

# INTRODUCTION

## The Islamic Tradition and the Human Rights Discourse

Dr. Mustafa Cerić

**W**e cannot understand human rights without understanding tradition. But we also cannot understand tradition without recognizing human rights as a key component of a living civilization. In *The Nature of Civilizations*, Matthew Melko writes that Islam is one of five living civilizations, alongside the Chinese, Japanese, Indian, and Western civilizations.

We have neither time nor space here to dwell on the substantial meaning of the Islamic tradition (Sunnah), but we see it appropriate to say that the Holy Quran has condemned slavish imitation of the past to be against the free spirit and sound mind:

“And when it is said to them: - Come to what Allah has revealed and to the Messenger, they say: - Sufficient for us is that upon which we found our fathers. Even though their fathers knew nothing, nor were they guided?”<sup>2</sup>.

“And similarly, We did not send before you any warner into a city except that its affluent said: - Indeed, we found our fathers upon a religion, and we are, in their footsteps, following. (Each warner) said: - Even if I brought you better guidance than that upon which you found your fathers? They said: - Indeed we, in that with which you were sent, are disbelievers. - So we took retribution from them; then see how was the end of the deniers”<sup>3</sup>.

I find very useful political theorist Hannah Arendt’s observations on tradition, in which she says, “Undeniable loss of tradition in the world does not at all entail a loss of the past, for tradition and past are not the same, as the believers in tradition on one side and the believers in progress on the other would have us believe...”<sup>4</sup> She adds, “There is a different past from the one handed down by tradition, that tradition is a thread running through the past and connecting selected events, and

that when that thread is cut, casually, the principle of the devolution of effects from causes, is misapplied in the non-natural realm of politics.”<sup>5</sup>

I strongly believe that the venture of Islam—as a final completion of the divine mercy on mankind based on Abrahamic traditions at the dawn of the seventh century CE—was the most radical reformation of religious thought in the history of religions.

Islam cancelled involuntary faith by declaring that there shall be no compulsion in religion. It nullified racial discrimination by proclaiming that there shall be no superiority of an Arab over a Non-Arab, nor a Non-Arab over an Arab, nor black over white, nor white over black man or woman except by good character. It abolished the institution of priesthood due to its use by man as a vehicle for faith manipulation, saying there shall be no mediation in Islam between God and man. Islam renounced filicide, or female infant killing, by declaring that there shall be no slaughter of an innocent infant daughter; and relinquished any notion of inherited guilt of sin by declaring that there shall be no person responsible for the sin of another except for their own because each and every person is born free of sin.

After my experience of genocide against my Muslim people in Bosnia, which I lived and witnessed, I am convinced that the concept of protected persons in traditional Islamic law (dhimmis)—particularly in its historical context, prior to the Magna Carta (1215), the English Bill of Rights (1689), the French Declaration of the Rights of Man and Citizen (1789), and the US Constitution and the Bill of Rights (1791)—was a genuinely praiseworthy idea, for its time, that saved many human lives.

I contradicted the well-known Anglican bishop Nazir-Ali in a declaration at a conference then, and I reiterate the same assertion here: I wish that non-Muslims in my region, the Balkans, had this concept of “protected persons” in their own traditions: so as to respect the rights of Muslims; specifically, their rights to life, faith, freedom, property, and dignity. I wish that they had that concept of protected persons, if only so that I

2 The Quran 5: 14.

3 The Quran 43: 23-25.

4 Hannah Arendt, *Between Past and Future*, (New York: Penguin, 2006), 93.

5 Arendt, *Between Past and Future*, xii.

could ask that it be applied to me, so that I can be sure that the genocide that was visited upon my people, will never take place again.

I do not see it necessary to comment extensively on the Universal Declaration of Human Rights (UDHR); but I must say that the core of it is contained in the five necessary values of human life that must always be protected and upheld, as universally stipulated by Muslim scholars in their theories of Islamic law. But I do wish to make a comment on different attempts thus far by Muslims to create their own Universal Islamic Declaration of Human Rights (UIDHR) document of 1981, and the Cairo Declaration on Human Rights in Islam (CDHRI) of 1990. I do not think that it was necessary for those documents to come about, as my point of view is that the UDHR is already largely compatible with the core of Maqasid al-Sharia, the highest purposes of human understanding of God's Law in Islam.

But I do question why these documents came about, and I am convinced that our collective insecurities have driven us, as Muslims, to that point. On the one hand, we are clear in our sense of self-sufficiency—because we know that we are the heirs of the continuous presence of the divine free spirit in history that has been revealed in the final word of God in the Holy Quran. In so doing, we have tasted historically that sense of self-sufficiency, but we have done so through the enlightening of our minds, via our engaging in intellectual discoveries that were put to the benefit of mankind at large. We rely on God alone, and for much of our history, our worldly power on this earth could find many influential and impactful examples.

But when we lost that worldly power—and there is no question that now, the political power that Muslims enjoy globally is a paltry one compared to centuries gone by—we failed to take stock of our affairs. On the one hand, we dream that we are self-sufficient, but on the other, we can see we do not have strong influence in our participation in global issues, such as the human

rights discourse, which we might have had a couple of centuries ago. We are thus often on the defensive, in what I call a self-imposed cultural insecurity syndrome, which is best illustrated by modern Muslim talk about the *wasatiyyah* (centrism or “moderation”) as an introduction of an Islamic moderation as opposed to an Islamist extremism, or even terrorism.

The Quran states that Allah, God Almighty, made the Muslim community an *Ummatan Wasatan*, (the “moderate nation”), but that doesn't mean that we should be simply moderate, which strikes me as somewhat tepid or unimaginative. The idea of *wasat* is far more than that: in my understanding, it means that Muslims must be in the middle of the one human whole, the core of civilization, in order to connect all parts of human existence in a comprehensive whole for all of humanity to use and benefit. This is what the *Bayt-l-hikmah*, or House of Wisdom, in Baghdad once was; this is what Cordoba once was—the *wasat*, the middle, where all the good of knowledge was collected, integrated, and disseminated all over the world by all people regardless of their faith, race, and nationality.

Thus, *wasatiyyah* should be a Muslim movement of bringing people together, while respecting their differences. The *wasatiyyah* should neither be a flattering that leads us into assimilation, nor a rejection that leads us into isolation. But, it should be an integrative force that leads us into what we have been known for. And we have been known as a self-respectable, good, lovable, useful, reliable, trustworthy, and friendly *Ummah* to humanity, as our good predecessors used to be in their times of self-sufficiency and cultural security.

As Muslims, we must work hard to realize the truth of genuine self-sufficiency; to abandon any sense of insecurity, based on a real presence of authentic security—and locate our right place in the world, where we are champions of the fundamental rights of all people and peoples. That is our right and our duty.