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Islam and Human Rights

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Abstract

The paper examines whether human rights concepts are applicable to Islam or not. It provides a comparative study of the popular perceptions of Islam versus the West, and argues that with a correct understanding of the Koran and Islamic teachings it is possible to defend human rights concepts from inside the Islamic texts. It also argues that most Western views of Islam are due to insufficient understanding of Islam and often based on political considerations, rather than on what Islam stands for. The long history of Islam's peaceful coexistence and interaction with other cultures and civilisations proves that the theory of a 'clash of civilisations' is wrong, and it is possible to establish real dialogue and understanding with Muslims.

War is the greatest scourge of our time. In many ways, the twentieth century was the worst century in human history in terms of people who were killed as the result of local, regional and international wars, most of them fought in the name of good causes, such as freedom, democracy, socialism, etc. Yet it was the age of mass killing on an unprecedented scale. It was the century of technological barbarism and mechanised butchery. It is estimated that between 150-170 million people were slaughtered in various wars during that century.

A great American peace activist, Phil Berrigan, who spent 11 of his 79 years in prison for his non-violent protests against war, ended his review of Sr. Rosalie Bertell's book, *Planet Earth: The Latest Weapon of War*, with these words:

"The military as an instrument of mass killing is a waste institution - humans, energy, oil, metals, scientific and technical skills, money - it consumes all and restores nothing to the resources of the planet. Any faithful or sane scrutiny would conclude that it must be dismantled. It kills, threatens and wastes - it is the BIG LIE institutionalized. Its veneer and untouchability gives new meaning to the demonic. Is anybody out there listening?"¹

At a time when a number of neocons are once again inciting war and violence,

this time against Iran, on equally dubious grounds that led to the invasion of Iraq, the time has come for all the people of goodwill to raise their voices louder against this insane venture. Ever since the fall of the Soviet Union, some people who are not able to live without a real or imaginable enemy have put forward the dangerous philosophy of a clash of civilisations. The whole history of 800 years of coexistence between Islam and Hinduism and Buddhism in India; the coexistence of Muslims, Christians and Jews in Spain; the coexistence of Muslims and followers of other faiths in Iran, Turkey, Egypt, etc show that it is possible for the people from different religions or civilisations to live peacefully together.

Since the dreadful events of 9/11 this drive to divide the world between 'those who are with us' and 'those who are against us' has intensified and has produced many unfortunate consequences. The world has been divided as never before and a climate of fear and suspicion has enveloped the world. If those who wish to prevent the realisation of that nightmare do not oppose that pernicious philosophy, it may become a self-fulfilled prophecy with all that it might entail.

While up to less than two decades ago there was a serious clash between the West and the communist bloc, since the collapse of the Soviet Union Islam or Islamic fundamentalism has been portrayed as the enemy that has to be defeated. This is the undeclared focus of the 'war on terror', not realising that terror is a tactic not an enemy. Although communism posed a deadly threat to the West, it was an economic or at best a political ideology, without deep roots in people's souls and consciousness. Islam, like Christianity, Hinduism or Buddhism is a religion that has profound roots in the consciousness of hundreds of millions of adherents. Unlike secular ideologies, religions tend to get stronger as the result of persecution. The best way to deal with religious fundamentalism is not to wage a war against it, but to remove or moderate its influence through rational arguments, preferably borrowed from the same religious discourse from which they emerge. This is what happened in the West during the Reformation and the Age of Enlightenment, and this is what needs to be done in Islam, by Muslims themselves.

The concepts of democracy and human rights are said to constitute part of the Western crusade against the so-called 'Islamofascism'. It is argued that these concepts are incompatible with Islam and, therefore, logically it follows that their success requires the defeat or the elimination of Islam. Not only is such an argument dangerous and provocative, it is essentially wrong. In this paper I intend to discuss some Islamic concepts that provide a fertile ground for the development of human rights among Muslims.

In order to discuss the universal definition of human rights, it may be useful to start by saying that like terrorism, the definition of human rights is not as easy as it looks. After the terrible events of 9/11, the United Nations spent a lot of time trying to figure out what terrorism is and they didn't reach any conclusion. Then there was a meeting of the Islamic countries and they tried to come to an

agreement, and they didn't come up with anything. It cannot be easily defined, because one country's terrorist is another country's freedom fighter. Look at Israel. Both the Israelis and the Palestinians describe the activities of the other side as terrorism. Hopefully, the situation may be a little easier in the case of human rights.

