

Human Rights in the Contemporary World Problems for Muslims and Others

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Introduction

Since the Magna Carta in England in June 1215 C.E., and the Bill of Rights there in 1689 C.E., several national documents have been issued in the West to spell out human rights, the culmination of which came out in the provisions about human rights in the “Declaration of Independence of the United States” in July 1776 and in the first ten amendments of the U.S. Constitution which became known as the Bill of Rights, adopting the name of the English Bill, the “Declaration of the Rights of Man and Citizen in France” in August 1789 following the Revolution there. Other national documents or provisions followed in this direction, until an international effort could be made to bring out the “Universal Declaration of Human Rights” issued by the General Assembly of the United Nations in December 1948. Meanwhile, the socialist thought in general, and the Marxist in particular, has been stressing the essentiality of social justice for a genuine democracy, a trend which was crowned by the Russian Revolution and the establishment of the Soviet Union in 1917, which, fought on the side of the Western Allies in the last World War and which had a distinguished place in the United Nations, supported by other socialist states in Eastern Europe, as well as China and other socialist states in other parts of the world. In response to this trend, other international documents from the United Nations followed, such as the “International Covenant on Civil and Political Rights” and the “International Convention on Economic, Social and Cultural Rights,” which were both approved by the General Assembly of the United Nations in December 1966 and made effective from July 15, 1967. Most of the Muslim countries were signatories of the Declaration of Human Rights, with the exception of Saudi Arabia which expressed its reservations about the Declaration, and its full commitment to the rules of Islam which are seen by it as completely and imperatively guaranteeing the human rights by the highest authority in the world: the Creator and Lord Supreme of the whole humanity¹.

A “Declaration of the Rights of Child” was issued by the General Assembly of the United Nations on November 20, 1959. The Assembly chose the year 1978 to be the “Year of Human Rights,” then it selected the next year 1979 to be the “International Year of the Child.” Then an international effort that was not universal came through the “European Conventions of the Rights

¹ See *Conferences on Moslem Doctrine and Human Rights*, Ministry of Justice, Riyadh & Dar Al-Kitab al-Lubnani, Beirut, no date.

of Man,” issued by the European Council in its meeting in Rome in 1950. In September 1968 the Council of the League of Arab States decided to form a “Permanent Regional Arab Committee for Human Rights” which held successive meetings and submitted its resolutions to the Council. The legal committee of the Organization of Islamic Conference drafted a “Document of Human Rights in Islam” in September 1987 which pioneeringly emphasized significant Islamic points, and was submitted to the Organization’s Council of Ministers of Foreign Affairs.

International nongovernmental organizations have been formed to monitor the observance of human rights in the different countries of the world, and to report and campaign internationally about any grave violation in any country. One such organization is Amnesty International, which was born in 1961 basically in London and which extended its chapters in different countries, especially in the United States and Western Europe. Later on similar organizations followed, such as Human Rights Watch that is based in New York but which was able to cover other areas of the world. A London based group, which chose “Article 19” as its name, has activities in the area of press freedom.

Through these decades of the last half of the twentieth century, human rights and their Universal Declaration followed by the two International Covenants on Civil and Political Rights and on Economic, Social and Cultural Rights, all issued by the General Assembly of the United Nations, have raised many problems. These have been difficult to solve or decide upon by a consensus or considerable majority of all the countries of the world, or even of the state-members of the U.N., an organization which has its own problems in its charter and structure themselves. The resolutions of the General Assembly cannot mean a mandatory obligation for the state-members, and the resolutions of the Security Council - the highest body of the international organization - can be paralyzed by the veto of any of its five privileged permanent members: the U.S., Britain, France, Russia, and China. Even if such a resolution may be passed without veto, it can be without effect if any one or more of these privileged states want it to be ignored or is/are ready to veto any sanctions that may be suggested for the party that has ignited it. However, such organizational and procedural complexities have not been the only source of the problems, although they represent a main one. There are many other problems about the content as well as the practice; some of these have been faced by Muslims in particular, while others have been faced by the whole world.

A) Problems on the Muslim Side

Muslims have no problems about human rights in principle. The Quran addresses, in many verses, the “Children of Adam’ in their totality and the “human beings” as a whole, while it addresses, in many other verses, those “who have attained to faith” or the “believers” in the message of Prophet Muhammad and the Quran in particular. God has conferred “**dignity**” on the children of Adam, whatever their innate and acquired differences may be [The Quran 17:70]. The universality of the human being is stressed in this verse by underlining that God has enabled the human beings to move through land and sea, and the economic development within social justice is stressed by underlining that God “has provided for them the sustenance out of the good things in life.” From the Quranic perspective, the human being is not merely supposed to “survive” at the lowest level of biological survival, but to enjoy the “**dignity,**” “**universality,**” and “**good life**” conferred on him/her by God, and to develop all the human potentials, spiritually and morally, psychologically and intellectually, as well as physically. Thus the human species can achieve its preference over many of God’s creation, as the Quranic verse stresses, while the human responsibility of **maintaining and developing the universe** is carried out at the same time: “He [God] brought you into being out of the earth, and charged you with developing it, and made you thrive thereon” [11:61].

According to the Quran, **the ruler is one of the people who is entrusted with authority by the people**, and thus is **responsible** before them [4:59]. The caliphate is a **contract of mutual obligations between the rulers and the ruled**, and it was historically an actual and real contract, not a fictitious or presumed one as the social contract of John Locke [d.1704] or Jean Jack Rousseau [d.1778]. Islam teaches Muslims that God only is the One who has no equal or like [42:1 1; 1 12:11-14]. He is the One who is not Questioned, while all humans are equal and should be questioned. The principle of “shura” secures the participation of the people in the policy-making and decision-making process. The divine law and justice have supremacy over the rulers and the ruled, the influential and the weak, the men and the women, the adults and the children, the Muslims and the non-Muslims, within the Muslim state, as well as securing constructive relations between Muslim states and others. All of humanity has to fulfill the **two-fold responsibility of human and universal development through getting together and knowing the common grounds and the particulars of each**

human society [49:13], complementing each other and cooperating and competing in this two-fold development peacefully and virtuously.

Muslim peoples have to present a model in this respect [2:143, 3:104, 110, 22:4], but **within the global humankind**, not separated or isolated from it. The Muslim unity and solidarity should not imply a new antagonistic based on psychopathic chauvinism or material exploitation and aggression, but should mean **cooperation in securing peace and development, and furthering morality and God-consciousness [5:2]**. Muslims are always **ready to listen and learn from any human experience [39:17-18]**, since they are taught in the Quran that the human merits are conferred by God on humankind in its totality. The believer has to seriously and honestly search for wisdom everywhere, and wherever it may be found, **the believer is the most deserving of it whatever its source may be**, as the Prophets tradition teaches [reported by al-Tirmidhi]. When he was young, before his prophet-hood, the Prophet of Islam attended with his clan chieftain a tribal alliance that aimed to secure justice and defend anyone who suffered injustice, which became known as the “Alliance of the Nobles,” “Hilf al-Fudul.” Later on, the Prophet significantly stated once that if he was invited, after receiving his message from God, to such an alliance, whose constituents were naturally non-Muslims, he would join it.

The Muslim intellectual, jurisprudential and political heritage has included much positive evidence of such an Islamic humanistic and universalistic perspective². They are not needed in such a presentation which

² A few examples of this are: Caliph Umar’s justice which has been mentioned in the text few lines before in relation to the case of the Coptic who was beaten by the son of the governor of Egypt after overtaking him in a race, and Umar’s saying to the governor, “Since when have you made people slaves while they were born free of your mother”, see *Ibn Abd al-Hakam, Futuh Misr wa-l Maghrib*, editor Abdel-Mun’im Amer, Cairo, 1961, P. 224-6; Caliph Umar’s statement about the right of all the people in the public treasury and responsibility of the ruler to let these rights reach them in their places, see Ibn al-Jarir al-Tabari, *Tarikh al-Umam wa-l Muluk*, the section of Umar’s sayings concluding the annals of his Caliphate; Caliph Umar’s decision to secure the needs of a poor Jew from the public treasury, see Abu Yusuf, al-Kharaj, Cairo, 1392 A.H., p. 136; the agreement of Khalid Ibn al-Walid with the people of Hira to provide from the public treasury from the needs of every old, sick, or poor person, Abu Yusuf, *ibid.*, p. 156; the statement of Rab’i ibn Amer to the Persian leader Rustum about the purpose of Muslims in their conquest: “...to bring people out from the narrowness of life to its spaciousness, and from injustice to justice,” al-Tabari, the reports on the year 14 A.H. and the early development of the Battle of Qadisiyya; the opposition which has been referred to the jurist al- Awza’i to the Abbasid rulers decision to move all of the non-Muslim community from a certain strategic area in Lebanon when some of them were accused of collaborating with the Byzantine enemies, on the grounds that the responsibility should be precisely restricted to those who might be proved guilty in a fair inquiry and trial and not generalized to the whole community with out evidence, saying that those non-Muslims “are not slaves, but free people whom Muslims have promised protection”, see Abu Ubayd al-Qasim ibn Sallam, al-Amwal, ed. Muhammad Khalil Harras, Cairo 1975, pp.221-222; the order of Caliph Umar ibn Abdel Aziz to withdraw from Samarqand after his judge reached the decision that the Muslim army under Qutayba ibn Muslim had entered the city by deception, see Baladhuri, *Futuh al Buldan*, ed. Radwan Muhammad Radwan, Cairo 1959, p.411. See the book of this papers author in Arabic: *Huquq al-Insan bayna al-Shari’a al-Islamiyya wa al-Fikr al-Gharbi*, 1st ed., Cairo, 1982, 2nd edition with additions (in print).

aims to address the problematics in particular. But to be honest and objective, we should not ignore the fact that **the Muslim heritage has also had its negatives**, and it is intellectually and morally essential to nurture a critical mind among the Muslims, especially their successive young generations, which judges only according to the criteria of Islam, even against the fore-parents, kinsfolk, and co-believers, and to let such an intellectual and ethical honesty replace both extremes of an apologetic justifying attitude and a rejectionist one, which have dominated our generations in modern times.

