

ISLAM AND HUMAN RIGHTS IN THE MUSLIM MIDDLE EAST

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Islam as a religion, and as an ideology of change and societal living, is akin to the two other main revealed religions: Christianity and Judaism. It came into existence in the early 7th century to complete rather than contradict those religions. Like Christianity and Judaism, it places a high premium on the sanctity of life, human dignity, and a moral, ethical and virtuous earthly existence. Islam is a religion of community, and underscores that the rights, freedoms and welfare of the individual to be determined in relation and proportion to the dignity and wellbeing of the community. It attaches high importance to human responsibility, cautioning its followers against unjust rule and arbitrary impositions as well as living in conflict with one another and the wider world. In essence, Islam is not incompatible with most of the tenets of the Universal Declaration of Human Rights and with a way of pluralist democratic existence.

I would like to take up three issues today. The first is the similarities that exist between Islam, Christianity and Judaism in support of a fulfilled and virtuous life on earth. The second is the

two main approaches – Jihadi and Ijtihadi – that have evolved in the Muslim world to understanding and applying Islam in the course of history. The third is how various Muslim Middle Eastern states fare today when it comes to the protection of basic human rights and freedoms.

Religious Similarities

Islam and Christianity, and for that matter Judaism, share much in terms of both beliefs and values. As the three main revealed monotheistic faiths, they not only embrace a common concept of God and His attributes, but also give equal weight to the sanctity of life as a precious gift from God. They are all rich in fundamental moral and social principles from which strong notions of universal ethics, justice and dignified existence can be drawn, and in relation to which a virtuous life can be organised on earth. In Islam, as in Christianity and Judaism, the notions of the power of God and vulnerability of man and woman as His creatures are combined to caution strongly against an earthly existence which defies God's commands and results in a life contrary to those principles which ensure a pious, truthful, just and communally acceptable living. One of the central elements of Christianity 'is do justly, to love mercy, and to walk humbly with ... God'. Christianity has evolved to stress justice based on the principle that one must not do to others what one would not want others to do to oneself. This is akin to the Islamic principles, as enshrined in the Qur'an, that strongly emphasise the notion of justice as closest to piety, and the value of compassion, forgiveness, mercy, modesty, humility and persuasion as central to earthly existence in order to gain reward in the world hereafter.

Like Christianity and Judaism, Islam is rich with principles and practices that call for a humanised and humane world. In Islam, a humane and virtuous existence cannot be fulfilled unless citizens are assured of their common basic rights, freedoms and responsibilities, with access to the necessary opportunities to enable them to fulfil themselves within a community to the best of their abilities. God's will stands supreme, but His creatures are given the faculties of thinking and reasoning to act responsibly on earth in fulfilling God's pleasure in accordance with the changing times and conditions, for Islam is a religion for all times and all peoples.

At the doctrinal level, Islam is monolithic and does not recognise compartmentalisation of life in terms of racial, political, social, cultural and territorial divisions, and essentially calls for the creation of a unified source of earthly power and authority as a reflection of those of God. However, in the course of its historical evolution it has come to accommodate pluralism from within (such as the Sunni-Shia sectarian division and sub-divisions within each of this sect) and from outside, as in the case of cultural differences between its followers. It has demonstrated a degree of elasticity in its internal and external dispositions that has ensured its continuity as a dynamic religion and fostered its position as the fastest growing faith even in today's world.

At its inception, Islam stressed to its followers the value of knowledge and education, and placed no barriers to critical thinking, expression and debate. Muslim thinkers have sanctioned consultation, participation and consensus, and emphasised the sanctity of a citizen's privacy against arbitrary actions, and the rule of law with justice as principles to underpin the operation of a

Muslim society. Islam has enshrined the value of a participatory system of governance. In other words, it has provided many principles from which the creation of a peaceful democratic way of life can be stipulated.

Jihadi and Ijtihadi approaches

Yet Islam - like any other religion or ideology - has been wide open to a range of interpretations and methods of application in the course of history. On the whole, they can be summed up in two approaches - each highly diverse within itself - to the understanding and application of Islam in the Muslim world, and the Muslim Middle East in particular: Jihadi and Ijtihadi.

The Jihadi approach calls for strict adherence to fundamentals of Islam as literally pronounced in the Qur'an and Sunna. It presents Islam as highly monolithic, with a firm conviction that there is no separation between religion and politics in Islam and they are the two sides of the same coin. It contends that there is only one way to build God's government on earth and that is the way that God has ordained in the Qur'an and that Prophet Mohammed pursued in creating the original Islamic community. It adheres to the view that the only legitimate form of political system in a predominantly Muslim society is an Islamic government, whose task is to apply Sharia (Islamic Law) as the law of the land. It postulates that individual and for that matter communal rights and freedoms are expendable when it comes to the higher goal of protecting and defending Islam and an Islamic community. This approach essentially sets up Islam to justify authoritarianism or concealed authoritarianism.

