

**A Contrastive Critical Dis-  
course Analysis of the Uni-  
versal Declaration of Human  
Rights and Treatise on Rights  
'Risalat Al-Huquq' of Imam Al-  
Sajjad (p.b.u.h.)**

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## Abstract

Due to the dominating non-human actions in the world, appealing to rights has become a central concern of all humans. As such, to bridge the gap between the idea, cultivation, and conventions of human rights on the one hand and their realistic application on the other has been of an extreme importance. Therefore, the study aims at analysing two texts which are highly concerned with the issue of rights, namely, the Universal Declaration of Human Rights which was adopted and proclaimed in 1948 by the General Assembly of the United Nations and Treatise on Rights 'Risalat Al-Huquq' written by Imam Ali Al-Sajjad (p.b.u.h.) a principal figure in Islam and the fourth imam of Shias in the 7th century. The analysis will be carried out using an analytical framework of Critical Discourse Analysis. Specifically speaking, the aims of the study are: investigating the linguistic structure of the texts selected, exploring them with respect to four interpretative procedures, and explicating their ideologies. Consequently, it is hypothesised that the texts selected although differ as to their linguistic structure, the texts that intertextually they accord with, the speech acts they employ, and their ideologies. Such an analysis reveals the linguistic as well as ideological perspectives in which rights are presented in these two texts. This, consequently, leads to the identification of power in these texts which can be mainly achieved by the "ideological workings of language", as proposed by Fairclough (1989: 2).

## Keywords

Critical discourse analysis, rights, intertextuality, speech acts, schemata, ideology, transitivity, modality, ideological authority, individualism.

## Abbreviations

CDA: Critical discourse analysis  
CL: Critical Linguistics

DA: Discourse Analysis

DRMC: Declaration of the Rights of Man and of the Citizen 1789

SAs: Speech Acts

TR: Risalat Al-Huquq 'Treatise on Rights' by Imam Ali Al-Sajjad (p.b.u.h.)

UDHR: Universal Declaration of Human Rights.

## الخلاصة

نظر الأفعال غير الإنسانية المهيمنة في العالم، أصبحت الدعوى للحقوق والمانشدة بها مسألة أساسية لكل إنسان. وأصبح التجسير بين فكرة حقوق الإنسان والدعوى لرعايتها و معاهداتها من جهة والتطبيق الحقيقي لهذا من جهة أخرى ذا أهمية قصوى؛ لذا تهدف الدراسة الى تحليل نصين يعينان بمسألة الحقوق، هما الاعلان العالمي لحقوق الانسان الذي تبنته وأُعلنته في عام ١٩٤٨م الجمعية العامة للأمم المتحدة ، ورسالة الحقوق للإمام علي السجاد (عليه السلام) وهو شخصية بارزة في الاسلام ورابع أئمة الشيعة في القرن السابع الميلادي. وسوف ينفذ التحليل باستخدام نموذج تحليل تابع لحقل تحليل الخطاب النقدي. تحديدا. وهدف هذه الدراسة هو التحقق في التركيب اللغوي للنصين المختارين واستكشاف النصين فيما يخص اربعة اساليب تفسيرية و شرح ايديولوجياتهما. وتبعاً افترض ان النصين المختارين يختلفان بالنسبة لتركيبهما اللغوي والنصوص التي يتفقان معها تناصيا والافعال الكلامية التي يوظفانها وايديولوجياتهما. وهذا يقود الى تحديد سلطة هذين النصين التي يمكن احرازها من خلال "استعمال اللغة ايديولوجيا" كما هو مقترح من فيركلوف (١٩٨٩:٢).

## 1. Introduction

Critical Discourse Analysis (CDA, henceforth) can be defined as a way of analysing discourse linguistically and addressing social issues by highlighting the relationship between discourse and society. This study employs CDA for the analysis of Universal Declaration of Human Rights (henceforth, UDHR) and Risalat Al-Huquq "Treatise on Rights" (henceforth, TR) of Imam Ali Al-Sajjad (p.b.u.h.)

As far as the researchers' knowledge is concerned, UDHR and TR have not been analysed linguistically by adopting a CDA framework. As such, it is intended to find answers to the following questions: (1) How are they structured linguistically? (2) How can they be interpreted with respect to four interpretative procedures, namely, situational context, intertextuality, speech acts, and schemata? (3) What are the ideologies that govern them?

It is an initial effort to come across the following aims: (1) Investigating and contrasting the linguistic structure of UDHR and TR with respect to their vocabulary; and grammar, namely, transitivity and modality. (2) Examining and contrasting UDHR and TR regarding four interpretative procedures, namely, situational context, intertextuality, speech acts, and schemata. (3) Explaining and contrasting UDHR and TR concerning their ideologies.

For the sake of accomplishing these aims, it is hypothesised that: (1) There is a divergence between UDHR's and TR's linguistic structure regarding their vocabulary and grammar. (2) UDHR and TR differ concerning their situational context, intertextuality, speech acts, and schemata. (3) UDHR and TR adopt and convey diverse ideologies.

The procedures adopted in this study are as follows: (1) Presenting a brief account of the theoretical background of CDA. (2) Analysing the texts under study by following basically Fairclough (1989) Language and Power model. (3) Contrasting the texts selected to find out the similarities as well as the differences between them.

## 2. Critical Discourse Analysis

CDA, according to Van Dijk (2008: 85), might be regarded as an improvement in the field of Discourse Analysis (DA). The emergence of CDA can be marked out to the early 1970s' Social Theory as well as Systemic Functional Linguistics. Its principles can be found in the critical theory as it emphasises the language of discourse. Such a theory has been proposed by Critical Linguistics (CL, henceforth) at late 1970s.

CDA can be considered as a reaction to the fundamental proper models of 1960s, namely, DA. From one side, Van Dijk (ibid.) has described DA as "asocial" or "uncritical" since it emphasises the linguistic devices, semantic principles, and grammatical cohesion which associate parts into wholes. From another side, CDA accords with critical developments in social sciences like philosophy and politics, sociolinguistics, and psychology, some of these date back to the early 1970s (ibid.). Contributions of some social theorists are drawn upon in CDA as they have focused its concerns on the examination of power and ideologies as these both involve in discourse. Those social theorists are like: Althusser, Marx, Foucault, and Gramsci. It is pointed out by Blommaert (2005), each of those socialists has a point of impact on CDA like notions as: 'ideology', 'hegemony', 'orders of discourse', and others (p. 27).