Muslims then, as a result of their faith in the One God and in the accountability of every human being, approve and support any national or universal effort which secures that no human individual, group or power (be it political, economic, or social within the country, or be it in the whole world can oppress or subjugate other people. The problems of universal human rights for Muslims may be basically related to certain general conceptual matters which have not quite settled in the Muslim mind, and which may have their implications not only in the area, but in other areas as well. Few specific details in the Universal Declaration of Human Rights issued by the General Assembly of the United Nations in December 1948 have raised some controversy among Muslims, at the head of which has been human freedom of changing beliefs [article 18]. Here follow some main problems of human rights on the Muslim side.

**The Source*

Since Islam in its divine sources, the Quran and the Prophets traditions (Sunna), provides a comprehensive legal principles and some specific rules in the various arenas of human life, Muslims, especially those who are committed to the Islamic perspectives about the wholeness of the human being and life which has to be conducted by the wholeness of Gods guidance and law, often in modern times face the problem of following laws that are merely made by human beings. This problem becomes more serious when there is a partial and total contradiction between the human-made law and Shari'a. It emerged in the past with regard to certain agreements between a Muslim country and a non-Muslim, since in principle Shari'a was the law of any Muslim country in the past. It has been an essential issue in modern times with regard to the national human-made laws, which are in most cases adopted from secular Western legal thought and expression, and to agreements with non-Muslim countries, especially what is meant to be binding at a universal level such as the Universal Declaration of Human Rights. Muslims may be a considerable portion of the world population, but they are by no means the majority. Within Muslim minorities in different countries, many Muslims feel uncomfortable with effective laws, especially in family matters where the laws may be completely different from, or even contradictory to, Islamic law. They may not be fully aware that permanently living in a country, and in many cases acquiring its citizenship, imply a commitment to observing its laws and caring for its interest, and fulfilling the promise is a moral and legal obligation in Islam [e.g. 5:1, 16:91- 96, 17:34]. However, having the law as an inseparable part from the Quran and Sunna, and the enforcement of this law as a significant characteristic of the Muslim states - even nominally - for centuries until European colonization and Western domination under which this law was abolished or restricted to family matters have made it intensely and firmly connected in the Muslim mind and psychology with the Muslim identity. The situation becomes more complicated in the case of international rules, as they are not brought out in an agreement with particular parties that Muslims choose to deal with and may accept in dealing with them what they may not accept in dealing with others, but with all the countries of the world or with an international organization which represents the whole world, and the Muslims may have their difficulties with the way the organization is run or with some of its important members. We have to realize **that Gods law is not an alternative to the human mind, nor is it supposed to put it out of action.**

The human mind is the invaluable favor of God to the human being, and to value what it and the human experience may generate would be for the benefit of humankind. Early Muslims did not hesitate to benefit from the Byzantine and Sassanian experiences in administration and taxation, and many wise sayings referred to as nasaih al-muluk, attributed to various leaders and learned men before Islam were quoted in Muslim works written to advise rulers. Muslims in the contemporary world would have to get familiar and **feel comfortable with globalism and pluralism in this era which makes diversity in views inevitable.** Openness is life, while being closed off and isolated is suicidal. Accordingly, they have to **accept relativity** in making choices and decisions. Any matter cannot often be purely in ones interest or purely against it, let alone be purely good or purely evil, and the global pluralism makes relativity inevitable since various contradictory factors in the countries of the world contribute to the final outcome. Looking at such complex matters as either black or white is unrealistic, oversimplified and wishful thinking in our contemporary globalism and pluralism. We should recall to mind that most juristic assessments of circumstances and legal responsibilities that may exist accordingly in Shari'a are based on the best possible human thinking in the given circumstances, not on certainty. Caliph Umar proved to enjoy outstanding statesmanship, and legal penetration when he said, "A sensible person is not the one who is able to know good from evil, but the one who is able to discern the lesser of two evils."

**Terminology and Semantics*

We have become used to a certain glossary used in Muslim heritage, and we do not realize that language and culture are human and thus allow addition and deduction. Since the Quran is the permanent word of God, we may be inclined to think that all our intellectual and religious heritage in which the Quran has always been central, should have some sacredness and permanence. Consequently, we feel uncomfortable with the word “**freedom**”, since the Quran only speaks about liberating or setting free the slave. The Arab tribal society in which the message of Islam appeared was in great need of consciousness and responsibility that are connected with the society and with humanity as a whole, and that go beyond the clan or tribe, as well as of discipline to a central authority. The Arabs through most of their peninsula on the eve of Islam did not suffer from despotism of monarchs or clergy, but from conflicts of egoism and tribalism. As a result, the use of the word freedom literally in the Muslim heritage was restricted to describing the state which was opposite to slavery. However, this cannot mean that the concept of freedom in its wide sense did not exist, since the Quranic glossary uses words like “**dignity, karama**” [e.g. 17:70] and “**self-esteem, izzah**” [e.g. 63:8], in addition to the morale required from the faith in God and the eternal life to come “*iman*.” Such a concept of human freedom and even the particular letters of the word were used by the second Caliph Umar [B-23H./634-644] in talking to the Muslim governor of Egypt: “Since when have you enslaved people who were born free from their mothers?”, and in the address of the prominent jurist al-Awza’I [d.158H./774] to the governor of Syria in which he described the non-Muslim people there as “**free people** for whom the Muslims promised protection.”

One finds such a wide concept of freedom obvious but scattered throughout the theological and juristic works, despite the fact that the well-known American scholar of German origin, Franz Rosenthal, could not find a definition for the word freedom in such a wide sense in the Muslim heritage, and engaged himself in tracing the word in its limited uses in relation to areas such as slavery, imprisonment and forced labor, in addition to the theological discourse about the human free will and divine predestination. Being connected with Europe and the West, from which the freedom of the Muslim peoples has suffered for the last successive centuries, and which has overloaded the people with individualistic and materialistic elements and flavors and with connotations of ethical and behavioral permissiveness,

Muslims have become sensitive to, or uncomfortable with, the word. Fewer Muslims feel uncomfortable with the word **“rights”**, for the word **“obligations, takalif”** is more widely used in Muslim terminology. Such people may be overlooking the used terms **“right of God”** and **“right of the human being”** in Islamic jurisprudence and its fundamentals (fiqh and usul). **Rights may be considered religious obligations** with regard to those who have the rights and should demand them and struggle in a legitimate way to acquire them, and those who should secure the rights of others. Some may see the word **“justice”** which is used in the Quran [e.g. 4:58, 135, 5:8, 42, 7:29, 16:90, 49:9, 57:25, 60:8] more suitable and preferable, and probably more comprehensive and accurate than words such as freedom and equality. One has to bear in mind, however, that **“equality” is connected with freedom in the Western conception of human rights**, just like equality in oppression or deprivation of freedom or rights is not equality. Besides, wide concepts may require specification, and the wide concept of justice, for example, has required an emphasis on social justice to avoid ambiguity or a limitation to administrative and/or judicial aspects. We have to seriously consider the sociological development of the language and the conceptual and functional need and use of any term, and to obtain the intellectual and psychological habit of going beyond the letter to the meaning and beyond the form to the content. Our theologians, jurists, and philosophers and thinkers in general developed new terms and vocabulary which had not been used in the early times of the Companions and their successors, and the language is a living and growing being that is by nature changing, as are all living beings.

***Change**

The problems of “source” and “terminology and semantics” among Muslims may stem from an epistemological and ontological root: **the concept of “change”** in this world and its life. All creation, be it material or living beings, undergoes continuous change. This includes individuals and societies, and accordingly their needs, since God is the only eternal One [e.g. 28:88, 52:26-27, 57:3, 112:1-2]. There may be certain moral values which are agreed upon by all human beings, or most of them, in different times and places, and which can be included in the “common sense,” but they may be understood and practiced in different ways. Since Islam is the last of God’s messages to humankind, as Muslims believe, it provides the permanent principles and the dynamics for responding to the human change. Change follows the general natural laws of God (sunan, e.g. 3: 137, 4:26, 33:38, 62, 35:43. 48:23). The human societies have their natural laws and the succession of social or political power follows certain laws, just like the succession of day and night (3:26-27). God does not treat Muslim individuals or societies with regard to the general natural laws exceptionally or with favoritism: “...and had God so willed, He could have indeed put them down (those who stubbornly denied the truth) Himself; but **He willed to test you all through one another**” (47:4). Muslims have to struggle, suffer and persevere according to the natural laws (3:140-142, 165). Their religiosity and sincerity would definitely be rewarded in the life to come, but in this world they obtain the best through the individual and social peacefulness balance, and steadfastness as a result of the belief in the One God and the life to come (3:140, 4:104). Praying to God for something beneficial in this worlds life may be positively answered, according to the Prophets tradition, by granting the person who has prayed something good rather than what he/she prayed for in this life or in the life to come [i.e. availing something bad in this life or receiving the reward in the life to come for turning oneself to God and relying on Him - as reported by Ibn Hanbal]. The modern Muslim thinker and poet **Muhammad Iqbal** (1836-1938) underscored “**The Principle of Movement in the Structure of Islam,**” and stressed the essential place of ijihad in this respect³.

