

Islam and Human Rights

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In the current political climate, one might be forgiven for thinking that Islam and human rights are antithetical concepts. It is almost trite to observe that human rights are abused on a wide-scale in Muslim countries. Should Islam itself be implicated in this abuse? As my personal situation illustrates, the picture is not quite as clear as it may seem at first glance.

My presence here today is the result of human rights abuses suffered by myself, my family, and the people of my native country Algeria, where the population is almost entirely Muslim. Yet the human rights abuses are largely perpetrated by a secular government. The cycle of abuse can be traced to the 1991 coup d'état committed by the Algerian military to prevent the FIS party, which espoused Islamic principles, from taking power – despite the fact that the FIS gained a clear majority in Algeria's first democratic elections. All that is clear is that the factors behind the abuse of human rights in Muslim countries are numerous and complex.

My view is that Islam itself cannot and should not be implicated in human rights abuse, for Islam has a rich heritage of protecting human rights. There is, however, a profound contradiction between this heritage and the reality of human rights abuse in the Muslim world.

Juxtaposing two snapshots of history will help to illustrate this contradiction. In 1997, the Syrian Christian intellectual George Jabur wrote to the U.N. Commissioner for Human Rights, Mary Robinson, and called upon the U.N. to commemorate the historical formation of the Al'foudoul alliance. The alliance was created by some citizens in Mecca in the 6th century A.D. to defend the rights of the poor and oppressed against abuse by the rich and powerful. The incident which gave rise to the alliance was the expropriation of a merchant's goods by a rich trader. In his youth, the Prophet Mohammed attended a meeting of this alliance and was full of praise for it. He considered that the alliance's cause, the defence of the rights of all, was most worthy. Viewed in modern constructs, the alliance could be seen as the first human rights non-governmental organisation (NGO)! The Prophet viewed these rights as an entitlement of all human beings, not just Muslims, and encouraged all Muslims wherever they were, and in

whatever circumstances, to participate in such alliances. In this way, from the beginning, Islam recognised that human rights were a universal concern.

Yet, when we fast forward to the present time, while the rhetoric of human rights may be employed, any report by Amnesty International will reveal extra-judicial killings, torture, and 'disappearances' in many Muslim countries.

What does Islam say about human rights, and what caused the rupture between heritage and practice, meaning the actual observance of human rights in countries which are, ostensibly at least, Muslim? What measures can be taken to improve human rights in Muslim countries, and can solutions be found within Islam? These are vast and vastly important questions, but my hope is that my tentative discussions will contribute to the dialogue on these issues that is so critically important.

Islam's heritage of protecting human rights

Islam has a rich heritage of protecting human rights. A few stories and teachings from the Koran and the Hadith (sayings and deeds of the Prophet) will help to illustrate this.

One of the first steps that were taken by the Prophet Mohammed when he established his state in Medina was to establish two Charters. The first Charter regulated the relationship between two tribes in Medina. The second Charter, named muada'a, was a constitutional charter to uphold harmonious and peaceful relations between Muslims and Jews, who were the significant minority in Medina at this time. In this Charter, the religious and property rights of Jews were acknowledged and protected. As well as protecting the rights of religious observance, Islam protected the rights of other religions to have their own laws and tribunals of justice.

Human rights were also to be protected in times of civil conflict. In the time of Ali, the Prophet's cousin, there was civil unrest between two groups vying for the caliphate. The Khawarij, who in modern terms would be regarded as anarchists, were against both contenders and targeted both groups with assassinations. Ali, who had a deep understanding of the principles of Islam, urged that the rights of the Khawarij should be protected even though they were threatening to assassinate him. Violence was not to be instigated against the Khawarij and was only to be used in self-defence. The Khawarij continued to be

allowed to enter mosques, which at that time were the centre of community life as well as places of communal worship.

Islam also protected human rights by strict rules of engagement in war. There should be no fighters younger than a certain age and older than a certain age. Women and children should not be targeted or harmed in battle, and neither should scholars of other religions. Protection also extends to the natural environment and civilian essentials such as food. The Prophet emphasised that trees must not be cut for battle nor crops destroyed. Most of these principles can be seen in the Geneva Conventions today.

