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World Consciousness, Citizenship and Shared Values

Human rights in contemporary Islamic thought

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1. Where it all started

The United Nations Charter of 1945 heralded the birth of a new era for humanity after the horrors of World War II and several Arab states were able to profit from it in their struggles for independence. Initially, the Arabs saw it as being different from the League of Nations which was set up after the First World War and—contrary to US President Woodrow Wilson's declared policy—had actually acted as a revitalising force for imperialism and its mandates over the Arab "entities" that had been dreaming of freedom following the fall of the Ottoman Sultanate.

However, the Arabs' positive view of the United Nations and its Charter was short-lived. In 1947 the new world body passed a resolution to divide Palestine between the Arabs and the Jews. (Most of that country's Jewish population had fled to Palestine in the 1930s and 1940s as refugees from Hitler's persecution and had settled in Jerusalem and along the country's coast, where they had set up their armed units under the gaze—and with the approval—of Britain's League of Nations mandate authority.) Consequently, when the Universal Declaration of Human Rights was issued in 1949, hundreds of thousands of Palestinian Arabs were also fleeing from their homeland, driven out by the Zionists to the neighbouring countries of Lebanon, Jordan and Syria, as well as the Gaza Strip, which had been placed under Egyptian administration. Despite this, the new international organisation's only response had been to establish an agency to assist the refugees in the countries where they had ended up, while its other relevant resolution—on the Palestinians' Right of Return—was never implemented; this is still the case even today!

The result of all this was that, unlike other peoples, the Arabs acquired a highly sceptical attitude towards both the UN and the Universal Declaration of Human Rights.

The early Arab critics of the UN and the Universal Declaration of Human rights were nationalist intellectuals whose criticisms were directed at the Organisation's "double standards" and the world's policies towards Palestine and the Arabs. Because of their experiences, the Arabs had become ardent opponents of imperialism and saw that their land was be-

ing colonised anew in a repeat of what had happened under the League of Nations after the First World War. They were also dismayed to see that the new global power—the Soviet Union—was in competition with the United States and Europe to be the first to recognise Israel. Moreover, they observed that nothing more than a UN resolution had been needed in order to bestow legitimacy upon the new "entity", which historically had never existed in the region, and that they had no power to resist it, particularly following their defeat in the Palestine War. Hence it was not just a question of "double standards", but rather a "conspiracy" against the Arabs or, as Gamal Abdel Nasser was later to describe it, a case of "the one who does not own [it] giving [it] to the one who is not entitled [to it]"!

To this day the notion of an "international conspiracy" continues to be a major element of Arab thinking. However, during the era of "Islamic fundamentalisms" after the 1970s it also came to be seen as "the conspiracy against Islam".

Muslim criticisms of the Universal Declaration of Human Rights date from the late 1950s, when a number of writers characterised it as anti-Islamic on the grounds that it based the principle on the concept of "natural right", while they themselves saw those rights as "Divine Commandments". This radical criticism was at the same time both cultural and creedal and went far beyond the notion of "double standards" and the iniquities of injustice and unfair international politics.

In fact, some Arab states had already rejected various statements in the Declaration about women's and children's rights at an earlier date on religious grounds, or had expressed

reservations about them. At the time it was said that they (i.e. the states concerned) were unable to accept them since in their view they were incompatible with the Shariah. These states also had reservations over the Declaration's support for the right of workers and other categories to set up unions, as well as about one or two other points.

As I have said, the issue of "natural right" also provided fuel for criticism of the Declaration in the name of religion. This question had originally surfaced during the 1940s as part of a general criticism of Western culture, which was seen as materialistic, secular, anti-religious and a threat to man's respect for the Sacred and the Divine. Accordingly, when the question of "natural right" arose, it was seen as further evidence of the decadence and essential wickedness of Western culture—a culture already discredited by the World Wars which had slaughtered tens of millions of people, and the Age of Imperialism which had seen the destruction of nations and peoples in Africa and Asia. Those who had worded the Declaration—and based it on what they claimed was "natural right"—were themselves the very same people whose belief in "natural right" had not deterred them from colonising and exterminating millions of their fellow human beings—human beings who had seen absolutely no benefit at all from the assertions they had been given of "inviolable natural human rights".