The approach has spawned a variety of what have become known today as Jihadi or combative groups. Some of these groups have proved to be more puritanical than others, but some have also been reformist in pursuit of re-Islamising their polities and the wider Muslim world. Further, some have been more extreme than others in their attitude to the use of violence as a means to protect and defend their religion and Islamic way of life against outside assaults or perceived threats. Some of these groups have invoked religious exclusivity and cultural relativity to oppose Western notions of democracy and human rights. Inspired in recent times by the writings of the Egyptian writer and agitator Sayid Qutb, they have come to include a range of radical and neo-fundamentalist and Islamic groups, including Al Qaeda and many of its associated groups, more importantly Jama'a Islamiyya and Hezb al-Tahrir, as examples of the radical groups, and the Taliban and Lashkar-e Toiba as examples of the neo-fundamentalist variety.

The Ijtihadi approach, on the other hand, calls for creative interpretation of Islam based on independent reasoning. In general, it subscribes primarily to the view that Islam does not provide a theory of the state or a blueprint for what exactly should constitute an Islamic government. It maintains that while Prophet Mohammed left behind a powerful and everlasting legacy, he left it to the followers of Islam to apply Islam in the course of history according to changing times and conditions. It argues for a softer relationship between religion and politics in Islam. It claims that Islam is compatible with democracy and in agreement with what is contained in the Universal Declaration of Human Rights, with the exception of capital punishment, which Islam endorses. Some of the contemporary advocates of the

approach have gone so far as to argue that it is possible to have even a secular government in a predominantly Muslim society as long as Islam is respected as the religion of the majority within the state. This approach has produced a variety of liberal Islamists. A prominent living example from the Sunni side is the former Indonesian President Abdurrahman Wahid. Wahid has strongly argued for compatibility between Islam and democracy and has rejected any interpretation of Islam presenting it as an impediment to the promotion of democracy and human rights.

The situation in the Muslim Middle East

In the case of the Muslim Middle East, what has become politically prevalent is not so much Ijtihadi Islam, but either an uneasy attempt to meld Jihadi and Ijtihadi Islam, or Jihadi Islam as a source of legitimation, though in varying degrees, for several types of politics: theocracy, semi-theocracy, authoritarianism and concealed authoritarianism. For example, in the case of Saudi Arabia, Jihadi Islam is deployed to justify the theocratic, oligarchic, patriarchal rule of the Ibn Saud family. Despite its repeated promise of political reform, it has found it expedient to subordinate all the necessary processes and practices pertinent to the growth of democracy to the political needs of the authorities. Many human rights, ranging from freedom of thought and expression to inviolability of a citizen's privacy, to organised participation in politics, that could be perceived as threatening – either potential or actually – to the regime's power are banned. The regime has often cited religious and cultural identity to protect itself against international criticisms.

Yet outside the political arena, in relation to infrastructural, economic and security modernisation and relevant social changes,

the regime has been quite willing to deploy Ijtihadi Islam whenever deemed necessary or desirable in order to achieve its objectives. In other words, while politically the regime has been Jihadi, in other areas it has found Ijtihadi Islam quite useful. At the same time, it has had no hesitation to suppress as 'terrorists' those citizens (including supporters of Al Qaeda) who have adopted positions of either Jihadi or Ijtihadi opposition to the regime. The same goes, although in varying degrees, for all other members of the Gulf Cooperation Council: Oman, the United Arab Emirates, Qatar, Bahrain and Kuwait.

In many other Arab states, which are also labelled as authoritarian and repressive in one form or another by the *Arab Development Report* (2004), most importantly such countries as Egypt, Tunisia, Libya and Syria, political leaderships have on occasion exploited both Jihadi and Ijtihadi Islam in their public disposition. But they have done so for the purpose of enforcing secular or semi-secular authoritarian rule, using claims of religious and cultural distinctiveness to deflect international condemnation for human right violations and arbitrary impositions. Meanwhile, they have waged a vigorous campaign to play off the Jihadi and Ijtihadi Islamists against one another to discredit political Islam as a viable alternative to their Islamically-glossed secular authoritarian or semi-authoritarian rule.

