prostitution expansion and this person deserves punishment and penalty.

The Prophet of Islam (p.b.u.h) about censuring prostitution expansion by revealing immoral secrets of others stated: ***“Rightly, a person who expands prostitution is like one causes prostitution.”*** (*Tahrir al- Vasile, Khomeini, P.94*)

One of the God's attributes is His “sin-covering” and The Creator covers people's shameful acts and misbehaviors and He knows covering of people's faults as a responsibility of all people and loves fault-covering people.

In Islamic instructions ‘the right of fault-covering’ is one of the Muslim’s rights to each other and Muslims are obliged to observe this right. On this basis, a Muslim has the responsibility to cover and conceal others’ faults and avoid from revealing and publicizing of them that causes Muslims’ disgracing or jeopardizing of the public chastity. However, in a concealed way, Muslims are allowed to aware others of their faults and to ask them not to commit those immoral or wrong deeds to follow their responsibility of recommending doing good and enjoining not to commit what is illegal.

The main reason of sensitivity of Islam about prostitution expansion and revealing of others’ affairs, besides the rational necessity and legal obligation of denial of one’s faults from others and prevention of revealing of faults and secrets that their publicizing is not permitted and deserved, is the negative, social effects related to revealing of people’s secrets that results in expansion of prostitution and social corruption.

Meanwhile, keeping of human beings’ inborn greatness and reverence necessitates that besides banning others, the person himself also keeps away from the publicizing and revealing of his own secrets that causes his personality images damaging and faces his hidden secrets.

Thus, while Islam emphatically, prohibits state, legislators and their agents and others also from investigation and entering to people’s privacy and revealing their secrets such as their moral corruption, it does not permit the privacy owner to reveal and expand that type of his secrets that as they necessitate to be kept secret, they are classified as naked or allow others to reveal them.

While perhaps in many cases the privacy owners can allow others to have access and interfere within their own privacy, where the possibility of others’ access and entrance to people’s privacy cause expansion of prostitution in society, this right is not available for the privacy owner.

#### ***4. Prohibition of faultfinding from others***

The meaning of faultfinding is that human beings attempt to find out others faults and reveal their sins, deficiencies and faults that are hidden from others. It is obvious that the beginning and the necessity of faultfinding characteristic are an attempt to enter and violate others’ privacy with the aim of becoming aware of their deficiencies and shortcomings.

One of the moral greatnesses in the instructions of Islam is the characteristic of covering others' faults. The importance of this good characteristic is to that extent that the Prophet of Islam (p.b.u.h) states, "***Anyone who notices an unfavorable and disgraceful deeds from his religious brother and keeps it covered, God covers his faults both in this world and the world hereafter.***"

The Great Prophet of Islam (p.b.u.h) in expressing the importance of this characteristic, compared it with the value of human being's life which is the highest possession of a human in this way that, "***Anyone who covers a believed person's disgracefulness is as though survived an alive-buried girl.***" (*Mizan al-Hekmah, Vol.9, P. 422*)

Keeping a person's reputation by covering and not revealing his faults from others according the Islam's perspective is the chivalry of fault-covering the person.

It is narrated that one day the Prophet (p.b.u.h) asked Imam Ali (a.s) what he would do if he saw a man slept over a prostitute. Imam Ali (a.s) said that he would cover her. The Prophet stated that if you saw that again, what he would do and he stated that till three times he would cover her with his cloak.

Then the Prophet (p.b.u.h) praised Imam Ali's (a.s) chivalry and stated, "***Cover the faults of your religious brothers.***"

The importance of covering the faults is to that degree that it is going to be considered even in dooms day besides in this world. And it is expressed in some narrations that in Dooms day the Prophet of Islam will request God to take his followers' deeds into account away from the look of angles and other religions prophets not to let the Muslims' faults become apparent and publicized and their reputations be kept. God accepts his Prophet's request.

One of the vices, considered in Islam as the worst sins, is faultfinding.

The Great Quran in different verses attempts to avoid people from this vice. Faultfinders are addressed in the great Quran in this way:

وَيْلٌ لِّكُلِّ هَمَزٍ لِّمَزَةٍ

***Woe to every backbiter, slanderer. (Quran, 104: 1)***

و لا تَلْمِزُوا انفسكم..

***Do not find fault with one another. (Quran 49: 11)***

The Prophet of Islam (p.b.u.h) introduced those who are looking for finding others' faults or deficiencies the worst people and states explicitly: "***Do not be faultfinders, flatterers, tongue-lashing and aggressive.***"(Makarem al- Akhlaq, P.467)

In Islam even keeping company with those who are after degrading others' virtues and making their faults apparent is forbidden (Ghurar al-Hikam: 9565 )

In *Me'rajiye* Tradition (Ascension to heaven) of the Holy Prophet (p.b.u.h), it is told from the Prophet, "***When I ascended to the heavens by the command of the most high God, I have seen a group of people that their flesh where cut from their hips and forced them to eat. They were told 'eat! As you were eating your Muslim brothers' flesh in the world.'***" I asked Gabriel that who they were and he answered that these were faultfinders and slanderers among your followers."(Plague of the Tongue, Vol.1, P.251)

It should be noted that faultfinding does not just result in defaming of a person .This disagreeable characteristic in addition to defaming the person having that the fault, causes the expansion of corruption or prostitution in society. And also the neglectfulness of the faultfinding person about his own weak points and faults and makes him blind to his faults and sharp-eyed to others' faults.

In most cases, faultfinders start to investigate and inspect in people's private affairs to gain information about others' faults in those investigations and inspections. They concentrated on others' negative and bad points and pay no attention to people's positive or correct points.

The vicious characteristic of faultfinding besides being a disease, rooted in personality weakness, is a physiological abnormality and a desire for materialism and wealth-gathering and it should be regarded a social abnormality. In fact and that in addition to its personal impression in disgracing and dishonoring people's privacy, changes to be a serious impediment in the path of human beings perfection and elevation in the social area . Besides disturbing of personal security, causes divergence, disunion and disorder in social security and instability in social unity. It is also the cause of the expansion of pessimism.

The Great Quran while forbidding Muslims from following such vicious characteristics, states the roots of faultfinding as:

- \* Weakness of faith and trust in most high God. (*Quran, 49: 11*)
- \* Dissembling and hypocrisy. (*Quran, 9: 80 and 83: 30 & 36*)
- \* Debauchery and libertinism. (*Quran, 9: 80*)
- \* Cruelty and oppression. (*Quran, 49:11*)
- \* Contamination to sins and crimes. (*Quran, 83: 30 & 29*)

Islam considers faultfinders as deserving of punishments and not only does deprive them from divine guidance and blessing (*Quran, 9: 80*), but also promised them a painful torment both in this world and the world hereafter (*Quran, 9: 79, 83: 29 & 36 and 2: 16*). Of course the results of faultfinding are not limited to the heavenly punishments and its effect in this world for faultfinders is public disgracing and appearing of their faults. As the great Prophet of Islam (p.b.u.h) said, "***O! Those who apparently turned to Islam but did not let it to overwhelm your hearts, be not after Muslim's faults for disgracing them. Because the person who is seeking people's faults, God reveals his faults and he will be disgraced and defamed.***" (*Ousul e Kafi, Vol.3, P.355*)

Somewhere else the Prophet said, "***Anyone who reveals a vice or fault of his Muslim brother, God will reveal his viciousness to that degree that he will be disgraced and defamed in his own home.***" (*Al-Tarhib va Al-Tarhib, Vol. 2, P.293, Tradition 9*)

Doubtlessly, faultfinders by being jealous about others and having the feeling of abjectness and humbleness before they do this disagreeable and indecent and cannot tolerate others' success and promotion.