2. From criticism of Western culture to Islamic fundamentalism

One feature of Arab culture during the early part of the 20th century was a strong reformist tendency that rejected

the "imitative" Islamic religious tradition and called for a "renewal" of religious thought. Meanwhile, on the political front several high profile writings were being circulated in support of the idea of a civil, constitutional, democratic state. Let us also not forget that Iran's Constitutional revolution took place during the first decade of the 20th century (in 1905/1906) and that the Ottoman State entered its second constitutional era in 1908/1909. Then the constitutional nation-state began to make its appearance—particularly in Egypt—after the First World War and the fall of the Ottoman State, and during the British and French mandates. This development was reinforced by the growing struggle against imperialism and in favour of independence.

The inter-war period saw the emergence of the notion of a "national culture" which sought to identify the specific features which distinguished it from European culture. This process of defining one's own culture, which also entailed a degree of cross-pollination with "modern culture", generated widespread criticism of imperialism and imperialist culture and led to a distinction being drawn between Western global and humanist culture (which could be beneficial) and Western imperialism with its attitudes born of overweening military and cultural supremacy. It was this period which gave rise to criticism of Orientalism—or the image of the Arabs, Muslims and Islam created by Europeans of the 18th and 19th centuries—which had been strongly influenced by the mediaeval conflicts and wars between Christian Europe and the Ottomans. Here we should also remember that from the 9th century CE the Byzantine and

Spanish Christians saw Islam as an offshoot of Christianity, or a heretical distortion of it.

All this meant that imperialism and Orientalism were regarded as negative factors in the relationship between the West and the intellectual class of the new Arab and Muslim nation states. They became even more prominent on the eve of imperialism's departure, with the occupation of Palestine and the rise of national consciousness. The Arab nationalists were the first to speak about the UN's double standards and Western culture's "invasion" of modern Arab culture.

In linguistic sociology we have the problem of written and spoken colloquial and standard Arabic. Although this is actually found in most nations and cultures, Arab nationalist intellectuals regarded the championing of the colloquial language by some Western scholars as evidence of a conspiracy against classical Arabic culture.

So as I pointed out earlier, in the mid-1950s the double standards of Western policies was a common topic of discussion. Then at a somewhat later stage, the "revivalists"—or neo-Islamists—discarded the nationalist view of world culture and world civilization in favour of an Islamic one by rejecting the Universal Declaration of Human Rights as a valid point of reference on the grounds that it was based on the principle of "natural right". To begin with, many people were unable to distinguish between these two trends, because nearly all the nationalists adopted a Marxist, leftist ideology from the mid-1960s and invoked curses upon imperialist, capitalist and neocolonialist culture. In doing so

the Arabised leftist radical terminology they employed was no less violently anti-Western than the expressions used by the "neo-Islamists". In fact, it would be true to say that the two sides "exchanged weapons". Meanwhile, the Islamists focused their attacks on Orientalism (for its fanatical hostility to Islam), while denouncing the materialism of Western culture and the West's corrupting influence, which had corrupted even Christianity itself. However, they knew little about their Western cultural and religious enemy and borrowed much of their language from the leftist jargon of the nationalists. Later, however, things changed when the Islamists turned their fire away from the West and its culture and onto the leftist intellectual class and the Arab nation-state, which had been dominated by military regimes since the 1950s.

Although the Americans had orchestrated the early coups in the Arab world, because of the Cold War and the escalating conflict over Palestine, the young Arab military class soon turned to the left and the Soviet Union, with the result that the nationalist and leftist intellectuals came to represent the intellectual class of the new regimes and—just like the new military regimes—they found themselves in conflict with the Islamists.

