

AMERICAN MUSLIMS AND A MEANINGFUL HUMAN RIGHTS DISCOURSE IN THE AFTERMATH OF SEPTEMBER 11, 2001

Defining human rights from an Islamic perspective is a bit more problematic. The reason for this is that there is no exact equivalent for the English term, “human rights,” in the traditional Islamic lexicon. The frequently used Arabic term, *al-Huquq al-Insaniyya*, is simply a literal Arabic translation for the modern term. However, our understanding of the modern term, when looked at from the abstract particulars which comprise its definition, gives us insight into what Islam says in this critical area. For example, if we consider the word “right” (*Haqq*), we find an array of concepts in Islam, which cover the range of rights mentioned in the UDHR.

If we begin with the right to life, Islam clearly and unequivocally guarantees that right. The Qur’an states, “Do not unjustly take the life which Allah has sanctified” (Qur’an 6:151). Similarly, in the context of discussing the consequences of the first murder in human history, “For that reason [Cain murdering Abel], we ordained for the Children of Israel that whoever kills a human being for other than murder, or spreading corruption on Earth, it is as if he has killed all of humanity. And whoever saves a life, it is as if he has saved all of humanity” (Qur’an 5:32).

It should be noted in this regard, as the first verse points out, Islam doesn’t view humanity as a mere biological advancement of lower life forms. Were this the case, there would be little fundamental distinction between human and animal rights, other than those arising from the advancement and complexity of the human mind. However, Islam views human life as a biological reality, which has been sanctified by a special quality that has been instilled into the human being—the spirit (*Ruh*).² The Qur’an relates, “then He fashioned him [the human being] and breathed into him of His spirit” (Qur’an 32:9).

It is interesting to note that this spiritual quality is shared by all human beings, and precedes our division into nations, tribes, and religious collectivities. An illustration of this unifying spiritual bond can be gained from considering a brief exchange, which occurred between the Prophet Muhammad (Peace and Blessings of Allah be upon him), and a group of his companions (May Allah be pleased with them). Once a funeral procession passed in front of the Prophet (Peace and Blessings of Allah be upon him) and a group of his companions. The Prophet (Peace and Blessings of Allah be upon him) reverently stood up. One of his companions mentioned that the deceased was a Jew, to which the Prophet

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(Peace and Blessings of Allah be upon him) responded, “Is he not a human soul?”³

Possession of this shared spiritual quality is one of the ways our Creator has ennobled the human being. Allah says in this regard, “We have truly ennobled the human being. . .” (Qur’an 17:70). This ennoblement articulates itself in many different ways, all of which serve to highlight the ascendancy of the spiritual and intellectual faculties in man. It provides one of the basis for forbidding anything, which would belittle, debase, or demean the human being, and its implications extend far beyond the mere preservation of his life.⁴ It guarantees his rights before birth, by forbidding abortion, except in certain well-defined instances; and after death, it guarantees the right of the body to be properly washed, shrouded, and buried. It also forbids the intentional mutilation of a cadaver,⁵ even in times of war, and forbids insulting or verbally abusing the dead, even deceased non-Muslims. While these latter points may be deemed trivial to some, they help create a healthy attitude towards humanity, an attitude that must be present if acknowledged rights are to be actually extended to their possessors.

If we examine other critical areas identified by the UDHR for protection as inalienable rights, we can see that Islam presents a very positive framework for the safeguarding of those rights. In the controversial area of religious freedom, where Islam is identified by many in the West as a religion which was spread by forced conversion, we find that Islam has never advocated the forced acceptance of its creed, in fact, the Qur’an unequivocally rejects this idea, “Let there be no compulsion in [accepting] Religion, truth clearly distinguishes itself from error” (Qur’an 2:256). Allah further warns His Prophet (Peace and Blessings of Allah be upon Him) against forced conversions, “If your Lord had willed, everyone on Earth would have believed [in this message]; will you then compel people to believe?” (Qur’an 10:99).

