

FOREWORD

The Islamic Tradition, the Human Rights Discourse, and Rejuvenation: Towards an Islamic Notion of Twenty-First Century Ethics

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The Islamic Tradition and Rejuvenation

Some years ago, I found myself in the midst of a conversation with a mix of Malay, Yemeni, Albanian, and Western Muslims, discussing a new “Islamic car” in a particular country with a Muslim majority. The conversation became rather caustic, because the Islamic car had a rather dubious “Islamically ethical” set of features. This Islamic car’s key features included a compass that directed the passengers toward Mecca for prayer; when the car door opened, the Islamic greeting of peace was electronically uttered; and a space on the dashboard was reserved for the written text of the Quran.

Those present noted that the “Islamic car” emitted as much pollution as any other car; it consumed the same amount of fuel, and so forth. Inadvertently, it struck an apt metaphor for literati referring to much of what passed for modern versions of “Islamization.” When discussions around contemporary rejuvenation of Islamic discourse arise, it appears that this may often be what is described: a type of discourse that is essentially similar to contemporary hegemonic discourse, whatever that might be, but with a veneer of Islamic vocabulary. If the notion of “Islamic values” is somehow meant to be an ethical one, then where are the ethical changes that take place when Islamization occurs? Or are ethical values, whether in Muslim communities or otherwise, often co-opted, resulting in political partisanship, where religious establishments are likewise co-opted, and thus the disconnect between rejuvenation and identity politics is complete?

That notion of rejuvenation is deeply held within the corpus of Islamic tradition—and is often referred to as *tajdid* (renewal) or *islah* (reform). That, in itself, is hardly a revolutionary concept. Indeed, it is constantly raised by governments, political movements, and non-state actors when considering how to advance toward more holistic and beneficial modes of governance and human development in the Arab world in particular,

but among Muslims of majority and minority communities more generally. Indeed, the very word *tajdid* has been instrumentalized in a variety of fashions—usually in ways that are overtly political, at the expense of intellectual and scholarly rigor—which then fails to satisfy the popular authenticity requirement of Muslim communities.

The question, then, for this project, was to identify questions that needed to be asked in order to move forward with sustainable change within Muslim communities. The subject of “Islamic rejuvenation” is an interesting one to consider—and perhaps there is no better place to raise the question than within the theme of modern human rights discourse.

The human rights discourse (HRD) is particularly relevant to Muslim communities worldwide—because it touches on the situation of Muslim communities where they exist as majorities, and it touches on the situation of Muslim communities as minorities. It affects Muslims on every continent in the world and is not limited to one ethnic or racial group. And as the HRD is indelibly intertwined with international discourse more generally, it has an intrinsic effect on policies ranging from public governance to health services, and far beyond.

The focus on faith-based responses to such primordial human concerns may seem somewhat unusual for different audiences, particularly western ones. But while it may be understandable that such reticence exists, and such reticence ought to be engaged with, it does not necessarily follow that such inhibitions should define or frame discussions. Like many communities, Muslim communities, whether as demographic minorities or majorities, take religion seriously—sometimes as identity markers, sometimes as ideational cognitive frames, and at times as both. In discussions with opinion leaders in majority Muslim communities and minority Muslim communities, it was consistently reinforced that if change within Muslim communities takes place, it needs to be presented convincingly as congruent with their ethical frameworks in order to be sustainable. This project took that imperative particularly seriously. After all, if the rights discourse claims universalism of any kind, it ought to then follow that all who would engage with it have the competency to do so irrespective of what power they possess, rather than be forced to communicate in the language of those who have hegemonic political power.

Nevertheless, there is another important reason to examine the human rights discourse (HRD) and its engagement with the Islamic tradition: the human rights discourse has its own broader philosophical claim. The HRD is not one bereft of philosophy or ideational frames—it has a wider cognitive frame at its root, which is based in a modern moment, particularly in the mid-late twentieth century. That raises pertinent questions and queries for Muslim communities more widely, large swathes of which, as noted above, have their own historical tradition when it comes to cognitive frames.

When it comes to Islam and the contemporary, since the beginning of the Prophetic community in the seventh century, Muslim communities have had various internal processes to “update” and “renew,” according to the changing circumstances of the age. Much has been made of the need for Muslims to engage in a “reformation” exercise of sorts—without understanding that such a framework is woefully lacking. The word ‘reformation’ in this regard originates in the Christian Reformation—and that operated according to a certain set of assumptions and circumstances. Very little of that history and background is applicable to Muslim communities. For example, there is no equivalent to a hierarchical ecclesiastical church-like structure for Muslims. Religious authenticity is mediated by expert-peer review—scholastic diversity continuously and consistently engaging in debate and conversation. More nuanced observers raise the notion of *ijtihad* (independent reasoning), but too often even that discussion devolves into the mistaken assessment that the “gates” (i.e., the ability to engage in *ijtihad*) are closed.

