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The State, the Individual, and Human Rights: A Contemporary View of Muslims in a Global Context
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Reference

Abstract

The debate surrounding the concepts such as the individual and human rights continues. The author explores the impact of historical rupture resulting from the import of these concepts to Muslim countries in the context of the emergence of modern nation-state after the WWII. As these borrowings had no grounding in the traditional frames of references in these countries, they have contributed to the rise of antagonistic attitude towards the 'West' and its perception as "cultural-intellectual aggressor" against Islamic tradition.

One of the key features of this attitude is the projection of modern concepts of individual, human rights, democracy and others to the time of the prophet. The West, according to this view, corrupted the historical authenticity of these concepts and, hence, Muslims are required to struggle to revive this authenticity.

The author points out the shortcomings of scholarship attempting to understand these developments and calls for a shift in focus from Islam and "Islamists" to the global context of these developments. He suggests various directions in which such intellectual analysis must process, including a reassessment of the historical context of the eruption of modernity in Muslim societies and the study of concrete historical political developments in different phases of Muslim history.

The possibility of realising material and intellectual modernity in Muslim societies requires a broader social base. The author calls on Muslim intellectuals to propose new opportunities for emancipation and enhancement of human existence that are both informed by the contemporary social and political realities and grounded in Islamic frames of reference.

Introduction

The state, the individual, and human rights are three major concepts that have been the subject of constant debate, discussion, and conflict since the seventeenth century. Major institutional changes occurred in France and the United States following their respective revolutions in the

eighteenth century, and that pattern of transformation in the realm of constitutional and legal change has since affected virtually every part of the world. The concept of the individual citizen emerged in Europe after along historical process that involved economic, social, intellectual, scientific, cultural, and technological forces. Religious institutions, particularly the Catholic Church, resisted these changes in certain parts of the world, arguing for the recognition of a theology of the person as a creature of God, called to a spiritual vocation, namely the full respect of the rights of God, without which they perceived human rights to be empty, mere legal, values. This debate is not over. Secularism with its juridical, philosophical underpinning continues to prevail in most Western, societies, but many churches, religious institutions, and civil organisations are making claims for articulating an encompassing theological-philosophical vision integrating the three concepts, person-individual-citizen, which they regard as inseparable.

The Emergence of the Modern Nation-State

The emergence of the modern nation-state after World War II has resulted in continuing confusion and crises in the developing world, including Muslim countries, as they have struggled to improvise new constitutions, institutions of governance, legal codes, and administrative mechanisms without necessarily basing them on any indigenous, established tradition of governance from which they could draw principles or legitimising values. Unlike the history of the modern West, these Muslim nation-states, emerging after decades of colonial rule, found themselves facing immediate and overwhelming problems of organisation and development. In the pursuit of civil order and national identity, they borrowed fragments of modern political philosophy, adopted elements of various European legal codes, and imposed military rule, often invoking models that had no grounding in traditional frames of reference.

Reactions to Historical Discontinuity

Among some of these newly emerging societies identifying themselves as belonging to the Islamic tradition, there has developed an ideological attitude that seeks to identify their own personality against what has been perceived as the "cultural-intellectual aggression" of the West or a desire to resist "westoxication," a form of obsession with the West that was believed to have poisoned their society. An ideological bricolage that has been able to mobilise considerable support in a younger, alienated generation has impacted all Muslim societies.

One of the main features of this development has been to project from the time of the Prophet to today, the notions, concepts, institutions, and ideas that relate to human rights, democracy, the concept of the individual, civil society, citizenship, the emancipation of women, and so on. All these values are presented as being already present in the Quran and in the society founded by the Prophet Muhammad in Medina and Mecca. According to this view, the West negated this historical authenticity and has gone astray through secularisation. The task of every Muslim, therefore, is to struggle to reactivate and revive the authentic legacy of Islam and to eradicate all influences to the contrary from Muslim societies. While this discourse by no means represents the views of all Muslims, its visibility and articulation in our times has

been sufficiently prominent that it has marginalised other voices. It has also been a factor that has affected the policies of many Muslim and non-Muslim countries.