A great difference can be felt between the dynamism which Iqbal pointed out and for which he called on one side, and what the other prominent

³ See Muhammad Iqbal, *The Reconstruction of Religious Thought in Islam*, New Delhi, 1984, pp. 146-180.

name in modern Muslim thought in India, **Abu-I Kalam Azad** (1888-1958) called **“reconsolidation, ta’sis”** of fundamental verities of Islam to present its inherent merits, as he was not inclined to reopening the door of ijtiḥad anew⁴. **While the modern West has concentrated on “change” and has rejected or ignored any “permanence,” many Muslims have stuck themselves to “permanence” and have ignored “change,”** its effects, and its implications in the human life in different times and places. They become **fond of the “oneness”** in the Muslim thinking and the Muslim society, thinking that this is a natural and essential result of the belief in the One God and in Muslim unity. Such a fundamental misconception has developed other distortions about human nature, the message of Islam, and Muslim history. A static understanding of the Islamic “model” has led to **ignoring human diversity** in conducting a Muslim lifestyle and adhering to the same faith and divine sources. The flourishing civilization under the Umayyads and Abbasids has been simply considered a deviation from the right path, since the pattern of that lifestyle was different from what had existed at the time of the early caliphate in Medina. Naturally not every difference is deviation, and **all the Muslim life and the entire Muslim society cannot be restricted to the political system and the rulers.** Magnificent material and intellectual developments in the Muslim civilization which were brought up by the whole people, whatever the rulers’ behavior may be, cannot be denied, and they had their impact on non-Muslim countries at the time. Hereditary monarchy and absolute authority characterized the Umayyad and Abbasid dynasties, but during that period fascinating developments took place in the exegesis of the Quran, the examination and collection of Sunna and the commentary on it, jurisprudence, theology, logic and philosophy, linguistics and literature, science in its various fields, medicine with its various areas, architecture, art, agriculture, industry, trade, transportation etc. Can we ignore such total distinguished civilizational developments produced by all the people because of the negatives of palace life?

As a result of that civilization which had its variations and continuous changes in different times and places, the Muslim thinking in general, and Islamic jurisprudence in particular, obtained the best of the dynamism of ijtiḥad to cope with the changes and respond to the emerging problems. Analogy (qiyas), preference (istiḥsan), consideration of unspecified common benefit (al-maslaha al-mursala), goals and general principles and objectives of

⁴ Voll, John Obert, *Islam: Continuity and Change in the Modern World*, Boulder, Colorado, U.S., 1982, p.225.

Sharia (maqasid), and implementation of Sharia in government policies (al siyasa al-shariyya) have become well-known in the methodology and outcome of Islamic jurisprudence during its remarkable times. Different views appeared, and various schools developed with differences among them, and each school had its differences between prominent jurists, and through different regions and successive generations. One reads more than one view attributed to the same jurist in his limited individual life, naturally varied in response to a certain development in his thinking, in the social circumstances, or in the particular cases which were brought up to be considered. The jurist al-Shafi'i (150-205A.H./767-820C.E.) had two different sets of jurisprudential works during his lifetime: an earlier one when he lived in Iraq, and a later one when he came to Egypt, where he lived until his death, and in which he was buried. If such a distinctive change occurred in one individual's life, and was connected with his movement between two contemporary Muslim societies, one can conceive of how change is inseparable from humanity, and how dynamic Islamic law is in coping with human change. Unfortunately, the Muslim legal and juristic history does not enjoy the importance that it deserves in the courses studied at the educational institutions of Sharia in different Muslim countries, and are not put into perspective through the universal legal development, and in relation to the social developments in the various Muslim societies throughout history. Muslims may have the advantage of available rich sources in their social history, represented in their voluminous heritage in the areas of general, regional, and city histories, biographies and autobiographies, geography and travels, literature. Even the general juristic works or those devoted to respond to emerging problems (nawazil) have their great value in indicating the social change, which can be figured out from the difference in juristic opinions, in different times and places, especially when they developed within the same juristic school. In spite of such an affluence of information and the variety of its sources and angles, Muslim social history has not often been categorically approached. Besides, the works in the history of jurisprudence as a separate discipline are relatively new and very few, although we have rich historical sources in general. Hopefully we can devote more academic effort, in which the Egyptian jurist Abdul Razzaq al-Sanhuri was a pioneer, in modern times, in explaining its essentiality to understand the past of Islamic jurisprudence and to renew it.

However, we often talk about the prominence of Shari'a without sufficiently clarifying its dynamics for coping with human change, and thus we let Muslims and non-Muslims think that we have static ideas, and that

“change” as a part of human nature has no place in our conception or planning. Qualitative changes in the Muslim societies, which can never isolate by universal development any more, have to be considered in the family and the society after the education and work of women, in the socio-economic justice after the increasingly widening gap between the haves and have-nots, in the importance of leisure-time for the individual and the family which makes athletics, entertainment and art no luxury. Islam in its comprehensive concept of the human being and his/her multi-sidedness, and in its enriching and inspiring general principles can provide new detailed rules that observe its values and principles while they respond to the qualitative changes. Some may call for reopening the door of “ijtihad,” but the ijtihad of which we have been talking until now is merely partial in limited details, which may be added or changed. We have to consider the needed ijtihad as a new total understanding and development of the body of Shari’a, using its dynamics in coping with the qualitative contemporary change, as happened under the prominent jurists when one compares their comprehensive structuring efforts with the scattered partial views of the Companions of the Prophet after his death, or their successors in the following generations, according to the early particular needs of their societies. Some may extend the Salafi attitude which is right and commendable in the basics of faith and worship to make it the due general concept of Shari’a as a whole. They may explicitly or implicitly call to disregard all our jurisprudential heritage, and concentrate only on the Quran and Sunna, not to develop a new structure of legitimate and rightful understanding of the divine sources in the light of the contemporary qualitative changes benefiting from the inspiring and enriching experience of our prominent jurists in this field, but just to restrict ourselves to shallow literal explanations here and there. Since the Westerners are fully aware of the qualitative changes which humanity has passed through the last two centuries, and even in the last decades of the last century, they cannot understand at all how our model of 14 centuries ago may be applied now, especially when such a longing for the past and a zeal for its restoration are connected in some views with condemning, or at least disregarding or under evaluating the flourishing civilization in Damascus, Baghdad, Cairo, Qayrawan, Fez, Cordova, Samarqand, Bukhara etc. In our fondness for oneness and permanence we may be inclined to an imposition of Islam from above by force or otherwise, and consequently to some totalitarian and authoritarian flavors in presenting the Islamic reform plan as we understand and call for it, and thus we may consciously and unconsciously become liable to infiltration of earlier fascist views and later Marxist ones.

****Formulation***

The previous problems of Muslims about the source, the terminology and the semantics, and the change have brought about a technical problem related to the formulation and articulation of modern laws. Many Muslims believe that our juristic heritage is sufficient for the legal needs of all Muslim societies in all times and places. They like to continue in their legal lives in the same way that the previous Muslim generations did, with no distinction between jurisprudence and legislation, and the decision on any option of the different views offered by one juristic school or more to be left to the judge. They may not be aware that as early as the time of Ibn al-Muqaffa (1404A.H./ 757C.E.), the writer complained to the Abbasid Caliph about the sharp difference in the rulings of the judges of neighboring courts in cases similar to one another in all circumstances, because of their different juristic views. They may also not be aware that Muslims started an experience of legislation and codification in modern times through the legal opinions (fatwas) issued by Shaykh al-Islam in the Ottoman Empire, and this developed in the issuing of Majallat al Ahkam al-Adliyya there (published and put into effect 1870-1877). In the same nineteenth century Qadri pasha had his individual effort in codifying the family and civil laws in Shari'a, according to the Hanafi School, for the Egyptian government. When the legal formulation is practiced by Westerners in national and international fields, Muslim resentment becomes more obvious, and can be naturally expected in an articulation of a universal declaration of human rights. We may recall here that giving up Shari'a as the Law of the Land in Muslim countries was connected with imported Western laws to substitute for it.

However, we should admit that Muslim minds have been shaped for a long time by the scattered details of jurisprudence, rather than by the comprehensive perspective of the fundamentals of jurisprudence (usul al-fiqh) or a developmental conception of the history of jurisprudence. Accordingly, we care more about tracing the details of a certain particular rule in civil or penal law, rather than presenting the general concept and principles of the civil, commercial, or state, or obligation or contract, or the criminal action or the penalty etc. The discouragement of conviction, the dropping of an accusation for any reasonable doubt, the basic requirement of social justice and education for punishment, the preference of a proved repentance of the offender over the punishment, the observation of the rights of the defendant and the victim together, the suggested great variety of discretionary penalties

“ta’zir” and the restrictions for the implementation of fixed penalties “hudud” which make “ta’zir” the flexible and efficient source of penal law that responds to changing social needs instead of always concentrating on “hudud” in talking about Shari’a in general, or its penal law in particular, the care about the social rehabilitation of the offender in the society etc.- all these and other principles have to be presented and elaborated on, so that no misunderstanding takes place. The Islamic civil law and its general principles, may be better conceived through the general concise Quranic principles such as stipulating the consent of concerned parties and the legitimate cause in earning any gain[4:28], the evidence and securities in civil and commercial transactions and the rights and obligations of witnesses [2:282-3]. The resolutions of different international legal conferences about the merits of Shari’a enlightened many people in this respect. Family matters ought to be run by the **mutual consultation and consent of both spouses [2:233], and women and men are both mutually responsible for caring for each other and about the whole society through enjoining the doing of what is good and forbidding in doing of what is wrong [9:71].**

If we understand Shari’a in its totality, its general concepts and principles, and its dynamism, and devote the due effort to studying the general goals and objectives of Shari’a to illuminate our understanding, development, and implementation of our Islamic laws in our contemporary circumstances, we shall be more receptive to and will benefit more from the **modern legal thinking** in the field of human rights as well as in other fields. I believe that in the School of Training for Shari’a Judiciary in Egypt in which both Shari’a and some modern legal experiences are taught side by side, and through the interaction between Shari’a professors and their colleagues who teach modern secular law with its various branches in the faculties of law in Egypt, mutual benefits have resulted on both sides. Scholars of Shari’a have become more aware of general conceptualization and theorization in modern Western law, and scholars of modern Western laws have become more aware of the merits and richness of Shari’a. The constructive interaction has been reflected in the articles published in the journals of these faculties as well as in the doctorate dissertations which discuss the legal topics relying on the modern Western sources as well as the Islamic juristic heritage, under the joint-advice of scholars from both disciplines.

