BEYOND LIP SERVICE TO HUMAN RIGHTS:

The Imperative is to act

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Muslim states and societies have to go beyond lip service to human rights. This has been an overdue imperative long before September 11, 2001. Tens of thousands have died in Lebanon, Rwanda and Indo-China without any wretched tombstones raised to their memory. However the spectacle of 9/11 has produced several unintended consequences: one of which was that many Muslims began to ask very critical and uncomfortable questions about the way they practice and perceive their religion, culture and history in a globalizing world.

Apart from the fact that the stand off between Muslim militant forces in different parts of the world in confrontation with United States shock troops will continue for some foreseeable time, the debate within Muslim communities on the question of human rights cannot be ignored. It is time for straight talk. Years of polite speech and criticism by innuendo have only aggravated the internal conditions in Muslim societies. Nay, the silence has often been a deferential or complicit silence, Let's face it: in the contemporary Muslim world we lack a culture of robust, open and critical reflection and debate on a trinity of three issues: politics, religion and sexuality.

Human rights, in whatever incarnation, be it secular or Islamic, ought to become the foundation of both domestic and foreign policies of Muslim societies. Failing to act on the imperative of human rights may result in many more countries facing the ghastly prospect of increased internal strife and being cast as marginalized global pariah nations. Liberal capitalism, even though it has to be challenged, is at the moment triumphant and will in all likelihood act in brutal ways towards those who threaten its interests.
Thus as a matter of self-interest and self-preservation, if there is any imperative for Muslim societies in the twenty first century then it is to make the application of the most progressive version of Islamic human rights their highest priority.

The best starting point for Muslim intelligentsia and political leadership would be to encounter history with brutal honesty and radical accountability. We may not like it, but the truth is of the matter is unavoidable: for the past two decades, Muslim countries have taken the lead as violators of human rights, even by Islamic standards, not that there is much difference in Islamic and secular standards. Mention a Muslim country and there would be few that would qualify as meeting the minimum standards of Muslim human rights in terms of accountable governance where the citizenry enjoy freedom, justice and prosperity. Realities sadly suggest facts to the contrary. In the past two decades Muslim governments and leaders have authorized some of the most shameful and ruthless butchery of their own citizens with unparalleled callousness.

On what ethical grounds can Muslim governments and citizenry remain silent about the flagrant violations of human rights in the Muslim world? Political dissidents and opponents of tyrannies and despotism face brutal torture, imprisonment and frequent extra-judicial and summary executions at the hands of fellow Muslims. Muslim countries are amongst the most notorious where political dissidents are lucky if they are tortured and imprisoned, where elections are rigged, religious and ethnic minorities are frequently mistreated and foreign workers are humiliated. And even this list regrettably does not exhaust the list of offences. Are there any justifications for us to continue to demonstrate sympathy and solidarity with such authoritarian Muslim governments, who in addition to perpetuating misrule also squander their nations resources in meaningless projects while millions of Muslims starve in most abject poverty?

While we have seen every dictatorial regime with ostensible "Islamic" credentials hasten to implement sharia in the form of corporal punishment against sexual offenders and petty thieves they ignore the fundamental principle that animates sharia governance: justice, equality and freedom. In terms of governance by sharia these standards are to be scrupulously observed. Ibn al-Qayyim al-Jawziyya (d. 1350), a leading Muslim jurist, long ago argued that the essence of sharia is justice. Ibn al-Qayyim urged Muslims to act on the imperatives of truth and justice in fulfillment of the sharia.