In this context, every human being is free to participate in the unrestricted worship of his Lord. As for those who refuse to do so according to the standards established by Islam, they are free to worship as they please. During the Ottoman epoch, this freedom evolved into a sophisticated system of minority rights known as the Millet System. Bernard Lewis comments on that system:

Surely, the Ottomans did not offer equal rights to their subjects—a meaningless anachronism in the context of that time and place. They did however offer a degree of tolerance without precedence or parallel in Christian Europe. Each community—the Ottoman term was Millet—was allowed the free practice of its religion. More remarkably, they had

their own communal organizations, subject to the authority of their own religious chiefs, controlling their own education and social life, and enforcing their own laws, to the extent that they did not conflict with the basic laws of the Empire.⁶

Similarly, positive Islamic positions can be found in the areas of personal liberties, within the parameters provided by the Islamic legal code. We will return to a brief discussion of those parameters, and their implications for an Islamic human rights regime. However, it isn't the purpose of this paper to engage in an exhaustive treatment of this particular subject.

Stating that, we don't propose that Islamic formulations in this regard are an exact replica of contemporary Western constitutional guarantees governing human rights policy. Muslims and non-Muslims alike, when examining the issue of human rights within an Islamic legal or philosophical framework, should realize that human rights regimes, as we know them, are a contemporary political phenomenon, which have no ancient parallel. However, we are prepared to defend the thesis that Islam has historically presented a framework for protecting basic human rights, and that it presents a system of jurisprudential principles that allow for the creation of a viable modern human rights regime, totally consistent with the letter and spirit of Islam. Having said that, we should note that an uncritical use of the Islamic framework of jurisprudential principles as the basis for the creation of a modern human rights regime, or a meaningful discourse around that regime fails, for reasons we will now examine.

The Inadequacy of Current Muslim Approaches to Discussing Human Rights

Current Muslim approaches to discussing human rights are inadequate for a number of reasons, in terms of their ability to serve as the basis for a meaningful discourse here in the West. First of all, they are all characterized by a God-centric approach. We read, for example, in *Human Rights in Islam*, a pamphlet published by the World Assembly of Islamic Youth: "Since God is the absolute and the sole master of men and the universe, and since He has given each man human dignity and honor. . . ." and "Thus, all human beings are equal and form one universal community that is united in its submission and obedience to God."⁷ A similar pamphlet published by the Institute of Islamic Information and Education, states: "Every human being is thereby related to all others and all become one community of brotherhood in the honorable and pleasant servi-

tude to the most compassionate Lord of the Universe."⁸ Such statements immediately frame the issue of human rights in terms unacceptable to a vast majority of Westerners. Most people here in the secular West would reject the idea of religious strictures and concepts serving as the basis for social or political programs or policies. Others reject the idea of God outright. Hence, by introducing a discourse predicated on the acceptance of the existence of God, and His exclusive right to order human life, Muslims immediately deny the discourse the common ground necessary for it to proceed with any meaning or logic. Although the two citations mentioned above are from brief pamphlets, which by nature tend to be general and lack any academic rigor, lengthier exposes of the subject are similarly flawed.⁹ Again, we emphasize that this criticism isn't intended to question the viability of the Islamic position, only its inadequacy as the starting point for a meaningful discourse here in the West.

The quotations cited above illustrate another inadequacy in the current Muslim human rights discourse, namely, its gaping generalities. These generalities, in many instances, gloss over nagging problems in Islamic societies, providing neither the acknowledgement of those problems, nor any meaningful framework for their resolution. Statements concerning a united humanity under God, while entertaining to the average Muslim, provide no clue as to what rights accrue to atheists, communists, secularists, or others who would reject the legitimacy of such a brotherhood.

Similarly, proclamations such as: "According to Islam, Allah is Sovereign. Human beings are His vicegerents. Since the state is not sovereign so [sic] the greatest factor against the implementation of Human Rights is waived. . ."¹⁰ totally ignore the fact that Muslim people live under the authority of nation-states, most of which totally ignore the "sovereignty" of God. These states generally grossly violate the basic human rights of their citizens. As their sovereignty isn't acknowledged by contemporary Islamic human rights formulations, there is no theoretical or practical basis for restraining their hegemony, a hegemony that leads to very real human rights abuses.

Another inadequacy of current Muslim human rights formulations, illustrated by the above quotations, is that they aren't seminal. Their gross generalities, meaningless rhetoric, and unrealistic theoretical formulations, fail to provide the basis for crafting meaningful policies, legal frameworks, or administrative regimes to insure a realistic chance of their implementation. The implications of this latter critique will be discussed later.

