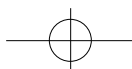
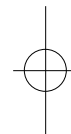
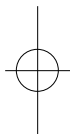
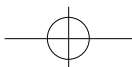
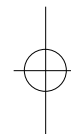
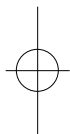




Human Rights in the Muslim World





Human Rights in the Muslim World

Fundamentalism, Constitutionalism,
and International Politics

Maimul Ahsan Khan

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Preface

As of this writing, more than two decades have passed since the rise of Muslim fundamentalism caught the world by surprise. Islamic fundamentalism had previously been defined and understood in the context of oppositional religious forces using legal and illegal means and methods to overthrow their own governments. Subsequently, some Muslim political groups with religious orientation have been negatively labeled as “Islamic Fundamentalists” and equated with the “Christian Fundamentalists” of the early decades of the twentieth century.

This term was heard more often after 1979, when Iranian revolutionary students held American diplomats and employees of the American embassy hostage in Tehran, claiming that the diplomats were spies interfering in the domestic affairs of Iran. The prolonged hostage incident lasted for 444 days and created an unprecedented crisis in modern international relations and law. From that incident to the destruction of the World Trade Center in 2001, issues of Muslim terrorists and Islamic fundamentalism have demonstrated a persistent relevance to the bedrock of both international and regional politics.

In 1946, the American-led Western powers thwarted the Soviet Union’s attempt to make Iran a satellite state similar to those of the former Eastern bloc in Europe. With the withdrawal of Russian troops from Iran, the American factor in Middle Eastern politics became more important than ever before. Prior to the Islamic revolution, Iran was one of the United States’ most trusted allies in the region; and there was no apparent anti-Americanism there. So why did the Islamic forces in Iran come to characterize the United States as the “great Satan”? Currently, a number of Muslim governments and peoples regard the Western state powers as their religious and national enemies. Why are Muslim religious forces now marked by anti-Western and anti-American feelings? Does the rise of Muslim fundamentalism have anything to do with the philosophies and actions of the Western states and their leaders?

Religious leaders are accepted as the political leaders of some Muslim countries. Author William Zartman notes:

It is no accident that Islamism is rising at the end of the twentieth century. Such events occur when the current order is no longer

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a source of stability and satisfaction. When order, identity and resources collapse, believers flock back to their religion...

[This is] because its economic and political program "is in the Quran," in the words of Islamist campaigners from Algeria and Tunisia to Sudan and Iran.¹

Islamic doctrines have been either misunderstood or misused for a long period of time in the different regions of the world. Some observers have simply dismissed political, economic, and legal postulates based on Islamic theories as issues of the past, while others have not acknowledged the relevance of Islamic doctrines to present-day affairs. Many researchers confine their understanding of Islamic factors to the ideas of Arabism, Wahabism, Maududism, Khomeinism, or Talibanism and are reluctant to pursue a deeper analysis of Islamic political and legal doctrines.

Other observers think that, like the Chinese, Indian, Egyptian, and Greek civilizations, Islamism is an anachronism in today's world. There are profound reasons why many orthodox religious doctrines can be only marginally considered as practical working political and legal ideologies.

There are, of course, many religious, psychological, and political reasons for this, but all of these reasons derive from a sense that so far as the West is concerned, Islam represents not only a formidable competitor but also a latecoming challenge to Christianity.

...Islam was believed to be a demonic religion of apostasy, blasphemy, and obscurity... It was as if a younger, more virile and energetic version of Christianity had arisen in the East... Only Islam seemed never to have submitted completely to the West; and when, after the dramatic oil-price rises of the early 1970s, the Muslim world seemed once more on the verge of repeating its early conquests, the whole West seemed to shudder.²

As a worldwide phenomenon, Islamic political ideology is a complex iteration of Quranic inspiration and reformist, fundamental orientation. What is Islamism? What are the main tenets of Islamic fundamentalism? How does political Islam differ from fundamentalism? What are the principal breeding grounds for Muslim fundamentalist forces? Are these forces

1. William Zartman, *A Search for Security and Governance Regimes, in DEMOCRACY, WAR, AND PEACE IN THE MIDDLE EAST* 48, 54 (David Garnham & Mark Tessler eds., 1995).

2. EDWARD W. SAID, *COVERING ISLAM: HOW THE MEDIA AND THE EXPERTS DETERMINE HOW WE SEE THE REST OF THE WORLD* 4–5 (rev. ed. 1997) [hereinafter SAID, *COVERING ISLAM*].

gaining momentum in Muslim and non-Muslim countries? How crucial are economic crises and nuclear weapons to Muslim fundamentalist forces? Why are these forces driven by anti-Westernism and anti-Americanism? Is terrorism the only option for Muslim fundamentalists? Are religious fundamentalist forces also using peaceful methods to capture power in the Muslim countries? Would a democratic system be an acceptable form of governance to the religious forces in Muslim countries of the future?