In 1972 M. Kerr, a Professor of Middle Eastern Studies, published a book entitled *The Arab Cold War (1959-1969)*—a reference to the fact that the Arab world had split along Cold War lines. In response to the situation, the "neo-Islamists", who were in conflict with the Soviet-oriented Arab military regimes and the nationalist and leftist

intellectuals, soon began to align themselves with the pro-American side, and this marked the start of an Arab cultural war (as a footnote to the global clash of cultures during the Cold War). And as the climate at that time was one of "creeds and inevitabilities", it was only natural that the Islamists should embrace the principle of "the inevitability of Islam"—or "the inevitability of the Islamic solution"—as a mirror image of the leftist position on "the inevitability of the socialist solution". And just as the military intellectuals were speaking of the "revolutionary vanguard" and "long-term people's war", so too were the Islamists talking about the "greater" and "lesser" jihad. In their view the modern world was steeped in darkness and resembled the pre-Islamic Time of Ignorance; moreover, its materialistic culture and values had created conflicts which were so severe that human beings were no longer able to recognise each other's humanity.

Their criticisms were a rejection not only of Marxist "inevitabilities" but also of democratic and liberal "inevitabilities" or solutions. Instead, they opted for a third solution" or a "third way"—the Way of Islam. As we all remember, in the mid-1970s these fundamentalist trends began to transform themselves into jihadist ideologies, first in Egypt, then in Saudi Arabia and Afghanistan…leading later to the rise of al Qa'edah.

At the same time, there was also another trend engaged in the cultural/political struggle.

Both these trends sought to establish an Islamic state with a Shariah legal system. However, while one of them

aimed to achieve it through jihad, the other opted for the political approach and winning over the masses by setting up a state in which absolute justice prevailed. The latter group's supporters and proponents included university professors and intellectuals (both with and without party affiliations), whose holistic view of an Islamic state and an Islamic system capable of competing in the world arena also made provision for Islamic constitutions and Islamic declarations on human rights. During the last three decades of the 20th century these declarations evolved and distanced themselves somewhat from their party-political and combative connotations, with the result that they came to be debated in public forums such as the Arab League and the Organisation of the Islamic Conference (now known as the Organisation of Islamic Co-operation).

3. The Islamic declarations on human rights

There have in fact been two stages of Islamic declarations on human rights. The **first stage**, between the 1960s and 1980s, was largely one of challenge and confrontation. The Qur'an and the words of the Messenger (PBUH) were seen as the true, clear alternative and were regarded as the way to protecting mankind's humanity and world peace. Meanwhile, instead of talking about "natural right", the preambles to the texts stated that Islam had been revealed in order to guide mankind to the path of truth, justice and peace and ensure that mankind did not lose its humanity. The declarations from this first stage cited verses from the Qur'an and *Hadith*s of the Prophet as evidence of the

fact that Allah had appointed Man as His Vicegerent upon earth so that he could develop it and enable good deeds and justice to prevail. They noted that it was the function of morality to shape the individual, while the individuals who had been so shaped would form decent and virtuous communities. At the same time, it was the proper function of Man as Vicegerent to follow the revealed religious teachings, the implementation of which by individuals and communities would guarantee a successful and upright way of living. The declarations then proceeded to itemise the articles of the Universal Declaration of Human Rights one by one. Those they regarded as valid were supported by a Qur'anic verse or a *Hadith*, while those they did not see as correct from a Shariah point of view were either not included or were referred to in a footnote as being incompatible with the Shariah of Islam and therefore unworthy of a mention.

The declarations of the **second stage**, between the 1990s and the present day, examined man from the point of view of three qualities. The first of these—*fitrah* (natural, God-given disposition)—is in many ways similar to the concept of "natural right", in the sense that it maintains Allah has endowed Man with an intellect, freedom, the characteristic of living in a community, etc. The second quality—*istikhlaf*—concerns Man's status as Vicegerent appointed by Allah to develop the world and entails the question of *taklif*, or duty. The **third stage**—*maqasid al Shariah* (objectives of the Shariah)—is a concept of major importance endorsed by numerous *fuqaha* (scholars of jurisprudence/doctrine) of the past and present, the most

famous of whom was al Shatibi (15th century CE). In brief, this concept maintains that religious laws (not just Islam) were revealed in order to serve Man's vital interests; these interests comprise the right to a religion, the right to life, the right to exercise the intellect, the right to procreate and the right to own property. These are essential preconditions for enabling a person to survive, meet the needs of his *fitrah* and fulfil the obligations of *istikhlaf*. Some modern *fiqh* (Islamic jurisprudence/doctrine) studies also add a further vital element—freedom.