Even if one momentarily takes seriously the standard jeremiads that many Muslims individuals and governments make against Western nations and international institutions seriously on maintaining double standards in
enforcing human rights, that does not for a moment justify the continuous violation of human rights on the part of Muslim governments. In fact, the accusation and charge can be turned around. Muslim governments are equally guilty of double standards. For while they self-righteously proclaim to be standard bearers of true' and 'Islamic' versions of human rights, they willfully violate every Islamic value that is cherished in Muslim ethics. Surely, this is worse than the charge of Western double standards! To be fair, at least Western nations do not keep their own people in bondage as Muslim governments do. Neither do they run police states with a brutal repressive machinery to hold their unhappy subjects in check and then mockingly call such regimes governments! Sure Western governments advocate human rights at home and flout these same standards abroad. If only one Muslim country practiced human rights at home, it would be a valuable start. But even something as basic as the respect for the fundamental rights of citizens is hard to come by in the majority of Muslim countries. While many Muslim states are signatories of the Universal Declaration of Human Rights, but few take human rights seriously.

What prevails in Muslim countries is infinitely more noxious and morally decadent. In the moral idiom of the Qur'an this is called hypocrisy (nifaq), an offense more serious than unbelief itself. There is a reason why Muslim ethics deems hypocrisy to be such a serious offense: for it perverts the moral order. Hypocrisy is a duplicitous posture of pretending to do good, whereas the actors never intend to do good in the first place. No society can flourish when its moral fiber is so deeply poisoned where political leadership is nothing but duplicity and fraud.

Every believing Muslim is obliged to act out of their religious conviction against the current state of affairs. It would be irresponsible for ordinary Muslims to become complicit in their own oppression by silence. Islamic ethics deems it a sin to keep silent about atrocities and flagrant violations of the rights of people. The Prophet Muhammad (P.B.U.H) in the seventh century said: "Whoever among you sees a wrong, they should try and change it with their hands. If you are unable to do that, then they should speak out against it; and if you cannot even do that then your conscience should deem it immoral, and the latter is the weakest form of faith." The moral doctrine of commanding the good and forbidding the wrong (amr bi 'l-ma'rufwa 'I- nahy 'an al-munkar) is central to Muslim ethics. Of course certain Muslim extremists have appropriated this doctrine in order to pursue their own ends of lawlessness and violate higher principles in Islam. But the abuse of this doctrine should not prevent its proper application. Some scholars debate whether the individual Muslim has the power to implement the moral law at an individual level. What is incontrovertible thoughts that the individual has the right to pass moral judgments on what is happening in society.
The English philosopher John Locke (1632-1704) did indeed explain that a citizen could approve and disapprove certain practices. He went so far as to say that the citizen could freely make a moral judgment as to what is a virtue and vice. In similar vein to arguments made by Muslim ethicists, Locke went further and argued that what the citizens view as vice and virtue, were not only private opinions, but that such moral judgments themselves had the character of laws. Now of course one constantly faces the specter of Muslim apologists who would seize on this comparison to argue that long before John Locke, the Prophet Muhammad had given instructions on how believers should impact the moral order and bring about a state of righteousness. While a tremendous amount of energy is spent on justifying Islamic positions academically, very little time is spent in applying the values preached by the Arabian Prophet. What value does such apologetics have, when Muslim countries are not only bereft of the teachings of the Prophet, but that they also disregard the wisdom of Locke. Only the successful application of the moral teachings of the Prophet can give Muslims reason to be proud about their religious and intellectual tradition.

Many Muslim governments have joined the United States in the campaign against terrorism since September 11, 2001. Sure enough terrorism is a serious breach of human rights and cannot be condoned. But one should bear in mind that from a sociological point of view, terrorism itself tells another story. One just cannot dismiss it as an individual or group pathology. That is too simplistic and prevents an understanding of the problem. There is no nation in the world that is in such a denial of examining the causes of terrorism as America, followed by several Muslim governments too.

Terrorism is the harvest of societies that are misgoverned. If anything, terrorism is a symptom of the poor health in which the societies that produced such individuals and groups find themselves. Often terrorism finds fertile breeding ground in repressive societies where public expression, political liberties and access to wealth are severely curtailed. Terrorism flourishes optimally under conditions of authoritarian rule and repressive governance. If terrorism is brutally repressed, it creates a cycle of its own revenge, especially when the root causes of terrorism are not ignored. In fact, Muslim history is replete with such violent social uprisings. Many such sectarian formations have over time been consecrated as theologies of dissent and serve as attractive as anti-state ideologies.

