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Cultivating Wisdom, Harvesting Peace

Education for a Culture of Peace through Values, Virtues, and Spirituality of Diverse Cultures, Faiths, and Civilizations

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Sarvodaya
Creating a Culture of Human Rights from a Muslim Perspective

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This talk is about the possibilities for creating a culture of human rights from a Muslim perspective.

Foundations for Human Rights

From a Muslim perspective there are four key ideas that are important in the Islamic tradition which form the foundation on which Islamic conception of human rights rests. These four ideas are: the Supreme Being, a common humanity, a common path to God, and a set of universal ethical-moral values.

These ideas are shared by most of the human community. Of course, beyond this commonality, there are specifics. For instance, conceptions of the Supreme Being vary across cultures and religions. Humankind can also be classified into different groups based on race, tribe, nation, gender and so on. The common path to God is manifested in specific religious traditions such as Christianity, Judaism, Islam, Buddhism and Hinduism. Universal ethical and moral values are often understood in culturally specific terms.

Many Muslims consider that these two levels (the common and the specific) are part of God’s plan for humankind and should not be a reason for conflict. Let me give an example: the notion of a shared or common humanity. According to this view, all human beings are children of the same father and mother.

The Qur’an says:

O people, observe your Lord; the One who created you from one being, and created from it its mate, then spread from the two many men and women..(4:1)

The Qur’an also says: “We [God] have indeed honoured the children of Adam.” From this common bond, we could move to something more specific. God created
human beings in the form of “different tribes,” so that they may know each other. Difference, here, is a marker of identity. In the Muslim tradition, this difference is seen as purposeful and planned.

The Qur’an says again:

_O people, we created you from the same male and female, and rendered you distinct peoples and tribes, that you may recognize one another. The best among you in the sight of God is the most righteous. God is Omniscient, Cognizant._ (49:13)

Further emphasising this point, the Qur’an says: “If thy Lord had so willed, He could have made humankind one people…” (11:118).

In another verse, reminding us the dignity a human being enjoys, the Qur’an says:

_We have conferred dignity on the children of Adam, and borne them over land and sea, and provided for them sustenance out of the good things of life, and favoured them far above most of our creations._ (17:70)

A fundamental Qur’anic idea is that God vested all of humanity with a touch of divine spirit, by making every person the vicegerent of God on this earth:

_Remember, when your lord said to the angels: ‘I have to place a vicegerent on earth,’ they [the angels] said: ‘Will you place one there who will create disorder and shed blood, while we invoke and sanctify your name? And God said: ‘I know what you do not know.’ _(2:30)

The Qur’an is also very strict regarding the sanctity of the human being. For example, it states:

_If anyone kills a human being— unless it is [in punishment] for murder or for spreading corruption on earth— it is as though he has killed all of humanity; and if anyone saves the life of a human being, it is as though he has saved the life of all of humanity._ (5:32)

This notion of human dignity is at the heart of Islamic law (usually referred to as _shari’ah_). The objective of Islamic law, according to many jurists is protection of this dignity of a human being through protection of life, religion, property, procreation and intellect. These are not empty statements. These statements are at the heart of what is expected of a Muslim community. The individual and the community are to cooperate to protect these rights and therefore human dignity.

In order to ensure that this happens, the Qur’an takes strong measures. For instance, in the case of the protection of life, the Qur’an prohibits murder, suicide, and infanticide as well as self harm. Even in a legitimate war, life is protected to the extent possible by prohibiting the killing of non-combatants, children and women...
Abdullah Saeed

and people who have dedicated themselves to the service of any religion, not just Muslims, but followers of any religion. Furthermore, severe punishments are imposed on those who violate this right.

Bases of Islamic Law

Despite this emphasis on human dignity and protection of life, there are certain ideas within the Muslim tradition, that appear to contradict such an emphasis. These problems can be found in relation to, for instance, certain areas of gender rights or freedom of religion, particularly if looked at from a twenty-first century perspective.

Given that the historical Islamic law includes such areas, some Muslims and many non-Muslims argue that Islam poses a significant problem for creating a culture of human rights. If the historical Islamic law is immutable as many claim, Islam could indeed pose a problem. But such a view of Islamic law would be too simplistic and would ignore the nature of the historicity of the Islamic law.