The second stage declarations were similar to those of the first stage in that their articles were also supported with Qur'anic verses and *Hadith*s. However, they also added new articles which they regarded as having been mentioned in the Qur'an but absent from the original declarations.

Some twenty years ago E. Meyer published a study on the Islamic declarations of human rights which listed a total of 47 declarations. An additional twenty declarations have also been issued over the past decade.

What does this indicate? And do these declarations (at least, the ones from the second stage) add anything significant to this subject?

It is clear that they demonstrate at least three things: Islamism's strength among Arabs and other Muslims; a sense of challenge, a desire for confrontation and an eagerness to bring their own heritage as a contribution to the modern world and its culture; and a search for justice—a quality that has been lost in the modern world and in the way the nation-state system has developed in the Arab and Muslim context.

Let us begin by examining the third point—the search for justice. Earlier I referred to the UN Charter and the Universal Declaration of Human Rights in connection with the loss of Palestine and the loss of its people's rights. I mentioned that the sense of injustice had grown among nationalists and Islamists to the point where they had come to believe that there was a global conspiracy against the Arabs and Islam. This anger was even stronger among intellectuals who had become familiar with the West and the world order through fifty years of bitter experiences of military and security regimes. Hence the declarations came to be seen as a sort of substitute for the loss of their rights in the real world.

However, one strange thing about these declarations—the first stage ones at least—is that they do not attach much importance to the questions of freedom and *musharakah* (participation in the political process), despite the fact that the Islamists were among the social groups that were most prone to imprisonment, prosecution and deprivation of their rights. This takes us on to the question of Islamism and the reasons—or secrets—behind its strength in the Arab and Muslim worlds. Ever since Bernard Lewis students of this phenomenon have attributed it to nostalgia for the past inspired by the failures of the present day. In fact, though, the Muslim revivalists are closer to the New Evangelical groups which yearn to go back to the Old or New Testaments but by following a new interpretation of them. The revivalists reject the Classical Islamic tradition and the way it understands the religion and its relationship to man-

kind and the state; instead, they seek to go back directly to the Scripture while totally ignoring the historical perspective on the faith and the *Ummah* (Islamic nation). Their extreme Puritanism takes them to the point where they endeavour to prove that the only way to live is by following the Book and the Sunnah, rather than by returning to the traditions of the past and the history of Islam and the Muslim peoples, which they see as "tainted".

Initially, the Islamists had little interest in freedom and *musharakah* because they saw them as Western values and part of the Western cultural invasion. However, they failed to appreciate that by adopting the Islamic declarations they were also imitating the hated West, even though those declarations were dressed in Islamic garb.

Their worldview is a Salvationist one which—as noted earlier—ultimately led to a jihadist ideology and continues to do so today.

However, by the second stage of the declarations they were showing themselves ready and willing to become part of modern life and its values and bring their religious approach and heritage to the culture of the contemporary world.

Since this is the case, should we merely attribute Islamism's strength to nothing more than a reaction against the modern world, globalisation and dictatorial regimes? Of course not. Even so, however, it is true that after the ideological and actual collapse of the political right and left in the 1960s and 1970s many young people began to turn their thoughts to a religious state—even while continuing

to repeat the mantra that "A clerical state is alien to Islam"! (As if a religious state was something that only existed in a Catholic context!)

On this assumption, if Shi'ite fundamentalism is "clerical", then Sunni fundamentalism must be nomocratic!

Have the Muslims' Islamic declarations of human rights had a positive impact on the modern world, or at least on Arab and Islamic societies? There are certainly obvious benefits to be had from making the issue of human rights a concern of our crisis-ridden societies. Furthermore, those declarations have brought the question of rights and their implications to the forefront of Arab and Muslim consciousness, so that Muslims have come to realise that they as a people are a part of this world and share its preoccupation with its citizens' rights.