Blommaert and Bulcaen (2000: 454) state that CDA embraces some units of analysis that are subsequent to systemic-functional analyses of: mood, nominalization, agency, register, and transitivity. Transitivity, as described by Teo (2000: 25), "can be expressed simply in terms of 'who does what to whom'". Adding to the former three questions there is a fourth, namely, 'in what conditions', which is mainly related to considering the circumstances within which an event takes place.

Over years, CL has transformed into CDA, as indicated by O'Halloran (2000: 13), by highlighting the cultural meaning of discourse as well as indications of ideological one. He remarks that CL

and CDA agree in revealing ideologies, however, CDA pays more attention on explaining their social statuses.

In spite of the variant standpoints and procedures embraced by CDA, it is possible to mark out three general approaches: Wodak's discourse-historical, Fairclough's three-dimensional, and Van Dijk's socio-cognitive. Wodak (1989: 137), for example, analyses gender discrimination in the language of political elites. Fairclough (1992: 8) employs a multidimensional method for the observation of social changes on social conflict and its linguistic manifestations in discourses of dominance, difference and resistance. Furthermore, Van Dijk (2001: 26) joins CDA with cognition to reveal the ideological structures which are covert in humans' memory. Among these three models, Fairclough's (1989) *Language and Power* is selected for the analysis of the texts under study due to its linguistic orientation in comparison with Van Dijk's cognitively oriented approach and Wodak's historical approach.



### 3. The Sample

Two texts represent the sample or the data of the present study. One text is in English, namely, Universal Declaration of Human Rights (UDHR) and the other is in Arabic, namely, Treatise on Rights 'Risalat Al-Huquq' (TR) by Imam Ali Al-Sajjad (p.b.u.h.). Both have as their core topic the issue of rights.

#### 3.1 UDHR

The transcription of the English text, UDHR, is (9) pages, (215) lines, and (1,873) words.

#### 3.2 TR

For the transcription of the Arabic version of TR, it consists of (10) pages, (247) lines, and (3,704) words.

It is important to remark that TR will be tackled originally in Arabic dependent on Peiravi and Morgan (2002); however a translation will be given also for each example depending on the previous source as well. Furthermore, some examples will be given from the Glorious Quran delivered for supporting the analysis in addition to those conveyed in TR.



## 4. The Model

The model of the study is based basically on Fairclough (1989) Language and Power. This model comprises three stages: description, interpretation, and explanation. Within these stages, there are units of analysis that are themselves taken from Fairclough or other scholars as will be shown below.

### 4.1 Description Stage

Textual analysis will be handled in this stage. Although there is a possibility to investigate many textual components yet no need is there to observe all the textual components. Thus, Fairclough (ibid.: 14) believes that “textual analysis [description stage] is ... selective”. It is needed here to describe the texts through having insights of vocabulary and grammar, including, transitivity and modality.

#### 4.1.1 Vocabulary

Analysing vocabulary is necessary for figuring out the ideologically contested words selected for revealing the chief ideologies of UDHR and TR. By ideologically contested words, Fairclough (ibid.: 114) means the challenged words that represent “the focus of ideological struggle.” The controlling classification schemes in the two texts selected will be examined to measure the frequency of their dominant expressions.

#### 4.1.2 Grammar

Transitivity and modality are the two grammatical features that are chosen for the grammatical analysis of the texts selected. These two are connected to the grammar of the clause.

##### 4.1.2.1 Transitivity

Halliday and Matthiessen (2014) will be followed in carrying out the present analysis of transitivity. They present three experiential elements: process (what), participant (who and whom), and



circumstance (in what condition). The first two are central while the third is peripheral. In this study, the frequency of the roles devoted to ‘man’, all over UDHR and TR, will be examined to measure his direct and indirect participation and identifying the frequent role.

Halliday and Matthiessen (ibid.: 300) classify six processes into two major types: principal and subsidiary. The former includes ‘material’, ‘mental, and ‘relational’ while the latter includes ‘behavioural’, ‘verbal’, and ‘existential’, as in the following table:

Table 1: Major Process types, their meanings and characteristic participants adopted from Halliday and Matthiessen (2014: 311)

Process type	Category meaning	Participants, directly involved	Participants, obliquely involved
<b>Material:</b> Action Event	‘doing’  ‘doing’  ‘happening’	Actor, Goal	Recipient, Client; Scope; Initiator; Attribute
<b>Behavioural</b>	‘behaving’	Behaver	Behaviour
<b>Mental:</b> Perception Cognition Desideration Emotion	‘sensing’  ‘seeing’  ‘thinking’  ‘wanting’  ‘feeling’	Senser, Phenomenon	Inducer
<b>Verbal</b>	‘saying’	Sayer, Target	Receiver; Verbiage
<b>Relational:</b> Attribution Identification	‘being’  ‘attributing’  ‘identifying’	Carrier, Attribute  Identified, Identifier; Token, Value	Attributor, Beneficiary  Assigner
<b>Existential</b>	‘existing’	Existent	

#### 4.1.2.2 Modality

Modality will be dealt with through following Quirk et al. (1985: 219) for analysing UDHR by examining modal verbs' meanings. According to them, factors of meaning are divided into: meanings which involve peoples' predominance, including: 'obligation', 'permission', and 'volition'; and others which involve peoples' decision, including: 'necessity', 'possibility', and 'prediction'. TR, on the other hand, will be analysed following Khalil (1999) who has presented an Arabic version of Quirk et al. (1985) view of modality in handing over the Arabic equivalents of modal verbs in English and presenting the meanings they deliver.

#### 4.2 Interpretation Stage

The placement of this stage as the second in the analysis goes for it being an outcome, as Fairclough (1989: 11) suggests, which could be arrived at through a process of correspondence between the description stage that is concerned with the linguistic analysis of the discourse as well as through the mental structures that are found in the mind and represent the ideologies shadowed in the creation of a discourse.

Situational context, intertextuality, speech acts, and schemata are the four interpretative procedures that are focused on in this stage as they connect a text to its context.