It should not be thought that Islam's emphasis on covering others faults means that the denial and senselessness about others' viciousness and faults and means not disgracing and publicizing others' defects and keeping their reputations. Reminding people's defects to them, on special conditions and with the aim of removing of these faults, are of human beings responsibilities. Denial of others' faults and viciousness that just causes the continuation of their disgraceful and unfavorable behavior is like the vicious act of that faultfinder person and is considered as a betrayal to humanity.

Removing of faults in accordance with exercising the principle of the ***'Promotion of good and prevention of evil.'*** is one of the merited characteristics of believed and faithful people (moreover is of his religious and humanistic responsibilities) that besides social purification and cleansing causes people's perfection.

The difference between removing of faults and faultfinding is that removing of faults is exercised benevolently and with the aim of the purification and correction of the person having the fault. Whereas in faultfinding there is no motivation but others' humiliation and degrading. Therefore, faultfinding result is not but people's defaming and disgracing and expansion of prostitution and viciousness.

The practice of removing of faults is always based on honest and hidden reminding, private and right criticisms by a respectful considering the person's, having the fault, individual position and personality.

It is as in faultfinding people's faults and deficiencies will be appeared and by a public and incorrect criticism people's personalities will be assaulted and this will cause a reverse result.

The last point is this that in removing faults as in ***'Promotion of good and prevention of evil.'*** this condition is made that firstly the person must start mentioning his own faults and then compassionately and in a reforming way criticize others' defects as the treatment of the faultfinding as a disease.

### ***5. Prohibition of suspicion to others***

The meaning of suspicion is that a person to suspect others' words and deeds distrustfully in the way that his suspicion and mistrust rely on an acceptable reason or actualized manifestation that prevents trust and certainty on the others' apparent deeds and actions.

The roots of suspicion as one of the important behavior abnormalities are:

- 1) Disregarding others' privacy and a desire to investigate in others' personal affairs and gossiping.
- 2) Slandering about others that unwillingly results in the strengthening the sense of mistrust and suspicion to others.

The reason that a person suspects others is that he suffers from psychological unbalance and agitation.

3) Dominance and prevalence of the Satan over the human beings' minds and thoughts that is the result of keeping distance from divine piety and causes temptation and the strength of negativism in the suspicious person.

In the verses of the Great Quran and the Prophet's manner of living and other great people of Islam, suspicion to others is considered as one of the main roots of investigation and inspection in others' privacy and there are emphases on avoiding from and eradicating this faithful psychological disease.

The Great Quran forbids the believers from being suspicious about others and takes many suspicions as sin and states:

يا أَيُّهَا الَّذِينَ آمَنُوا اجْتَنِبُوا كَثِيرًا مِّنَ الظَّنِّ إِنَّ بَعْضَ الظَّنِّ إِثْمٌ...

***Believers, abstain from most suspicion, some suspicion are a sin, (Quran, 49: 12)***

The Almighty God regards suspicion an outstanding plague and the reason for the society corruption.

وظننتم ظنَّ السَّوءِ وَ كُنْتُمْ قَوْمًا بُورًا

***So you harbored evil thoughts, and so you are a destroyed nation. (Quran, 48: 12)***

From the perspective of Quran, suspicion and mistrust do not make people needless about the truth.

إِنَّ الظَّنَّ لَا يُغْنِي مِنَ الْحَقِّ شَيْئًا

***Suspicion does not make people needless about the truth. (Quran, 10: 6)***

The Great Prophet of Islam (p.b.u.h) recommended people for avoiding from being suspicious and states, "***Avoiding from suspicion be upon you as suspicion is the most form of lie.***"(Mizan al-Hekamah, P. 293)

Doubtlessly, relying on suspicion and doubt causes disturbance of the people's personal and social relations and humiliation of people's personalities and instability of trust among people of the society. This is in obvious contrast with the policies of Islam that are after the promotion of people of the society public

unity and the stability of their relations. The Islam great Prophet (p.b.u.h) expressing people's privacy considered avoidance of suspicions as divine commands and stated, ***"Truly, the Great God takes a reverence for Muslims' lives and possessions of being suspected."***(*Bihar al -Anwar*, vol.72, P.201)

The great Prophet of Islam (p.b.u.h) introduced suspicion to others as the cause of the faith destruction and states, ***"When you accused your Muslim brother, your faith will be eliminated like the dissolving of salt in water."***

Strategies recommended in the exalted Islamic teachings for avoidance from suspicion are:

***1) Suspicion to oneself:*** If a Muslim has always suspected his own deeds and actions and finds his faults, he will never become suspicion to others and as in the statements of the great men of the religion, suspicions and doubt to one's own self are the signs of being a believer.

***2) Favor ideas about others:*** Favorable ideas about others and regarding oneself not higher than others and interpreting Muslim brothers' behaviors as best as possible are of the rules of Islam.

Hence, where Muslims find an opportunity, they must interpret their brothers' actions and deeds in the best way till they find evidence against such interpretations that proves their opposites.

There is no doubt that having favorable ideas and mutual respects to others create public trust in stability of human beings' relations.

***3) The ignoring of suspicions to others:*** Considering the evil results of negativism and suspicion, till the malevolence behind the others' deeds and words are not proved, their words and deeds must be trusted.

***4) Thinking and thoughtfulness in cases of suspicion and surveying of the possibilities of truth and optimism about others' deeds and words.***

***5) Avoidance of accompanying and company of those who are suffering of paranoia about others.*** Temptations of such people cause the provocation of evil sense of suspicion in human beings.

***6) Noticing to some regulations in Islam such as 'Asalat al-Sehhah' and' Sogh al-Moslemin'*** that illustrates the necessity of interpreting of others' deeds

and words in a right and merited manner and not providing the opportunities for skepticism or doubt about others' deeds and words. These favorable ideas cause that if we witness a man and a woman alone instead of suspicion and doubt by relying on these principles think of a proper relation between them.

**7) *Having control over perceptive ways:*** Human beings' members and organs (as the means of his perception) have an important role in creation of suspicious about others. Attempting to violate people's privacy by eavesdropping, peeping eye and gossiping are the most important elements of catching suspicion.

The Holy Quran by reminding the responsibilities of human main members and organs makes human being avoid from any interpretation that does not rely on any right knowledge and understanding and stated:

*وَلَا تَقْفُ مَا لَيْسَ لَكَ بِهِ عِلْمٌ، إِنَّ السَّمْعَ وَالْبَصَرَ وَالْفُؤَادَ كُلُّ أُولَئِكَ كَانَ عَنْهُ مَسْئُولًا*

***Do not follow what you do not know. The hearing, sight and heart about all these you shall be questioned. (Quran, 17: 36)***

**8) *Not preparing the grounds of suspicion:*** Certainly, people's not attempts to do actions resulting in others' suspicion are of importance in decreasing of having such psychological abnormalities.

## **6. Prohibition of Gossiping about Others**

'Gossiping' is of viciousness that Islam emphasizes a lot on quitting that.