In describing the relationship between Islam and the West, let me start with what are the popular perceptions of Islam in the West, and by that I do not mean among the readers of tabloids but among the educated and on the whole tolerant people. In recent years, I have been teaching an online course on Islam and the West for the universities of Oxford, Yale and Stanford. In one of the sessions of the course, I asked the students to list what they see as differences between Islam and the West. One of the students provided the following list, which may act as a good basis for appreciating Western views about Islam. Here I quote the entire list as was written by my student:

1. Islam is Theocratic, the West is Secular.
2. Islam wants religion to have a major role in governance and in society, whereas the West wants it excluded.
3. Islam wants to dominate the world, the West believes in coexistence.
4. Islam encourages war in defence of the Islamic Faith (the so-called 'lesser Jihad'); the West encourages a 'live and let live' approach to matters of faith [Clearly there have been no religious wars in the West].
5. Morality is absolute in Islam; it is often situational and relative in the West.
6. Islam is idealistic; the West is pragmatic. (In the West, if it works, do it; in Islam, if the Koran permits it, do it).
7. Islam cherishes the rule of God as made known in the Koran; the West cherishes the rule of man by the exercise of his reason, and changes the rule as and when reason dictates.
8. Islam is Puritanical, the West is Hedonistic. ("If it feels good, do it" in the West, versus "If it feels good, don't do it" in Islam).
9. In Islam 'Progress' is a return to a Golden Age (the time of the Prophet). In the West 'Progress' is out there somewhere in the unknown future to be achieved with the advancement of science.
10. Islam honours tradition, the West honours innovation.
11. Islam honours the community; the West honours the individual.
12. Islamic economics rejects the paying and collecting of interest. In the West interest is one of the two pillars that finance economic development. Think bonds,

mortgages, deficit financing, and bank loans. (The other pillar in the West is equity participation in financial ventures, which is also permitted in Islam.)

13. The family structure in Islam is extended and patriarchal; in the West it is nuclear and parental.

I have quoted the above list in full because it provides a good example of public perceptions in the West about the differences that separates Islam from the West. These ideas are deeply ingrained, and it is not possible to dispel them easily. What surprised me, however, was not the list itself. I would have expected such a list from a secular Western observer who is indifferent or even hostile to religion as a whole and Islam in particular. What surprised me was that it was prepared by an ordained clergyman who, one can assume, is religious and makes a distinction between secular or even hedonistic aspects of contemporary Western culture, and its Christian roots that still permeate the society and provide it with its spiritual and moral underpinnings.

From the above list, one can see that the student is not comparing Islam with the 'West', but is providing a list of differences between a religious and a materialistic or secular point of view. If we look at the list and simply replace the word Islam with Christianity, we will see that nearly all the differences are still valid. Like Islam, Christianity is theocratic, not secular; it believes that religion must play a major role in one's life; it believes that morality is absolute and its rules are laid out in the Bible; it is idealistic, not pragmatic; it believes in divine law rather than human law; it honours tradition, supports family life, cherishes community and is not hedonistic. Christ preaches that his kingdom is not of this world, and prepared his followers for admission to the Kingdom of God. As for wishing to dominate the world, neither Christianity nor Islam wants to dominate the world, although both of them would like to teach their faith to the whole world. So, people seem to be confusing religious versus secular worldviews with Islam versus the West. They are juxtaposing Islam, a diverse and varied religion with followers spread from Indonesia to Tunisia, with the West, which is a geographical or cultural or political concept.

In the same way, that it was possible for Christians to move towards the establishment of democracy and the institutionalisation of human rights, there is no reason why the same cannot take place among Muslims. The approaches to the application of human rights to the Middle East and other developing countries are threefold: The first approach was that of the colonialist period that saw the Western way of life as intrinsically superior and universal and looked down upon all other cultures and civilisations. It believed in the necessity of civilising the natives, i.e. forcing them to wear Western dress and follow a Western way of life, to adopt Western laws and to relinquish their own religious beliefs.

