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# The reflection of natural right principals in the Constitution

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### ABSTRACT

Present paper addresses to the most important implications of natural rights including the right of life, freedom, equity and ownership that are based on many other rights. The answer to this question that whether rights in today constituting are influenced by natural rights is positive and its importance is emphasized in interpreting constitutions. It is also tried to determine it and to clarify the way of entering natural right concepts to constitutions. Hence, in the first discourse, it is shown that in terms of natural right school practitioners, the right of life, freedom, equity and ownership are natural rights. In the second discourse, the channels of entering natural rights to constitutions are studied including entrance through declarations especially human right global declaration and constitutionalism. The amount and way of natural right implications for Iranian Constitution is also considered.

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### Introduction

One of the traditional categorizations on rights is legal or natural right. Legal right is one created by civil authority. However, before government shaping and devising constitution, it was difficult to imagine a person as a single identity without any right (S. Desmond, 1953: 236). Consequently, as mentioned by some practitioners, human enjoyed rights called Natural Rights before government shaping.

Natural rights usually applied against positive law is the right of any person by the verdict of nature emanated from his/her inner identity and no human traits such language, race, gender and religion have no interference in it. It is called as inner right since it cannot be separated from human nature and character and it is called as natural law since is the most normal law. Although natural law has been the place of many disputes throughout human history, most authors believe that it has three determinants including stability, necessity and global suggested in all different comments on natural law. Stability is the result of it's not being dependence to any human authority. Necessity means that respecting it is the requirement of human wisdoms and being global means that all principles are identical in all times and places (Movahed, 2002: 248). Similar to its concepts, natural law implications have the place of many disputes; however, most practitioners have concurred on the right of life, freedom, equity, indiscrimination and ownership as the principles of natural law. Concerning the importance of natural rights and the necessity to address them, we limit to a few points: first, although natural law thinking was challenged by positivists in 13<sup>th</sup> century and British philosophers such as Bentham along with other European philosophers refused natural law thought and the statement that government cannot capture human natural right was considered a maxim without any practical findings, it is accepted today even in International Court so that its existence and credibility is not owed to will of governments; rather the governments cannot destroy them (Donnelly, 1982:397-398). Jenny, Dell and Quo believe that natural law is driving force for positive law transformation and

evolution as an inspiring, guiding and leading principle in positive laws (Ghorbannia, 2004: 51 –v 52). Third, the laws of some countries have considered general and unchangeable laws as positive laws and in the cases of legal silence, they refer the judge to respect natural laws. For instance, one can point out the French Human Right and Citizen Declaration (1789) as the preface of its constitution. In this document, due to belief in natural law, its national Parliament members believes that all social disorders are due to violating human natural rights. Fourth, some lawyers believe that since natural law is prior to religious law, one of the benchmarks of religions health is to test it by natural rights (Javid, 2009: 94).

Considering mentioned necessities, present paper looks for answering this question out of concepts mentioned in the constitutions of countries: “to what extent do constitutions root in natural law?” in other word, are such concepts as right of life, freedom, equity and ownership mentioned in positive law as the basis for other kinds of rights the same natural law principles entering constitution? If yes, how is such entrance occurred?

To answer above questions, in discourse 1, the principles of natural law including the right of life, freedom, equity and ownership are clarified by reviewing the ideas of natural law school practitioners. Then, in next discourse, it is shown how natural law concepts are penetrated into the constitutions of other countries through such documents as human right declaration or influenced by constitutionalism.

### Discourse 1: the principles of natural right in the light of its practitioners' opinions

To study the impact by natural law on the constitution, it is initially necessary to investigate the ideas of natural law connoisseurs in order to extract the most important principles of natural law.

### Reviewing the opinions of natural law connoisseurs

Although natural law thinking exists in all different historic eras, regarding more impact by thoughts in recent centuries on political systems of different countries, we limit to express the ideas of natural law scientists in after renaissance and

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contemporary ages so that we can show that right of life, freedom, equity and ownership are among natural rights.

#### **Natural law thoughts after renaissance**

Due to high impact by Thomas Hobs, John Locke and Jan Jack Russo on contemporary political systems, we clarify their ideas in brief to reflect the principles of natural law.