**The “Other”*

Human Rights are universal, and they apply equally to all human beings whatever their inborn or acquired differences may be. Through such a universal human perspective, the “other” is as equally human as you, be he/she of another gender, race or ethnicity, faith, age, or ideology. The Quran emphasizes that all of humankind came out from one couple: a male and a female, in spite of all their diversification into various peoples and tribes which are meant to develop knowing and complementing one another through the diversity of human qualities and the diversity of the natural resources distributed among them in their homelands [49:13]. The first human coupler the two mates, were created from one living entity “and out of the two spread out a multitude of men and women” [4:1, see also 16:72, 30:21, 39:6, 42:11], and two mates who have the same origin and are of the same kind are inclined towards one another, and affection and tenderness are engendered between them by God [30:21]. When they form a family together, they have to run its affairs with mutual consultation and consent [2:233], and in the society both, men and women are equally in charge of, and responsible for, one another, and both “enjoin the doing of what is right and forbid the doing of what is wrong” [9:71]. The Muslims have to deal with the non-Muslims with justice, fairness, and kindness, as long as the non-Muslims do not initiate aggression or hostilities and seem inclined to peaceful actions and relations, “for verily, God loves those who act justly” [60:8]. In many verses, the Quran addressed the “**children of Adam**” in all their plurality, and in more verses the “human beings” in their totality, as well as addressing in others “those who have attained to faith” in the One God, the life to come, the Quran, and the Prophet to whom it was revealed. Yet **many Muslims may accept being “nice” to the other, but not being “equal” to him/her.** They may think that the two stands or attitudes are the same, or that “nicety” may suffice or substitute for equality. Here again we come to the problem of terminology and semantics.

“Nicety” is essential for human relations, and “equality” may be a legal and outward formality if it is not based on “moral” conviction and virtuousness. Nevertheless, **nicety consciously or unconsciously implies a feeling of superiority;** one feels that he/she is superior to the other but he/she ought to be nice in dealing with him/her. We talk two different languages with those who believe in the universal human rights, when we insist on speaking about our belief in, the practice of nicety, while they need an explicit

and clear commitment of “equality” of the “other” to “us,” in spite of whatever the difference between the “other” and “us” may be.

Unless we change our glossary, and talk the common language of the world, our talk to the advocates of universal human rights will always be “the dialogue of the deaf.” On the top of a list of the main areas about which we have to be clear and articulate we should put: **the relations between men and women, and between Muslims and non-Muslims.** We have been used to thinking that women have been created for the family life and for raising children, and thus their natural place is in their home. Nothing in the Quran or Sunna clearly supports such a claim or assumption. Such a **division of labor between the husband who earns the living of the family and the wife who stays at home doing housework is a societal experience** which has occurred for a very long time throughout history in so many societies, including the Arab society at the time of Islam, and the subsequent Muslim as well as other societies until recent times when change has come out and become connected with modernity. However, such a very long experience in so many countries does not necessarily mean that it is an eternal natural law, nor can it be proved to be God’s law in Islam. While different words are used in English for “husband” and “wife,” and the verb form of the word denotes the mastery and management of the house, and “husbandry” may mean the control of resources or the cultivation or production of plants and animals, this may merely reflect a societal tradition that has existed throughout history. Arabic, however, differently uses the same word “zawj,” meaning mate or companion for the other, for both husband and wife. Some may add the suffix “h” to “zawj” to indicate that the word in a particular context means wife, but this is not a linguistic rule or obligation, and the Quran uses the word “zawj” and its plural “azwaj” to mean wife and wives respectively [e.g. 2:35, 102, 232, 234, 240, 4:12, 20, 6:139, 7:19, 13:38, 20:117, 21:90, 23:6, 24:6, 26:166, 33:4, 6, 28, 37, 25, 50, 53, 59, 60:11, 66:1, 3, 5, 70:3], as well as for husband and its plural [e.g. 2:230, 232, 58:1]. One may argue whether a woman’s work may be better for the family than her stay at home or not, and I may go further to say that some Muslim and non-Muslim women may prefer to stay in the home, but this does not mean that this is Gods law that is explicitly spelled out in the Quran and the Sunna. **The discussion has to be moved from theology to sociology, or from the divine revelation to the human intellect and discretion.** The Arabic word “qawwamun”, with its preposition “`ala,” which describes the relation of men to women does not imply any superiority, but simply means “**taking full care of.**” The verse reads; Men take full care of women, for what God has granted some of them distinctively from the

other, and what they may spend out of their possessions [4:24]. The distinctiveness between men and women is related to the woman's pregnancy, delivery, and nursing, which make it necessary that the man should have the responsibility to provide for her needs and the needs of the children, at least when she is hindered with such a distinctive function, that of reproduction. **This hindrance is not permanent, and it cannot be a reason to keep the women at home all her life, and neither does it hinder her intellectual and psychological merits.** She is not supposed to bear children or raise them all her life, and at a certain age children have to go to school and to study when they get home, in this way remaining occupied most of their day. Besides, suppose that a woman may not marry or bear children, what, then, should keep her at home. It is time **to look to the woman as an equal human being, not just as a bearer and raiser of children a cook, a home-cleaner, a dishes and dirty-laundry washer** etc. The family life and raising children require a **join-effort of both the man and the woman.** Since the woman has her right and obligation in obtaining an education according to the guidance of Islam, it is good for her personality and the society, just as it may be good for the family itself to a certain extent, and also it is her right to work, and this right which is beneficial for all parties should be secured. The husband has to share the housework, since it is not fair for the wife to have to still do it all as was customary before, while she is working! It was reported that the Prophet used to help in the housework as soon as he came home after the prayer.

The family affairs should be run by the **mutual consultation and consent of both spouses** [2:233], and the children should be raised and trained to always use their minds and speak up when they see something wrong, even in the family [31:17] but at all times decently and politely [31:17-19; see also 31:14, 2:83, 17:23-24]. The woman's right to inheritance is stated in the Quran, and an addition can be supplemented by writing a **will** which has priority over the mandatory distribution of inheritance stated in the Quran 14:11-12]. The voluntary will ought to take its priority, and the Muslim should feel his/her responsibility to write his/her will as the Quran urges, even when he/she becomes suddenly on the brink of death without having been prepared [2:180, 240, 5:106-8]. **In the society, men and women are equally and jointly in charge and responsible for one another in fulfilling their collective obligations towards the public as a whole** [9:71]. A woman **has the right to vote, to be a member of parliament, a minister, a judge, and even an officer in the army.** Which jobs may or may not be convenient should be decided-by women themselves - not imposed on them - according to their own conviction and based on their own interests. In a modern state

bodies rule, not individuals, and women, whatever their number, in executive, legislative and judiciary positions are included in bodies and are subject to a system. Laws are codified, and discretionary decisions are subject to be reviewed by those who have higher positions or by the courts. Not a single man or women has absolute power in a modern state.

Considering two women equal to one man in witnessing a documentation of a credit is connected with a certain practical consideration that is explicitly mentioned in the Quranic text: so that if one of them [the two women] might make a mistake, the other could remind her [2:282]. Women might not in general be familiar with business matters and their financial and legal requirements, especially in Arabia at the time of the Prophets message, but this **does not mean that a woman who has had the necessary education or business experience cannot be equal to a man in this respect**. Classical jurists pointed out that this is not a general rule for the testimony of a woman, and that **the testimony of one woman is sufficient if she knows what she is witnessing and is reliable**⁵. In our times, should not a woman who may be a lawyer or an accountant be equal to a man in witnessing a documentation of a transaction? How can some prominent jurists allow a woman to be a judge with full jurisdiction on all matters, if she cannot be a full witness in the first place? Is it not obvious that the limitation regarding her witnessing a document of credit is understood as only conditional and exceptional in relation to certain cases?