Reappraisal of Scholarship on Politics in Muslim Countries

In understanding this process, it is misleading to concentrate attention on Islam, as most observers have done, by simply focusing on "Islamists" who represent a radical integration of religion and politics or on "fundamentalism." Rather than representing a static view of a normative Islam, it is necessary to elaborate a global context for this complex phenomenon that has manifested itself among diverse societies - from Indonesia to Morocco and from Central Asia to Africa south of the Sahara. It is also important to focus attention on many thinkers who may not necessarily be part of established theological centres of learning, but who represent important new constituencies concerned with reconciling values across cultures and not necessarily assuming a divide between traditional values and intellectual modernity.

A re-examination and reworking of the concept of truth-right (*al-haqq*) and of its foundations in Islam are both possible and necessary. The Quranic term *al-haqq* applies to God himself as well as to absolute, transcendent truth. By respecting these truths one puts oneself in the right, recognising God as true reality, and benefits from the rights that follow from it. In the Arabic language, the movement from the singular *haqq* to the plural *huquq* translates as a desacralisation of right extracted from the religious force of *al-haqq* and disperses it in the realm and organisation of contingent, profane, individual rights. Given this background, any analysis must proceed in two directions.

Directions for Intellectual Analysis

First, to understand the apologetic tendency to show that Islam as a religion is open to the proclamation and defence of human rights, but also that the Quran, the word of God, articulated a concept of such rights. One finds the need to define rights in such a way among contemporary Jewish and Christian apologists also. Although this tendency appears unhistorical, one must not lose sight of the current value of seeking a basis for resistance within religious tradition to oppose and defend oppressive political environments. Latin America affords a good example of such a tendency in the Christian context.

Second, the critical and historical re-examination of the actual contents of the Holy Scriptures, on the one hand, and of the modern culture of human rights, on the other, must become an urgent and indispensable intellectual task. It offers an excellent opportunity to shore up religious thought in general by forcing it to recognise that the highest religious teachings and revelation itself in the three monotheistic religions are subject to historicity and review.

The ideological conditions and the cultural limits that distinguished the birth and development of human rights in the West must be the object of the same sort of critical re-examination to illuminate the weaknesses not only in the traditional religious image but in the image of civil religion as a product of the secular revolutions in the West. There is a need to open a new

field of inquiry that goes beyond the archaic differentiation between traditional religions and civil religion.

Islamic thought has always included a discourse on the rights of God and the rights of the person (*huquq Allah/huquq adam*), with the former having primacy and priority over the latter. That is why traditional thought obliges each believer to practise the traditional pillars of Muslim faith. It is through obedience that the faithful internalise the notion of the rights of God. Summoned to obey in this way, all creatures find themselves constrained to respect the social and political conditions for fulfilling this relationship between divine right and personal rights. In other words, the respect for human rights is an aspect of, and a basic condition for, respecting the rights of God.

However, while the rights thus defined within the fundamental covenant between creature and Creator affect the Muslim *Umma*, or community, first, they are, however, potentially applicable to all human beings and are universal insofar as all human beings are called upon to be part of the relationship between Allah and humankind.

The Contemporary Global Context

The scope, content, and rules that govern the global context of knowledge today cannot be seen in terms of separate, independent traditions. The global geopolitical context comprises several societies that are interconnected.

In analysing the global context there needs to be a reappraisal of important cultural, intellectual, and spiritual zones of the past, particularly where Muslim societies, such as in the Mediterranean, were part of civilisational clusters open to each other and reflecting greater permeability in their cross-cultural relations.