The Iranian case stands somewhat on its own. Ever since the overthrow of the Shah's predominantly pro-American rule and its replacement with Khomeini's anti-American Islamic regime in 1979, what has transpired in Iran is Jihadi-Ijtihadi theo-democracy of a Shiite kind. In the initial phase of Khomeini's regime, Jihadi Islam was applied very vigorously to re-Islamise Iranian politics

and society as thoroughly as possible. Most basic human rights of the Iranians were suspended; political participation was restricted to the same extent as was the case under the Shah's dictatorship; and violence against the opponents of the regime was justified as being necessary to create a true Islamic democracy. This resulted in the promotion of radical Islamism as the ideology of the state and the establishment of a theocracy.

However, there was always also an Ijtihadi aspect to Khomeini's politics, focussed on the goal of reconstructing a strong, modern Iranian Islamic state. He was aware that this objective could not be achieved without creating a pluralist and participatory system of governance and acknowledging citizens' basic human rights and freedoms, even though within an Islamic framework. This gave rise to two main factions within his ruling Islamists: the conservatives and the reformists. While after Khomeini's death in 1989, the conservatives remained locked in the Jihadi aspect of Khomeini's politics, with control over the reins of power, the reformists rapidly pursued the Ijtihadi dimension of his legacy. The eventual outcome was the election of a moderate reformist Islamist, Mohammed Khatami, to the presidency in a landslide victory in 1997.

In many ways, Khatami proved to be a Shiite mirror image of Abdurrahman Wahid. Like the Indonesian leader, Khatami set out to argue for Islam's compatibility with democracy and basic human rights and freedoms. While parting with Wahid on the issue of the permissibility of secular politics within a Muslim society, Khatami upheld the need for operating within an Islamic framework, as had been laid down by Khomeini. He called for the creation of what he termed 'Islamic civil society' and 'Islamic

democracy', with the principle of 'dialogue of civilisations' governing Iran's foreign relations, even with its arch-enemy, the United States. However, despite his emphasis on Islam, a close scrutiny shows that his concepts of Islamic democracy and Islamic civil society came very close in their disposition to embrace most of the values and practices which have underpinned the Western constructs of civil society and liberal democracy. He publicly campaigned for the promotion of all those human rights contained in the Universal Declaration of Human Rights (except protection against capital punishment).

In spite of stiff opposition from his conservative opponents, who dominated most of the instrumentalities of state power, he succeeded in loosening up to a noticeable extent the state's political and social control and widening public participation in politics, with a degree of freedom of thought, expression and debate unprecedented in modern Iranian history. Of course, ultimately he could not weaken his factional opponents' hold on power to implement his reforms more rapidly and effectively. Even so, by the time he completed his second term and handed power to his newly elected successor from the conservative faction, Mahmoud Ahmedinejad, in August 2005, he could remain confident that he had changed the face of Iranian Islamic politics to the extent that his opponents would not have much choice but to continue some of his reforms. The most important aspect of his legacy is likely to be the fact that he showed the Iranians that they could, if they wanted, have an Islamic democracy with political pluralism and basic human rights that could put them on a par with some of the Western democracies.

Whether Khatami's conservative successor, who won office on a populist platform, will take Iran further on the path of political pluralisation and participation, and observance of human rights, remains to be seen. Although the early signs indicate that Ahmedinejad is set to lean more towards Jihadi than Ijtihadi Islam, if he wants the Islamic regime to endure and Iran to prosper, he may ultimately have no choice but to continue on the path of Khatami's reformation. Iran is not today's Turkey, where the moderate, reformist Islamist Justice and Development Party has successfully been in power since 2002, and has operated within a secular setting as laid down by the founder of the Turkish republic, Mustafa Kemal Atatürk, eighty years ago. While the Turkish experience may provide Muslim countries with another model to study and possibly emulate, the Iranian Jihadi-Ijtihadi experience, which by all accounts has a long way to go yet, confronts us with its own intellectual challenges.

Conclusion

Islam has enough internal dynamism not to make it an impediment to the promotion of basic human rights and democracy in the Muslim Middle East or for that matter anywhere else in the Muslim world. It all depends on how Islam is interpreted and applied as a universal religion and ideology of nation-building. It can be narrowly interpreted and applied to justify dictatorship and human rights violations. It can equally be deployed in a way that can foster the growth of democracy and promotion of human rights. Muslims may have to make choices between these two sooner or later. But it is important for them to be reminded that the Jihadi approach has not worked for them so far and can only hold them back from achieving their full potential for much longer. They live in a rapidly changing world, and Islam

came into existence to bring change and to cope with change. Adjusting to this may be the best hope for a moderate and modern Islam in which human rights receive the respect they deserve.

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