In a report of the “Muslim Women’s League” of Los Angeles, California, U.S.A. on the United Nations Fourth World Conference on Women in Beijing, China in September 1995, these lines among the highlights of the “Impact of the Conference” are significant and very important: “The role of women in society is continuously changing and becoming complex...Although the conference did not directly focus on religion, Islam did figure prominently in a number of debates. In general, Muslims were perceived by others to be opposed to the equality of women, against the complete human rights of women, and afraid to discuss any issues relating to sexuality that did not fit their value system. The environment at this Conference did not provide an effective opportunity to present a balanced picture of Islam, nor any other major philosophy for that matter. But for Muslims, this inadequate forum was especially frustrating because it served to

⁵ See by the paper’s author *The Rights of Muslim Women in the Family and the Society*, Los Angeles, CA, U.S., 1988.

reinforce **negative stereotypes** about Islam that continue to exist throughout the world. **The obvious counter to these stereotypes, then, is for Muslims to discredit them through action rather than idealized speechmaking.** Such action would entail responding pro-actively to problems of health, poverty, education and violence against women extant among Muslim communities all over the world... (This) conference will serve as a catalyst for such debates among Muslims, as they examine **interpretations** of Islamic laws that discriminate against women. This calls for discussion **of issues Muslims prefer to avoid that have serious ramifications, especially where Islamic law is legislated and enforced...** Although Islam was sometimes viewed in a negative light by the other delegates, the behavior of some of the individuals from different countries provided an image that challenged the stereotypes.. [On the other hand,] many Muslims who attended felt that the reality faced by women raising families by themselves, being subject to violence and violations of their rights, forced into exploitative relationships, and so on means that **the ideals of Islam are far from being implemented,** even in countries governed by Shari'a"⁶.

As for the Muslim-non-Muslim relations within the country and universally, Muslims have to be fully aware of the **era of globalism**, achieved through the revolution of transportation and communication that all of humankind is undergoing, which does not allow any country or human group to be left alone to manage its own affairs separately from the whole world. Even countries like Nepal and Myanmar (Burma) have been exposed in the present global communications. The Internet has speeded up world communications and removed world barriers between countries in a way that is beyond the imagination. **Global pluralism** is a solid reality that cannot be escaped, and national pluralism will always be what the majority of the world persistently requires. Besides, **Muslims cannot strongly demand justice for their minorities all over the world unless they secure it for non-Muslim minorities that live among Muslim majorities.** Isolation in such an era of globalism could not be afforded even by a large country like China, for example, where almost a billion people live, since isolation from the economical and technological developments that are continuously taking place throughout the whole world would simply mean death.

⁶ Muslim Women's League, *Report on the United Nations Fourth World Conference on Women and Non-Governmental Organization Forum in Beijing/China in September 1995*, Los Angeles, CA, pp. 13-14. The underlines in the passage are by this paper's author.

Islam teaches justice, understanding, cooperation and kindness in dealing with non-Muslims and **all “others”** at the country and universal levels [49:13, 60:7-8]. Muslims should be honestly keen to maintain **peace with others** in their country and in the whole world, **cooperation** in furthering virtue and righteousness, not in fostering evil and aggression [5:2], to promote reconciliation and to defend the wronged party against injustice, and to race with others in doing good [5:48]. **Diversity is a natural law for humankind**, and no conformity or domination of one single way of thinking or way of life can be expected. People are different in their various abilities so as to be tested with how they deal with their differences and constructively interact, benefiting from Gods gracious guidance in their efforts [5:48, 11:118-9, 49:13]. **It is the real challenge to the human “ego” to deal with the other**, and even with the enemy, justly and kindly, since the human being is inclined to deal nicely with his/her own people and friends.

Again, what is required in universal human rights is **“equality”**, **not merely nicety**. **The Muslims and non-Muslims should be equal in rights and obligations** in the Muslim country, which should mean that a non-Muslim can vote, be a member of parliament, a minister, a judge, an officer in the army, and may reach the top in any position. They should enjoy their essential rights of belief, expression, and assembly. The general principle in Islam is that there should not be any coercion in matters of faith [2:256, also can have their organizations and their institutions are protected. Their religious processions with their raised religious symbols have been secured in treaties under the early caliphs. They could obtain equal access to the state public services, especially in the fields of security, health, education, economic development and social welfare which have to be provided to them from the zakat revenues or from other state revenues⁷. Churches and synagogues ought to be protected in the same way as mosques, and their protection is a legitimate obligation [22:40]. They should be equal to Muslims in obligations such as taxation and military service.

I do not think Muslims have any legal problem with regards to full equality with non-Muslims in rights and obligations. What emerged as” the status of **“dhimmis”** (non-Muslims within the Muslim state) was historically developed rather than built in the permanent laws of the Quran and Sunna. Many scholars, including the Westerners, admit that the status of non-

⁷ See Abu Yusuf, *al-Kharaj*, Cairo 1392 A.H., p. 136, 155-6, Abu Ubayd al-Qasim ibn Sallam, *al-Amwal*, pp. 803-805.

Muslims in the Muslim world during the Middle Ages, was better than what the Jews or other religious minorities received in the Christian countries in those ages. The important question is: **Are Muslims now ready to go further to secure and sanction full equality for the non-Muslim with them in a contemporary Islamic state?** When reservations and “ifs” and “buts” are raised, how can Muslims expect that non-Muslims would be convinced of, or be loyal to, the concept of an Islamic state, while they are offered full equality without reservations in a secular democracy? A majority cannot deny a minority its human rights, on the grounds that a minority has to respect the rights of the majority to have their state system. **Unless the state system secures human rights for all citizens without any discrimination, it would encourage contradictions and disputes within the country and would lose world support.** Furthermore, any discrimination against a Muslim minority in a non-Muslim country cannot be strongly opposed universally if a similar in justice is committed by the Muslims against non-Muslim minorities. **Whatever the “nicety” in human relations may be in daily life, “equality” has to be secured and sanctioned by law.**

In a modern state, as has stressed before, no single person rules, but bodies are in charge and laws are codified. Non-Muslims, whatever their number in a certain body may be, would be part of a system. If the Shafi'i jurist al-Mawardi (d.450 A.H./1058 C.E.) allows a dhimmi to be an executive minister beside the Muslim caliph, every public official now may be considered to be merely “executive” in a sense, since no-one, even the head of the state, has absolute power or can rule as a single person. Even as a judge, the non-Muslim applies Shari'a as the codified state laws, whatever his/her beliefs regarding Islam may be. Matters which are considered very close to the faith, such as family matters, and matters of a purely religious character such as those related to zakat, waqfs, or mosques, can be assigned to Muslim judges, while similar issues related to other faiths can be assigned to judges who share the litigants' faith. The military service may have some religious character for Muslims, but it meanwhile signifies national defense for non-Muslims. Non-Muslims were allowed to share with Muslims the responsibility of defending Medina in the Prophets Constitutional document which he drew up just after his migration there. This did not particularly work, but it cannot affect the validity of the principle. Non-Muslims became involved in defending certain strategic areas in the conquest 1 of Syria, Persia

and Iraq⁸. It has been well established that the payment of the “**head-tax, jizya**” was a substitute for military service, and those who were charged with military responsibilities were exempt from its payment. Some modern juristic approaches have well argued for equal Muslim and non-Muslim citizenship in a contemporary Muslim state, which ought to be a substitute and development of the “dhimmi status” which we have used in our juristic heritage⁹.

Ideological and political pluralism has to be maintained within the country, and the right to form **political parties and different kinds of organizations and associations**, including labor and professional unions and philanthropic associations should be secured for all the citizens of the Islamic state. Muslims can have several Islamic parties if they have differences regarding the concepts, or the strategy, or even the structure and the leadership with which they may feel more comfortable. Several political groups appeared in the earliest Muslim political assembly in Medina following the death of the Prophet: the “muhajirun, immigrants from Mecca,” the “ansar, supporters” of Medina, and those who had their inclinations towards the family of the Prophet, and believed that the Caliph should be from his descendants, beginning with his cousin Ali ibn abi Talib, after whom the right in the Caliphate was extended to his descendants. Later theological views were in many cases connected with political ideas, as represented in the views of al-Shi’a (who called for a Caliph from the Prophets descendants), al-Khawarij (who emerged in their opposition of Caliph Ali), al-Murji’a (who supported the status quo under the Umayyads), and the Mu’tazila (who appeared under the Abbasids). Islam has never forbidden differences which are simply natural as a result of the human intellect and the human free will, but Islam only guides the Muslims on how to settle their differences methodically and ethically [e.g. 4:59, 83, 16:125, 49:6-13]. Non-Muslims also can have their political parties, since the People of the Book have to enjoin the doing of what is right and forbid the doing of what is wrong [3:114]. Secularists should be allowed to express their opinions and organize their parties since all parties are required to practice their activities peacefully, without provoking hostilities and confrontations. **The freedom of expression**

⁸ See al-Baladhuri, *ibid.* in his sections on al-Samira, p. 162, and al-Jarajima, p. 164 in his chapter on the conquest of Syria (al-Sham); Ibn Jarir al-Tabari, *ibid.* on his reports on the participation of al-Asawira and al-Hamra’ in the Muslim conquest of the Iranian lands.

⁹ See for example Abd al-Karim Zaydan, *Ahkam al-Dhimmiyin wa-I Musta’minin*, Beirut, no date, p 53-55, 61-125, Rashid al-Ghanoushi, *Huquq al-Muwatana*, Herndon, VA, U.S., 1993.

in a modern state cannot be separated from the right of association and assembly, temporarily for a casual expression of opinion, or permanently in an organization, since the individual expression of opinion is effectless for a government that enjoys huge human, organizational, material, and technological superiority, and it enjoys monopoly of overwhelming oppressive measures.