The meaning of 'gossip' in Islamic culture is that a person talks about someone in the absence of him/her and this makes absentee unhappy and discontentment after becoming aware.

The main elements for recognizing someone's words as 'gossip' are:

- A. Expressing a subject about a person in his absence.
- B. Uncertainty about the rightness or wrongness of the gossip subject.
- C. Sadness and discontentment of the person others gossiped about.

In some statements of the religion great people, it is stated that gossip is that you say something about your Muslim brother that God covers that for him.

It should be noted that in the fulfillment of gossiping, awareness of the person gossiped about is not a criterion; however, the criterion is the person's discontentment if what is said is expressed before him.

According to the saying of the prophet (p.b.u.h) , the difference between 'gossip' and 'calumny' is that 'gossip' is something real said about another person that God covers it from others but in 'calumny' what is expressed about others is not real.

It should not be thought that gossiping is exclusive in 'talking' in the absence of others. Gossiping can also be realized in the form of actions or sarcasm.

According to the Holy Quran, the origins and causes of gossiping are: absence of piety, desire to inspect in others' private affairs, suspicions and doubts (49: 12) , desire for wealth-gathering , excessive interest in the worldly matters, and world charming manifestations (104: 1 & 2).

In the teachings of Islam, gossiping is recognized as one of the greatest sins and weak-minded actions and Muslims are forbidden from doing that.

The Great Quran forbids Muslims from gossiping in this way:

*..ولا يَغْتَابُ بَعْضُكُمْ بَعْضًا أَيُحِبُّ أَحَدُكُمْ أَنْ يَأْكُلَ لَحْمَ أَخِيهِ مَيْتًا فَكَرِهْتُمُوهُ، وَاتَّقُوا اللَّهَ، إِنَّ اللَّهَ تَوَّابٌ رَحِيمٌ*

***Nor backbite one another would any of you like to eat the flesh of his dead brother? Surely, you would loathe it. Fear Allah, without doubt Allah turns (in mercy) and he is the merciful. (Quran, 49: 12))***

The Holy Prophet (p.b.u.h) stated to Abuzar, one of his followers, "***O! Abuzar avoids gossiping as it is worse than adultery.***" (Wasa'il al-Shi'ah, Vol.8, P. 55)

The Prophet of Islam (p.b.u.h) also regards gossiping a sign of people's stimulator faith in Islam and not penetrating of this faith in their hearts and stated, "He who surmises that he is the child of a legal marriage is lying if he eats people's flesh by gossiping."

From the Holy Quran perspective, gossiping about others is in fact the violation of their privacy, dignity and reputation. Especially, if this wrong, disgraceful and unfavorable act is done in the absence of the people about whom are gossiped in a way that they would not have the opportunity of defending themselves about the violation of their personality and abstract privacy.

Gossiping besides the destruction of people's personality and violation of their personality, has destructive influences on people's social lives .It causes the instability of the public trust that is the greatest investment and dynamic element of society.

Moreover, moral bases of society, due to the expansion of gossiping, gets instable and weakened and finally results in disunity and elimination of social safety and causes society disunity and dispersion. Hence, the prohibition of gossiping among people of society in addition to bringing security for society people's privacy, reputation and prestige, is in fact the guarantee of social safety and promotion of public trust. The Great Prophet of Islam (p.b.u.h) said, ***"Anyone who gossips about a Muslim man or woman, God won't accept his forty-day prayers and fasting till the person about who has been gossiped forgives him/her."***

Noticing this point is of importance that one of the important elements of expansion of gossiping in society and encouraging elements for the gossiping person to follow this disgraceful act is the listener's eagerness and willingness for listening to others' gossip. Therefore, one of the effective ways to control the gossiping is preventing the gossiping person from doing such act with verbal reminding ,in accordance with the principle of 'Promotion of good and prevention of evil'; and showing reluctance for listening to gossips as a passive resistance against gossiping people ;and banishing them from society and not keeping company with them. The Great Prophet (p.b.u.h) stated, ***" Be aware that anyone who is patient for not listening to a gossip about his believed brother and prevents gossiping about him, God closes one thousand doors of worldly and heavenly viciousness for him . If he does not prevent from gossiping while having the power to do so the burden of seventy sins of the gossiping person will be on his shoulders."***

In the Holy Quran, three points are recommended for Muslims for quitting the unfavorable habit of gossiping:

1. Following Godly piety, as the most important preventive element of human being from committing all sins such as the sin of gossiping about others. (49: 12)
2. Considering and recognizing the reality of gossiping about others that in the Holy Quran it is interpreted as eating one's own flesh.

3. Noticing the constant presence of God and his perfect and absolute knowledge and awareness about all human deeds, actions and even thoughts such as gossiping about others. (4: 148)

Islamic precepts regard gossiping in some cases not only legal but also necessary and are exceptions of prohibition of gossiping about others.

Some of these exceptions are:

1. Gossiping about the cruel and expressing his cruelty, when people are in the stance of pleading for justice or litigation as the Prophet of Islam (p.b.u.h) said, ***"The right and one whose right is lost can gossip regardless how disturbing gossiping can be."***

2. Gossiping about a sinner with the aim of his correction and returning him from misleading way and his salvation provided its necessity.

3. Gossiping about a person who commits debauchery and libertinism and is known for such acts.

4. Gossiping about others in the stance of adduction of witnesses in a court and with the aim of claiming the right.

5. Gossiping about others with the aim of consulting and taking counsel when necessary.

6. Expressing of something which is apparent in a person (like being hasty) and is obvious to others too in not taken as gossiping.

### ***7. Prohibition of Any Assault against People's Reputation***

From the viewpoint of Islam, people's reputation is the reason of the lifetime of their identities and personalities.

Believed people have a special place before the almighty God to that degree that the Holy Quran states:

*إِنَّ اللَّهَ يُدَافِعُ عَنِ الَّذِينَ آمَنُوا...*

***Allah will defend those who believe. (Quran, 22: 38)***

Hence, how people have such daring to tear up the curtain covering one's reputation that the Unique God is his defender, to reveal his secret, to publicize his defects and to slander and to disrepute him?

Respect to a believed person's reputation and dignity is so important that the respected Prophet of Islam (p.b.u.h) considers that of more importance than respect to Kabaa. Doubtlessly, keeping others' reputation and respect as one of the most important teachings of the surviving school of Islam is of such emphasis that the glorious Prophet of Islam (p.b.u.h) in the last pilgrimage to Kabaa (*Hojjat al- Veda*) sermon, presented in the last trip to Kabaa in the temple of Mecca while addressing a great number of Muslims announced, "***O! People as these days- time of Hajj (pilgrimage to Mecca) - and this city- the great Mecca- are respectful, your bloods and reputations are respectful too. You do not have the right of shedding your bloods and offending to your reputations till the time of visiting God.***"

Before God, the importance of a person's reputation who observes divine commands and restrictions is to that degree that God of all worlds conceals his faults even from His angles and makes him respectful before others.

It is stated in narrations that the respected Prophet of Islam (p.b.u.h) demands God's court to bestow him the surveying of his followers' deeds in the doomsday to him so that if they had any deficiency or fault, not to become disgraced before other prophets.