There is another reason why Muslim dictatorships continue to flourish; they serve the political and economic interests of Western capitals effectively. The latter point is the overwhelming motivation, irrespective if Western political scientists and pundits and fervently deny such motives. Perhaps they are less than frank with the truth. If this is not the case, then one is required to ask why the United States and its European allies is hand-in
glove with some of the most authoritarian regimes in the Muslim. Not lagging behind such political expediency was the former Soviet Union, whose policies are now being pursued by Russia.

Apart from American alliance with tyrannical regimes, failed domestic policies is the real cause why Muslim countries export terrorism to the West. Even the most prosperous of Muslim countries cannot keep their citizenry satisfied and happy. That Muslim governments would try to deny such charges is understandable. But why Western governments do not cut their links with Muslim dictatorships, especially when they are being made targets of terrorism, remains a mystery. We are forced to conclude that the inarticulate premise is that Western foreign policy is based on brute self-interest and political expediency and not on human rights. Therefore, partnership with Muslim governments who abjure human rights becomes a perfect fit and therefore should not be a surprise,

Today, the United States violently denies its role in fomenting terrorism by subverting the democratic struggles of Muslim peoples and supporting dictatorships to meet its personal ends. The United States does not want to be held accountable for anything it does in the international sphere. To the contrary, it struts as a colossus and self-righteously pontificates morality to the world. In fact, as many observers have noted, that the US through its recalcitrance to adhere to international law, poses the greatest threat to undermining the international human rights order. Currently the US is undermining a painstakingly built international consensus on the creation of an International Criminal Court of Justice. One wonders if the US government ever contemplates to bring to justice, those who committed heinous crimes against humanity like Saddam Hussain or whether seeking exemption from the reach of international signals its intention to violate human rights. It therefore is no surprise that the US enjoys no credibility as a global moral authority, least not in the Muslim world and is even being criticized by its European allies. More broadly speaking there is in fact a deep cynicism about the role of the US in international affairs.

If anything, then the aggressive US policies towards Muslim countries undermine and even further marginalizes progressive Muslim forces that favor the reconstruction of Muslim societies. But US aggression only feeds radical and unthinking versions of Muslim militancy, whose sole aim is to gratify anger with spectacular violence. So low is US credibility, that even Muslim middle classes silently show sympathy for radical groups like al-Qaeda when they attack US interests. Many are fully aware that one needs constructive solutions and that slogans and violence is not a solution in itself.
The colossal failure of the US to maintain human rights standards globally, does not give Muslim countries any reason to continue to ignore human rights. To the contrary it would be to the advantage of Muslim nations if they responded to the US by holding up human rights and democratic practices nationally and internationally as the standards in international conduct. We need to turn human rights into a weapon against US imperial projects and thereby use it as a legitimate means to embarrass and resist.

We also require more than a modicum of honesty and self-critique. There is no doubt that many parts of the Muslim world are in a serious state of economic, intellectual, political and cultural disrepair. Dehumanization is the order of the day. International news makes for depressing reading. Daily we hear of women being sentenced to death by stoning in Nigeria; the immunity of the world to the suffering of the Palestinians and the accompanying political violence; Muslim-Hindu clashes in Kashmir with frightening death tolls; bombing and assassination of foreigners as well as non-Muslim minorities being made target of death and discrimination have become a regular feature of our daily diet of information. Muslims perpetrate most of these actions. Are Muslims being dehumanized to such an extent that their moral compass has become subverted?

Ignorance about Muslim history is endemic to Muslim societies, leave alone knowledge of other cultures, religions and civilizations. For the past half a century or more this ignorance has been remedied by a very monochromatic understanding of Islam. The complex Muslim tradition that encompassed art, aesthetics, history, literature, knowledge of scripture, teachings of the Prophet, law, science and philosophy all once made up a complex web of tradition. Within the web of tradition, Muslim self-understanding and Muslim subjectivity was a complex and sophisticated one. This tradition was ruptured by the vicissitudes of history on Muslim societies and it appears that these wounds have not healed. But one cannot help thinking that many Muslims, leaders as well as governments use the agonies of the past as a cheap means to justify their mammoth failures.

