

**HUMAN RIGHTS:
TRIUMPH AND TRAGEDY**

HUMAN RIGHTS

Qadhaya Dauliya & Dawn News

1 September 1995

PROF. KHURSHID AHMAD



HUMAN RIGHTS: TRIUMPH AND TRAGEDY

Prof. khurshid Ahmad

Human rights have become an important global issue. This has been so for a number of reasons, some genuine and some not so sanguine. The two World Wars awakened mankind to some of these gruesome injustices that are being inflicted upon human beings during the periods of so-called peace. The UN Declaration of Human Rights represents an expression of this awareness and a commitment to rectify the situation. Although all nations of the world have not yet ratified this declaration, nonetheless it represents an important milestone of humankind's march towards an era of political tolerance and respect for human rights. The Helsinki Agreement represents another milestone and has played a very important role in influencing a number of countries of the world, particularly those under the spell of communism, to become more responsive to human rights concerns. A number of international organizations have been trying to monitor the human rights situation in different parts of the world and they too have played some role in creating a climate of respect for human rights.

These represent positive developments, triumphs along man's march towards destiny. From an Islamic viewpoint, although there are many flaws at the conceptual level as well as a lot of politicking and hypocrisy in practice, yet, despite these weaknesses, greater awareness of human rights and multi-dimensional efforts to ensure their enforcement deserve to be welcomed. By and large, these efforts represent a forward movement.

It is, however, undeniable that the Western tradition in respect of human rights is not very transparent. The classical periods of Greek and Roman rule cannot boast of an objective tradition of respect for human rights. Greek and Roman societies legitimized discrimination between humans and between men and women, to an extent there was no possibility of a truly shared social existence based on the concept of unity of man. Social and political power was monopolized at the top of the pyramid while at the base there were slaves, serfs and commoners who were not accepted as full humans. The same situation continued in the medieval period and it was only in the 12th and 13th centuries that people began to rebel against the tyrannical status quo. The struggle for human rights began as a reaction to this situation. It was a result of this struggle that the Kings and rulers were forced to concede certain human rights. This piecemeal liberation represents a process that has continued till today. Despite those historic developments - the Glorious Revolution of Britain, the French Revolution, the American Revolution and the ascendance of democracy in most of the European lands - the 20th century has witnessed violation of human rights on a mass scale in most of the European countries, not merely under Fascist regimes of Hitler, Mussolini and France, or under Communist totalitarian regimes of Russia and Eastern Europe, but also under a number of democratic regimes. Of course, the gravity, the nature and the forms of human rights violations have differed, yet substance of miscarriage of these rights is undeniable. The record is not very bright indeed. The latest is genocide in Bosnia and the Balkans and there seems to be no end to this sordid story!

Countries which have otherwise stood for democracy and human rights in Europe and America were also guilty of worst human rights violations in their own colonies and protectorates in Asia, Africa and Latin America. In the post-colonial period, it has to be regrettably admitted, the rulers are, by and large, behaving more in the tradition of the colonial rulers and much less as representatives of their own people, protecting their rights and fulfilling their aspirations. It is unfortunate that the Muslim world is no exception to this. Most of the Muslim countries of the world today are ruled by people who are accountable to none and whose record in respect of violation of human rights is disgraceful.

As far as Islam is concerned, its contribution in the realm of man's search for human rights has been unique. Islam has been a liberating force for the mankind. The Qur'an is a charter of human rights and the Prophet (peace be upon him) not only guaranteed those rights, but actually established a regime which respected those rights. His Khutbah on the occasion of the last Hajj is a glorious declaration of human rights. Despite many lapses on the part of the latter-day Muslim rulers, Muslim history is characterized by a high degree of respect for human rights. The Ulama were the standard bearers of these rights and the courts have safeguarded these rights of all and sundry. This has been so far a number of reasons.

First, human rights in the Islamic context have not been a gift from the rulers nor were they secured as a result of concessions won from the rulers by the common people. Instead, these rights have been guaranteed by God and His Prophet (peace be upon him) and as trustees, the rulers were obliged to accept them as a divine command. The people also knew that these rights are theirs as rights guaranteed by God, which no one can legitimately take away. In the Islamic political system the rulers are accountable to God and to the people and this have acted as a self-fulfilling mechanism for the establishment of human rights. Not that there were not violations by certain rulers and in certain places, yet that was an exception! And not the rule and that too was looked upon as illegitimate by all. As a result of this unique constitutional position, human rights .became enforceable both through the judicial system as well as through the religio-moral process. That is why, with the establishment of an Islamic state and with the success of Islamic resurgence, respect for human rights is bound to increase. The Islamic Movements and their workers are today at the receiving end of state-terror. They are the victims of violations of human rights and have suffered enough to know the value of these rights. That is why it is hoped that the future of democracy and the rights of the people would be safer in their hands.

Secondly, Islamic concept of human rights is wider than the concept which has become accepted in the West during the last seven centuries. The civil and political rights of the individual constitute the core of the human rights declaration in the West, but individual's cultural and religious rights do not find any position of priority in this scheme. Economic rights were also originally neglected, but are now gradually being acknowledged. At the conceptual level the whole framework is flawed because the individual is not alone. Men and women live in society. Family, social groups, cultural entities, civil society are as important as state and its political organs. As such, human rights must cover not only individual and political rights, but also rights of groups and social entities as also

rights relating to religious and cultural communities. The Western concept of human rights lacks this dimension.

Thirdly, "rights" cannot have a healthy existence without its counterpart "obligations." In fact the two represent two sides of the same coin. Rights of one become the obligations of others. Unfortunately, in the Western tradition, marred by distorted emphasis on individualism, the other dimension of civil society-i.e. social responsibility has been greatly ignored. In the Islamic formulation, obligations are embedded in the very concept of rights. Rights become self-fulfilling only if one's rights are accepted by others as their obligations, both at the individual as well as at the collective level of the civil society. The legal system not only accepts this, but is entrusted to establish this balance between the two. It is in this balance that has been disturbed in the Western world and lies at the root of violation of human rights at all levels, i.e. individuals, civil society, state power and international relations. The uniqueness of the Islamic concept lies in integrating both these dimensions of rights and obligations into one balanced equation. It is only through respect of that equation that justice can really be established amongst human beings and peace achieved for the human society at large.

May I conclude by submitting to the intellectuals - as well as to the political strategists of our time - that it is only by widening the concept of human rights and restoring this equation with obligations that human rights can be achieved in our own age? That is why believe that Islam can play a very important role in promoting human rights at the micro-level of civil society as well as at the macro-level of the world community.