In response to the Prophet (p.b.u.h) comes this answer that I [God] take the surveying of your followers' deeds, myself, so that if they have a fault even you will not be aware of.

The religion of Islam respects a believer reputation in this way and for keeping humanistic personality and respect conceals his faults.

In Islamic lofty teachings protecting of others' reputations has a particular value before God and a person who rises to protect another person's reputation is a neighbor of Him as respected Prophet of Islam (p.b.u.h) said, "***Anyone who prevents his believed brother dishonor, God prevents his face from the hell fire.***"

He also stated, "***Anyone protecting his brother's reputation while he is absent. It is upon God to keep him from hell.***"

Imam Ali (a.s), the successor of the respected Prophet of Islam in expressing the stage and position of a person who respects and safeguards others' dignity by sacrificing his own reputation states, ***"Grant your possession to one who disregarded his reputation for you since nothing can be equal to keeping the reputation."***

Sacrificing lives for protecting of a Muslim's reputation is allowed in Islam the Holy Prophet (p.b.u.h) said, ***"Everything of Muslims such as lives, reputations and bloods are illegal for other Muslims, even in some cases possessions and lives can be sacrificed for keeping a believer's reputation and prestige."***

Considering this point is of importance that human beings besides their obligation to keep others reputation and dignity, must always attempt to keep their own reputation and honor. In other words, from the perspective of Islam, people not only do have the right of assaulting others' reputations but also do not have the right of belittling his own personality and is upon him to shun any deed or action that causes his humanistic value and greatness before others.

Imam Ali (a.s) about the necessity of keeping one's own honor and reputation said, ***"Your reputation is on your forehead and your requests causes to drip that drop by drop [like drops of your sweet]. Hence, look before whom you let it fall."***

The Great God determined a heavenly remuneration for those people striving to keep their humanistic greatness as the Holy Prophet stated, ***"Instead of what people keep their reputation by that, alms and charity are considered for him."***

As mentioned before, human's reputation and prestige as his identity and spiritual dimension are regarded an important part of people's privacy. Violation of it from the perspective of Islam penal law are among the worst sins and even are taken worse than incest . One who did this act not only deserves worldly punishments but also as a person who proclaimed war against God by assaulting a Muslim's reputation is promised of a divine painful torment.

Islam religion sensitivity for observing the privacy of people's reputation is because the beginning of violation to others' reputation is inspection and interference within their privacy area which finally leads to the violating person's error and misleading. According to some narrations from the religion

great men the closest position of person to blasphemy is when he counts a person who is his religion brother's faults to blame him a day for these faults.

The Holy Prophet (p.b.u.h) about the evil influences of assaulting a Muslim's reputation and prestige in offended person's beliefs and faith said, ***"When a believer accesses his religion brother, his faith will be eliminated like the dissolving of salt in water."***

### ***8. Prohibition of Tale-bearing***

Tale-bearing is of moral viciousness that are the result of the revealing of people's secrets and violation of their privacy and avoidance of committing such acts are emphasized a lot in Islam.

The meaning of the term 'tale-bearing' here is expressing and revealing a subject about a person that results in making his faults or deficits become apparent in a way that if he becomes aware of this, he will be upset and sad about what is said about him.

In fact, tale- bearer expresses a talk that another person said about the listener while he does not allow its revealing.

'Tale-bearing' may happen orally or verbally or in a written form or even by other means such as signs or body language.

Meanwhile, there is no difference between what the aims or purpose of the 'tale-bearing' is. Either with the aim of assaulting the personality of one, who is the victim of his secrets revealing, or with the aim of fun or sycophant and supererogatory service to the listener, or bearing tales for others or having an undue sense of curiosity.

The Great Prophet of Islam (p.b.u.h) introduces tale- bearers as the worst people and emphasized that tale- bearers will not enter the paradise. (*Al-Targhib, Vol. 3, P. 496 and Sahih Moslem, Vol. 1, P. 101*)

From the viewpoint of the Glorious Quran the act of the talebearer is cutting what God commanded for its connection:

و يَقْطَعُونَ مَا أَمَرَ اللَّهُ بِهِ أَنْ يُوصَلَ وَيُفْسِدُونَ فِي الْأَرْضِ، أُولَئِكَ لَهُمُ الْعَذَابُ وَ لَهُمْ سُوءُ الدَّارِ

***As for those who break the covenant of Allah after accepting it, who part what he has commanded to be united and worked corruption in the land, a curse shall be laid on them, and they shall have an evil abode.( Quran, 13: 25)***

The influence of tale-bearing is that it changes the kindness and intimacy among people to hatred and hostility and turns society people's unity and unanimity to disunity and dispersion.

In the statements of the Islam religion great men, tale-bearing is interpreted as sorcery which causes the separation between friends and relatives, planting the seeds of hostility and disharmony among people who have been unanimous and in agreement with each other and also blood-shedding and ruining of homes and revealing of people's secrets. Therefore, the Holy Prophet of Islam stated, ***“one who occupies himself with telling others' tales among people, the Great God will put a great fire over his grave.”*** (Wasail al -Shiah, Vol.11, P. 203)

In fact, the main reason the Islam religion law regards tale-bearing illegal and considers it as capital sin and pledges Godly punishments for tale-bearer is the destructive and irreparable influences of his act.

It is narrated from the great Prophet (p.b.u.h) that he stated,” I saw on the paradise door it was engraved that “you are illegal to talebearers.”(Ershaad *al-Gholub, Tradition. 1391*)

In Islamic teachings confronting with this inauspicious and destructive phenomenon is emphasized in this way that Muslims be ignorant to what tale-bearers tell and take their words either right or wrong as lie to make tale-bearers dissuaded by such passive resistance.

The Great Quran forbids following of tale-bearers by stating:

وَلَا تُطِعْ كُلَّ حَلَّافٍ مَهِينٍ هَمَّازٍ مَشَاءٍ بِنَمِيمٍ

***And do not obey every mean swear, the backbiter who goes about slandering.***

***(Quran, 68: 11)***

The manner of the great Prophet of Islam (p.b.u.h) was also like that and it is narrated from him, ***“No one of my companions must tell me something about***

*the other one as I like when coming to you my chest be free from the talks about people.”(Riyaz al- Salehin, P.585)*

Even in the prohibitions of the Holy Prophet (p.b.u.h), it is mentioned that the Prophet prohibits Muslims from tale-bearing and listening to tales about others.

*(Safinat al- Bihar, Vol. 2, P. 613)*

### **9. Prohibition of Eavesdropping**

Eavesdropping that in Farsi is ‘*esteraq e sam*’ . The first part of this term ‘*esteraq*’ comes from the infinitive of ‘*serqat*’ which literally means ‘stealing’ and idiomatically means ‘doing something in a hidden way’.

The meaning of ‘*esteraq e sam*’ is ‘listening to someone’s talk in a hidden way’ and includes unlawful and hidden listening to peoples’ conversations or controlling them by using instruments like environmental or phone conversations bugging or recording tools.

Today methods of bugging are:

Using technologies and listening to conversations by means of fixed or mobile phones, satellite, computer, internet or other developed instruments.