The second approach was exclusively selective and non-universalist. It was concerned with the fate of Christians and citizens of Christian states in the

Muslim world, as was the case in Lebanon where the Christian minority was given power over the Muslim majority. This approach has now been extended to the support of the Jewish state, where the activities of the Israeli forces and the killing and maiming of thousands of Palestinians and the destruction of homes and orchards are often described as acts of self-defence, while any form of Palestinian resistance is described as terrorism. Israel has become part of the West and its ideology is part of the 'Judeo-Christian' civilisation, while Islam which is also a continuation of Judaism and Christianity and furthermore accepts and reveres the mission of Christ is regarded to be outside that exclusive club.

The third approach that has been given the clumsy term "hegemonic abstentionism" basically tries to limit the application of universal concepts of human rights, sometimes with good motives. Numerous other terms are used to describe this approach, namely communitarian, relativist, tradition-based, post-modernist, realist, etc.² According to this approach, concepts of democracy and human rights are limited and applicable entirely or to a large measure to the West, while other societies must live by different set of rules that suits them best. This approach suits those in the West who wish to downplay the issue of human rights, democracy and justice in the Middle East. It also suits the Middle East despots who, in the name of regional authenticity or Islam or whatever else, violate norms of human rights. The fundamentalists in some Islamic countries use this tactic in order to fend off the criticism of their denial of human rights to their citizens or those who are under their occupation, by claiming that their behaviour is sanctioned by Islam.

When the Iranian President Mohammad Khatami started his presidential campaign in 1997, he introduced a number of very interesting slogans. Two of the most important slogans of Khatami were civil society and the rule of law. Of course, these terms do not evoke a great deal of interest or controversy in the West, but in a conservative Islamic society such as that of Iran under the mullahs the slogans were revolutionary, especially as the Persian terms signify a meaning that is not conveyed by their English translations. *Jame'e-ye madani* (civil society) stands opposed to *jame'e-ye dini* (religious society), and *hokumat-e qanun* (the rule of law) stands opposed to the rule of the Shari'a or religious law. In the same way, at the beginning of the 20th century when some people were calling for a constitutional government (*hokumat-e mashruteh*), the leading clerics of the time, Sheykh Fadlollah Nuri, called for "*hokumat-e mashru'eh*" or a government based on the Shari'a.

These words made alarm bells ring among the conservative clergy. Therefore, shortly after becoming president, Khatami decided to soften the blow by saying that he advocated an "Islamic civil society" (which actually sounded like a contradiction in terms in Persian, the same as Islamic democracy. There is no Islamic, Jewish, Hindu or Christian democracy. Democracy is democracy, period). In a speech he gave to the Islamic Conference Organisation in Tehran, in which

more than 50 heads of Islamic countries were assembled, Khatami said:

"The kind of civil society that we wish to establish and develop in our country, and which we also recommend to other Islamic countries, is qualitatively different in its historical origins and its fundamentals from the kind of civil society which is based upon Greek philosophy and Roman political legacy. The two, however, are not necessarily in conflict and contradiction in all their manifestations and consequences. This is exactly why we should never be oblivious to judicious acquisition of the positive accomplishments of Western civil society. From a historical point of view, the Western civil society is derived from the Greek city states and its theoretical foundations are based on the Roman [and European] political system; while the civil society which we have in mind, is ideologically rooted in the Koran and historically based on the City of the Prophet."³

When Muslim philosophers refer to *Madinat al-Nabi*, or the "City of the Prophet", by that they do not mean only what was going on in Medina at the time of the Prophet; but as the Prophet also acted as the head of the state, Muslims believe that his government there represented the most perfect form of government and acted as a model for subsequent governments. The main difference between Prophet Muhammad and Jesus and Moses and other prophets is that while those prophets were only spiritual leaders and not the head of the state, Muhammad managed to form a government in Medina and later in the whole of Arabia. Therefore, the concept of the City of the Prophet also conveys a philosophical idea; namely a city modelled on the one established by Muhammad in Medina.

Shortly after this speech by Khatami, a leading religious cleric in Iran, Hojjat ol-Eslam Sadeq Larijani, wrote an article in an Iranian magazine, pointing out the logical incoherence in Khatami's statement.⁴ He pointed out that "civil society" has an accepted, historical meaning. He asked why one should use that term if one has a different meaning in mind and when one is only referring to the City of the Prophet. He wrote: "If we are trying to establish a society which is inspired by the City of the Prophet and the values that govern that concept, namely Islamic values and culture, is it not more appropriate to speak of 'Islamic society', so that we can avoid unnecessary confusion of terms with their different philosophical connotations?"