What we call "modernity" made a brutal eruption into the "living space of Islam" with the intrusion of colonialism as a historical fact. Seen strictly in terms of the development and diffusion of human rights in the framework of intellectual modernity, the colonial fact poses problems for both the West and Muslim countries. Colonial endeavors of nineteenth-century Europe sought justification in what was called a civilising mission. It was a matter of raising "backward" peoples to the level of a "universal" culture and civilisation. According to this perspective, for colonising countries such as France, human rights appeared to be exported along with modern culture and civilisation. The Catholic and Protestant churches participated in this movement to some extent by establishing missionary outposts in Muslim lands. It is difficult to speak to a Muslim audience today about the Western origin of human rights without provoking indignation about the colonial period. The memory of wars of independence and liberation against Western "imperialism" still constitutes the psychological and ideological climate within which discourse on human rights has developed in recent years.

In the nineteenth century, Muslim countries encountered only fragments of the philosophical values of the Enlightenment. A very small number of intellectuals, scholars, journalists, politicians, and travellers had access to the schools, universities, and literatures of the West.

During this era, often referred to as the liberal epoch, Arab, Indian, Indonesian, Turkish, and Iranian thinkers believed that the light cast by science and the political revolutions of Europe would benefit their societies. The reformist movements initiated by Jamal al Din al-Afghani and then continued by Muhammad Abduh showed themselves hospitable to the philosophy of human freedom that inspired the discourse on human rights. Subsequently, nationalist leaders and movements in many parts of the Muslim world made reference to the great principles of 1776 and 1789.

However, the intellectual and political elites of the Muslim world, unlike those in France and England, were unable to assist in the development of institutions and of a sustainable state apparatus corresponding to these new ideas. In the new nation-states that emerged in the Muslim world, human rights/concerns remained a set of ideals and demands as a basis for the anti-colonial struggle, but lacked cultural and social roots.

The present situation of Muslim societies is further complicated by two events following the collapse of the communist ideology in the former Soviet Union. As this disintegration had led to stress in Western contexts, it has created an even more intense conviction among certain Muslim groups that their vision of the world demands a dogmatic and violent rejection of intellectual modernity. Modernity remains, for these reasons, the unthought and, for large sections of these societies, the unthinkable. They perceive the contestation of what appears to be issues of "civil religion" in the West as evidence that the basic assumptions that have guided modern, Western society are morally bankrupt.

Need for a Political Philosophy

The text of al-Ghazali (died 1111) quoted as an epigraph at the beginning of this chapter describes with striking precision the discontinuity of the imamate, that is, the concept of medieval Muslim order that governed the state even though the conditions to uphold it no longer existed. Such a theory of the ideal state inspired by religious values continued to be expressed until the time of Ibn Khaldun (died 1406). There does not appear to be any universal, indigenously grounded theology or philosophy that has emerged to provide a reconsideration of the issues of state, civil society, individual, and human rights by Muslim intellectuals that would have general acceptance. It appears that al-Ghazali's rather resigned and pragmatic statement, "The lesser evil is relatively speaking the better, and the reasonable person must choose the latter possibility," still holds for many Muslims.

Many Muslims today feel the same sense of resignation in the face of various alternatives where states seem to be lacking legitimacy, both from the point of view of an idealised Muslim theory of state or from that based on political values of democracy. Many studies on political and social thought in Islam seem to focus on theoretical aspects rather than on concrete historical development in the different phases of Muslim political order in past history and in modern times. The history of the Ottoman state, for example, is crucial in evaluating the interaction between political power and religious authority at the time the modern state and secularised order were emerging in Europe. The commonly repeated theory that Islam confuses religion and politics is not well founded since, as in Ottoman times, there was always a close working relationship between the state and Muslim scholars and jurists.

This relationship disappeared in its institutional form as most Muslim societies attained liberation from colonial domination. From 1945 to 1970, religion was controlled by the state, which favoured a secularist trend. During the 1970s, Islamist attitudes became more prevalent in direct reaction to state policies, attempting to devise an overall language and programme of political control of religion, as well as all aspects of social, economic, and cultural life.