From Islam religion law, bugging is illegal and one who attempts to control people’s conversations in a hidden way and becomes aware of their secrets in this way, committed inspections in others’ privacy and according to the explicit wording of the Quran his act is sin and illegal. (*Quran, 49: 12*)

The Great Quran about the responsibility of human body organs states:

*...إِنَّ السَّمْعَ وَالبَصَرَ وَالفؤادَ كُلَّ اُولئِكَ كانَ عَنْه مَسْئولاً*

*.....The hearing, sight and heart about all these you shall be questioned.(*

*Quran, 17: 36)*

In the Great Prophet’s interpretation of eavesdropping it is stated, **“There is a share of adultery for any member of human members and the adultery of the human ear is listening to some talks in a concealed way.”**

In Islamic precepts while some punitive punishments are determined for those eavesdropping in this world, there are heavenly punishments for them too. As the Great Prophet (p.b.u.h) stated, **“During dooms day, in the ears of anyone listening to others’ talks in a hidden way while they are dissatisfied or hears**

*others talks and the speakers keep distance from him and hate him melted copper is poured.”(Sajestani, Vol. 2, P. 883)*

### **10. Prohibition of eyes peeping**

‘Eyes peeping’ means a concealed and illegal look at everything located in people’s privacy and the owner of the privacy has no desire and satisfaction if others look at that and because of that he did not expose it to others look publicly. This includes what is of people’s privacy automatically or a person, himself, puts it into his privacy.

In the percepts of Islam religion law, ‘eyes dropping’ is known as a disgraceful act and one of the capital sins and Muslims are prohibited from converting of their eyes and having hidden look at others’ privacy and one doing them deserves punishment.

The Great Quran blames eyes betrayal and states:

*يَعْلَمُ خَائِنَةَ الْأَعْيُنِ وَمَا تُخْفِي الصُّدُورِ*

***God knows treacherous eyes and what concealed in the breasts. (Quran, 122:19)***

Doubtlessly one of the obvious instances of eye betrayal is eyes peeping and without-permission looks to people’s privacy.

Meanwhile the Great Quran commands Muslims to control their eyes and looks:

*قُلْ لِلْمُؤْمِنِينَ يَغُضُّوا مِنْ أَبْصَارِهِمْ وَيَحْفَظُوا فُرُوجَهُمْ ذَلِكَ أَزْكَى لَهُمْ إِنَّ اللَّهَ خَبِيرٌ بِمَا يَصْنَعُونَ. وَقُلْ  
لِلْمُؤْمِنَاتِ يَغْضُضْنَ مِنْ أَبْصَارِهِنَّ وَيَحْفَظْنَ فُرُوجَهُنَّ...*

***Say to the believers they should lower their gaze and guard their private part that is purer for them. Allah is aware of the things they do. And say to the believing women, that they lower their gaze cast down their eyes and guard their chastity, and do not reveal their adornment. (Quran, 24: 30 & 31)***

The great Prophet (p.b.u.h) regards looking at the way of misdemeanor a kind of adultery and states, ***“There is a share of adultery for any member of human members and the adultery of the eye is looking.”***

The importance and role of looks in human beings’ spiritual health are to that degree that Imam Ali introduced eyes as the Satan ambushes that the eyes

disobediences causes the grounds for human beings misdemeanor and Satan's prevalence.

The Prophet of Islam about hidden and without-permission looking at others' correspondences said, ***“Whoever looks at his brother's letters is like he is looking at his nakedness.”***(Safinat al- Bihar)

Considering the importance determined by the Islam for keeping others' privacy, It is necessary that people attempt to recognize the preventive elements of this disease and moral and spiritual misdemeanor and try to eliminate the grounds and beginnings of having it. For instance, observing 'estizan' ceremony and asking for permission from the house or privacy owners before entering there is one of the preventive elements of eyes dropping in people's privacy.

### ***11. Prohibition of Cursing and Swearing***

'Sabb' meaning cursing and swearing to others and in Islam not only Muslims but also non-Muslims are prohibited from it explicitly.

The Great Quran about forbidding cursing to non-Muslims states:

وَلَا تَسُبُّوا الَّذِينَ يَدْعُونَ مِن دُونِ اللَّهِ فَيَسُبُّوا اللَّهَ عَدْوًا بِغَيْرِ عِلْمٍ كَذَلِكَ زَيْنَا لِكُلِّ أُمَّةٍ عَمَلُهُمْ ثُمَّ إِلَىٰ رَبِّهِمْ مَرْجِعُهُمْ فَيُنَبِّئُهُم بِمَا كَانُوا يَعْمَلُونَ

***Do not say crude words to those who call upon other than Allah, lest they use crude words about Allah in revenge without knowledge. As such we have made the actions of each nation seem pleasing. To their Lord they shall return, and he will inform them of that they were doing. (Quran, 6:108)***

The Holy Prophet (p.b.u.h) considers cursing and swearing as disobedience from God and debauchery and stated, ***“Cursing to a believer is disobedience from God and fighting with him is a blasphemy and eating his flesh- gossiping about Muslims- is a sin against God and a respect to a believer's possession is like a respect to his blood.”*** (Wasail al- Shi'ah, Sheikh Horre Ameli)

When a person expresses a subject about another person in a way that listening it causes his sadness and offense, that person is committed the sin of gossiping, even if he does not mean to assault or curse him. In the case that the gossiping person had the aim of assaulting and cursing, besides the sin of gossiping, he committed the sin of assaulting and cursing him.

As mentioned before, from Islam perspective, the reverence of human beings' reputation is equal to his life and soul. Cursing a person is a violation of his reputation and dignity and is an obvious instance of violation of people's privacy.

The sin of cursing is known disgracing and defaming to that degree that is introduced as the cause of the death of cursing the person in narrations as the Great Prophet (p.b.u.h) said, "***Cursing a believer puts people at the edge of perdition and destruction.***" (*Wasail al- Shi'ah, Sheikh Horre Ameli*)

Moreover, cursing will have an irreparable evil impression of the cursing person such as creating disunity and hostility among the people. The great Prophet (p.b.u.h) said, "***Do not curse at people as you will make them your enemies and foes.***"

The Glorious Quran also states explicitly that cursing at others causes them to swear at the beliefs of the cursing person due to their ignorance and nescience.

It is narrated that the Holy Prophet (p.b.u.h) never was abusive and it was not exclusive to Muslims as he never cursed at non-Muslims too.

## **Family Privacy in Islam**

One of the significant instances of people's privacy is their family privacy.

Family privacy consists of two parts: the first part is the prohibition of strangers' entrance and interference in a family privacy and the second is related to each family member's privacy (such as parents, spouses and children) toward each other.

There is no doubt about the prohibition of others' interference within families because in Islam an independent identity for the family is considered and according to that any interference and presence in the family is related to the family members' rights and no right and permission for non-family members are regarded to violate to this independent and holy sanctuary.

The issue of family members' privacy about each other is a serious challenge in different societies today.

Doubtlessly, all people in their own lifelong need some moments to ponder about their personal affairs in isolation and alone without the presence of others, even their intimates, and need no one to disturb their private sanctuary. This right in the area of family privacy belongs for all family members.

In Islam religion law, the rights of family members toward each other are determined and a distinguished privacy for each member is defined. At family, parents enjoy their own privacy and children are obliged to observe the parents' privacy.