##### 4.2.1 Situational Context

In situational context, the contents of the situation comprising topic and purpose; subjects of the situation; and relations between participants are to be discussed.

##### 4.2.2. Intertextuality

As a second component is intertextuality. Fairclough (1992: 84) defines it as the way of using some citations from other texts. This analysis reveals how a single text makes use of other previous texts

in content as well as in form and showing how it is related diachronically to earlier ones.

Fairclough (ibid.: 10) distinguishes two types of intertextuality: 'manifest' and 'constitutive'. The first proposes a clear restoration of past texts either by closely citing them through stating examples from them or through denoting what they talk about. Put differently, it indicates the obviously conveyed availability of former texts. The second embodies that the form of a text is similar to the form or arrangement of certain text types. It designates the texts which share with the present one their general structure.

#### 4.2.3. Speech Acts

Speech Acts in this study will be analysed with respect to two classifications. One is by Searle (1979: 12-17) in which he gives five main classifications of main SAs: declarations, expressives, assertives, representatives, directives. Another is by Van Dijk's (1977a,b) who classifies auxiliary SAs into eight: justification, explanation, addition, conclusion, contradiction, explication, correction, and condition.

#### 4.2.4. Schemata

Schema is defined by Van Dijk (1988:14-5) as global structures that are crucial for the understanding of a text and analysing it. They serve in organizing the overall meaning of a text. They represent a set of characteristic categories and another set of strategies which identify the arrangement of these categories. Similarly, it is asserted by Van Dijk (1998: 207) that schema can show significance, applicability or status of discourse. It specifies whatever details to arise in a headline, a body, or a conclusion.

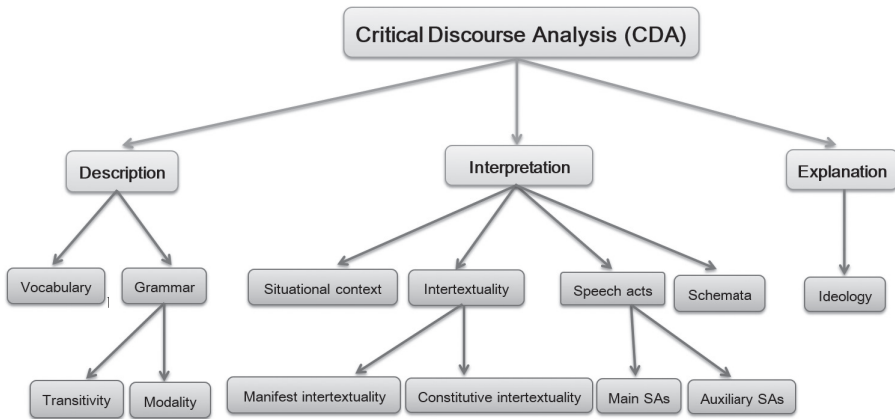
Being concerned with discourse's formal superstructure, Van Dijk (ibid.) asserts, schemata might give an insight into the importance and relations between text's segments. As such, the investigation of schemata has a primary perseverance in the study of UDHR

and TR. It hints the authors' ideological standpoints because each segment has a role to occupy in the text. Schemata in this study will be carried out following Van Dijk (1988).

### 4.3 Explanation

The ideologies which are embraced in UDHR and TR represent the unit of analysis in this stage. These ideologies serve in revealing the impact that social determinants leave on it as well as giving it the desired social, religious, political, and other effects.

Covering all the components above, the following figure represents the model of analysis to be adopted.



(Figure: The model of analysis based on Fairclough (1989)



## 5. Data Analysis

### 5.1 Description Stage

#### 5.1.1 Vocabulary

Throughout investigating the ideologically contested words in UDHR and TR, it is found out that they, implying different ideologies, employ entirely diverse if not contrary spheres of expressions. UDHR focuses on expressions of universality and liberalism, whereas TR is centred upon variant but generally religious expressions.

Lexical expressions as: universal, all, everyone, and no one are employed repeatedly in UDHR. They are used in the preamble as well as the articles. Such expressions benefit in emphasising the universal nature of rights and the universal applicability of UDHR. Universality words occur (51) times. Liberalism is presented as well by ideologically contested words like: freedom, free, liberty, property, and equal. Such employment indicates the UDHR authors' liberal ideology in displaying human rights as those expressions embody the major ideology of liberalism. Liberal words have occurred (43) times along UDHR. The following example, in Article 18, shows the use of universal as well as liberal expressions along each other:

- Everyone has the right to freedom of thought, conscience and religion.

While heavily referring to Allah, Islamic rituals, Quranic verses, and Prophet's (p.b.u.h.) traditions, TR's ideology could be taken to be religion, specifically, Islam. These references can represent the ideologically contested classification schemes of TR. Allah is cited frequently as: لا قوة الا بالله - there is no power but in God and ولا حول ولا قوة الا بالله - there is no power nor any strength but in God. These references are figured (118) times along TR. Allah is mentioned for more than an aim. In some cases, He is cited to assert that to Him go back these rights and that He has granted human beings with them. In other cases, the aim is to highlight the fact that the completion of



these rights is highly connected to His assistance. Finally, in specific cases, Al-Sajjad (p.b.u.h.) advises people to devote their good deeds to Him and to make their maximum goal His content.

Other religious classification schemes include Islamic rituals including five rights of deeds: charity, fasting, praying, pilgrimage, and offering. Furthermore, in certain instances the Glorious Quran is referred to overtly or by employing some Quranic expressions. In the right of 'him who wrongs you' there is an explicit citation:

• «لَمَنْ انْتَصَرَ بَعْدَ ظُلْمِهِ فَأُولَئِكَ مَا عَلَيْهِمْ مِنْ سَبِيلٍ (٤١) إِنَّمَا السَّبِيلُ عَلَى الَّذِينَ يَظْلِمُونَ النَّاسَ وَيَبْغُونَ فِي الْأَرْضِ بِغَيْرِ الْحَقِّ أُولَئِكَ لَهُمْ عَذَابٌ أَلِيمٌ (٤٢) وَلَمَنْ صَبَرَ وَغَفَرَ إِنَّ ذَلِكَ لَمِنْ عَزْمِ الْأُمُورِ (٤٣)».