**Thomas Hobs (1588 – 1679):** he believe in natural rights for human but says that in natural condition, it is not possible for human to achieve these rights and to this end, he asserts that it is necessary to build a society. In his view, the most important natural right is self – preservation. Anyone has the right to use his/her power to protect his/her life and use any devise in this regard. The right of realizing the goals implies the right of using it. According to him, human has two types of freedom: natural freedom and civil freedom. Natural freedom which is the fundamental shape of freedom means the lack of external power in doing the jobs while civil freedom means to do jobs not forbidden by administration. He believes that freedom fundamental shape is the same natural freedom. Human has no option than exchanging his natural rights for civil ones due to his needs and deficiencies in state of nature. He also believes in human equity in state of nature and, to the same reason, human is exposed by peers who have accepted social contract to achieve security. Concerning the right of ownership, he says that people have the right of ownership but they permit administrator to interfere in it in order to defend this right based on social contract, (Bashirieh, 1999: 38).

**John Locke (1632 – 1704):** Lock is another natural law scientist who believes that based on law of nature, a person should not only protect himself but also he is tasked to protect other people as far as he can. He considers human natural rights such as right of life, freedom and ownership as the most important natural rights of human. He also believes that because of their nature, humans are free, independent and equal and no one can be seen out of such conditions and or to be under another political power without his/her own gratification. According to him, any human which is born has natural rights to which the most important one is the right of life. According to him, private ownership starts by human's work on nature and private ownership roots in natural right so it is prior to positive laws and enjoys independent identity. Locke believes that before entering civil society humans had such rights and by establishing political society, they only granted the right of executing (not the tights) to government (Ibid, chap.5 & 19, Locke).

**Jan Jack Russo (1712 – 1778):** according to this French scholar, freedom and equity are two fundamental rights. He says that people should assign their rights one time to government and the government should return these rights to them while their names may be changed. By such changes or converting natural rights to civil rights, people guarantee the rights they had naturally through government. In his book "social contract", Russo asserts that ownership is a fundamental entity and while emphasizing on economic equity, he says that after concluding social contract, ownership should be under general will. Concerning right of life, he asserts that self – preservation is human first instinct and in state of nature, human is captured by self – preservation and selfish (Russo, 2010: 121 – 142).

#### **Natural law thoughts in contemporary age**

Among co temporary authors (20<sup>th</sup> and 21<sup>st</sup> centuries), we summarily explain Rudolf Stamler and Job Finnis:

**Rudolf Stamler (1856 – 1938):** in ideal society by "Stamler", two groups of rights are dominating: first, the rules on respecting others' personality and, second, rules to create cooperativeness. According to natural laws, anyone should prevent attacks to

his/her life; anyone should avoid attacking the health, reputation and ownership of other people; and anyone should avoid negating the freedom of other people since freedom is the most important natural right of human (Ghari Seyed Fatemi, 2009: 115).

**John Finnis (1940):** according to him, there are seven Basic Goods including life, knowledge, entertainment, aesthetical experience, social interaction, piratical rationality and religion as the most fundamental values in human life. He believes that life value which is raised in responding self – esteem involves all manifestations of human proper life including physical health and releasing form pains. All human individual and collective decisions are based on these seven Basic Goods and are seen as their radical natural right. Finnis says that the cornerstone of natural law is that we establish what is good for human (Nirmal, 2007: 69 – 84).

As seen, one can extract what called today as natural law principles by looking at the opinions of natural law school practitioners.

#### **Natural Law principles**

Today, many implications of natural law are critical and are a basis for other rights; to the same reason, they are called natural law principles. These principles which can be also seen in Constitutions include right of life, freedom, equity and ownership.

#### **Right of life**

It refers to infrastructure of all human natural rights with two material and spiritual dimensions. They are also considered as natural rights in some verdicts issued by International Court; for instance, International Court voted the right of life as a preliminary human consideration as a general legal principle rooted in natural law in case of Corfu Channel (1948 – 1949)<sup>1</sup>.

#### **Freedom**

Today, freedom concept is influenced by different schools and predicted differently in the constitutions of all countries. In one side, freedom means lack of any limitation and barrier to which human needs, provided that it has no conflict to demands of other people on the same thing. Freedom is more an inherent phenomenon than a social, political and contractual phenomenon between individuals and government. In Islamic approach, freedom is a right given by the Divinity to all humans and one cannot deprive this right or put it in social contract (Ghari Seyed Fatemi, *ibid*: 104).

#### **Equity**

Equity means equal natural rights for all people and equal participation of people in shaping the society. Equity is a pillar of freedom and includes equity in human virtue namely in terms of being human and equity in rights namely enjoying civil, political and social rights as a citizen (Tabatabaei, 2009: 219).