The Great Quran by emphasizing on the right of parents' privacy without the presence of children, while determining its specific time in this privacy, considers the obligation for children to ask for parents' permission before entering this privacy and states:

أَيُّهَا الَّذِينَ ءَامَنُوا لِيَسْتَأْذِنَكُمْ الَّذِينَ مَلَكَتْ أَيْمَانُكُمْ وَ الَّذِينَ لَمْ يَبْلُغُوا الْحُلُمَ مِنْكُمْ ثَلَاثَ مَرَّاتٍ مِّن قَبْلِ صَلَاةِ الْفَجْرِ وَ حِينَ تَضَعُونَ ثِيَابَكُمْ مِّنَ الظَّهِيرَةِ وَ مِن بَعْدِ صَلَاةِ الْعِشَاءِ ثَلَاثُ عَوْرَاتٍ لَّكُمْ لَيْسَ عَلَيْكُمْ وَ لَا عَلَيْهِمْ جُنَاحٌ بَعْدَهُنَّ طَوَافُونَ عَلَيْكُمْ بَعْضُكُمْ عَلَى بَعْضٍ كَذَلِكَ يُبَيِّنُ اللَّهُ لَكُمُ الْآيَاتِ وَ اللَّهُ عَلِيمٌ حَكِيمٌ. وَ إِذَا بَلَغَ الْأَطْفَالُ مِنْكُمُ الْحُلُمَ فَلْيَسْتَأْذِنُوا كَمَا اسْتَأْذَنَ الَّذِينَ مِن قَبْلِهِمْ كَذَلِكَ يُبَيِّنُ اللَّهُ لَكُمُ ءَايَاتِهِ وَ اللَّهُ عَلِيمٌ حَكِيمٌ

*Believers let those your right hand owns and those who have not come of age ask permission of you three times before the dawn prayer, when you put aside your garments, in the heat of noon, and after the night prayer. These are the three occasions of privacy. There is no fault in you or them, apart from these that they go about you, you are of each other. As such Allah makes plain to you his verses; Allah is the knower, the wise. And when children reach the age of puberty, let them ask permission as those before they asked permission. As such Allah makes clear to you his verses. Allah is the knower, the wise.*

*(Quran, 24: 58 & 59)*

Stating of ceremonies for children's entering to the parents' privacy is an emphasis showing that Islam considers particular importance for family members' privacy and puts a great emphasis on parents' sexual privacy. It is narrated that a person asked God's Messenger (p.b.u.h), "Does a person need to ask for permission before entering his/her mother's privacy?" His holiness stated, " Yes." The person said that his mother has no servant except him and even in this case for each time of entrance, whether permission from the mother is needed? The Prophet (p.b.u.h) stated, " Yes. Do you desire to see her naked?"

He replied," No." The Prophet said," So for each time of entrance ask for permission." (*Javaher al- Kalam*, Vol.26, P.22- narrated from *Majma al- Bayan*)

The realization of the chastity principle in family privacy and right training of children are obliged of observing of parents' sexual privacy. Not having the attention to parents' sexual privacy will be followed by irreparable consequences in family health and chastity among are children's early puberty and their sexual unbalances after puberty and during adulthood.

The issue of covering of the nakedness which in Islamic percepts is emphasized a lot and prohibition of viewing family members naked are of special significance in accordance with the family chastity principle and is considered as a part of the physical and bodily privacy of members of a family.

Separating the parents' bed and their place of sleeping from other family members' regardless to their age and with the aim of their non-awareness of parents' sexual privacy must be noted as one of the principles of sexual privacy.

The Islam Prophet (p.b.u.h) stated, "Swear to God, if a man has sexual intercourse with his wife in a room where an awake child witnesses them while having sex or hears their voices or the sound of their breaths, that child will never reach to the point of salvation and many a time he becomes sinful with adultery."(*Tahrir al –Vasile*, Vol. 1)

Besides the necessity of the parents' bed separation from other family members, from the perspective of Islam religion law, separation of the children's beds with the aim of untimely involvement of children in sexual affairs also is of particular significance.

In several narrations of the great Prophet (p.b.u.h), there is emphasis on this necessity.

Regarding this point, the great prophet (p.b.u.h) said, "The sleeping place of a boy with a boy, a boy with a girl and a girl with a girl must be separated since they are ten and in some narrations this separation should be done while they are younger."(*Wasail al-Shi'ah*, Vol.5, P. 28)

One of the instances of family members' privacy is the privacy between parents.

Some people wrongly think that due to particularly sexual, sympathetic, and close relations between wife and husband in their married lives, existing of any privacy among them is of no necessity. Also existence of such privacy causes distance and disturbance in spouses' commitment to their married lives. While, it should be noted that essentially human being is a free and independent existence. Marriage attachment must never be considered as the separation of human being from his essence. Spouses in their own married lives must respect for the right of expressing each other's ideas and neither of them denies another one from the obvious right of cooperation in decision makings, especially decisions pertaining to him/her.

Doubtlessly, paying no attention and ignorance of couples to their spouses' emotions and thoughts and jeopardizing each other's privacy is regarded one of the reasons of married lives challenges and troubles.

One of the emphatic recommendations of Islam to all people is that in their own privacy think and be thoughtful and in their own loneliness, away from the others' presence, become vigilant of their own weak points by surveying and reconsidering of their own actions and feelings. They also attempt to perfect and make progression by improvement their own functions.

One of the teachings of the religion of Islam is to provide spouse's satisfaction and recognition of their personality dimensions and needs and also attempt for mutual understanding.

Of course, observing the principle of moderation which means avoidance of any going to extremes and noting the principle of family survival and the necessity of stabilizing and strengthening its bases are necessary and unavoidable. Keeping of family members' privacy by themselves must not cause the decrease of their sense of responsibility toward each other and toward the family and impedes any family members from doing his determined roles and responsibilities and weakens the family basis.

## **Islamic Government Duty in Keeping People's Privacy**

One of the significant duties of Islamic government is establishing public order and creating of social and personal security in a way that all individuals of an Islamic society live away from fear and anxiety with enough sense of security.

Supporting of people's privacy (including privacies of house, family, working place, possessions, communications and assistance in others' willful interference and violation) is of the government responsibilities. On this basis, the Islamic government must plan necessary protective strategies for safeguarding people's privacy.

Violation of people's privacy sometimes is due to others' interference and sometimes is the result of transgression and violation of government policies leading to the violation of citizen's privacy.

Additionally, the development of different technologies and sciences in the fields of communication and information leads to the facilitation of violation and transgression of society people's privacy and exposing of people's personal privacy to others' illegal access.

Certainly, mental and physical sense of insecurity, anxiety and panic, pessimism and suspicion caused by the threat of people's personal and social lives are the most important impediments of human life ascendancy and dynamic perfectionism. Islamic government is responsible to support effectively of people's privacy by means of preparing some legal and necessary strategies. Safeguarding the privacy of people against willful government officials who may transgress or violate people's rights by abusing of their powers and positions. Determining a clear and precise limitation for government legal interference in people's privacy, the government prevents any kind of deprivation of society people's natural rights and supplies Islamic state residents' needs of physical, spiritual and psychological security.