• “But indeed if any do help and defend themselves after a wrong [done] to them, against such there is no cause of blame (41) The blame is only against those who oppress men and wrong-doing and insolently transgress beyond bounds through the land, defying right and justice: for such there will be a penalty grievous (42) But indeed if any show patience and forgive, that would truly be an exercise of courageous will and resolution in the conduct of affairs(43).” (Ali, 1987: 246)

Similarly, there are some instances in which Prophet Mohammed's traditions are cited as in 'the right of creditor':

• «فَأَنَّ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ وَسَلَّمَ - قَالَ - 'مَطْلُ الْغَنِيِّ ظُلْمٌ'.

• “The Prophet, may God's peace be upon him and his household, said: 'procrastination is oppression for the rich'" (Peiravi and Morgan, 2002: 393)

## 5.1.2 Grammar

### 5.1.2.1 Transitivity

Following Halliday and Matthiessen (2014), the results of the



analysis of transitivity of UDHR and TR is displayed in tables (2) and (3) respectively:

Table 2: Transitivity analysis of UDHR

No.	Process types		Participants		Fre- quency	Percent- age %
1.	Material	Obliquely involved	Directly involved	Actor	2	% 3.64
				Goal	11	% 20
		Recipient	8	% 14.54		
2.	Mental		Directly involved	Senser	2	% 3.64
3.	Relational	At- tribu- tive	Directly involved	Carrier	30	% 54.54
			Obliquely involved	Benefi- ciary	1	% 1.82
		Identify- ing	Directly involved	Token	1	% 1.82
<b>Total</b>					<b>55</b>	<b>%100</b>

Table 3: Transitivity analysis of TR

No.	Process types		Participants		Frequen- cy	Percent- age %
1.	Material	Obliquely involved	Directly in- volved	Actor	108	% 45.96
				Goal	20	% 8.51
		Recipient	4	% 1.7		
		Client	1	% 0.43		
2.	Mental		Directly in- volved	Senser	51	% 21.7



3.	Verbal		Directly involved	Sayer	22	% 9.36
4.	Relational	Attributive	Directly involved	Carrier	16	% 6.8
			Obliquely involved	Attributor	4	% 1.7
		Identifying	Directly involved	Token	6	% 2.55
			Obliquely involved	Assigner	2	% 0.85
5.	Existential		Directly involved	Existent	1	% 0.43
<b>Total</b>					<b>235</b>	<b>% 100</b>

The above tables show that UDHR and TR present 'man' differently through placing him as a participant of frequently different process types. In UDHR, he occupies the role of a 'carrier' for (%54.54) since the most highlighted fact in this text is the presentation of rights that he possesses or is supposed to possess. On the other hand, in TR, the most frequent role has been that of an actor as his duties towards Allah, himself, his deeds, and others are much more emphasised than his own rights.

### 5.1.2. 2 Modality

The other grammatical feature, modality, will be considered by analysing UDHR according to Quirk et al. (1985: 219) and analysing TR by following Khalil (1999). The findings of modality analysis to UDHR and TR are presented in tables (4) and (5) respectively:

Table 4: Modality analysis of UDHR

No.	Meanings of modals	Modals	Frequency	Percentage %
1.	Permission	May	4	% 11.43
2.	Possibility (Ability)	Can	1	% 2.86





3.	Obligation	Should	2	% 5.71
		Shall	28	% 80
<b>Total</b>			<b>35</b>	<b>% 100</b>

Table 5: Modality analysis of TR

No.	Meanings of modals	Modals	Frequency		Percentage
					%
1.	Possibility (ability)	يقدر (can)	3	4	% 36.4
		ان امكن (could)	1		
2.	Necessity	لا بد (must)	1		% 9
3.	Obligation	يلزم (must)	4	6	% 54.6
		يجب (should)	2		
<b>Total</b>			<b>11</b>		<b>% 100</b>

Tables (4) and (5) reveal some sense of similarity between UDHR and TR since they have obligation meaning as their dominant meaning. Second in frequency in UDHR is permission meaning whereas in TR it is possibility. They differ also in their third meaning which is permission in UDHR but necessity in TR. Such findings can support the instructive nature of both texts.

## 5.2 Interpretation Stage

### 5.2.1 Situational Context

UDHR and TR vary in their situational context. While UDHR is restricted to human rights, TR is composed of four parts, namely, rights of Allah, of oneself and his organs, of deeds, and human rights. This variation holds for their varying aims. UDHR's aim is to put an end to the dominating cruel actions during II World War which have resulted in a derogation to humans in addition to their rights. This gives it a reactive or emotive purpose. This view could be taken from one of the recitals in the preamble which reads:



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

For TR, its aim has been to create a virtual society which is established on staid educational and moral behaviours and rules, hence has an successful or effective purpose. This could be seen in the inclusion of man's duties toward others, as in the rights of neighbour:

- لا تسلمه عند شديدة، ولا تحسده عند نعمة. وتُقيل عثرته، وتغفر زلته. ولا تدخر حلمك عنه إذا جهل عليك، ولا تخرج أن تكون مسلماً له، ترد عنه لسان الشتيمة، وتبطل فيه كَيْد حامل النصيحة، وتعاشره معاشرةً كريمة.

- You should not forsake him during times of hardship. And you should not envy him when he receives a blessing. Pardon his deviation and forgive his mistakes. And do not lose your temper when he behaves out of ignorance with you. And do not stop to be his supporter, and answer those who scold him. And divulge for him the deception of those who counsel him, and associate with him in an honourable manner.

As such, TR could not be regarded as merely a reactive document. In addition, in UDHR legal statuses represent the social relations between the participants. If put differently, governments denoting rights-preservers are the addressers while people denoting rights-bearers are the addressees. In TR, the social relations that dominate can be hold as those between a principal religious leader and Muslims.

### 5.2.2 Intertextuality

In UDHR, the two types of intertextuality: the manifest and the constitutive show that it agrees with some previous documents. The Declaration of the Rights of Man and of the Citizen, 1789 (DRMC,

henceforth) and American Civil Liberties Union, founded in 1920, could be regarded as sources or bases for UDHR with respect to manifest intertextuality. It agrees with them both in pursuing a secular line. An example of its manifest intertextuality with DRMC is in the beginning of Article (1) in UDHR:

- All human beings are born free and equal in dignity and rights.