Ijtihad of various kinds has continued, at different levels, as circumstances and conditions changed. The question is not whether *ijtihad* exists—it is whether it operates at a level that is comparable to the efforts of the likes of scholars such as al-Muhasibi, al-Ghazali, and others in Islamic history. Al-Ghazali, for example, engaged deeply in understanding the intellectual challenges posed by Greek-inspired philosophers, followed by scholarly refutation in part, and incorporation in part, according to the standards and processes established and continually revised by the specialist communities of sages and intellectual dons. Today, it is practically undeniable that such an engagement is sorely lacking in contemporary Muslim discourse—and that has been the case for a considerable amount of time.

The impetus of this project in general—and this volume in particular—was simple: to provide avenues for the exploration of the interchange between the Islamic tradition and the human rights discourse. We have held workshops, conferences, and meetings with rights

activists, religious leaders, public intellectuals, and policy makers all around the world—in Muslim majority communities as well as Muslim minorities; in South Africa and Egypt; in Malaysia and Canada; in the United Kingdom and Singapore; in Europe and North America. In this publication, we have put together some of the most sterling facets that were developed by different contributors over the course of this project. We could not publish all that was acquired, for that would have been a veritable magnum opus on its own. Nor do we claim to have come to definitive and final conclusions. But perhaps, at the very least, there is the beginning of a conversation.

That conversation follows the same pattern as our landmark conference held at the Oxford Centre of Islamic Studies at the University of Oxford (OCIS) in the spring of 2018, where the Mufti Emeritus of Bosnia, Dr. Mustafa Cerić, kindly addressed a multinational audience with a keynote speech (the text of which is included in this volume). This volume begins, as we did in Oxford, with addressing the overall theoretical frameworks that need to be investigated, in terms of understanding the interchange between the Islamic tradition and the human rights discourse. Very different approaches are represented in that regard; one from the perspective of an Islamic studies and legal expert, Canadian-American scholar, Dr. Mohammed Fadel, who has in the past considered these issues with a particular Egyptian focus; in this piece, he goes deeply into theoretical frames that need to be considered when engaging in an interchange between the human rights discourse and the Islamic tradition. Ibrahim el-Houdaiby, a noted Egyptian scholar and author, engages on the issue by examining traditional Muslim methods and mechanisms that might be utilized in engaging with the human rights discourse. Shaykh Seraj Hendricks, one of South Africa’s most famous scholars and an internationally renowned religious leader, posits a framework for further engagement, drawing heavily on a classically trained Azhari scholar of the contemporary era. And Dr. Ahmed Abdel Meguid, an Egyptian scholar in the United States, delves into some of the more philosophical trends that arise from an interaction of these ideational universes.

Our authors move into concrete discussions around how the human rights discourse and the Islamic tradition engage with each other historically and in the contemporary era. American legal scholar, Asma Uddin, offers a contribution on how Islam and Muslims have engaged with the human rights tradition in the last hundred years; British scholar, Dr. Mehrunisha Suleman, provides an in-depth discussion on how medical ethics might learn from the Islamic tradition, while British

scholar Arzoo Ahmed challenges traditional and cultural biases toward women using Islam's history.

This collection then addresses some of the broad geographical diversities of the Muslim world, both as majorities and minorities. By drawing on the Ottoman (Turkish scholar, Dr. Recep Senturk), Malay from Southeast Asia, (legal activist, Azril Amin), European (Rim Sarah Alouane), and North American (Dr. Dalia Fahmy and Arsalan Iftikhar—the first on the how the rise of the far-right impacts the rights of American Muslim communities, and the second on how broader discussions around Islamophobia do the same) perspectives, the collection aims to be comprehensive of the “Muslim Experience” in relation to human rights.

Reflections and Ruminations

Over the course of the project, it was incredibly clear that for a substantial number of Muslims, Islam has a serious intellectual history and “worldview.” Reflecting the contribution of Professor S. M. Naquib al-Attas of Malaysia—and that such a worldview may well be distinctive as compared to the worldview that the international human rights discourse is originally based upon. Or to put it another way: Islam has an intellectual history that ought to be engaged with and which ought to engage the HRD seriously, in order to establish where the convergences and syntheses can take place. In that regard, Muslims, more generally—and normative Islam, in particular—are not particularly exceptional, even if they might make legitimate claims to distinctiveness, as other worldviews might well make similar, if not identical, claims.

