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Islamic Concepts of Human Rights
Edited and Translated By
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In the discipline of Human Rights, Islam occupies a very insignificant academic space, compared to the disproportionately extravagant attention and space devoted to such phenomena as fundamentalism and terrorism. The portrayal of Islam by the academics, media and policy-makers also tend to magnify Islam's role both in domestic and international realms. Thanks to the discipline's overarching, reigning paradigms, provided by the political theories of liberalism, secularism, modernization, religion and its relevance to public life are given scant attention. At best, Islam is relegated to the private domain in the discourses on human rights.

Interestingly, on the other hand, the emergence of religious resurgence at global level has forced intelligentsia to re-evaluate their hitherto held theorems, and to redesign them by incorporating Islam into their epistemological schemes. The hegemony of liberal-secular universalism is thus constantly juxtaposed with global religious resurgence. However, the possibility of a meeting ground between the two resulting in a symbiosis has not been given any serious thought as yet. The binary perspective of universalist-versus-cultural-relativist reflected in the discourse on human rights subsumes the aforesaid. Both the discourses are, more often than not, liable for misuse by people wielding power.

The academic discourse of Orientalism (thanks to Edward W. Said's pioneering and path-breaking study of the phenomenon), having established firm roots in the annals of Western academia, is one of the most important agencies responsible for the denigrating portrayal of the status of the women in Islam. For the practitioners of Orientalism, the niceties of distinction between what Islam says and what Muslims do and practise, are irrelevant. The dovetailing of patriarchal practices with the tenets of Islam is an established Orientalist tradition. In the chapter dealing with misunderstanding of Human Rights in Islam, the author has not taken note of this Orientalist academic tradition.

In the current international legal regime of human rights, the predominance of Enlightenment-informed Weltanschung is firmly entrenched. The Positivist school of thought born out of Enlightenment, which lays a premium on reason and anthropocentrism, interprets religion as an essentially human and social construct. Against this backdrop, it makes sense to grasp the meaning of Islam as a religion, in the context of 'human rights'. Scholars such as the Moroccan sociologist Fatima Mernissi, the Pakistani philosopher and religious studies specialist Rifat Hassan, and the Sudanese legal studies and human rights expert Abdullahi Ahmad an-Na'im, have, in their respective interpretative methods, sought to establish that religion and human rights do not have to be necessarily contradictory; on the contrary, they are mutually complementary to each other. Focusing upon their unique intellectual contribution to the discipline of human rights from the standpoint of Islamic textual interpretation, a Swedish scholar of repute, Jonas Svensson, wrote an insightful book entitled *Women's Human Rights and Islam: A Study of Three Attempts at Accommodation* (Lund, University of Lund Press, 2000). Thus, the attempts of the aforesaid three scholars to reformulate and reinterpret Islamic texts conformed to the contemporary norms of international human rights. It is particularly true in the case of their opposition to gender discrimination as gleaned from their interpretative efforts.

The book under review, *Islamic Concepts of Human Rights* is an English rendering of an Arabic original authored by Mr. Abdur Rahman Assheha. In the blurb, it is asserted that the author is a well-known writer and an eminent scholar of the Arab world. The editing and the translation of the original are done by Mr. Suhaib Alam Siddiqui, a potential and a blossoming scholar of Islamic studies at the New Delhi-based Jamia Millia Islamia. This 149-page slim volume (inclusive of annexure totaling 22 pages which are in the nature of buttressing the text) is divided into nine chapters of moderate length. They cover such issues as the notion of equality in Islam, Islam and basic necessities, physical protection, public rights and duties, the judicial and accountability systems, the Islamic Declaration of Human Rights, the western misperceptions of human rights in Islam, and the like. Of late, one witnesses a growing number of scholars, devoting their research attention on subjects of this genre.

In the short five-page chapter dealing with Islam and Basic Necessities, the author quotes extensively the Hadith literature and the Quranic verses germane to peace and security, right to food and sustenance, right to education, and right to health. Further, the author, in the chapter on Equality in Islam, brings out vividly that the principles of discrimination based on race and lineage are abhorrent to Islam. Removal of oppression and fighting for the just rights of the oppressed are encouraged in Islam. Piety or righteousness is given an exalted position. In the chapter on Physical Protection, the author refers to hudood crimes and punishments, law of testimony/evidence, preservation of wealth, progeny, rights of parents, children, and others. Concerning public rights and duties emanating from state-society processual linkages, rights of the poor to Zakat (alms-giving), rights of the labour towards employers, etc are given an elaborate treatment. In the chapter dealing with

Accountability System, the Quranic injunction of 'enjoining good and forbidding evil' (amr bi al-maruf wa al-nahy an-al munkar) occupies a pivotal position in Shairah (Islamic Law). Under this system, persons resorting to illegal practices such as cheating, selling, promoting, and pushing illegal or banned items and goods are made accountable before law.

The highlight of this volume is the author's tracing of the Quranic verses and the Hadith literature having a direct bearing on human rights as conceived in modern times and in universalist terms. Such an attempt proves beyond doubt that there is nothing in the Quran which militates against the modern discourse of human rights. However, the potential linkage between Islam and democracy thereby drawing into it the idea of human rights, has not attracted the attention of the author. This is an avoidable omission which the author might well have taken note of. Nevertheless, in any future revision/upgrading of this academic work, such lapse may well be corrected by the author. Quranic/Islamic conceptology germane to discourses on democracy such as ijma (consensus), musawat (equality), adl (justice/equity), shura (consultation), and others, provides an ideational framework into which the modern conspectus of rights can be suitably fitted. It further requires a fine admixture of hermeneutics, both Islamic and Western. Islam's creative encounter with the West during the medieval era amply testifies to such a feasibility. Andalusia (modern Spain) provides a classic example in this regard. Besides, the Ottoman Millet system reflects this social praxis of multiculturalism among Muslims, Christians, Jews and others. Though essential to quote Hadith literature and the Quranic verses to underline the place of human rights in Islam, it makes sense to do it in the overall context of the Islamic civilisational praxis, of one were to obtain a balanced understanding of the phenomena.

The volume is primarily addressed to students pursuing undergraduate courses in social sciences and humanities. It has ably attempted to introduce key Islamic concepts in so far as they are related to the realm of human rights. By doing so, it has made a significant addition to the already existing human rights epistemology. The present volume rightly disproves the dismissive attitude of some sections of the Western academia concerning the intellectual potential of Islam to advance the cause of human rights both in theory and action. In a way, it constitutes a measure taken towards a course correction. This volume implicitly negates the widely held notion-prevalent among the lay and scholarly communities alike- that human rights owe their origin to the West.

The title of the volume needs a slight correction. In the place of Concepts, 'Conception' could have been an appropriate choice, for Islam does possess not only concepts related to the subject under consideration but also that these concepts, if coalesced, produce a symbiotic relationship with each other resulting in a grand design. Finally, the publisher should take care of the errors of syntax which have unfortunately marred the rhythm of the reader covering this volume.