This is a near rephrase of Article (1) in DR says that all “ Men are born and remain free and equal in rights”. Similarly, the major parts that compose it, namely, the preamble and the articles, are taken from previous governmental documents chiefly the Constitution of the United States, 1789, DRMC, as well as some other international and local charters of human rights.

Inversely, TR integrates direct and indirect allusions from the Glorious Quran, Prophet’s traditions, and Imam Ali’s sayings as examples of its manifest intertextuality. An example of indirect reference to Glorious Quran is when presenting mother’s right and describing her sacrifice when bringing up her son and comparing it to Heaven:

- « فرضيت أن تشبع وتطعمك وتجوع هي، وتكسوك وتعري، وترويك وتظما، وتظلك وتضحى»

- “She did not care if she went hungry as long as you ate, and if she was naked as long as you were clothed, and if she was thirsty as long as you drank, and if she was in the sun as long as you were in the shade.” (Peiravi and Morgan, 2002: 295)

Such expressions assimilate what is found in the Glorious Quran sura Taha, 20: 118-119 in which Allah (Glorified and Exalted be He) designates Heaven to Adam (p.b.u.h):

- «إِنَّ لَكَ أَلَّا تَجُوعَ فِيهَا وَلَا تَعْرَى (١١٨) وَأَنَّكَ لَا تَظْمَأُ فِيهَا وَلَا تَصْحَى (١١٩)».

“There is therein [enough provision] for thee not to go hungry nor to go naked (118). Nor to suffer from thirst, nor from the sun’s heat (119).” \*

An example of traditions of Prophet Mohammed (peace be upon him and his household) is the one mentioned in the right of those under the protection of Islam:

• «فإنه بلغنا أنه قال: 'مَنْ ظَلَمَ مَعَاهِدًا كُنْتُ خَصْمَهُ'»

• It is reported that he said: “I am the adversary of whoever oppresses one who has a treaty” (Peiravi and Morgan, 2002: 464).

Another case is when resorting to Imam Ali’s (p.b.u.h.) saying indirectly in the rights of counselee and of adviser:

• «لا ظهيرَ كالمُشاورَةِ.»

• “There is no aid like consultation.” (Peiravi and Morgan, 2002: 419)

Regarding its constitutive intertextuality, the method in which TR is put through enumerating rights, stating them in detail, and then, presenting a concluding remark has latterly been assigned to Gestalt school. The German word Gestalt indicates the way of putting things together or placing them. Its usual translations are “form” and “shape” (“Gestalt Psychology” 2009, Para. 1). Thus, TR has an educational and psychological base which facilitates the exhaustive unity of the topic. In brief, UDHR and TR resemble two diverse types of texts.

### 5.0.3 Speech Acts

In UDHR four main kinds of SAs are embodied, namely, commissives, declarations, assertives, and directives whereas TR includes the use of: commissives, expressives, and directives. Both UDHR and RH figure the use of directives but their representations differ.



In UDHR, two subtypes of directives

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\*Ali (1987) will be used for translating the Quranic verses provided.

occur: command and prohibition. For example, in Article (4) there is a representation of a prohibition:

- No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms.

In TR, four directive SAs are used: command, prohibition, advice, and warning. An example of advice is the one found in the right of the claimed adversary:

- ولم تتشاغل عن حجَّتكَ بمناز عته بالقيـل والقال، فتذهب عنك حجَّتُكَ.
- And you should not dispute with him over gossip lest your proofs will be voided and you will lose the opportunity to prove them. (Peiravi and Morgan, 2002: 295)

Thus, TR aims at administering the mind much more than UDHR since the former gives freedom for man to decide on the way he goes through after showing what is right and what is wrong. In other words, in TR there is simultaneous advice and forewarning whereas in UDHR there is somewhat a restriction to warning.

For supporting the main SAs, there is a use of some auxiliary SAs of explanation, addition, condition, and justification whereas the UDHR lacks such use of auxiliary SAs.

#### 5.2.4 Schemata

UDHR has a form similar to other legal or political charters comprising a preamble and articles as the main parts. TR, having the form of essays, contains a preface, body, and concluding remark. Briefly, UDHR has its 30 articles that can be categorised into four groups whereas in TR the 50 rights are themselves grouped under



seven headings, as in tables (6) and (7) respectively:

Table 6: Classification of rights in UDHR.

<b>The preamble</b>	The purposes behind the formulation of this document	
<b>Introductory Articles</b>	Article 1	Right to Equality
	Article 2	Freedom from Discrimination
<b>Civil and Political Rights</b>	Article 3	Right to Life, Liberty, Personal Security
	Article 4	Freedom from Slavery
	Article 5	Freedom from Torture and Degrading Treatment
	Article 6	Right to Recognition as a Person before the Law
	Article 7	Right to Equality before the Law
	Article 8	Right to Remedy by Competent Tribunal
	Article 9	Freedom from Arbitrary Arrest and Exile
	Article 10	Right to Fair Public Hearing
	Article 11	Right to be Considered Innocent until Proven Guilty
	Article 12	Freedom from Interference with Privacy, Family, Home and Correspondence
	Article 13	Right to Free Movement in and out of the Country
	Article 14	Right to Asylum in other Countries from Persecution
	Article 15	Right to a Nationality and the Freedom to Change It
	Article 16	Right to Marriage and Family
	Article 17	Right to Own Property
	Article 18	Freedom of Belief and Religion
	Article 19	Freedom of Opinion and Information
	Article 20	Right of Peaceful Assembly and Association
	Article 21	Right to Participate in Government and in Free Elections



<b>Social, Economic, and Cultural Rights</b>	Article 22	Right to Social Security
	Article 23	Right to Desirable Work and to Join Trade Unions
	Article 24	Right to Rest and Leisure
	Article 25	Right to Adequate Living Standard
	Article 26	Right to Education
	Article 27	Right to Participate in the Cultural Life of Community
	Article 28	Right to a Social Order that Articulates this Document
<b>Concluding Articles</b>	Article 29	Community Duties Essential to Free and Full Development
	Article 30	Freedom from State or Personal Interference

Table 7: Classification of rights in TR.