In International Court and in the case of southwestern Africa (1960 – 66), Judge Tanaka wrote in issued verdict: equity is not only a well – known legal principle but also it is in the top of legal system with features superior to Constitution. Equity is in the essence of natural law and is the origination of all human laws since many human rights like freedom and justice are depended on it<sup>2</sup>.

<sup>1</sup> See: "The Case of Corfu Channel (United Kingdom of Great Britain and Northern Ireland v. Albania)", available at: [http://www.icj-cij.org/docket/index.php?p1=3&p2=3&k=cd&case=1&code=cc&p3=4,\(10/09/2013\)](http://www.icj-cij.org/docket/index.php?p1=3&p2=3&k=cd&case=1&code=cc&p3=4,(10/09/2013))

<sup>2</sup> See: "The Case of South West Africa (Ethiopia v. South Africa)", available at:

### Right of ownership

Since human survival depends on relevant properties, it is necessary to identify the right of ownership. Such image of ownership is mainly explained by Locke so that he believed that the main aim of civil society establishment is to protect this right. According to him, in addition to properties and assets, freedom is also human's property. Therefore, private ownership is a natural right which however should be limited in the benefit of public. According to some contemporary legal experts, such description of ownership right adapts to current approach in the constitutions of many countries which limit ownership right to respect the rights of other people (Ghazi, 2004: 571).

Based on abovementioned points, one can conclude that on the one hand, the four rights of life, freedom, equity and ownership are seen by natural law founders as natural rights while, on the other hand, these four rights are predicted in national constitutions as individual rights and public liberties which create a basis and origination for shaping many other rights. Whether or not, these four rights of life, freedom, equity and ownership in constitution laws are types of natural rights or have other originations have been always an arena for conflicts between the supported of two positive and natural law schools. Exploring it in constitutional law can be a guideline while it will raise many questions. For instance, if the answer is positive, the question is that how such concept has been able to enter constitutions from description by natural law supported and find objective aspects? To answer this question, it is necessary to investigate the trend of entering natural law principles into constitutional law.

### Discourse 2: the trend of entering natural law principles into constitutions

To determine that rights of life, freedom, equity and ownership in national constitutions are types of natural laws and are entered into constitutions through descriptions by natural law connoisseurs, one should say that entrance of natural law principles into national constitutions has occurred in two ways: first, through modeling Human Right Global Declaration and its complementary documents by constitution devisers and, second, modeling the constitutions of other countries, especially the first constitution law namely USA (1787) and France (1791).

### Entrance of natural laws into constitutions through human rights global declaration

In many cases, natural rights are entered into national constitutions through human rights global declaration. To prove it, one should initially show that the rights mentioned in this declaration are types of natural rights. Therefore, it is necessary to express the way of entering natural rights in human rights global declaration and then to clarify the impact by the declaration and its complementary documents on constitutions.

### Entrance of natural rights into human rights global declaration

Natural law principles are initially entered into in US Independence Declaration (1776) and French Citizen and Human Rights Declaration (1789). Then, both documents were used in compiling Human Rights Global Declaration.

### Entrance of natural law into US Independence and French Citizen and Human Rights declarations

The entrance of natural law concepts into both documents was highly influenced by the ideas of Hobbes, Locke and Russo. The opinions of Thomas Hobbes shaped the intellectual basis of

UK laws declaration (1689) through which it entered US Independence and French Citizen and Human Rights declarations since UK legal declaration was used in devising both declarations. In contrary to Hobbes' opinions which impacted on US Independence and French Citizen and Human Rights declarations indirectly, the impacts by opinions of Locke and Russo were direct.

### The entrance of natural law into US Independence Declaration (1776):

Most authors believe that US Independence Declaration is influenced by John Locke. Although the impact by Locke's opinions on US revolution may be not clear, Thomas Jefferson (the main writer of US Independence Declaration) asserts that he was influenced by many authors including John Locke in compiling Independence Declaration. He defined John Locke as one the "three great men who live so far" and today, Locke is seen as one of the most important authors to whom Jefferson is highly inspired. In 1922, US historian, Karl El-Becker wrote that most Americans have learnt Locke's works as absolute political facts and format and sentences of US Independence Declaration tangibly follows two Locke's dissertations on administration (Nardo, 2007: 120). US Constitutional Law founders tried to establish entities and process and supports of basic rights not only as an advantage or opportunity granted by government, but also as a natural law principle regarding government's ethical task to respect and support it (P. George, 2001:2269-2270).