He then questions the value systems that are implied in that term. In Western usage, the term civil society refers to a different value system from the one that is behind the concept of the City of the Prophet. He continues with firstly providing a brief account of the historical development of the term. Secondly, he defines the concept of civil society as it is understood in the West, which is a society based on a form of contractual definition provided by the people and is free from religious restrictions. Thirdly, he discusses the principles of an Islamic society or the City of the Prophet. He speaks of the close relationship between civil society and Western liberal democracy.

He points out that the powers of the government are purely "borrowed" rights,

derived from the people, and the government represents the wishes of the people. "The role of the government is to allow the individuals to enjoy the greatest freedom, so that they can pursue their rights and interests in the way that they see fit. The role of the government is not to impose its own values, goals and principles upon the citizens, and it should in no way interfere in such issues... The role of the government is to provide a suitable environment that would allow the individuals to make their own choices in the society." As John Locke said: "Where law ends dictatorship begins."

Larijani goes on to say: "There is no doubt that the existence of laws, the rule of law, the equality of individuals before the law, and the just implementation of the law are among the principles that are supported by an Islamic society and in any other society that wishes to live in a rational and reasonable way." However, he points out that laws have a different meaning in civil societies and in Islamic societies. In Western civil societies the government is neutral and must implement the laws promulgated by the legislature. The task of the government is only to provide and ensure individual freedom. In other words, civil society and liberalism are like twins. This is a thinking that is not in keeping with Islamic laws, according to him.

The Islamic society is not based on the laws made by men, but on the general principles set out in the Koran. Sadeq Larijani wrote: "We support a society which is based on the spirit of Islam and religious faith, in which Islamic and religious values are propagated, in which every Koranic injunction and the teachings of the Prophet of Islam and the Imams are implemented. It will be a society in which the feeling of servitude to God Almighty will be manifest everywhere, and in which people will not demand their rights from God but are conscious of their obligations to God." In other words, it has less to do with individual rights, than with religious obligations. It looks for a political environment that allows the people to perform their religious obligations. It is less interested in individual freedom and more concerned with social responsibilities.

He criticises the views of people, such as Abdol-Karim Soroush, who say that there is no such thing as an Islamic society or an Islamic civilisation, but the society of Muslims or the civilisation created by Muslims. Soroush maintained that Muslim radicals were trying to use Islam as an ideology, while Islam is a spiritual and individual way of life.

This debate is not limited to Iran, but is the common preoccupation of many Muslims or Islamists throughout the Islamic world. Sa'id Hawwa, a Syrian theologian, wrote: "Democracy is a Greek term, which signifies sovereignty of the people, the people being the source of legitimacy; it is the people who legislate and rule. As for the *shura*, it denotes consultation [by the ruler] with a person or persons with regard to the interpretation of a certain point of Islamic law. In Islam the people do not govern themselves by laws they make on their own, as in a democracy; rather, the people are "governed by a regime and a set of laws

imposed by God, which they cannot change or modify in any case." The concept of majority rule is rejected by Islam "because Islam would not concur that the majority is sovereign, whatever its mistakes and errors."

Across the border in Tripoli, Dannawi summed it all up in a simple formula: "The state in Islam obeys Divine Law, not the people; liberating the state from subservience to human passions, whims and fancies... be they of the majority or the minority."

This kind of thinking is not limited to Islam. Many Christian and Jewish fundamentalists and indeed the members of the Moral Majority in the United States say the same thing. Those who attack abortion clinics in the United States and kill or injure the doctors who are carrying out abortions do so because they believe that the law of God supersedes the laws made by men.

Is there a way of bridging the gap between these two points of view? I believe one answer to this anxiety felt both by sincere Muslims and Christians is to point out that modern concepts of democracy and human rights have themselves evolved out of a religious context. In a broad-ranging book, *The Secularization of the European Mind in the Nineteenth Century*, Professor Owen Chadwick argues convincingly that the concepts of democracy and human rights and the separation between religion and state developed out of religious debates in Europe and America.⁵ They were born out of a desire to put an end to the conflict among various denominations and to provide an environment in which different sects could hold on to their own principles and follow their own religious injunctions.

