

Islam and Human Rights

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As is already clear from the aftermath of the fall of the Taliban in Afghanistan, reckless wars that topple regimes while leaving the structural causes of oppression and violence intact are not the best way to respond to human rights violations, the oppression of women, terrorism, or political violence. Instead, we need to promote internal transformation within these countries' existing cultural and religious traditions, confronting underlying causes of oppression on their own grounds. This work will necessarily have to be done by internal agents of social change, acting from within their own societies and local communities. Those internal actors will normally need the material and political support of external actors, but that support must be given in ways that do not undermine the credibility and legitimacy of internal transformation.

While such transformations are difficult, they happen. My own transformation began in June of 1968 when, as a bored law student in Atbara, Northern Sudan, I reluctantly agreed to accompany a friend to a public lecture by man named Mahmoud Mohamed Taha. Little did I know then that Taha's lecture was going to forever change my life by confronting me with the contradiction between my belief as a Muslim that Shari'a (the historical formulations of the religious law of Islam) was divine and immutable, and my personal commitment to constitutional governance and respect for human rights, including equality for women and non-Muslims.

All Muslims, including Taha, believe that the Qur'an is the final and conclusive revelation of God to the whole of humanity, and that the life of the Prophet Muhammad is the ideal model for understanding and living by that message, thereby making the Sunna (Traditions of the Prophet) the second source of Islam after the Qur'an. These sources were systematically interpreted and elaborated during the first three centuries of Islam (from the seventh to the ninth centuries of the Common Era) into what came to be commonly known as Shari'a. Taha argued, essentially, that because Shari'a was necessarily conditioned by the specific historical context of those interpretations, it was not immutable (unlike the Qur'an, which is immutable). Taha called for a fresh re-interpretation in light of the drastically transformed present context of Muslim societies today. Unlike other Muslim intellectuals who called for this process of creative juridical reasoning (*ijtihad*) without explaining how it might be done and to what ends, Taha developed a comprehensive methodology for the reformulation of Shari'a.

Once I heard Taha speak, I realized I could reconcile my political beliefs with my religious beliefs. That gift of personal peace and a sense of coherence prompted me to join the social movement he founded and led to propagate fundamental social and political change in Sudan. In the early 1980s, militant fundamentalists took control over the country and Taha's movement was suppressed following his trial and execution on political charges in January 1985. I left Sudan in April 1985, with the goal of publicizing

Taha's methodology of internal and cross cultural discourse within and between religious and cultural traditions and applying it to questions of constitutional government, human rights and international relations.

The success of such internal and cross-cultural discourse is dependent on several factors. For one thing, those in the culture being asked to accept human rights must be able to observe serious and consistent efforts to uphold human rights standards by other countries and the international community in general. Unfortunately, the tendency of Western governments to follow a double standard in condemning human rights violations by their enemies while condoning those of their friends will be used by the opponents of universal standards to undermine the efforts of the supporters of human rights in their own societies.

Second, the credibility and efficacy of internal discourse in support of human rights must be based on appropriate theological and cultural reasoning. In particular, the proponents of human rights should be able to demonstrate sufficient support for these rights within their own religious and cultural traditions in order to counter the charge that these are Western values being imposed on non-Western societies. That is why Taha's methodology for the re-formulation of Shari'a principles regarding women and non-Muslims in particular is so critical for the legitimacy of human rights in Islamic societies. Without that or a similar methodology it would be impossible to argue for the equal protection of the human rights of these groups from an Islamic perspective.

Finally, such internal discourse must be conducted by local actors who enjoy the confidence of their own communities. Along with my colleagues at the International Institute for the Study of Islam in the Modern World, I am currently working to identify and support such local "agents of social change" who have the necessary access and credibility within their own local communities for addressing human rights issues. Another effort, a Fellowship Program in Islam and Human Rights, which is based at Emory Law School and funded by the Ford Foundation, identifies young people who have a high scholarly aptitude and strong commitment to advocacy for social change in different parts of the Muslim world, and works with them to develop specific projects for research that can be employed in the service of positive social change in their own societies. The fellows visit Emory University for a semester to audit relevant courses and develop the concept and methodology of their respective projects, and then return home to implement their plans. The other element of this program consists of developing and maintaining a website that contains contact and other information about hundreds of non-governmental human rights and social justice organizations, individual worker's bibliographies, and materials that can be downloaded and printed anywhere in the world. This website will remain indefinitely as a resource for the protection and promotion of human rights in Islamic societies.

Islam, like any religious tradition, can be used to support human rights, democracy, and respect among different communities, or oppression, authoritarianism, and violence, depending on the choices and actions of Muslims everywhere. How individual Muslims and Muslim communities choose will depend on how well human rights values are

portrayed by local actors within the community, as well as by how well other religious and cultural traditions model these values. There is no inherent or inevitable “clash of civilizations”; all depends on the choices we all make, everywhere, Muslims and non-Muslims alike.

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