In universal relations, Muslims and non-Muslims have to deal with each other understandably, fairly and cooperatively. Muslim universal solidarity is not meant to be a new block that threatens or disturbs world peace, since Muslims have to cooperate only to farther virtue and righteousness, not evil and aggression [5:2]. Muslims have to support universal peace based on justice [2:208, 8:61], be a positive factor in developing understanding, cooperation and reconciliation, and in preventing and terminating aggression and securing universal justice [49:9, 13]. They can join regional and universal organizations for economic and cultural cooperation, as well as hold an agreement with one or few states. They have to always keep their promises and fulfill their obligations [6:152, 13:20, 16:91-96, 17:34]. It may be better for them to be always present and constructive in universal organizations and forums, and air their grievances and criticism from within. We have to be realistic about the universal justice, and realize that each member state in a multi-state organization cares only, or more at least at this stage, about the interests, rather than about the common benefits or the universal justice. We have to always develop ourselves and cooperate together, and thus we let others realize that we are needed, and that observing mutual interests is a more secure and beneficial relationship for all parties than exploitation and subordination¹⁰.

Pluralism within the Muslim country and in its regional or global relations **does not mean a bargain or compromise with regard to the Muslim faith and following the truth in any way, nor does it signify skepticism or indifference among the believers.** As it was well-put by Nicholas Rescher: “The fact that others may think differently from ourselves does nothing as such to preclude us from warranted confidence in the appropriateness and correctness of our own views. The idea that pluralisms recognition of the existence of other alternatives entails a skeptical suspension of opinion on the grounds of our being obliged to see the existence of other opinions as

¹⁰ See by the paper’s author *Children of Adam: An Islamic Perspective on Pluralism*, Center for Muslim Christian understanding, Georgetown University Press, Washington D.C., 1996.

annihilating the tenability of our own is, to put it mildly, far-fetched. Pluralism holds that it is rationally intelligible and acceptable that others can hold positions at variance with ones own. But it does not maintain that a given individual need endorse a plurality of positions - that the fact that others hold a certain position somehow constitutes a reason for doing so oneself. Any viable proceeding in this range of discussion must distinguish between the standpoint of the individual and the standpoint of the group. Pluralism is a feature of the collective group; it turns on the fact that different experiences engender j different views. But from the standpoint of the individual this cuts no ice. We have no alternative to proceeding as best as we can on the basis of what is available to us"¹¹. This reminds me of the splendid wise saying attributed to Imam al-Shafi'i: "Our view - as we believe it to be - is right, but it can probably be later proved to be wrong, and the view of others - as we believe it to be - is wrong, but it can probably be later proved to be right."

¹¹ Recher, Nicholas, *Pluralism Against the Demand of Consensus*, Oxford, 1993, p 88-89.

**Conceptual and Practical Strategy*

The previous issues affect the Muslim conceptual and practical strategy in our era of globalism and pluralism, if they are settled in one-way or another. Muslims have to think and plan as part of the contemporary universality and plurality, not as a dominating or isolated entity. The division of “dar al-Islam” apart from the other world, whether this world is hostile and belligerent to the Muslims, or has peaceful relations with them, was historical and theoretical. Muslims actually had relations with the whole world, and their travellers and merchants reached Scandinavia, the Volga basin, the heart of Africa beyond the Sahara, China, and South East Asia. Muslim geographers and travellers mentioned “the Muslim lands” in their fascinating works, but they never mentioned the term “land of war, dar al-harb” that was coined by some Muslim jurists. Even with regard to the Byzantine Empire, with which the Muslims had continuous border confrontations, the geographers simply refer to it as “the kingdom or land of the Byzantines, ‘Rum.’ ” **The Muslim “umma”** is not a new block that adds to the world splits and conflicts, but rather a constructive element for peace and cooperation. **The universality of Islam is not restricted to the Muslims** in their umma, but represents the grace of the “Lord of all being, Rabb al-alamin” [21:7].

Besides, a Muslim organization or movement can never claim that it represents all of the Muslims of any country, let alone all of the Muslims of the world. It has to always **communicate with the masses** and interact with them, not to impose its concepts and stands on them, nor take for granted that they are following the organization or the movement since they have been Muslims. Furthermore, Muslims should think and act within the country **as a part of people in its totality: Muslims and non-Muslims**. They have to strongly resist being authority-oriented, and thinking that their reform can only be imposed from above, since this leads them to believing that they have to **either rule or lose**. How can they one day rule efficiently if they do not thoroughly, seriously and patiently think over the various circumstances of the people and the continuous efforts of the government and their positives and negatives, their successes and failures? We have to realize that any **reform** in the fields of public health, education, economic development, civil services, defense and universal relations is essentially required by Islam and should definitely have its consequences on the people and their consciousness

of, and readiness for, the Islamic comprehensive way of life, and on the Muslim conception, action and capability. Such Continuous and accurate discussion and evaluation of **what is going on in the country and in the world** have to coordinate **all possible capabilities** within the Islamic organization, with other Islamic organizations, and with organizations which are committed to and work for justice and morality. Joint-work for a certain cause, or more lasting fronts, may be practiced whenever this seems productive. We should be realistic in working for our ideals, realizing that a comprehensive Islamic way of thinking or life cannot be achieved except **through time**. Universal relations cannot turn instantly towards justice, peace and cooperation. We ought to make a distinction between our ideals and principles, our strategy and our tactics, our long-term, medium-term, and short-term plans, and make clear in our minds our priorities and alternatives. This has to be dynamically decided, and to cope continuously with the changing circumstances. The **shura-democracy** polemics have to be settled once and for all. Until we have a real efficient concretization and methodologization of the concept of “shura,” we have no equal or parallel to the existing developed mechanism of democracy which is the best available means for the implementation of the concept of shura in spite of all its shortcomings which are widely voiced and strongly criticized in democratic countries themselves due to the blessings of democracy. The ways of selecting the early caliphs, or the juristic theory of “the people of binding and dissolving, ahl al-‘aqd wa al-hall,” seldom worked in the past, and cannot be workable today. Such fondness of everything related to the past, even words and forms which cannot be by nature and according to Shari’a eternal since they emerge through changing circumstances and by ijihad, ignores the realities of Shari’a, history and present circumstances. Democracy has been increasingly, even not so comfortably, accepted in theory and in practice in the contemporary Islamic thinking, although the polemics still survive here and there¹². The Muslim organizations have to prove right what a senior fellow at the Center for Strategic and International Studies in Washington, D.C., Edward N. Luttwak, recently underlined, although not for the sake of Islam and the Islamic movement: “In [most] Arab states the Islamists are the only functioning opposition to antidemocratic governments.”¹³ It is their chance, then, to deeply root this in their concepts and actions, and to reach

¹² For more elaboration on the conceptual and practical strategy of the contemporary Islamic movement, see the Arabic book of the papers *author Fi al-Tajriba al-Siyasiyya l-il Haraka al-Islamiyya al-Mu’asira*, Lexington, K.Y, US, 1991.

¹³ Luttwak, Edward N. “**The Answer to Islamist Violence is Democracy**”, in Los Angeles Times, April 11, 1996

and mobilize the widest possible range of masses, and through such an interaction they would then be addressing their understanding of the Islamic comprehensive way of life.

Furthermore, Muslim activists have to make clear for themselves, for the Muslim masses, and for non-Muslims, the ways that they will use to achieve their goals, and implement Shari'a in all avenues of life. Would this be gradual, or should it be started and carried on in its entirety at once? Should it begin from below or from above? Should Islamists accept sharing the authority with others if they accept a gradual process? How would they act towards a possible opposition of the authorities and oppressive measures? One should not wait until such concepts emerge through practice in order to always secure consistency, and to avoid perplexing their supporters and the masses, and avoid any chance of being accused of conceptual and strategic ambiguity and contradiction and sometimes of opportunism, thus allowing violence and its supporters to try to exploit the vagueness and push the movement into an unknown wilderness.

B. Problems for the Whole World

Dealing with the problems of human rights on the Muslim side in some length does not mean that the problems facing the whole world in this respect are not equally important. They are very important, and their effect naturally reaches all, including the Muslims, Here are some of the main serious problems that have been facing the whole world in this field.

**The Concept*

Has the concept of human rights been comprehensively expressed and well-articulated in the Universal Declaration of Human Rights of 1948? It is obvious that **rights are inseparable from duties**, and that had been the experience of the French Declaration of the Rights of the Human Being and Citizen of 4th August 1789, when it had to be followed by an attempt to balance the rights and duties in the declaration that preceded the French Constitution of 24th June, 1793. The Quran uses the word “dignity” which has been conferred by God on all the children of Adam [17:70], and which comprises enjoining the rights and fulfilling the duties together as well as the various dimensions of the human dignity, including the spiritual-moral one. The General Assembly of the United Nations realized the socio-economic gap in the Declaration of December 1948, and was most likely influenced by the Marxist viewpoint that political human rights can never exist without securing **the socio-economic human rights**. Thus the International Convention on Economic, Social and Cultural Rights came out on 16th December 1966, and ; became effective from 15th July 1967, together at the same time with the other ; International Covenant on Civil and Political Rights. Later, the “Vienna Declaration and Program of Action” followed on 25th June 1993, trying to show **“the profound relationship between human rights, democracy and development”** - as John Shattuck, U.S. assistant secretary of state for human rights and humanitarian affairs stated¹⁴. The Vienna Conference also tried to make gains for women’s and children’s rights, calling for ending sexual harassment and gender-based violence, and setting a target date of 1995 for the universal ramification of the U.N. Convention on the Rights of the Child. In September 1995 another United Nations effort occurred in Beijing: “U.N. Fourth World Conference on Women and Non-Governmental Organizations Forum.” Negligence of a sharp clarification and articulation of the human rights of women and children would be a serious legal and moral offense against a huge part of humanity which needs protection and suffers torture and suppression.