Many contemporary Muslim writers attempt to advance an alternative

scheme of Islamic human rights based on a framework provided by the concept of the overarching objectives of the Divine Law (*Maqasid al-Shari'ah*).¹¹ This scheme, which hinges on the fact that all Divine Law has been instituted to ultimately preserve and foster religion, life, intellect, the family, and wealth, provides an authentic Islamic basis for identifying and defining basic human rights. For all of the promise this scheme provides, it cannot uncritically serve as the basis for a meaningful human rights discourse here in the West. The reason for this is that in its traditional formulation, it is a scheme that prioritizes the preservation of those rights exclusively associated with Islam and Muslims.

This prioritization leads to many rulings that would constitute fundamental human rights violations here in the West. For example, after elaborating the loftiness of the objectives of the Divine Law in Islam, Dr. Muhammad Zuhayli, following many classical scholars, such as Imam al-Ghazali, goes on to assert that Islam legislates killing the apostate, punishing the heretic, censoring one who abandons prayer, or refuses to pay the poor due, in order to protect the sanctity of religion.¹² All of these strictures would be considered violations of the fundamental human rights of those being censored, in the Western scheme, as the violators' freedom of thought and religion would all be infringed on. Similarly problematic strictures exist in those measures that have been legislated to protect life, intellect, and the family.

Again, the point here isn't to propose that such sanctions aren't valid, or are void of any benefit, the point is that their implications would have to be thoroughly considered before classically articulated schemes dealing with the objectives and benefits of the Divine Law are advanced as a basis for a meaningful human rights discourse here in the West. We will return to this issue in the final part of this paper—God-willing.

The Relevance of Human Rights for Islam in America

Islam in America has historically been characterized by a strong advocacy of human rights and social justice issues. This is so because it has been associated with people who would be identified as ethnic minorities. The first significant Muslim population in this country, the enslaved believers of African origin, would certainly fit that description.¹³ The various Islamic movements, which arose amongst their descendants, appeared in a social and political context characterized by severe oppression. That socio-political context shaped the way Islam was understood by the people embracing it. It was a religion, in all its variant understandings, which was seen as a source of liberation, justice, and redemption.¹⁴

When the ethnic composition of the Muslim community began to change due to immigration in the 1970s, 1980s, and into the 1990s, the minority composition of the Muslim community remained. These newly arriving non-European immigrant Muslims were generally upwardly mobile, however, their brown and olive complexions, along with their accents, and the vestiges of their original cultures, served to reinforce the reality of their minority status. This fact, combined with the fact that the most religiously active among them were affiliated with Islamic movements in the Muslim world, movements whose agenda were dominated by strong human rights and social justice concerns, affected the nature of the Islamic call in this country, keeping human rights concerns to the fore.

Illustrative of this human rights imperative is the stated mission of the Ahmadiyya Movement when it began active propagation in America. Mufti Muhammad Sadiq, the first Ahmadi missionary to America, consciously called to a multicultural view of Islam, which challenged the entrenched racism prevalent in early twentieth-century American society.¹⁵ This message presented Islam as a just social force, capable of extending to the racial minorities of this country their full human rights. However, there were strong anti-white overtones of the Ahmadi message, shaped by Mufti Muhammad Sadiq's personal experience, and the widespread persecution of people of Indian descent (so-called Hindoos) in America, which dampened the broader appeal of the Ahmadi message. Those overtones were subsequently replaced by the overtly racist proclamations of the Nation of Islam, which declared whites to be devils. In the formulation of the Nation of Islam, Islam came to be viewed as a means for the restoration of the lost preeminence of the "Asiatic" Blackman. This restoration would be effected by a just religion, Islam, which addressed the social, economic and psychological vestiges of American race-based slavery. In other words, Islam was the agent that would grant the Muslims their usurped human rights.¹⁶

The pivotal figure who was able to synthesize these various pronouncements into a tangible, well-defined human rights agenda was Malcolm X.¹⁷ By continuing to emphasize the failure of American society to effectively work to eliminate the vestiges of slavery, he was an implicit advocate of the justice-driven agenda of the Nation of Islam, even after departing from that movement. His brutal criticism of the racist nature of American society, which he often contrasted with the perceived racial harmony of Islam, highlighted by his famous letter from Mecca,¹⁸ in which he envisioned Islam as a possible cure for this country's inherent racism, was the continuation of the original multi-cultural message of the Ahmadiyya Movement. □