### Entrance of natural law into French Human Right and Citizen Declaration (1789):

French Human Right and Citizen Declaration consists of 17 articles and a combination of individual and national consideration. Its preface reads: "all human beings enjoy holy and non-dispossessed rights without any racial, religious and believing discrepancy." In addition to these words which clearly reflect natural law theory, the content of declaration is also synchronized to political and philosophical thoughts in 18<sup>th</sup> century and is rooted in concepts and interpretation on past natural rights (Movahed, *ibid*: 198). For instance, article 2 of the declaration reads: "the aim of any political society is to keep natural rights and indestructible human rights. These rights include: freedom, ownership, security and resistance against oppression. This declaration is the radical document of French revolution (1789) and the objective symbol of what called *secular* by natural law which refers to individual and collective rights of all classes. According to this declaration, human rights are global and are depended to human nature in all times and place so that it involves not only French citizens but also all human beings without any exclusion and is an origin for other international human right documents. Concerning its theoretical basis, it should be noted that there were two grate intellectual attitudes during French Revolution: one rational movement influenced by such authors as Volter and Didru and another one in spired by Russo who criticized old entities and looked for new structures. Many leaders have attempted to replace old destroyed entities by bottom – up structures suggested by Russo (Alem, 2004: 374). In fact, Russo (especially his social contract theory) and other authors of natural law schools play a vital role in evolving this declaration and their opinions were emerged in this document in the format of positive laws. In this period, all factors to enforce natural law theories were presented to which the final supporter and clearest one was Russo. In this vein, some authors believe that French Human Rights and citizen Declaration is influenced by US Human Rights Declarations externally and Russo's theories internally (Vahedi, 1956: 59). As mentioned, French Great Revolution was mainly planned by Russo. According to

abovementioned facts, one can say that US Independence Declaration and French Human Rights and citizen Declaration should be considered as two outstanding symbols of natural law importance and human right in shaping political interactions and structures. Administration in the United States after independence and in France after revolution was shaped by the fact that the main task of power structure is to support citizens' natural rights and to pave the ground for the splendor of these rights. For the first time, church, historic and traditional criteria were put aside to evaluate political territory and it was in the shadow of both declarations that politics lost its nature in both sides of Atlantic Ocean forever and political power structure was seriously depended to human rights and galaxy natural rights to justify its function (Dehshiar, 2006: 85).

**The impacts by natural law basics in two 1776 and 1789 declaration on Human Rights Global declaration:** according to many authors, Human Rights global declaration is written and modeled by two US Independency and French Revolution Declarations. Hence, natural law concepts are entered into human rights global declaration through both documents. However, basing human rights global declaration on natural rights has seen opponents since the beginning. One the important raised problems in the time of compiling human rights global declaration was that "to what issue is human right based?" according to one attitude, human inherent rights are the result of natural rights by which all humans have rights granted by the Divinity or Nature. This concept is the result of theory devised by some European philosophers in 18<sup>th</sup> century and is repeatedly referred during human rights global declaration compile (Johnson, 1999: 63 – 64). However, the opponents have always tried to refuse referring to the Divinity or Nature as the basis of rights mentioned in declaration. According to some authors, disagreements during human rights global declaration compiling caused that natural law can be repeated in modern basics while its philosophical justification is still ambiguous (Freeman, 2008: 56). Perhaps, the reason is that the United Nations inserted the concept of human rights in international law regime when its philosophical justification was not certain. Such uncertainty is the result of both natural law historic criticism and lack of philosophical concurrence on human rights foundation when human rights global declaration was approved (Johnson, *ibid*: 127). Although in the time of compiling human rights global declaration, efforts by Charles Malik (Lebanese representative in compiling the declaration) to insert the emanation of mentioned laws in the declaration from natural law was not conclusive due to disagreement by positive law proponents and this group considered only actions and behaviors of human beings and, more widely" government as the origination and determinant of the rights, as mentioned by some authors, Human Rights Commission members compiled human rights global declaration in practice after studying US Independence and French Human Rights and Citizen Declarations (*ibid*: 33 – 37). The appearance of declaration articles also confirm this claim and the fact that they are influenced by natural law thoughts

#### **Constitutions influenced by human rights global declaration**

Today, constitutions in many countries are compiled by using Human Rights Global Declaration as well as civil, political, economic, social and cultural right covenants (1966).