Human rights should not focus on the “traditional” equality on the surface and be mostly interested in the legal formalities, but should seriously consider **the equality of opportunity**. Human rights have to be **multi-dimensional**, considering the economic growth accompanied by justice in the

¹⁴ Los Angeles June 26, 1993.

distribution of economic and social opportunities on the one side, and the civil and political rights on the other, since both are inseparable and mutually interacting with each other. Development may raise threats for the natural resources and the environment, as short-term policies of economic growth should not be at the expense of long-term damages of the permanent resources and the environment which affect all of life on the planet, including human life. Islam has its eye-opening teachings about our economic and sanitary use of water resources, and preservation of plant and animal life, even during a war. A balance between economic growth and preservation has to be struck and indicated.

In such a complex equation, the “**affirmative action**” and its balance with human rights ought to be discussed and underscored. In the society there may be massive groups which have for a long time been deprived, and will never be able to compete fairly with others in the available equal chances, unless they are supported for some appointed time by additional assistance and protection, such as assigning certain quotas of such deprived groups to be admitted to schools, appointed to jobs in the public and private sectors, and benefit from welfare plans. This may affect the individual human rights of those who have not suffered from such a deprivation, and the conflict between both sides has never been settled in the United States and some other countries. In the history of Islam, the Prophet significantly gave the immigrants from Mecca to Medina “al-Muhajirin” in particular from the palm-tree and farms gained as a result of the evacuation of the Jewish tribe “Bani al-Nadir,” in the year 4 H/625C.E., with the consent of the Muslim Medineses who had been strongly supporting the cause of Islam, since the Meccan immigrants had had to leave their homes and possessions behind them when they had migrated to Medina¹⁵. It is meaningful that the Quranic rules assign of what is gained by war a share for the poor and the needy [8:41, 59:7] and it does not only benefit the army or the state. The reason that the Quran indicates for this may represent the essence of the entire Islamic socio-economic and financial policy: “so that it [what is gained by war] may not be [a benefit] going round and round among [particular persons within] you who may [already or later] be rich” [59:7]. A universal approach is required in this respect.

¹⁵ Ibn Kathir, Isma'il, *al-Bidaya wal-nihaya*, ed. By Ahmad abu-Mulhim & others, vol 4 p.77, Dar al-Kutub al-'Ilmiyya, Beirut: 1987; also for the same author: *Tafsir at Quran al-Azim*, commentary on the verses 59:7-9, vol. 4, p. 361-2, Dar al-Ma'rifa Beirut: 1987; Ibn Hajar al-Asqalani, Ahmad ibn 'Ali ibn Muhammad, *Fath al-Bar Bi-Sharh Sahih al-Bukhari*, ed. by Abd al-Ra'uf Sa'd & others, vol. 5 p. 205 Maktaba al-Kulliyat al-Azhariyya, Cairo: 1978.

Human rights for equal opportunities, development and social justice are not limited within the borders of each country, but there has been a serious deprivation and **exploitation of a great part of the world population** for the benefit of the other exploiting and prospering part during the colonial and post-colonial periods and until the present time. The collective right of a whole deprived people in the development has to be recognized and articulated, as the Vienna Conference recently tried to do. However, the logistics and measures for securing such a right have to be underlined. Offered loans from developing countries or international agencies to the deprived ones for development are overloaded with burdensome conditions and loan-servicing charges. These burdens cannot allow any considerable development, and they reduce the purchasing and productive powers of the borrowing country to just paying back the loan-servicing charges and buying food or some consumer goods for the people. Such a people should live from hand to mouth, and may be forced to borrow more for consumption purchases. The lending countries directly, or via international financial agencies, exploit the borrowing ones **through the loan servicing and the sale of consumption goods, and sometimes of out of use military equipment**. Moreover, developed countries always argue that they cannot, and should not, help countries in which human rights are not secured. Such an argument is often influenced by the **Western classical concept of human rights, liberalism, and democracy**. To what extent can we mark out **what ought to be universal, and what may be an allowed margin for cultural differences of the concept?** For example, recently, China has been charged with child abuse in the orphanages. Men related to cultures other than the American have been indicted, by Americans, of woman- or child-abuse for some actions to which they are used in their culture (these actions do not include beatings, the use of which should be completely out of the question and are blameworthy in any case). Animal slaughter, according to the Muslim practice, has been sometimes considered to be cruel; Koreans, for example have been accused of slaughtering dogs. In cases such as these, I believe that not only universal human rights ought to be observed, but also the law and culture of the land in which a person of different origin lives. This should by no means be taken as defending abuses of women, children or animals in certain countries. What I would like to stress here is the need for a comprehensive and accurate articulation of what has to be “universal” human rights which must be secured at all levels in the whole world, as opposed to the law and culture of any particular country which have to be observed by its citizens and residents only. In addition, it should be required from the state

authorities to highlight for others who live in the country for a considerable time its important particularities of which these others have to aware, as does Malaysian Airlines in announcing on its flights that its law inflicts the death penalty for drug trafficking.

The moral dimension is missing in the Universal Declaration of Human Rights, and has to be incorporated in the comprehensive concept of human rights. This has become a serious issue after the flood of sex and violence on television shows, and has aggravated after the function of the global communications network of the "Internet." The United States is in the process of rating the television shows and enabling the watcher to technologically block what is not suitable for children by remote control. Even Walt Disney products which specifically address children have recently shown a female character that acts in what seems to be a sexual manner for some parents and has raised their complaints. As for the global Internet, Germany has practiced censorship in certain cases, but a panel of three federal judges in the United States has considered as a violation of freedom of expression, the restrictions and sanctions of the Communications Decency Act of 1995 against indecent and patently offensive words and images including what aims to protect minors. The Malaysian Prime Minister, Dr. Mahathir Mohammed, has suggested that a code of ethics for the Internet should be drawn up by the United Nations to check any abuse.

All such a comprehensive concept of human rights would be effectless without **sanctions**. How can these comprehensive human rights be observed through the whole world? Should they be incorporated in every national state constitution according to a United Nations resolution that would require these actions? How can this be sanctioned, and what would be the requital for a violation, especially when we bear in mind the limitations in the United Nations charter, structure, and functioning? It may seem that a better formulated declaration with an obligation of incorporating it in the Constitution of every national state member may be the possible approach now, in connection with a serious effort to reform the United Nations and its supervision of human rights. Moral development of the people through education and mass-media, and increasing the public awareness of human rights and the available means for defending them nationally and universally are essential in this respect. United Nations agencies and private organizations would monitor the situation of human rights in all countries ought to be encouraged and supported.

**Obstacles*

As justice cannot be split and may be obstructed in an area in certain circumstances, human rights cannot be maintained where civil or regional war is putting the human life itself at risk in a certain land. Raping women, and massacring them along with men and children, has recently become the most vicious atrocities of war. Starvation has become an evil damaging weapon which hits mainly the non-combatants - the elderly, disabled, women, and children - who cannot defend themselves or escape the danger. War crimes should be traced, inquired into, and tried efficiently and effectively, so that they would not be repeated, at least at the massive scale that we have been witnessing in the last few years. **Oppressive regimes** which may be supported by Western advocates of human rights can be as harmful to the people they are ruling as any evil destructive military assault. A basic human right is the psychological “feeling of security” which is as essential as having material needs, and the Quran significantly connects both in its referral to both Gods favors and Gods test [106:4, 2:155]. Some minorities may collectively and continuously suffer from **economic and cultural deprivation**, in addition to political crushing and psychological intimidation, and thus there is naturally no place for individual human rights. Dominant **illiteracy, ignorance and backwardness** add to the sufferings of the people, making them vulnerable to continuous and increasing violations of their rights. All these unfavorable circumstances cannot provide a suitable climate for securing human rights, nor for monitoring them and trying to defend the wronged party. Of course, a declaration of human rights, however comprehensively and perfectly it may be articulated, cannot on its own solve all the world’s problems. It needs **serious efforts on many fronts**, and patience and persistence in its implementation and continuation. Gaining footholds for democracy in some developing countries will naturally help to secure the human rights in those countries, and will enable these countries to develop an awareness of the essentiality of human rights in other countries around, and in the whole world. There is mutual impact between the situation of human rights in a certain country and the universal concern for them, as represented in the United Nations and its affiliated bodies and agencies. Besides, can the developed countries which lecture on human rights resist the temptation of exploitation and its fast gains to extend a hand for **a real and comprehensive** of those who need it, a hand which will have its long-term rewards for the whole world? Can they go beyond their short-term and short sighted strategic and economic policies of supporting the undemocratic

regimes, to say the least? Can the **United Nations** with all its affiliated bodies and agencies - be efficient and supportive in serving the state members equally without being captive to certain great powers? Can the Muslims work intelligently, constructively and cooperatively to bring out reform in their countries and in the whole world?