Although Muslims take for granted the religious character of the Islamic law, the laws that Islamic law espouses were not only based on the Qur'an and the traditions of the Prophet Muhammad, but were also based in part on custom, historical precedent, common practice and the conceptions of commonsense and fairness.

Some of the interpretations of texts that we find in the Qur'an and the traditions of the Prophet were sometimes set aside because they were seen as not so relevant to the concerns and needs of a particular time. For example, there are many texts in the Qur'an and in the traditions of the Prophet about slavery and slaves. There is also an enormous amount of literature that had been produced by Muslim jurists on regulating the institution of slavery. As this is no longer relevant to contemporary society, most of that is ignored in current Muslim practice.

What this means is that we must be alert to the contextuality of the Qur'an. The laws, values, and ideas which have been attributed to it, have also emerged in different and varying contexts. And, when those contexts and needs are in conflict the text is often set aside or reinterpreted.

A point that also should be made is in regards to the distinction between what the foundation texts, specifically the Qur'an, says about a particular issue – in this case, "human rights" – and what we think it says about that issue. In reaching a conclusion about "the Qur'anic view of such and such" we must be aware of how Muslim jurists throughout history have developed their interpretations. This process is indeed difficult and it denies the possibility of one single "Islamic view." The example of previous scholars need not necessarily determine how the foundation texts are to be interpreted today. Contemporary scholars and Muslim jurists have an obligation to read the texts which allows for the liberation of the human being in a manner that suits today's societies.

Rights and Duties in Islam

The discourse of rights and duties is an essential part of Islam. It is not something that is happening only now, but it is a discourse that has been a part of Islam
throughout history. There are certain rights that are emphasized in the Qur'an but how they were interpreted and applied in different contexts has varied depending on social and political circumstances. The point is that historical, cultural, political and economic contexts change and with that, the sorts of rights emphasized at different points in time vary too.

Muslims have been discussing and debating various rights for centuries and there is no reason why "new" rights should not be created today or why one should not emphasize certain rights that were emphasized in the Qur'an but ignored later, or ignore certain rights that were emphasized in the Qur'an earlier.

One example in this debate is the right of freedom of belief, which is in Article 18 of the Universal Declaration of Human Rights. From the Qur'anic point of view, freedom of belief as a right should be an essential part of Islam. The Qur'an states that no one should be forced to profess a religion. However, classical Muslim jurists have interpreted that Qur'anic text differently. While the principle of freedom of belief was maintained in all schools of thought, this principle was not extended to a Muslim who changed his or her religion. That is to say, Islamic law forbids a Muslim to change his or her religion.

This ban on "leaving Islam" was enforced through the law of apostasy. That law developed as a result of specific socio-political contexts in which Muslims lived at the time. These contexts determined how Muslim jurists read the relevant texts in the Qur'an and the traditions of the prophet and how they justified their arguments. But, in the modern era, Muslims are once more debating the issue of freedom of belief. Some Muslims are saying "we must go back to the Qur'anic conception of absolute freedom of belief." They argue that freedom of belief is an essential part of being human and should be a fundamental human right.

Other Muslims of course object to this position arguing that a Muslim may not change his or her religion and Muslims must maintain the classical legal position on apostasy. But many - scholars and members of the laity alike - are moving to the Qur'anic conception of absolute freedom of belief, rejecting the classical legal position. This in large part has a lot to do with the changed understandings of what is important to us in the area of freedom of religion as well as changed socio-political context of today.

In discussing the promotion of a culture of human rights in the Muslim context, it is important to recognize and highlight that many of the rights we emphasize today could be supported by the foundation texts of Islam.

Where certain fundamental rights conflict with established interpretations of these texts, there are resources within the Islamic tradition to deal with such conflicts and arrive at interpretations that are in line with our contemporary concerns and needs.

New rights could be created and supported by the tradition; similarly problematic areas could be set aside, when needed. In doing so, we have to ‘contextualize’ the rights debate within the religious community using the terminology and the language of the religious tradition. If we do that, there is a better chance of the rights debate being accepted within the broader community of Muslims.
In conclusion, the foundational texts of Islam and the tradition of Islamic thought contain both interpretative and practical possibilities from which Muslims are able to draw a philosophy of human rights. Using these frames of reference, Muslims will be able to conceptualise standards of human rights practice and promote a culture of human rights. In so doing they are not required to compromise their religion or abandon their scripture, rather it requires engaging with the Qur'an and the broader Muslim tradition.

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