I would go a step further and argue that, in fact, religious concepts that regard man as being created in the image of God according to Christianity, or as the vicegerent of God on earth according to the Koran, provide the proper underpinning for human rights. If we regard human beings as mere flesh and blood, as economic consumers or as animals in a human zoo, we would have fewer qualms about suppressing their rights than if we believe that human beings have an intrinsic value in themselves, that they are masters of their own fate, that they are the children of God and that they are related to us as members of a universal human family.

The third way of bridging this gap, and arguing particularly from an Islamic point of view, is to show that the Koran itself is not hostile to human rights. The Koran contains a variety of law-making provisions and legal injunctions interspersed throughout its chapters (*suras*) and verses (*ayat*). A number of rules exist for interpreting these provisions, such as the position of a given *ayah* within the context of the *sura*, which in turn is interpreted in accordance with its place in the sequence of revelation, its reference to other revelations, and its historical context in relation to particular conditions which existed at the time of the given revelation.

These and other rules are known as the science of interpretation (*ilm usul al-fiqh*). According to these rules, for example, one initially is to refer to a specific provision and then to a general provision dealing with a particular situation. In other words, religious injunctions must be placed in their historic context, and must be interpreted in such a way that they do not contradict the more general universal concepts. If one verse that refers to a particular event contradicts the more general and universal principles expressed in other verses, the universal principle must be adopted as it overrules the verse that referred to a particular event in the past.

Reasoning by analogy (*qiyas*) is permitted, except where expressly prohibited. Simplicity and clear language are always preferred. Similarly, the clear spirit of certain prescriptions cannot be altered by inconsistent interpretations. A policy-oriented interpretation within the confines of the rules of jurisprudence is permissible and even recommended, as is the case with the doctrine of *ijtihad* (progressive reasoning by analogy).

Most Muslim scholars do not consider Islam to be an evolving religion, but rather a religion and legal system, which applies to all times. It is, therefore, the application that is susceptible to evolution. Indeed, the provisions of the Koran are such that by their disciplined interpretation, with the aid of the *Hadith* and *Sunna* and other sources of interpretation, Islam can be interpreted in such a way that it can provide the solution to contemporary social problems.

There are numerous verses in the Koran that tell the believers not to oppose or molest the followers of other faiths. For instance, The Koran preaches that there should be no forceful conversion. The believers are told to only discuss their faith with others in the kindest manner: "Summon men to the way of the Lord with wisdom and kindly warning. Debate with them in the kindest manner." (Koran xvi, 126). God admonishes the believers not to force others to join their faith: "Wilt thou force men to become believers?" (Koran, x, 10). There is this clear injunction in the Koran: "Let there be no compulsion in religion" (Koran ii, 257). The way the sentence has been formulated in Arabic has led many Muslim theologians to say that not only there should be no compulsion in religion, but by its nature religion is not susceptible to compulsion. Due to the nature of faith that is a matter of personal conversion and the relationship between man and God, there simply cannot be any compulsion in religion. Otherwise, conversion and faith mean nothing. Faith must be voluntary, or it is meaningless. It is a personal and fateful act and not a communal venture.

Even the Prophet himself is ordered to desist from forcing other people to follow his teachings: "It is not for a Prophet to be fraudulent and put people in chains: for he who puts others in chains shall bring the fruit of enslavement upon himself on the Day of Judgement." (Koran, III, 161). This is a very important statement that teaches that anyone who tries to enslave other people's minds and souls will

enslave himself and will bring the fruit of enslavement upon himself on the Day of Judgement.