**Immigrants and Seekers of Political Asylum*

The Universal Declaration of Human Rights states the right of every human being to leave his/her home country and to seek political asylum in another country if he/she wishes, providing that the seeker has not been tried for non-political crimes or what contradicts the purposes of the United Nations and its principles [article 13]. The Declaration does not refer to **the responsibility of other countries to secure the rights of the immigrants and the seekers of political asylum**, and to facilitate the process of accepting their request, and does not put some reasonable limits **for the discretion of the country** - which has to **be maintained but without being arbitrary** - in dealing with such requests. Our era of globalism, **moving from one country to another for economic or political reasons** ought to be facilitated. Among the significant aspects of the human dignity, the Quran emphasizes “being borne over land and sea” [17:70], just as it emphasizes that the earth is wide for people to move through so as to earn their living or secure freedom [e.g. 4:97, 100, 29:56. 39:10, 67:15, 73:10], and it blames one who remains in his/her homeland accepting oppression. Muslims have the obligation to accept the request of any combatant from the enemy’s army who seeks shelter with them, and they have to offer this person safe passage to the place in which he/she feels secure [9:6]. Such human movement throughout the world will enable all human beings in the world to complement each other, and cooperate for the benefit of humankind in its entirety. Many immigrants have to undergo unimagined risks to cross their country’s borders into those of another country without a visa, because of the impossible restrictions for obtaining one, and they lose their possessions, and sometimes their lives. If they manage to enter the country, they have to face the harsh treatment of the police when they are discovered, or the hard exploitation by the business people when they are able to find work. Although the business people need the immigrants and benefit from them in their farms and factories, they do not like to support any widening of legal immigration so that they may continue to pressure the illegal immigrants to work for them under the most exploiting and severe conditions.

There should be reasonable obligations for the countries to which immigrants come, and there should be **a role for the United Nations** to observe the rights and obligations related to immigration throughout the world. Immigrants usually bear all risks to escape poverty, earning their living where there is affluence, and it is the responsibility of the wealthy to

offer chances for residence and work in their countries for the mutual benefits of both parties. As for the seekers of political asylum, they should also have certain responsibilities, with fair conditions, towards the country giving political asylum, and reasonable limits should be marked out for the country's discretion in this respect. While asylum for homosexuals may now be justified in some countries, others may reject the requests of individuals who may not only be suffering unfairness or ill-treatment in their countries of origin but may also lose their life without trial. Some may not consider the pressures and threats for an Islamic activist to be sufficient "political" justification for seeking asylum in another country, while such "activism," in some countries view is beyond reasonableness. Besides, the U.N. ought to have a role in observing matters related to seeking political asylum, facilitating its processes, and suggesting alternatives to the asylum seekers. It should use its influence to secure temporary residence for refugees until asylum is granted. It is also time for the universal organization to observe and to use its influence to defend **the rights of the "opposition" in any country.** **A special body or agency** may be needed for observing the rights of the opposition and political asylum, since the two are connected. The universal organization is often accused of mismanagement and duplication of functions in some agencies and budgetary waste in some areas, while there is a complete absence of the organization in some crucial fields.

**The United Nations*

A more positive and constructive role for the U.N. is needed, since it is by no means sufficient for it to just make declarations and resolutions of human rights which lack means to be guarded and defended. On the occasion of the 50th anniversary of the U.N., many useful suggestions were offered for reforming and restructuring this universal body. A visiting Fulbright lecturer at the Faculty of Arts and Social Sciences in the Universiti Malaya in Kuala Lumpur, Robert N. Wells, thoughtfully writes, "To me, the vital issues facing the UN are organization, functions and performance. The vastness of the UN system which has grown topsy-turvy is a central problem... One recent examination of UN activities found 14 separate agencies involved in the food area... The real work that must be done is the reform of the UN's major political organs - the Security Council, General Assembly, Economic and Social Council, Trusteeship Council and International Court of Justice. Although all the UN trust territories have achieved independence, the Trusteeship Council continues to exist... The unwieldy Economic and Social Council has never functioned in the way envisaged by the framers. It does not coordinate well the far-flung economic and social activities of the UN system nor provide leadership... The General Assembly constantly meddles in its area of competence and increases its workload... The Economic and Social Council should either be abolished or greatly pared down in size and be given real authority as a continuous body to supervise and coordinate the economic and social activities of the UN. Restructuring... (this body) should be a high priority.

"Unlike its predecessor the Permanent Court of Justice, the International Court of Justice has not achieved either the former's prestige or level of success... (The) most prominent (factor) is the Court's lack of jurisdiction without state consent... The future role of the ICJ (International Court of Justice) along with a recommended International Criminal Court needs to be carefully thought out by UN members, if the UN is to be a vital force in the orderly development of international law and peaceful settlement of disputes. One suggestion has been that the Security Council refers disputes to the Court for binding jurisdiction.

"During the Cold War and the superpower impasse which deadlocked the Security Council, the General Assembly emerged as the UN's most prominent organ. Although most of the resolutions are non-binding on the

membership, the work of the General Assembly and its committees is critical to the success of the organization. It is a talk shop, safety valve, negotiating arena, organ of expression of international public opinion and a forum for the worlds smaller and less powerful states to be heard and responded to. However, the General Assembly always has too much on its plate... The General Assembly needs to prune its agenda and prioritize the goals, reform its committee system, improve its oversight function of UN activities and reform its contribution (dues) and expenditure procedures... It also needs to play a greater role in the selection of the Secretary General if that office is to truly represent the international community and not just the great powers which selected him.

“The most difficult reform will be the restructuring of the Security Council... As a matter of principles, permanent or semi-permanent membership should reflect power status within the world community. Both Japan and Germany would seem to qualify for a permanent membership. Leading nations of the Third World are underrepresented in this Security Council and this omission should be corrected.... One suggestion is that the Council be expanded to 20 members, and... that the additional three seats be reserved for... (some) Third World states which would rotate membership every two years... A more restrictive veto has been proposed which would be limited to the use of military sanctions, or no veto at all but a majority of three quarters of the Council membership including a majority of permanent members in enforcement actions by the Council under Chapter VII... Realistically it will be difficult to remove the veto but at a minimum the scope of its application should be limited to enforcement action by the Council under Chapter VII”¹⁶.

The Universal Declaration of Human Rights of 1948 did not include sanctions or procedures to secure the human rights or to stop a violation of these rights. According to the International Covenant on Civil and Political Rights of 1966, a committee of human rights was formed to discuss the reports of the states which joined the Covenant about their efforts to secure the rights stated in the Covenant. It is required to receive the notifications which may be submitted by a state against another concerning the failure to fulfill certain obligations stated in the Covenant, and it offers its good offices to the concerned parties so as to reach a settlement, as it can refer the matter

¹⁶ Wells, Robert N. **United Nations is in Need of Reforms and Restructuring**, New Straits Times, Kuala Lumpur, November 15, 1995.

to a special committee for conciliation with the consent of the concerned parties. In an annexed optional protocol, the state which chooses to join it agrees to the jurisdiction of the Committee of Human Rights to receive the notifications submitted by its citizens who may claim that their human rights have been violated by another state. The Committee merely sends its view, in the end, to the state and the notifying person, and refers to its efforts in response to such notifications in its annual report.

It is obvious that this whole approach is basically optional to the states which accept the Protocol, and it ends with the Committees view which is neither binding nor sanctioned. Securing international justice for all those who claim violations of their human rights by their own state or by another ought to be fairly investigated and settled if the concerned state fails to secure such a justice. An international tribunal that inquires, indicts, and tries human rights offenders, and a U.N. High Commissioner with efficient apparatus are fundamental in this respect.

Conclusion

Whatever the conceptual and practical problematics of human rights that have been facing Muslims and the whole world, it has been of great benefit for all humankind that this concept has been stressed and clarified universally, and hammered upon continuously for almost a half century. Muslims should not become frustrated by the negatives regarding human rights that they may have suffered through this limited period, just as they should not become frustrated by the U.N., its charter, structure and performance, but they ought to look with hope for the future and the long term.

Muslims have to bring back the productive interaction between the permanent divine guidance and the changing human living and thinking circumstances, through the effective dynamics of *ijtihad* and the essential consideration of the goals and objectives of *Shari'a* and its general principles. They ought to figure out what is divine and permanent, and what is human and changeable in our juristic heritage, and this may not always be easy, since jurists were not often used to make their human understanding and inference distinctive from the direct meaning and bindingness of any text of the Quran and Sunna. We ought to release ourselves from being enclosed and exhausted in the juristic details, and we have to enjoy a full healthy and rich life in the ever-productive divine guidance through its width and depth. We should always be the honest and courageous advocates and defenders of the human dignity for every human being: man, woman, or child, Muslim or non-Muslim, related to any land, race or ethnicity. We have to present to the whole world, and represent in our thinking and behavior, the universality of Islam, and the grace of the Lord to all beings through His message. Through such a universalistic and humanistic presentation of Islam, we can prove that it copes with our age of globalism and pluralism, and even pioneered it fourteen centuries ahead, while it provides the moral depth which humanity has been missing and badly needing. Muslims can help themselves and help all of humanity to realize that the human dignity is the cornerstone of God's messages to all human beings in their successive generations, since He is in no need of being acknowledged or worshiped; He wants us to worship Him alone so as to be liberated from worshipping tyrants or fallacies. The believers in the One God and morality and the supporters of human rights ought to hold firmly and persistently in working together to prove to the whole world that

what they call for is needed, and is so beneficial for all human individuals and societies.

The whole world, especially the developed countries, have to realize that their responsibility is to cooperate constructively, not to merely lecture others or condemn them. Humankind is in no need of much talks about “globalism,” “new world order” and “post-modernism,” but it badly needs a “qualitative” change in its thinking and practices to cope with the changes that we have always been talking about. Muslims are now together with the entire humanity in one boat, and Muslims have to prove their intellectual and behavioral vitality and initiation in facing the new vigorous winds of change. If we human beings -all of us- merely carry on what we have always been used to in thinking or doing, we will all be drowned, the strong and the weak, the rich and the poor, the men and the women, the believers and the atheists.

“Verily, God does not change peoples conditions unless they change their own selves...” [13:11].

“And beware of a temptation to evil which does not only befall those among you who are bent on evildoing...” [9:25].

“And rather help one another in furthering virtue and righteousness, hut never help one another in furthering evil and aggression...” [9:2].