In the twentieth century Muslims tried to adopt short cut and a historical methods to remedy their lag in knowledge, technology and self-understanding. What we have become experts at is to play the role of the victim without any accountability for our self-inflicted wrongs. Muslim revivalist movements in the last century trying to respond to the needs of the hour however reduced the solution to only knowledge of the holy book, the Qur'an, without offering the readers of the scripture the tools of how to understand the revelation. Revelation occurs within a historical context and there are ways in which it makes sense across time and space.
The result of revivalist efforts has been a crude, as well as emotional, response to Muslim failures dressed in the idiom of religion. It is not surprising to find intellectually ill-equipped people delivering heated sermons based on one verse of the Qur’an and offering simplistic solutions to the complex problems of humankind. While Muslims generally acknowledged the need to also master modern sciences, theologically and culturally the knowledge of modernity was never seen as legitimate. Despite more than a hundred years of effective modernization of the Muslim world, large numbers of Muslims are still not sure how to respond to modern knowledge with full integrity. The relationship between Muslims and modernity can at best be described as schizophrenic. Science and modern knowledge continues to be understood as something standing outside and in contrast to religious knowledge.

The bearers of religious knowledge in Islam, the 'ulama, are largely to blame for resisting engagement with new forms of knowledge. Not only do they resist new knowledge but they have also abandoned their great and complex tradition that once was the mainstay of Muslim civilization. If one looks at the archives and libraries of Islamic thought then it will become clear that the 'ulama were once heirs to a dizzying and sophisticated intellectual tradition. But today's 'ulama are no longer trained in this complex tradition. Even more tragically, they are strangers to these complex traditions. These days the 'ulama tradition constitutes a strip-down version of tradition consisting of law (fiqh), theology, Qur’an exegesis and studies of Prophetic reports. And these disciplines too are taught in an authoritarian manner in which the historical findings are accepted as unquestionable truth with the viability of this truth in modern society remaining unexamined. Gone are the days when 'ulama studied science, medicine, mathematics, philosophy as well as the religious sciences and could have a stake in their societies. Today's religious classes hardly have any stake in their societies. At best they can act as spoilers of vibrant progress and at worse they perpetuate authoritarian discourses.

Thus tradition, which was once vibrant and creative, is rendered to be stultified and truncated. Tradition then becomes coterminous with authoritarianism. And, in such conditions, tradition is mummified and is no longer a living entity. Under such conditions Muslims are unable to make sense between their historical legacy and the demands of modernity. Often Muslims have to live in two worlds in order to retain their sanity: live in the modern world existentially and in the bosom of authoritarian tradition morally. The two traditions, namely the modern tradition and historical tradition are seen as antithetical to each other, but they need not necessarily be pitched against each other. Only a revolution in educational philosophy can release Muslims from this catch-22 situation. It requires an enormous act of will and courage on the part of all sectors of leadership to even imagine a breakthrough in this front.
Bereft of a viable tradition, it is no wonder that Muslims see themselves as victims and are suspicious of all other intellectual and moral traditions. Many Muslims view with deep skepticism the modern tradition of human rights that has its origins in liberal philosophy, which inspired the Universal Declaration of Human Rights. Few people realize that the illustrious juristic tradition (fiqh) in which Muslim jurists excelled, had as one of its major concerns the preservation of the rights of legal subjects. In fact, the discourse of fiqh is a discourse about moral values and ethical rights broadly conceived. It is now wonder that today's Muslims have become strangers to their own legacy.

Any transformation of Muslim societies will have to begin from a platform of human rights. Any project of Islamic reform must of necessity adopt a progressive vision of a Muslim rights-discourse. That means that new readings of the tradition would have to replace previous ones. Beyond theorization, and more importantly, they would have to be applied to Muslim societies and strictly enforced. That means that the state should be the servant of its citizenry and governments and rulers should scrupulously adhere to the law based on human rights. A rights-based Muslim society fosters a robust civil society where people are free to criticize the rulers and hold them accountable without fear of being victimization.