Imam Ali (a.s) in a treaty communicated to Maalek Ashtar, as governing charter at the time of his departure to Egypt, emphasized on the governor precise carefulness for determining the government agents from the view points of loyalty, honesty and truthfulness. He also considered appointing some inspectors

who control the actions of these agents in a hidden way necessary so that they will not transgress their determined authorities and limitations and by observing trustworthiness and moral principles avoid from any kind of violation of others' right and people's privacy.( *Nahj al- Balaghah, letters, letter 31*)

The declaration of Islamic human rights refers to the duty of Islamic government in support people's private rights in this way that: "***All human beings have the right of independence in their own lives special affairs about housing, family, communication and possessions. Any kind of inspection, surveillance and disgracing or defaming of people is not permitted. It is obliged to the society and government to support any human being against unjustifiable inference in his life while following percepts of Islam.***"(Paragraph .C, Article. 9)

It is obvious that to support Islamic government, as well as encouraging and preventive means (such as:' Promotion what is good and prevention of evil. '), it will confront the violation and transgression of people's privacy by appealing to exert power through approving of penal codes.

It should not be forgotten that the measures of Islamic government toward the safeguarding of people's privacy , besides observing of people's personal rights, creates security in the society and public affairs and stabilizes society psychological and mental safety.

## **Legal Violation of Privacy**

As in detailed mentioned before, the observance of people's privacy and prevention of transgressing it is as an obvious and undeniable right of each person and is one of the most important duties of society individuals and governments. However, this general principle is exceptionable and in some specific cases interference within this privacy is legal. They are limited and few and should not be utilized as excuses for expansion and continuation of privacy violation to that extent that causes the jeopardizing of the principle of the necessity of privacy observance.

Cases in which interference with others' privacy is regarded legally are:

1) ***Causing disturbance for the public rights and interests***: When the public and private rights are in contrast with each other, there is no doubt that due to the priority of social interests, the public rights are prioritized.

This conception that the boundary between public and private privacies can be distinguished in a way that these two have no impression on each other is unreal and wrong. Sometimes what people do in their own private privacy while having personal and private aspects, enjoy a public aspect too and is pertaining to national and security interests or cultural identity and values of the society. For instance in war time and time of defending the country integrity, people willingly or unwillingly in their own privacy spy in favor of the enemies or in their own privacy perform some organized actions that threat society national security. Thus, in these cases the government due to its essential duties for safeguarding and keeping the public interests and affairs has the permission to prevent any jeopardizing to social interests by interfering and inspecting in such people's privacy and to perform its own responsibilities for keeping society security.

2) ***Disturbing others' rights***: It should be noted that due to collective life sometimes exercising of people's individual rights which are within their privacy territory results in disturbance in others' rights. For preparing of firm reasons to verify and demonstrate of this disturbance or preventing of its continuation, which causes the disregarding of others' rights, it is necessary to interfere with people's privacy.

This violation and interference which must be realized within law framework and with the permission from authorized officials is rational and reasonable,

because of social necessity and in accordance with the general principle of non-discriminating and inappropriate prioritizing of people's right over each other.

**3) *Promotion of good and prevention of evil:*** As mentioned before, sometimes a person's effect and action exceeds his private area and leave impressions and evil consequences on the society or toward others' rights. This contrast with religious and/or conventional standards of the society and ignoring them causes evil and sometimes irreparable consequences in the society.

It should be noted that this issue is not exclusive to Islamic areas. In all societies, people's individual actions (either their words or deeds) may exceed their privacy and have positive or negative impressions on keeping and expansion of their own society cultural and moral values. This is like the passengers of a ship that because of one of the passengers' action of making a hole on the ship, all the other passengers are exposed to the danger of drowning. In these cases, some measures and actions must be taken according to the principle of "promotion of good and prevention of evil" with all its conditions and requirements as a general and inclusive total observance principle to prevent such incorrect actions.

It is obvious that such reactions that for a higher interest and with the aim of prevention of violation of societal rights are not considered as an inappropriate interference with a Muslim's privacy. Whereas for discovering of the roots and dimensions of them based on the requirements of the case, inspection in people's personal affairs must be applied or as an example for confronting them gossip about others.

It should be noted that interference with other's privacy for the above reasons is based on the following terms and conditions:

A. First of all, limitation in others' privacy in necessary cases must be set in order to prevent any disturbance in public order, safeguarding of society basis values and keeping society moral standards.

B. Another important term is that due to exceptionally of the possible interference with other's privacy, protecting of the public order and social and moral values by appealing to other strategies and instruments is not possible and achieving these purposes is just possible by setting limitation in people's privacy.

C. If interference with others' privacy is for the principle of "promotion of good and prevention of evil", it is necessary that all terms and conditions determined for exerting this principle are taken into consideration. Particularly the interference in people's privacy is permitted when it is with the aim of preventing of an obvious and publicized occurrence of unlawful and wicked. Otherwise, investigation and study in people's privacy for discovering of unlawful and wicked cases do not enjoy any legal and lawful aspects.

D. Exceptionality of interfere with people's privacy necessitates that it is done as minimally as possible. Above-mentioned points must not be used as excuses for unnecessary and wide-ranged investigation and inspection in people's personal lives. Otherwise many a time excessive, untimely and unduly interfere in others' personal affairs that causes disgracing and defaming of a person is unlawful and a sin.

For removing any doubt about the excessive and unnecessary interferences in the people's private area it is necessary that:

Firstly, values and principles to be determined which are necessary to be observed by states and presented to the public to consider the necessary attention for observing them.

Secondly, any control and inspection must be performed in the forms defined in legal and Islam religion law criteria and any kind of undefined and obstinate action that causes disturbance in people's privacy must be avoided.

As an example, exerting control and surveillance or setting limitations for people's access to the internet must be performed by the government and in accordance with determined policies .This control aims not to cause disturbance in the free information stream and society individual's right of speech.

## **The Principle of “Promotion of Good and Prevention of Evil” and Privacy Right**

Doubtlessly, in no legal system it can be claimed that there is no distinct boundary and limitation of freedom and exercising that is infinite.

There are two recognized common limitations for exerting of freedom right and in international documents of human rights there expressed explicitly. They are: not contrasting with others’ freedom and not disturbing rights of the society.

Meanwhile, in legal systems dependant on religious criteria and moral values, enjoying the right of exercising the freedom is due to not being in contrast with moral and religious values and criteria.

In the Islamic society, no individual of the society, by seizing the privacy right, has the right to commit an action in the public view that is known illegal and a sin in Islam .Or quit or pretend to quit an action that Islam considers performing that an obligation. In the case of performing or committing such actions, the person doing them will face the objection or complaint from other people of the Islamic society either in the verbal or practical and physical objections.

The advanced principle of “promotion of good and prevention of evil” from one side is regarded from the obvious rights of Islamic society and from the other side is regarded a must and obligation which its practicing by observing special conditions and terms is an obligation for all Muslims.

Sometimes, some people of the society by abusing or wrong using of privacy perform some actions or deeds that cause violation and transgression of society privacy. In such cases, everybody has the responsibility to prevent and inform the wrongdoer from his illegal and wrong action by exerting of “promotion of good and prevention of evil” principle for both safeguarding of society sanctuaries and with the aim of supporting the sacredness of privacy.

“Promotion of good and prevention of evil” as a powerful mean for the total observance is in the Muslim’s hands for the continuation of survival of the society moral and religious values. Putting it into practice under determined conditions and terms guarantees Islamic society spiritual safety.