Protection of human rights in Islam also includes the protection and recognition of the rights of women, a subject which I discussed in a lecture last year on the topic of 'Women, Islam, and Human Rights'. Islam, in its essence, seeks to protect and promote the rights of women. In the Koran, the independence and legal personality of women is recognised and protected. Women could be financially independent and own their own property. Contrary to popular perception, women were key participants in the public sphere as well as the private sphere, and were political leaders as well as leaders of scholarly thought. The wife of the Prophet, Ayesha, was the main leader of the opposition when there was a problem of succession in the third Caliph, and is now a symbol of political participation. Ayesha is also a main scholar in the history of Islam, for half the sayings of the Prophet are attributed to her. Hundreds of scholars came from other countries to hear her lectures. She held discussions, lectured about religions and contemporary issues, and engaged in academic debate.

In the private sphere, Islam itself never limited the role of women to being keepers of the home. That role was imposed by tribal customs and feudal societies. A saying of the Prophet is that women are the sisters of men, which is interpreted as meaning that women are the equal of men.

The rupture between heritage and practice

I wish to paint a picture, in very broad strokes, of the history of the Muslim world to explain the emergence of the rupture between Islam's heritage and the reality of human rights in Muslim countries. In my view, this rupture can be traced to forty years after the death of the Prophet, during the dispute surrounding the succession to the third caliphate, an example I mentioned earlier. The first contender for Caliph was Ali, the cousin of the Prophet, and the second was Mu'awiya, who was also from the tribe of the Prophet but who was

more politically astute. After years of dispute and conflict, Mu'awiya took power and transformed the Caliphate from a democratic institution to a monarchy.

This marked, in my opinion, the emergence of the rupture between heritage and practice. Even though Islam does not prescribe a particular political system, and encourages Muslims to develop a political system that is appropriate for the time and circumstances, there are guidelines that must be fulfilled by any system in order to be considered as Islamic; among which, that the system implements social justice and proceeds upon political consensus rather than autocracy. The transformation of the Caliphate to a monarchy marked a departure from these principles. Those in power no longer governed on political consensus and, as events illustrated, increasingly viewed the pursuit of social justice as a subsidiary goal to remaining in power.

Keeping hold of power in a system that was increasingly viewed as illegitimate required the bolstering of political power with military power. Kings increasingly relied on foreign elements to oppress domestic dissent. Whole regiments were drawn from foreign populations that knew very little about Islam.

The political system was now highly stratified, a stark contrast to Islam's egalitarian orientation. The monarchy held much of the wealth of the nations and had little connection with the people, and violence was used with impunity. This phenomenon grew in momentum with the formation of the Ottoman Empire. In contrast to earlier periods in which science and learning had flourished, the Ottoman Empire was built and sustained exclusively on military power.

The progress of colonialism in the Middle East became more rapid with the collapse of the Ottoman Empire. Whatever remained of Islamic political and social institutions were suppressed, as were the learning and expression of Islamic culture. New political classes were created. These new classes were absorbed by and themselves absorbed the colonial mindset. For example, before Algeria was colonised by the French in 1830, more than 80% of the population were literate. When Algeria achieved independence in 1962, the literacy rate had plunged to 2.5%. Ironically, when the French held a referendum after the Algerian war of independence on whether Algeria should remain a colony, the same percentage of 2.5% voted for France to stay!

Needless to say, by and large, human rights have not improved in the Muslim world in the post-colonial period. The vestiges of colonialism remain; in

particular, autocratic governments drawn from politico-social elites and the ready use of violence to suppress dissent.

In my country, rather than being at the heart of our way of life, Islam is used as a political weapon. All imams (prayer leaders) at mosques must be registered with the government and their speeches are vetted and controlled by the government. Many of these imams are uneducated, and in some cases even illiterate. I suspect that this may be a deliberate tactic on the part of the government to suppress teaching and learning about the true essence of Islam. Because of this perceived lack of legitimacy and independence, many of the younger generation gravitate to those who preach a harder and sometimes even extremist line. In my view, whole generations have grown up without an understanding of the true nature of Islam. While the rituals of Islam such as fasting and prayer may be well known, there is so much ignorance about what Islam really says about love, mercy, and the protection of human rights. While the five pillars of Islam – faith, prayer, charity, fasting and pilgrimage – are well-known as central to our faith, the house of Islam is built from more than five pillars alone.