**Constitutions influenced by Human Right Global Declaration:** Human Rights Global Declaration is an important backup for next conventions, declarations and covenants. The preface of Vienna Declaration (1993) reads that: "Human Rights Global Declaration is main basis for the United Nations in

formulating human right rules in human right international documents." It can be extended to national constitutions since in many countries especially independent nations in the second half of 20<sup>th</sup> century, the article of Human Rights Global Declaration are inserted into constitutions and fundamental laws (UN Public Information Office, 2008: 228). After approving the covenants that developed Human Rights Global Declaration, this declaration and other ones guided constitution compilers especially political – civil rights in which natural rights are more observable since in this document, human rights are due to human inner nature and cannot be transferred and are not depended on laws and they cannot be ignored through adopting laws. As a result, a part of constitutions in all countries on nation rights are seriously influenced by human right declarations, treaties and international documents. By using human right concepts, positive constitutions have attempted to realize one of their most important goals namely keeping individual rights and general freedoms as a "competent constitution" and have guaranteed the continuance of human rights (Falsafi, 1995: 110). However, many human right concepts mentioned in these three documents are localized in order to be coordinated with internal law system since human right options in these documents may be in contradictory to considered value systems in internal system. In this case, countries would localize them to make adaptability and reflect it in the format of citizenship rights in their own constitutions (Rahmatollahi, 2010: 44).

**Iranian Constitution Law impacted by Human Rights Global Declaration:** similar to many constitutions, Iranian Constitution Law is influenced by Human Rights Global Declaration and covenants. In justifying this claim, below reasons can be mentioned: first, after Islamic Revolution in 1979, Iranian government was committed to many international declarations and documents and gave them positive votes or accepted the commitments by previous regime; these documents in Human Rights Global Declaration and relevant covenants. In composing constitution and in terms of Iran's international commitment and responsibility, the government could not be indifference to international norms or ignore them. To the same reason, the articles of such documents are considered in compiling Iranian Constitution Law (especially in the 3<sup>rd</sup> Chapter on Nation's rights) (Mehrpour, 2011: 365). Second, adapting Iranian Constitution Law with Human Rights Global Declaration shows that in introduction and most principles, one can see concrete parts of Human Rights Global Declaration. For instance, comparing both documents indicate that all contents in the introduction of Human Rights Global Declaration can be seen in the introduction of Iranian Constitution Law. Likewise, such impact can be mentioned on ownership rights (principles 46 & 47) compared to article 17 of Human Rights Global Declaration. A comparison of Human Rights Global Declaration and Iranian Constitution Law suggests that of 30 articles of the declaration, 17 articles fully adapt to Iranian Constitution, 5 articles have moderate and 4 article have weak adaptability (Zarindast, 1998: 139 & 150). However, since constitution of any country is compiled based on its own conditions and requirements, Iranian Constitution Law was devised by an Islamic approach. Although Iranian constitution is influenced by Human Rights Global Declaration and covenants, compilers have considered the compatibility of international documents with believing basics governing the country and the concepts of international documents were manifested in the Constitution Law after refining by religious strain.

### **Entrance of natural law into constitutions influenced by constitutionalism**

Another point used in proving natural law in constitutions is constitutionalism so that the first constitutions namely US Constitution (1787) and French Constitution (1791) instilled by natural law thoughts were used in formulating the constitutions of many countries; thus, in today discussion on fundamental rights, authors talk about US or French systems (blocks).

#### **The origination of constitutionalism**

Constitutionalism emerged in Europe upon the power of bourgeois followed by industrial revolution was influenced by different thoughts. One the most important thoughts was social contract groomed in natural law school and the connoisseurs believed that establishing civil society depends on concurrence by all members. Although Russo played an outstanding role in extending this theory in the format of social contract, one should say that he has acquired his thoughts on this contract from natural law school and his precedents. In 17<sup>th</sup> and 18<sup>th</sup> centuries, natural law was provided by Hobbes, Locke, Russo, Montesquieu, Dalamber and Didru and in 18<sup>th</sup> century, rights philosophy was formed based on individual rights and general freedoms. In the same century when natural law was in peak, constitutionalism was emerged to give an end to administrators' independence and providing individual freedoms (Ghazi, *ibid*: 539 – 542). This move was geographically originated from Americas since upon US Independence Declaration (1776), its first constitution was approved (1778) and extended to Europe. In fact, afterwards, the thinking that each country should have its own constitution was emerged and influenced by Locke. Locke's conception on superior law and his emphasis on laws shaped the basis of tendency to constitution (Alem, 2004: 293). Influenced by the opinions of scientists especially Russo, reformists and liberals supported constitution in mid-1800s and upon French Great revolution in 1789, they attempted for new political forums and they compiled their own constitution in 1791. Afterwards, compiling constitution became global and liberals in other countries used US and French model (Tabatabaei, 2009: 188 & 192). Hence, following to constitutionalism, the founding power in any country modeled one constitution in terms of its own conditions and demands. For instance, the compliers of the constitution in Argentina (1853) upon its independence from Spain in 1816 modeled US constitution due to hates from a strong central administration and they defined the country and its forces as federal (Keyvanfar, 2011: 290).