<b>Preface</b>	The scope of TR (i.e. the 50 rights enumerated)	
<b>Right of Allah</b>	Right 1	The greatest right of Allah
<b>Rights of the Self</b>	Right 2	Right of yourself
	Right 3	Right of your tongue
	Right 4	Right of your hearing
	Right 5	Right of your sight
	Right 6	Right of your legs
	Right 7	Right of your hands
	Right 8	Right of your stomach
<b>Rights of deeds</b>	Right 9	Right of your private part
	Right 10	Right of your prayer
	Right 11	Right of fasting
	Right 12	Right of the pilgrimage
	Right 13	Right of charity
<b>Rights of leaders</b>	Right 14	Right of the offering
	Right 15	Right of the possessor of authority
	Right 16	Right of the trainer through knowledge
	Right 17	Right of the trainer through ownership



<b>Rights of subjects</b>	Right 18	Right of subjects through authority
	Right 19	Right of subjects through knowledge
	Right 20	Right of the wife
	Right 21	Right of your slave
<b>Rights of kin relations</b>	Right 22	Right of your mother
	Right 23	Right of the father
	Right 24	Right of the child
	Right 25	Right of the brother





<b>Rights of others</b>	Right 26	Right of the master
	Right 27	Right of the freed slave
	Right 28	Right of him who treats you kindly
	Right 29	Right of the caller to prayer
	Right 30	Right of the ritual prayer leader
	Right 31	Right of your sitting companion
	Right 32	Right of the neighbour
	Right 33	Right of the companion
	Right 34	Right of the partner
	Right 35	Right of property
	Right 36	Right of the creditor
	Right 37	Right of the associate
	Right 38	Right of the adversary: a. Right of the claiming adversary b. Right of the claimed adversary
	Right 39	Right of him who seeks your advice
	Right 40	Right of him whose advice you seek
	Right 41	Right of him who seeks your counsel
	Right 42	Right of the counselor
	Right 43	Right of the older one
	Right 44	Right of the younger one
	Right 45	Right of him who begs from you
Right 46	Right of him from whom you beg	
Right 47	Right of him by which God makes you happy	
Right 48	Right of him who wrongs you	
Right 49	Right of the people of your creed	
Right 50	Right of non-Muslim citizens in Islamic states	
<b>Conclusion</b>	proclamation of the number of the rights mentioned	

The elements that compose UDHR are put intentionally in an order that uncovers the purposes behind setting it; first, by beginning with the preamble which includes the purposes set in eight



recitals; then, presenting the 30 articles. Rights are all regarded as having the same importance as such no one right precedes another in prominence. Inversely, rights in TR are ordered purposefully and connected to each other. The completion of each right depends on the accomplishment of the preceding. In other words, one should begin with Allah's right, the supreme right, which is to obey Him and accordingly, he can accomplish the duties established toward his activities and organs since they regulate his relationship to Allah. Finally, rights in TR are arranged vertically and horizontally. The vertical arrangement keeps true for the treatise in whole and for each of the seven groups as well. It starts with the most important, Allah's right, and ends with the least, the right of non-Muslim citizens in Islamic states. Further, in each group, they are arranged in terms of their precedence, for example, in the rights of kin relations, the right of 'mother' precedes that of 'father', after that comes the right of 'child' and only then that of 'brother'.

### 5.3 Explanation Stage

The explanation of UDHR and TR is carried out by concentrating on the ideas that reveal, whether directly or indirectly, the ideology of the two texts. The themes discussed here include origin, universality, ideological authority, rights versus duties, individualism versus collectivism, treatment of women, and treatment of slavery. These are focused upon as they uncover the attitude of the two analysed texts.

#### 5.3.1 Origin of UDHR and TR

Concerning origin, UDHR is taken from a human law and is based on positive principles while TR represents a divine law and is emanated from a divine origin since it declares all over the text that Allah endows His creatures these rights. In addition, Al-Sajjad (p.b.u.h.) resorts heavily to the Glorious Quran and Prophet Mohammed's traditions along with his state as an imam, having an Infallible status. For example, as mentioned in intertextuality of UDHR, DRMC is resorted to in some cases. On the one hand, the

divine law is eternal, constant over all ages, highly applicable to all people, and intending human's salvation. On the other hand, humans change continually due to the period during which they live. Thus, any law they set is accordingly unstable and needs a continuous update.

### 5.3.2 Universality

The universality is claimed in UDHR from its title but it is much more clear in TR. In the latter there is some sense of comprehensiveness in the rights, their owners, and their aims. The rights in UDHR are restricted to human rights while in TR, they include as well three groups: rights of Allah, self, and deeds. In other words, a wide range of rights and their owners is declared in TR whereas UDHR proclaims only those rights that hold between individuals and governments. Another view of universality can be examined in these two texts, it is the converse ethnocentrism which is highly emphasised in UDHR. Yet, UDHR is criticised for its ethnocentrism or more specifically, Western ethnocentrism. Pollis and Schwab (1980: 1) discuss such view saying that the "Western political philosophy upon which the Charter and the Declaration are based ... may not be successfully applicable to non-Western areas for several reasons" for example the "ideological differences" and "cultural differences".

### 5.3.3 Ideological Authority

It could be noticed easily that UDHR and TR are based on opposing ideological authorities, secular and religious, respectively. Secularism represents an essential attitude in UDHR. According to Holyoake (1896: V) secularism centers upon the claim that religion should be considered just as a private matter and must not exceed that. This indicates neglecting religion as well as its role in governments. Such secular attitude is justified in UDHR for its intention for gaining universality which is highly asserted from the early beginning in the title till the end of the document throughout the universal expressions used in it. UDHR is a secular document in the sense that in which there is no reference to Allah since referring to Him

might stimulate the dissatisfaction of non-religious designations who demonstrate half of the population at that time. In fact, Morsink (1999: 289) states that relying on the drafting account, "the Universal Declaration is a secular document by intent." The next example displays the way in which UDHR authors stay neutral while there is a requirement to refer to the principal source of rights:

- All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood (UN General Assembly, 1948).