Only recently have analysts begun to look at Islamic legal doctrine within the context of modern human rights. Attempts to mix Islamic doctrines and modern concepts of human rights are certain to generate heated controversy in Muslim countries. The relationship between institutions of Muslim religious practice and modern concepts of universal human rights is complex and problematic.

Just as there is no unitary Islamic position on the merits of rationalism and humanism, so there is no unanimity on where Islam stands vis-à-vis constitutionalism, an institution closely tied to the development of legal protections for rights.³

Most religious doctrines place more emphasis on duties than on rights. This might not seem a serious problem, but many political forces impinge on human rights in the name of religious duty. In fact, it becomes increasingly difficult for Westerners and Muslim secularists to believe that religious doctrines can complement human rights in an expression of freedom and political liberty.⁴ Many analysts indeed perceive contemporary issues of Islamic constitutionalism and human rights as a threat to modern concepts of democracy and human dignity. Western minds often persist in believing that Islamists oppose democratization and the implementation of human rights in Muslim countries. Iranian scholar Ayatullah Taleqani says:

Islam is the religion of freedom. Its goal is people's liberation. If a religion aims at liberating people from all forms of bondage, it cannot itself be made a chain for keeping people in bondage.... In the name of religion, (they wish to) further the interests of their own class by enslaving people in exploitative chains.⁵

3. ANN ELIZABETH MAYER, *ISLAM AND HUMAN RIGHTS: TRADITION AND POLITICS* 50 (1991).

4. See Abdullahi Ahmed An-na'im, *State Responsibility under International Human Rights Law to Change Religious and Customary Law*, in *HUMAN RIGHTS OF WOMEN* 167 (Rebecca Cook ed., 1994), reprinted in HENRY J. STEINER & PHILIP ALSTON, *INTERNATIONAL HUMAN RIGHTS IN CONTEXT* 426–28 (2d ed. 2000).

5. Ayatollah Taleqani, Last Friday Prayer Sermon (Nov. 1979), quoted in ANJUMAN-E-TOUHIDI-E-RESALAT, *MARDI-EZ-TABAR-E-NUR* [A MAN FROM THE ABODE OF LIGHT]

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Most religious circles in Muslim communities equate Western concepts of freedom with decadent sexual permissiveness. By contrast, Westernized Muslim intellectuals have introduced modern models of secularization to combat traditional religious forces. Neither side can claim a decisive victory in achieving modernization or Islamization. Apart from discussing the various religious and ideological perceptions of Muslim peoples, this book focuses on the dichotomies between sociopolitical, economic, and cultural aspects of Muslim statehood and the military build-up that accompanies a nation-building process.

Maimul Ahsan Khan
University of Illinois-UC
April 2002

10–18 (1979), *reprinted in* SUROOSH IRFANI, *IRAN'S ISLAMIC REVOLUTION*, at ii (1983) [hereinafter IRFANI].

All mankind is from Adam and Eve. An Arab has no superiority over a non-Arab, nor does a non-Arab have any superiority over an Arab; also a white has no superiority over a black nor does a black have any superiority over a white except by piety and good action. . . . All those who listen to me shall pass on my words to others and those to others again; and may the last ones understand my words better than those who listen to me directly.

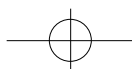
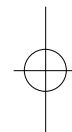
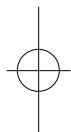
— From the Farewell Hadj Sermon of the Prophet delivered on the Ninth Day of Dhul-Hijjah, tenth year of the Muslim calendar (632 C.E.)

It may seem presumptuous on my part, but I personally believe we need to think seriously whether a violent reaction is the right thing to do and in the greater interest of the nation and people in the long run. I believe violence will only increase the cycle of violence. But how do we deal with hatred and anger which are often the root causes of such senseless violence?

— From a letter written by the Dalai Lama to President G. W. Bush on September 12, 2001

Public opinion in the Muslim world in general wants peace, security, and stability and the right to defend their religion and their freedom. As long as there is oppression, suppression, as long as people are humiliated and no one hears their cries, we will have a kind of feeling among the humiliated and desperate people, a kind of feeling among them that make them susceptible to extremist views or perceptions. It is therefore incumbent upon all of us to address the root causes, the issue of poverty to eliminate that, to assist people in pain.

— President Mohammad Khatami, in an interview with the *New York Times* on November 9, 2001



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