Therefore, parallel to configuring the first well – defined constitutions (USA and France), it was natural law which dominated and influenced over them. At that time, natural law found a prevalent political functionality since it was utilized to combat against exploitative administrations. It became the most ideological thought and welcomed by time thinkers and the thoughts of natural law proponents was paid attention by constitution composers with the beginning of constitution movements. However, the impact by liberalism should not be ignored; its proponents who assimilated rationalism, individualism, liberalism and democracy raised natural law in the format of constitutionalism to increase human authorities.

#### **The impact of constitutionalism on Iranian Constitution**

Undoubtedly, constitution compiling movement alongside increasingly attention to individual rights and liberties in western countries, modernism based on scientific and cultural innovations and freedom of publications and dissimilating tens of newspapers have all influenced over transformation in recent 100 years of Iranian history. Such influences included

conditionality which led into Iranian first constitution in 1907. This law and its supplementary law in which constitutions by France and Belgium (with Sultanate conditional system) were modeled were also used in devising Iranian constitution law in 1979. Concerning the influence of constitutions of other countries on Iranian Constitutional Law in 1979 (as one of the achievement of constitutionalism), one can say that details of discussion in Iranian Parliament to finalize the Constitution in 1979, it is concluded that compliers have considered status quo in the constitutions of other countries especially France; in fact, most titles and outlines of Iranian constitution (1979) are the same in other constitutions while it is attempted to make their contents consistent to Islamic basics and demands and tendencies of Iranians as well as domestic economic, political, social and historic situation. As a result, the constitutions of other countries like France (extremely influenced by natural law thoughts) are considered as one of the main resources of Iranian constitution (Madani, 1995: 31). However, it is also attempted to consider natural rights including the rights of survival, freedom, equity and ownership in terms of Islamic basics.

In conclusion, one can say that the origin of many articles in constitutions is human law thinking manifested in consistent or even beyond positive school thoughts. However, the teachings of natural law are not penetrated into constitutions of countries equally. Additionally, over two centuries of modern constitution, human right scopes on the constitutions are changed due to political, social and cultural transformations. It means that although earlier constitutions were extremely influenced by natural law school thoughts, such influence was mitigated in next constitutions.

#### **Conclusion**

Natural law thoughts which were the only ethical, religious and philosophical theories to the of medieval have been able to find their status in many international and national legal documents in recent centuries so that despite of all criticisms against them, they have their own proponents. Constitution law is among the documents with basic concepts or natural law principles (the right of survival, freedom, equity and ownership). Although Positivism approach negates the natural roots of these four rights, the ideas of natural law leaders like Hobbes, Locke and Russo and the trend of constitutions in different countries indicate that these four rights are natural law types and they are basis for many other rights. Today, it is hard to accept that constitution in on country is compiled without impacted by a foreign document since constitutions especially discussion of personal rights and general freedoms (the rights of nations) are usually instilled by Human Right Global Declaration, covenants or the first constitutions including US (1787) and French (1791) constitutions and studies indicate that both Human Right Global Declaration and the first constitutions are extremely influenced by natural law thoughts; as a results the roots of constitution strong tree is fed by natural law source and it is the issue which should be considered in interpreting constitutions. However, the description on rights of survival, equity and ownership may be not fully adopted to description of all four rights in rights declaration or the first constitutions which is highly due to adapting these concepts to domestic legal or value system; hence, its impact is not faced with equal response in all times and differs country by country. In Iranian Constitution (1979), four natural law principles are looked by a religious approach. Constitution is the basis and framework for individual rights and freedoms and it mentions the rights of life, freedom, equity and ownership. However, by adding terms like “respecting Islamic norms” and “interfering Islamic foundations”, it has tried to

consider the rights and freedoms of nation by protecting Islamic norms which has caused that in some case, the influence by natural law with its meaning in rights declaration or the first constitutions is discounted

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