These historical factors can also help to explain the degradation of the rights of women in Muslim countries. Islam's view of the role and rights of women is very progressive. The degradation of women's rights can only be explained by politics and history. Let me explain further. The shift towards autocracy encouraged the backward cultural practices and tribal mentalities that Islam was intended to liberate people from. Because Islam, in its essence, poses a threat to corruption and autocracy, those in power encourage these backward practices and allegiances to stay in power. I was very saddened by a news report I read a few months ago. A girl in Palestine, who was the victim of sexual abuse at the hands of her own father, sought help from the police. The police refused to acknowledge her complaints or conduct any investigation. She was eventually the victim of an 'honour killing' by her brother. There is no honour in this. Islam condemns such actions.

Putting the historical discussions so far into a human rights context, the rupture between heritage and practice can be traced to essentially political machinations. The tragedy of the Muslim world is the sacrifice of human rights for political ends.

Ways forward

The thrust of my argument so far is that politics, rather than Islam, is at the heart of the abuse of human rights in Muslim countries. Politics, in particular the lack of democracy, plays a pivotal role in fuelling the most significant abuse of human rights, the cycle of violence between the powerful and the powerless.

Governance in the Muslim world is largely by dictatorship rather than popular participation. The people are prohibited from engaging in dialogue. Because there is no democracy, political opponents cannot be 'absorbed into the system' and are instead marginalised, which provides more fuel for conflict. There is no legitimate constitution to play the role of mediator between people and government. Autocratic governance has also led to much social injustice, specifically the large gaps in wealth and income. Governments have been unable, or rather unwilling, to address the social and economic needs of the people. Dissent is fuelled, but without the means of non-violent expression through political participation.

The way forward, therefore, must address these political issues. Human rights cannot be improved outside the framework of democracy and political participation. The first step, therefore, must be a commitment to the process of dialogue – dialogue about the shape of Muslim societies in the modern world, about structures of governance, and, importantly, about the role of religion in society. This dialogue can form a background to establishing broad political agreement between the different parts of Muslim societies, with the assistance of Western governments and civil society where appropriate. One example of the positive involvement of Western civil society comes from my own country - the Vatican community of Sant'Egidio has played a valuable role in encouraging dialogue between Algeria's various political groups.

The process of democratisation and dialogue does not have to occur in opposition to Islam. Indeed, as I have argued, Islamic governance is about fashioning political consensus for the goal of social justice. Islam, dialogue, and democracy, are entirely compatible.

To summarise, politics has been at the heart of the rupture between Islam's rich heritage of protecting human rights and the abuse of human rights in the Muslim world. Therefore, solutions must address these political issues, in particular the need for democratisation. While, as the Prophet says, the Islamic way is to take wisdom where you can find it, there is no need for a whole-scale importation of

the Western human rights methodology and discourse. Most of the solutions can be found within Islam. Thus, I argue that far from being antithetical to human rights, Islam provides the principles and wisdom with which to improve human rights in the Muslim world.

I would like to conclude with an extract from a speech I delivered last week at an inter-faith service for peace. It is a plea to keep hope.

“In these troubled times, while we can be excused for being downhearted, we cannot allow ourselves to lose hope. Hope is the energy that moves us towards peace. Hope makes you feel young, makes you think, encourages you to share life with others, and to make a difference. There is a saying in Arabic that without hope, the scholars do not write. Why? Because ultimately, the purpose of all scholarship is to change the world by increasing the store of human knowledge and understanding. Without hope, scholars would have no purpose. I live in hope, for I believe that to hope is to live. Without hope, there is no life.”

Improving human rights in the Muslim world is a huge task. But it is through small steps, like us engaging in dialogue today, that hope can be sustained, and we can move closer, inch by inch, towards what we all seek – lasting peace and respect for human rights.