If these rights are denied then the rulers should be held accountable for violating citizens' rights. Political leaders who violate the rights of others do not serve their citizenry and lose the right to be legitimate rulers. In Islam leaders are required to lead by personal example, neither by privilege nor by personal fiat, but are required to adhere to the rule of law. No one is above the law. How often are Muslims not embarrassed by the shameless vote rigging and corrupt political practices in many Muslim countries. One of the requirements that Islam demands of its followers is that they execute just government, a phenomenon hard to find in countries that identify with Islam culturally and religiously, leave alone states that designate themselves as Muslim. In their frustration today many Muslims look back nostalgically to the past to redeem their miserable present.

One feature of a just government is that its judicial system is independent and free from political interference. In fact, Muslims once prided themselves for offering true justice in their societies. Ironically, today Muslims openly acknowledge that they find greater Islamic justice in the non-Muslim countries of the west. One can recall with pride when the caliph All in the seventh century was summoned to a court for denying the rights of a Jew. Not only was the caliph of the day hauled before the judge Shurayh, but also the fearless justice-system resulted in the ruling going against the caliph, 'the prince of the believers' for a minor infraction of the rights of his non-Muslim subject.
Today Muslim apologists do not fail to argue the virtues of Islamic human rights and women's rights, arguing that the genesis of both go back to the time of the Prophet and the revelation of the Qur'an. Aside from the gross over-simplification and lack of historical accuracy, it still begs the question why these rights are so flagrantly absent in contemporary Muslim societies? If these rights were born within the bosom of the Islamic religion, then why have we alienated ourselves from our own kin? Obviously, the Muslim apologists confuse traditional forms of rights-based on reciprocal duties with the modern tradition of inalienable rights. But even the duty-based rights systems are absent in Muslim societies, for if they were applicable one would never have had to witness the excessive levels of human rights violations among Muslims.

What needs to be done, as a matter of urgency, is that individuals, institutions of Muslim civil society and governments must without fail make human rights an article of faith of Muslim societies. No practice should be allowed to fail the litmus test of human rights as conceived of in Muslim ethics. If one or two Muslim countries take this initiative seriously, this idea is bound to develop into a larger consensus once its dividends become evident. But it is imperative to make a start.

Furthermore, the establishment of credible Muslim regional and international human rights groups is long overdue. One of the first tasks of such groups is to engage in the relentless monitoring of state violence that prevails in the Muslim world. Individual Muslims, governments and institutions of a progressive Islamic bent should not hesitate to outdo each other in isolating oppressive Muslim governments and institutions. Muslims should show zero tolerance for human rights violations, irrespective of creed or colour. The Islamic injunction of commanding the good and forbidding the wrong, requires that Muslims compete with each other in the promotion of righteousness. Putting an end to tyranny, despotism and displaying outrage at the infractions of human rights should become part of the religious and civil duty of every Muslim.

If Muslims refuse to be the first among those who condemn human rights violations, then that displays a deeper malaise of moral perversion. For if Muslims - individuals, governments and institutions- remain silent then it unambiguously suggests that we condone such horrifying actions. It is difficult to explain to ordinary non-Muslims, and even to Muslims for that matter, why Christians get killed in revenge attacks in Indonesia, Nigeria and Lebanon or young Muslims find terrorism such an appealing career. Of course, each of these conflicts has deep roots and complex causes that render these brutal acts as part of a cycle of violence. But we dare not allow the iron cage of
history to chain us to social processes and render us as passive spectators while our agency and free will is held hostage to the temporality of the moment. We need to act now, not a moment later, otherwise I fear we are digging ourselves deeper into a moral wasteland.

NOTES

1 The Qur'an 4: 145 say that the hypocrites will be in the darkest pit of hell.