The Future of the State, the Individual and Human Rights

In this context, what can one expect with regard to the future of the state, the individual, and human rights? Can we interpret fundamentalist movements as conjunctural and as local responses to the pressure of military or one-party states supported by Western geopolitical concerns? Or should this phenomenon be considered an expression of a demographic shift in which a massive young population, excluded from democratic participation, is expressing a voice for a new balance? If the second explanation is closer to reality, then there will be the need for a series of policy commitments and steps and use of resources that can enlarge the possibility for a new and peaceful contract between state and religion in Muslim contexts.

The possibility of realising material and intellectual modernity requires a broader social basis, particularly because traditionalising forces have already gained massive sociological support and appear to be resisting intellectual modernity. Until the collapse of the former Soviet Union, intellectual and political elites in most developing countries propagated a socialist state-driven model of development. After 1989 some observers in America prefer to speak of "the end of history," or to point out how the dramatic failures in the societies of the Third World were prefigured. This has obstructed constructive ways of creating solidarity within the changing world order.

It is very likely that this situation will still prevail for some years to come. There are no effective leaders or movements in place or on the horizon that inspire confidence in their ability to deliver a strong message mobilising a commitment to build bridges between rich and poor societies. Leading academic voices, particularly in America, have tended to develop theories of future international political scenarios that involve the "the clash of civilisations." These theories are based on a fragmentary and distorted grasp of Muslim and non-Western cultures.

Waiting in the Future for the Past to Come is the evocative title of a significant novel published two years ago by a young Tunisian artist, Sabiha Khemir. Millions of Muslims wait for an imagined future in which a mythologised past is invoked as authentic, unchangeable, and with divine norms and values. The use of the most radical and concrete political struggle to achieve this goal is unexpectedly combined with imaginary collective constructs. This is not an unprecedented historical manifestation. However, social sciences have been unable so far to provide a relevant analysis and interpretation of all its dimensions. This is why we cannot predict in which direction the quest for the rule of law, the definition of the individual-citizen-person, and human rights will lead in the next few years. It is clear that if any development is to take place, the mentality generated by the Cold War and the assumption of opposing civilisations must be transcended. The evolution of an effective process necessitates the elaboration of common international values to combat the rise of national and ethnically

driven conflicts that might destroy and delay the opportunities to enhance the required culture of human rights.

Role of Muslim Intellectuals

The Muslim intellectual must today fight on two fronts: one against a disengaged social science merely concerned with narrative and descriptive style; the other against the offensive/defensive apologia of Muslims who compensate for repeated attacks on the authenticity and the identity of the Islamic personality with dogmatic affirmations and self-confirming discourse. Beyond these two obstacles, always present but at least identifiable, the Muslim intellectual must contribute through the Islamic example to an even more fundamental diagnosis, especially regarding questions of ethics and politics. What are the blind spots, the failings, the non sequiturs, the alienating constraints, and the recurrent weaknesses of modernity? From Hegel to Nietzsche, Enlightenment thought was invoked as the opposite of myth in an effort to escape the clutches of religious dogma. At the same time that reason performed this liberating critique, it also fell back into a nostalgic celebration of the origins of civilisation, especially the Greek polis and the first Christian communities that parallel the concept of the "Pious Elders" among Muslims.

Scholars moved beyond Enlightenment thought by integrating myth. Hence, the accumulated symbolic capital, was carried and maintained by religion into the cognitive activity of reason. The comparative history of religion, conducted within this perspective, furnishes a particularly fertile ground for the elaboration of new kinds of rationality. It goes without saying that forms of religious expression cannot be detached from symbolic and artistic creativity. It is not a matter of extending indefinitely the horizons of meaning open to the scrutiny of reason. Instead of exhausting ourselves in an effort to reclaim contingent values tied to abandoned forms of culture and bygone systems of civilisation, Muslim scholars and others today must propose new opportunities for the emancipation, exaltation, and enhancement of human existence and for the thought and action of men and women.

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