Many early believers wanted Muhammad to force the Arabs to become Muslims, but he is told by God: "We are best aware of what they say, but thou (O Muhammad) art in no wise a compeller over them. But warn by the Koran him who feareth My warning." (Koran, 50: 45). Therefore, the Prophet's job, as it is stressed elsewhere in the Koran, is merely to warn and to call the people towards God, but not to coerce them to follow it. Faith and guidance ultimately comes from God: "Say: The truth is from your Lord; then whosoever will, let him believe; and whosoever will, let him disbelieve." (Koran, 18: 28)

Muhammad was unhappy that some of his close relatives, including his favourite uncle, had not become Muslims, but he was told in another verse: "And if thy Lord had willed, whoever is on the earth would have believed, all of them, altogether. Wouldst thou then compel the people, until they are believers?" (Koran, 10:98). Again: "Say: O mankind! Now hath the truth from your Lord come unto you. So whosoever is guided, is guided only for his own soul, and whosoever erreth, erreth only against his soul. And I am not a warder over you." (Koran, 10: 107)

There are many references in the Koran, telling Muhammad that he is not people's guardian, that he has no authority over them, and that he should not force the people to believe. Therefore, if the Prophet himself has no authority over others, and if his job is merely to warn and preach the word of God, clearly none of his followers can claim to have greater authority than him. They should not force those who are not members of the Islamic community to become Muslims or to be oppressed, and they should not force members of the Muslim community to do what the clerics or authorities tell them to do. People are responsible for their own action and must be given freedom to make their own choice freely.

As far as *jihad* or the war against the non-believers is concerned, the most important Koranic verse that defines the limits and conditions for *jihad* is the following: "Fight in the way of God against those who attack you, but begin not hostilities. Verily god loveth not the aggressors... And if they [the enemies] incline towards peace, incline thou also to it, and trust in God." (Koran, 2: 189).

According to many Muslim theologians, this verse means that the only form of war permitted by Islam is a defensive war. They regard this verse as providing the parameters of a "just war". Muslims are told to "fight in the way of God", in other words not for any personal or aggressive intention, but merely for the sake of God, "against those who attack you", but they are emphatically warned "but begin not hostilities". Therefore, there is absolutely no suggestion that Muslims should go and eliminate the people in the "House of War".

There is another Koranic verse that allows the Muslims to fight against those who

drove them out of their houses, and to pursue them until there is no persecution. The Koran says: "And kill them whenever you find them, and drive them out from whence they drove you out, for persecution is worse than slaughter... And if they desist, then lo! God is Forgiving, Merciful. And fight them until persecution is no more, and religion is for God; but if they desist, then there should be no hostility except against oppressors" (Koran, 2:190-193). All Koranic commentators have said that this verse refers to the attacks that were launched by Meccans against Muhammad's followers, and is not a blanket authority for waging war. That verse too only allows a defensive war against those who had attacked the Muslims, but even here it says, "but if they desist, then there should be no hostility except against oppressors."

Therefore, there is absolutely no authority anywhere in the Koran or in Islamic jurisprudence for attacking the people in the "House of War". There is a long tradition of treaties and agreements going back to the time of the Prophet that allows other people to live in peace, so long as they do not attack Islamic communities. Those territories were said to belong to the House of Peace, or House of Security, as opposed to those who lived in the House of War, namely those who were engaged in a war against Muslims. When Muslims conquered Iran, Egypt and parts of the Byzantine Empire, at the beginning there was a certain amount of violence, but there was no attempt for the forced conversion of the conquered nations. The bulk of the Iranian population did not become Muslims until about two hundred years after the initial conquest. Large Christian and Jewish communities also survived in Egypt and other Islamic lands.

In fact, as non-Muslims who lived in an Islamic country had to pay a higher rate of tax because they did not contribute to the military, very early in Islamic history some greedy rulers discouraged people from joining Islam in order to increase their own tax revenue. This was the case in Iran and Iraq under Hajjaj bin Yusef who was the governor of Mesopotamia in the first century of the Islamic calendar who sent orders to his local officials telling them to stop converting the people to Islam.

The situation with Islam is the same as we find with other traditions. What is the Bible's position on war and violence? For some, the Bible authorised the Crusades, the Inquisition, slavery, the extermination of the American Indians, the killings of the Ku Klux Klan, the atrocity in Oklahoma City, and most recently, the organised genocide against Bosnian Muslims. For others, the Bible has motivated and sustained movements of non-violence, the anti-slavery movement, efforts to support Bosnian Muslims and others in the face of genocide, the nurturing of movements of democracy and social justice, and lifetimes of sacrifice in the service to other human beings.