The Great Quran in describing the features of soldiers in the sake of considers them as the agents of “promotion of good and prevention of evil” and the guards of God's borders and said:

التَّائِبُونَ الْعَابِدُونَ الْحَامِدُونَ السَّائِحُونَ الرَّاكِعُونَ السَّاجِدُونَ الْآمُرُونَ بِالْمَعْرُوفِ وَ النََّاهُونَ عَنِ الْمُنْكَرِ وَ  
الْحَافِظُونَ لِحُدُودِ اللَّهِ وَ بَشِّرِ الْمُؤْمِنِينَ

*Those who repent, those who worship Allah and praise (him); those who journey, those who bow, those who prostrate themselves; those who order righteousness and forbid evil, and those who observe the limits of Allah give glad tidings to the believers. (Quran 9: 112)*

Moreover, the individual duty of Muslims, the organization titled as ‘Dayereye Hasbiyyah’ (Jurisdiction Institute) is responsible to take action in public area for generalizing of this important principle and in accordance with the expansion of the good and prevention of committing unlawful.

Of course, noticing the method of exerting this principle and observing its precise, sensitive and determined terms prevents abusing of it for untimely and unduly transgression and interference in people’s privacy and violation of society individuals’ legal rights and freedoms.

Due to the public interest including national security, keeping of general rights and safeguarding of the society moral and spiritual safety, it is necessary to set some limitations in people’s privacy. But it should be noted that Islam does not permit for unnecessary inspections in Muslims’ affairs with the excuse of “promotion of good and prevention of evil.”, except in cases which there are sufficient reasons or strong opinion for violation of public interests .Even in cases when people commit illegal actions secretly, inspects for discovering and publicizing of them is not permitted.

## **The Difference between West and Islam's Perspective about the Privacy Right**

A glance to the privacy right in the legal systems of West and Islam and make a comparison between them, from content and identity view point shows basic and essential difference between them.

Some of these differences are as follows:

A. A survey of the privacy right history is eloquent of this fact that Islam religion emphasized on this natural right of human being more than one thousand and four hundred years ago. While in the world of West, where there are claims of human rights flag-bearing, the recognition of this right has been just started since the beginning of the 19th century by approving scattered and occasional legislations till the proposing of privacy right in universal Human Right Proclamation in 1984. In some western countries about two centuries, before the approval of the mentioned proclamation, some scattered legislations were approved such as: the approved legislation in 1765 by Lord Cameron of Britain. It was about the necessity of having authorized permission for confiscating of people's notes and correspondences, 1858 approved legislation for the prohibition of people's personal affairs publicizing, private life supporting law approved in 1974 in the United States, and 1981 treaty of European Council for supporting of people's private lives. Of course the role of common law courts in expansion of this right in the west is of importance.

B. As mentioned before, the basis of West's thought about human beings is liberalistic and humanistic thinking. This kind of perspective has no consideration to the spiritual dimension of human beings and does not match with the reality of human existence. While in the religion of Islam all materialistic and non-materialistic dimensions of human being is considered and for human being as God's successor (*khlifat o Allah*) considers a particular place in the world of creation and essential greatness.

The difference between these two attitudes besides the definition of privacy right will be manifested in determining its area. In west's perspective the privacy right will be expressed motto-like and without any sufficient consideration to its basis and human beings' natural features. But in Islam religion this right is defined based on the basic requirements of human being's personal and social lives and in expressing that besides his spiritual and materialistic dimensions and

his natural needs, his social life interests and requirements and by no means is advertising and motto-like.

C. In Islam religion, privacy right is a sacred and natural right that God determined for human beings and all people enjoy that and violation of this is a transgression and violation of human beings' natural and essential right. In the attitude of the western legal system this right is the result of state and countries agreement. Considering this right as natural and sacred right causes a guarantee of its strengthening and gives special meaning to it.

D. The moderate and reasonable attitude of Islam to the issue of privacy causes the defining and presenting of a precise area for this right which matches with realities and avoiding of any excess in expressing its spectrum. The advertising and show-like attitude of west to people's privacy causes the entering of some irrelative issues in this territory. Issues such as abortion and freedom of sexual relations in the area of personal privacy, regardless to their important influences on society's general morality, today is taken as one of the basic problems and challenges before the western world.

## **Privacy Challenges in Today World**

Today, privacy right faces important challenges and troubles for several reasons in a way that the continuation of this sanctuary right is confronted serious threats and plagues. Some of these challenges and their reasons are:

1. The development of advanced and modern technologies in the present century and human achievements in these sciences and technology facilities, besides all their own great and positive advantages, make people's privacy to be violated. It causes the exposure of all people's lives corners to the public presence and view as though people were living in a glass room. When their lives became apparent before the public, their privacy was taken from them. Particularly, the speed development and expansion of technologies results in destruction of boundaries and limitations .So taking care of people's privacy confronts with serious impediments and challenges.

2. The governments' unreal and show-like pretending to respect to human rights, political freedoms and people's individualistic privacy and considering them as a criterion for democracy from one side and the influences and consequences of exceeding inputting it as a criterion for states from the other side results in limitation of this right practically and makes it a serious challenge in different societies, particularly western countries, and limits the society individuals from enjoying of their privacy right.

3. Disagreement about an inclusive and perfect definition of privacy right and people's loneliness area and creation of limitation by governments by means of legislation or with the excuse of keeping national security cause important challenges in this area and facilitate any restricting or violation of people's privacy.

4. Due to the importance of the moral criteria influences on protecting of people's privacy, deterioration of the society's moral values, particularly in western societies, caused that considering and observing of people's privacy lose its supports of moral values and are exposed to danger. This is turning to be the main challenge in Laic and non-religious societies of the developing of technologies and facilitation of easier presence in others' privacy from one side and expansionism of immorality and recklessness in new generations from the other side.

5. Governments appealing to excuses such as the necessity of a fully-fledged campaign against terrorism besides justifying exertion of general freedom limitation like freedom of speech or other political and social freedoms, causes violation of people's privacy through controlling of conversations, correspondences and other communicative methods of them. It faces people's privacy with challenges while some governments due to their own policies requirements support formation of terrorist organization and groups or play important and basic roles in the expansion of their non-humanistic activities and actions.

6. Advertising-like and irrational expansion of people's privacy in the west, with consideration and political aims and its non-realism, practically causes the creation of contrast and challenge in the societies. As examples the issues of freedom of sexual relation and the legalizing of abortion which cause many difficulties for western societies can be referred to. Such expansionism while apparently are fulfilled with the aim of people's privacy expansion, its consequences brings not but the creation of grounds for more violation of people's privacy or assaulting humanistic personality of people.

7. Surprising promotion of the places of the media, wide social channels and developed instruments like internet and the legality of the media interference in people's privacy and their impression in fast and wide transferring of people's personal information and above-all impossibility of a satisfactory control and infinity of such instruments is changed to be a great challenge in human societies. With the expansion of such facilities, the importance of this challenge is enhanced specially as the kind of publicized information, classification of the addresses and people's access to these information are not controllable. In many instances for pretending to not limiting the free information stream, violation and transgression of people's privacy is known as permissible and in fact people's privacy right is sacrificed for the principle of free information stream.

Advertising against people in the media and public channels with the excuse of informing, creation of pessimism toward advertising people before the public thoughts, misusing and misinterpretation and distortion of people's words and speeches in the media, illegal using of people's personal name and identity for advertising purposes, with the aim of creating attractive, and competition cause the destruction of people's privacy area.

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