Engagement between those different worldviews is important and vital—and should be pursued as an interaction, as opposed to a Huntington style “clash.”¹

Indeed, none of the many interlocutors across the religious establishment, activists, or public intellectuals that were involved, contradicted this opposition to such a “clash.” On the contrary, they consistently called for that kind of nuanced engagement; an engagement that neither caricatured nor “essentialized” Islam or the human right discourse. Rather, a type of arrangement that was far deeper in essence, and far more understanding of the types and levels of differences that we were all trying to understand. And to that end, it was rightly noted that the human rights discourse and

the philosophical worldview it emanates from within contemporary liberalism is not without its own internal contradictions. Nor is it a static discourse—the year of 2018 marks the seventieth anniversary of the universal declaration of human rights, after all. The world changes—especially seventy years on.

When considering criticism of the human rights discourse from within Muslim communities, there were and are further critiques. The first was that such criticisms were made using the frames of Western modernity themselves—rather than using intrinsically, authentically, and uniquely Islamic frames of references. In my own work, I have looked particularly at the “Islamic worldview project” of S.M. Naquib al-Attas, which is nothing if not a deep claim to an authentically rooted and contextually relevant Islamic approach in normative Sunnism. But generally speaking, the claims to creating modern and Islamic discourses have been quite wanting—and in the final analysis, bring us to the superficial “Islamic car” result, or worse.

These first considerations were more about framing and theory—but there was a deep practical theme that ought to be repeated again and again. Many in positions of authority—whether in Muslim majority countries or where Muslim minority communities might reside—often cite a note of criticism on possible divergences between the Islamic tradition and the HRD for a rather insidious purpose. That purpose, as identified by many of our interlocutors, was to justify abuses or limit rights for Muslims in majority or minority situations. The perpetrators in that regard might be authorities in Muslim majority states, articulating their opposition to fundamental rights and freedoms using religious vocabulary; or it might be authorities or political figures where Muslim minority populations exist, in order to justify other types of rights violations.

When considering the development of the practical repercussion of these points in many Muslim countries, one of our workshop participants described this kind of phenomenon, quite aptly as, “the effort to Islamize the intrinsically un-Islamizable.” To give an example: torture and police brutality are still repugnant—even when they are sanctioned, unethically, and abysmally, by religious establishments.

That instrumentalization of religion for purposes of partisan politics exists in a variety of contexts—whether

¹ “The Clash of Civilizations?” is an article published in *Foreign Affairs* by Samuel P. Huntington in 1993 available here: <https://www.foreignaffairs.com/articles/united-states/1993-06-01/clash-civilizations>). The article proposes that world politics are entering a new phase, in which the great divisions among humankind and the dominating source of international conflict will be cultural. He argued that future wars would be fought not between countries, but between cultures, and that “Islamic extremism” (sic) would become the biggest threat to world peace. <https://www.foreignaffairs.com/articles/united-states/1993-06-01/clash-civilizations>

implemented by state establishments or by political opposition groups—and more than once, it was suggested in our discussions that doing so brings religion into dispute. The irony, as one of our interlocutors reminded us, is that classical Muslim intellectual authorities of the past, often wrote that it was the duty of the scholastic class to find whatever interpretation of the Islamic canon that could be used to push against the ruler’s engagement in oppression and tyranny—even if there was a legitimate legal interpretation that could allow for that ruler to continue along his oppressive path.

On a practical level, we were also reminded that there is an overarching context in which this discussion is taking place. When it was posed to human rights defenders in a Muslim majority country that if we push aside the human rights discourse, abuses might be more easily enacted, the very clear retort was: “that argument doesn’t work. Since 9/11, the human rights discourse, whether in Muslim majority countries or otherwise, has been pushed to one side when confronted with the security argument. And since the Arab uprisings in 2011, that has only got worse within the Arab world and the broader region.” Any human rights defenders have

now defaulted to using an appeal to security considerations even when making their arguments in support of human rights. Normative appeals to the ethical supremacy of, for example, not torturing people, are put to one side, and the objections are couched more in a counter-terrorism frame—because that is what works.

In trying to have a healthy interchange between the Islamic tradition and the human rights discourse, these candid discussions are solely based on ideas and theories—but in real life, there are consequences and repercussions for huge swaths of Muslims and for humanity in general. Perhaps all would benefit from recalling that looming background as the discussion proceeds. Or ethics can be sacrificed on the altar of political expediency—that is certainly a choice that many have opted for—although it is hardly a genuine one.

In this volume, we did not attempt to finalize conversations—rather, we sought to innovate conversations, raise new questions, inspire original debates, and make unique connections. The future remains open as to where all those might lead.