Many reformist Muslims have started interpreting Islamic texts with the help of Hermeneutics. A great Iranian reformer, Ayatollah Mohammad Mojtahed Shabestari has written many volumes about the need to interpret the Koranic

verse in a way that they can be applicable to the present age. Shabestari maintains that Islam has three main categories of teachings. They are: Spiritual and devotional [*Ibadat*]; issues dealing with social matters, including politics, economics, various forms of transactions between people [*Mu'amilat*]; and finally religious injunctions [*Ahkam*], including *hudud* (religious punishments) and *qisas* (retribution), based on the *Shari'a* or Islamic law. He maintains that the spiritual elements of Islam – like those of other faiths – are eternal and unchangeable and can provide Muslims with guidance and spirituality today. Some of the teachings belonging to the second category, namely social teachings, and can be adapted to present circumstances through *ijtihad* (independent interpretation of the law). As far as the third category, namely *ahkam*, *hudud*, *qisas*, etc are concerned, their time is passed, in the same way that the laws dealing with slavery are no longer operative because the time for slavery has come to an end. In the modern world, Muslims must formulate new laws on the basis of modern requirements. ⁶

He says that when he asks his friends why they do not refer any more to the Koranic teachings regarding slavery, they say that the time for that has been passed. He then asks them why they cannot see that the time for harsh Islamic punishments, flogging those who drink, killing the adulterer and the adulteress, chopping off hands, unequal treatment of women, etc has also passed.

If we wish to create a more harmonious world, we must seek ways of reducing differences and hostility. Instead of dwelling upon differences, we must stress similarities. Instead of giving the most negative and limited interpretation to any Koranic or Biblical text, we must look for the most enlightened and the broadest interpretation. There is no disagreement among different religions that a good society, a well-governed society, is one in which people feel that they have equal chances to find fulfilment and where there is a sense of justice. How do we achieve that in the world? I believe that the idea of human rights, the rights of individuals, can be achieved through dialogue and collaboration among nations, rather than as the result of recrimination and point scoring. I must add that this is a difficult task to perform, especially in the light of the clash among various cultures and civilisations that we are witnessing today.

The way to begin is by supporting institutions like the International Criminal Court. Religious and secular leaders and scholars must lay down the principles and concepts that are acceptable and those that are not. We need to encourage the United Nations to begin to develop regional courts of human rights to try those who violate the principles of the Human Rights Charter. Step by step, we'll get closer to a Supreme Court of human rights within the context of the United Nations. It is very shortsighted for the US – alongside Somalia and a few other undemocratic nations - to refuse to join that court. In the light of the terrorist attacks, now we need such international institutions more than ever.

What we can also do as individuals and organisations is to encourage dialogue among people and civilisations. Instead of spending hundreds of billions of

dollars on weapons of war, we can achieve much greater harmony in the world by spending a fraction of that on bringing the people from various countries together and encouraging dialogue between them. Of course, dialogue is much more difficult in practice than it sounds. It requires listening, as well as talking. It requires a feeling of genuine respect for the views of others and a desire to learn. At the moment, due to its technological, military, economic and intellectual pre-eminence, the West is more interested in lecturing others and telling them what to do, instead of engaging in a real two-way dialogue.

Andre Gide said once that the individual was the most irreplaceable of beings. A moment's thought indicates how true this is. Individuals are irreplaceable. All religions also stress the uniqueness and the sanctity of human beings. Therefore, their rights are absolutely vital and extremely precious, and their rights must be preserved. We must insist that human rights are universal and we must apply them without discrimination, both in the West and in the rest of the world.

Endnotes

[1] Quoted in an Internet letter by Peter Challen, entitled "Peace, personal witness and the rule of law", 08.12.2002.

[2] For a further discussion of "hegemonic abstentionism" see Fred Halliday, *Nation and Religion in the Middle East* (Saqi Books, 2000), pp 15-30.

[3] Salam newspaper, dated 9.9.1376 (30 November 1997), Tehran, p 2.

[4] *Sobh* newspaper, No 80, Farvardin 1377 (March 1998), p 44. All other quotations are from the same article.

[5] Owen Chadwick, *The Secularization of the European Mind in the 19th Century* (Cambridge University Press, 1991).

[6] See Mohammad Mojtahed Shabestari, *Hermeneutics, the Book and Tradition* (Tehran, Tarh-e No, 1996).

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