TR, in contrast, adopts a religious view yet this view is not the only one since what ahl-ul bayt say can be regarded as a constitution that leads to the best of people's lives. Similarly, TR is an example of these sayings. In addition to the religious attitude of TR there are some political, economic, social, juristic, and moral perspectives. The religious ideological authority of TR is clear. The first realisation of this ideology is through stating that Allah (Glorified and Exalted Be He) is the core of rights. It is so because Al-Sajjad (p.b.u.h.) restricts rights to a divine legislature when saying:

- أعلم رحمك الله ان الله عليك حقوقاً محيطاً بك في كل حركة تحركتها, او سكنة سكنتها, او منزلة نزلتها, او جارة قلبتها, او آلة تصرفت بها.

- Know- God have mercy upon you- That God has rights incumbent upon you and that these encompass you in every motion through which you move, every rest which you take, every way station in which you reside, and every instrument which you use (Peiravi and Morgan, 2002: 25).

The above quotation reveals the idea that rights have extensive nature since they are not stick to man. Further, there is a linkage between the endowment of these rights by Allah and having man their taker and giver at the same time. Man is responsible for preserving rights so that he is the addressee in all of them.

Religion is indicated in TR by referring to Allah and some religious ethics. The word 'Allah' has been repeated (118) times. Allah is referenced almost at the end of each right to show that the accomplishment of these rights necessitates Allah's support. In addition, there is a reference to some Islamic rituals referred including: charity, offering, prayer, pilgrimage, and fasting. These deeds constitute only part of human's activities since Al-Sajjad (p.b.u.h.) says after in the preface of TR after enumerating them, "to your deeds a right incumbent upon you" (Peiravi and Morgan, 2002: 25).

Politics is presented throughout the presentation of the rights of leaders and subjects through authority. Economy is highlighted through mentioning the rights of leaders and subjects through property as well as the right of property itself. For social attitude, it is clear through the introduction of rights of kin relations as well as others' rights. The juristic perspective is conveyed through the inclusion of the rights of claimed and claiming adversary in TR. Finally, moral dimension of TR is highlighted through the rights of body organs, deeds, and some of others' rights such as companion, neighbour, associate, and so on.

#### 5.3.4 Rights vs. Duties

While paying less attention to duties, UDHR concentrates upon individuals' rights which are compulsory upon their governments. Similarly, lacking any dependence on religion or any real mention to morality, it is not surprising for it not including a clear reference to the duties that hold between society members and their duties toward their society or state, except in Article 29:

- Everyone has duties to the community in which alone the free and full development of his personality is possible.

A discussion of this point could be linked to the findings of transitivity analysis. Since the prevailing role man occupies in UDHR is that of 'carrier' (see 5.1.2.1), the mostly expressed theme is the rights that he possesses or is supposed to possess rather than his duties.

Although TR's title is "Risalat Al-Huquq" yet it represents man's duties. As such, the one addressed in TR is the right giver rather than its possessor. Actually, the relationship between possessors and givers is interchangeable. For example, the son in one case is addressed as the giver of his parents' rights and in another case he is addressed as the possessor of some rights that are preserved by his parents. Similarly, the duties of subjects are the rights of leaders and vice versa. It is found out that throughout the whole text, the expression "incumbent" is repeated (33) times which highlights the TR focus on duties. For example, one of its uses is:

• أوجبها عليك حق رعيتك بالسلطان.

• The one most incumbent upon you is the right of those who are your subjects through authority.

To sum up, whereas UDHR focuses on rights and pays a little attention to duties, TR concentrates on both simultaneously. It is as such since, in addition to what is just mentioned, in UDHR governments are given the responsibility for reserving the rights of people but in TR such responsibility is put on individuals themselves. In UDHR, governments' and states' responsibility is hinted in the following examples:

• Article 21

The will of the people shall be the basis of the authority of government.

• Preamble's six recital

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

On the other hand, individual's responsibility is indicated throughout the rights by using the pronoun 'you' all over them and in the

concluding remark as follows:

• فهذه خمسون حقاً محيطاً بك لا تخرج منها في حال من الأحوال، يجب عليك رعايتها والعمل في تأديتها والاستعانة بالله جلّ ثناؤه على ذلك. ولا حول ولا قوة إلا بالله، والحمد لله رب العالمين.

• These are the fifty rights that surround you and you cannot evade under any circumstances. It is incumbent upon you to honour them and exert all efforts to fulfil them. You should seek God the Majestic's help in this respect. And there is no power but in God. And all praise is due to God the Lord of the Two Worlds.

### 5.3.5 Individualism vs. Collectivism

Being built upon the liberal approach, UDHR emphasises individuality which in its turn overemphasises individual rights over collective or group rights. This approach grants individuals with the power to act to their own will disregarding the behalf of the group with whom they live. If such view of individuality is linked to the universality claimed in UDHR, it might end with a controversy with some communities that favours group affairs rather than individuals'. An example of these communities is Islam.

The community of believers or Ummah represents the centre of society in Islam since any individual is viewed by considering his relation to Allah as well as His creatures. In other words, any sense of individualism reduces while collectivism increases. This should not be taken to mean that Islam devalues individuals contrarily; it considers them as the first brick in the community. Such view (i.e. collectivism) is asserted in TR by presenting rights of others, generally, and by comprising rights of: adviser, counselee, the counselor, and the one who seeks others counsel, specifically. Ali Al-Sajjad (p.b.u.h.) highlights the deed of advising others and accepting their advice repeatedly as it reinforces people relations and adjusts their

negative deeds which are related to their fallible nature.

In sum, UDHR considers individuals separately rather than as part of unified community. In contrast, TR focuses on social rights having the aim of establishing a world in which each member has an operational role. Such rights comprise the rights of womb relatives embracing, for example, the rights of parents and the motivation to respect them and admit their continuous sacrifice.

### 5.3.6 Treatment of Women

A sense of divergence arises between UDHR and TR when dealing with the rights of women. Although women in both texts are portrayed in two instances, namely, in relation to marriage and motherhood, such portrayals differ significantly. In UDHR, woman is equalised to man concerning marriage as in section one in Article 16:

- Men and women of full age, without any limitation due to race, nationality or religion, have the right to marry and to found a family. They are entitled to equal rights as to marriage, during marriage and at its dissolution.

In case of motherhood, she is put side by side with childhood and both are entitled exceptional care and consideration which can impart a sense of degradation for women since being portrayed as one with special needs. This point is mentioned in a section in Article 25:

- Motherhood and childhood are entitled to special care and assistance.

Conversely, Ali Al-Sajjad (p.b.u.h.) offers woman a much more reputable consideration as he describes wife as Allah's blessing to the husband whom he (i.e. the husband) should esteem with admiration and kindness. This idea is mentioned in the right of the wife as follows:

- **فَأَنْ تَعْلَمَ أَنَّ اللَّهَ جَعَلَهَا سَكَنًا وَمَسْتَرَا حًا وَأُنْسًا وَوَأَقِيَّةً، وَكَذَلِكَ كُلُّ وَاحِدٍ مِنْكُمْ**



يُجب أن يحمده الله على صاحبه، ويعلم أن ذلك نعمة منه عليه. ووجب أن يُحسن صحبة نعمة الله، ويكرمها ويرفق بها.

- you should know that God has made her repose, a comfort and a companion, and a maintainer for you. It is incumbent upon each of you to thank God for the other and realize that the other one is God's blessing for you. It is obligatory to be a good companion for God's Blessing, and to honour her and treat her gently.

Regarding motherhood, woman is depicted as an image to Heaven on earth for her infinite sacrifice which is mentioned earlier when referring to implicit references to Quranic verses in intertextuality of TR (see 5.2.2). Her right is that her son should know all what she offers to him then he should thank her for all of that; however, thanking her is not an easy task, rather, it needs Allah's help and assistance:

• فتشكرها على قدر ذلك ولا تقدر عليه إلا بعون الله وتوفيقه.

- Then you should thank her for all that. You will not be able to show her gratitude unless through God's help and His granting you success

### 5.3.7 Treatment of Slavery

Slavery has been prohibited in UDHR without any trial to remedy any negative deeds associated with it such as the deprivation of slaves of their main rights. Such an instance is in Article 4:

- No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms (UN General Assembly, 1948)

On the other hand, in TR, it is remedied and given some solutions. Imam Ali Al-Sajjad's (p.b.u.h.) approaching here has been through handling the slave as Allah's charge at his master. This view is mentioned in the right of your slave:

• ولا أُجريت له رزقاً، ولكنَّ الله كفاك ذلك، ثمَّ سَخَّرَ لكَ وانتَمَنَّاكَ عليه واستودَعَكَ إِيَّاهُ لِتَحْفَظَهُ فِيهِ وَتَسِيرَ فِيهِ بِسِيرَتِهِ فَتَطْعَمَهُ مِمَّا تَأْكُلُ وَتَلْبَسُهُ مِمَّا تَلْبَسُ وَلَا تَكْلِفُهُ مَا لَا يُطِيقُ، فَإِنَّ كَرِهْتَهُ خَرَجْتَ إِلَى اللَّهِ مِنْهُ وَاسْتَبَدَلْتَ بِهِ وَلَمْ تَعَذِّبْ خَلْقَ اللَّهِ.

• Nor do you provide his daily sustenance; rather it is God who gives you sufficiency for that. Then He subjugated him to you, entrusted him to you, and provisionally consigned him with you. So protect him there, and treat him well just as well as he has treated you, and feed him with what you eat yourself, and clothe him with what you clothe yourself. And do not burden him with what he cannot withstand. And if you dislike him, you ought to let him go and replace him, but do not torment God's creature.

The master's duty here is to treat his slave kindly as if he deals with his son or himself. This kind treatment should extend to include even cases in which the master does not like his slave. Such feeling does not give the master the permission to mistreat his slave either. Inversely, he (i.e. the master) should feed him, clothe him, and should not load him with what he cannot bear; otherwise, he can replace him.

## 6. Conclusions

The present study has reached the following conclusions:

1. UDHR and TR use diverse classification schemes. They stress universality and liberalism in UDHR whereas in TR they are mostly religious. Thus, UDHR and TR are lexically different.
2. UDHR and TR diverge in transitivity with respect to their process types. Only major processes, are appointed to 'man' in UDHR, namely, material, mental, and relational. The role that prevails most is that of a 'carrier'. In TR, treating 'man' as an effective part in society, the prevailing role appointed to him has been 'actor' in nearly half of material, mental, verbal, relational, and existential processes.
3. The prevailing modal meaning is obligation in both UDHR and TR for their instructive nature. Other meanings in UDHR include those of possibility and permission while in TR they include necessity and possibility.
4. For situational context, the relation that holds between the participants of UDHR is that between legislature and executors. Further, the purpose behind its construction is an impressionistic one. TR purpose, on the other hand, is an efficacious one and the relations are those between a principal religious leader and people.
5. Concerning manifest intertextuality, UDHR resorts frequently to rights which are mentioned in DRMC. On the other hand, TR is broader in including some instances from the Glorious Quran, Prophet Mohammed's (p.b.u.h.) traditions, and Imam Ali's (p.b.u.h.) sayings. Constitutive intertextuality shows that UDHR's construction is similar in an extent to earlier political documents, namely, the Constitution of the United States of America and DRMC. In contrast, TR is composed in a way that symbolises a method which has been assigned later to the Ge-

stalt School.

6. Although directive SAs are used in both, UDHR employs command and prohibition directive SAs while TR complements these with advice and warning SAs. In other words, TR advises and prohibits at the same time whereas UDHR is limited to prohibiting. This highlights the legislative or political nature of UDHR and didactic nature of TR. Furthermore, TR employs auxiliary SAs which assist the main SAs whereas UDHR does not.
7. Whereas no explicit gradation is followed in introducing rights in UDHR, in TR a seriatim of rights is presented, starting from the greatest in importance and ending with the less important. Rights here are arranged decisively, horizontally as well as vertically.
8. As findings to the explanation of UDHR and TR, the following can be mentioned: first, UDHR is derived from a positive law whereas TR is derived from a divine law. Second, TR, as a 'treatise on rights' is more universal and comprehensive than UDHR. Third, the ideological authority of UDHR is secular while TR has a religious ideological authority. Fourth, rights are mostly the only thing considered in UDHR while TR regards both rights and duties simultaneously. Fifth, UDHR is an individualistic document but TR calls for collectivism. Sixth, women, although their rights are treated in both texts, are given a higher status in TR than in UDHR. Seventh, slavery is prohibited in UDHR but it is remedied in TR.

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