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Mustafa Ceric, Ph.D.  
Grand Mufti Emeritus of Bosnia  
Kep Advisory Commission Chairman

*The Islamic Tradition and the Human Rights Discourse*

I

Let me begin by saying how honored I am by the invitation of Atlantic Council: Rafiq Hariri Center for the Middle East to be with you tonight at Oxford Center for Islamic Studies.

Thank you dr. Nizami for a lovely introduction. I am especially please to see you tonight as we have know each other for years and shared our ideas on many occasions. I am delighted to see this place, Oxford Center for Islamic Studies like a second Alhambra in Europe.

Dear brother and friend of mine Hisham Hellyer from Atlantic Council is a great man and respected scholar who knew how to choose the topic: *The Islamic Tradition and the Human Rights Discourse*.

These are two constitutive parts of the whole of an Islamic worldview (Weltanschauung): **Islamic Tradition** and **Human Rights**.

Indeed, we cannot understand the human rights without an understanding of tradition, any tradition, but also we cannot understand the tradition without recognizing the human rights discourse as the key element for a living civilization. And, indeed, this is the key point: Islam is a living civilization among five living civilization of today according to Matthew Melko who made an account of the total twelve world civilizations in history: “seven of which have vanished (Mesopotamian, Egyptian, Cretan, Classical, Byzantine, Middle American, Andean) and five of which still remain (Chinese, Japanese, Indian, Islamic, and Western)”. And, as Niall Ferguson, quoted: “Shmuel Eisenstadt counted six by adding Jewish civilization to the club”. Furthermore, Ferguson pointed out that: “The interaction of these few civilizations with one another, as much as with their own environments, has been among the most important drivers of historical change. The striking thing about these interactions is that authentic civilizations seem to remain true unto themselves for very long periods, despite outside influences. As Fernand Braudel put it: Civilization is in fact the longest story of all... A civilization ... can persist through a series of economies or societies”.

## II

We have neither time nor space here to dwell on a substantial meaning of the Islamic tradition (*Sunnah*), but we see it appropriate to say that the Holy Qur'an has condemned the slavery to a blind tradition (*taqlid*) as an argument against the free spirit and sound mind:

وَإِذَا قِيلَ لَهُمْ تَعَالَوْا إِلَىٰ مَا أَنْزَلَ اللَّهُ وَإِلَى الرَّسُولِ قَالُوا حَسْبُنَا مَا وَجَدْنَا عَلَيْهِ آبَاءَنَا أُولَئِكَ كَانُوا فِي سَبِيلٍ لَا يَعْلَمُونَ شَيْئًا وَلَا يَهْتَدُونَ (104)

*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? (al-Ma'idah, 104).*

وَكَذَلِكَ مَا أَرْسَلْنَا مِنْ قَبْلِكَ فِي قَرْيَةٍ مِّنْ نَّذِيرٍ إِلَّا قَالَ مُتْرَفُوهَا إِنَّا وَجَدْنَا آبَاءَنَا عَلَىٰ أُمَّةٍ وَإِنَّا عَلَىٰ آثَارِهِم مُّقْتَدُونَ. قَالَ أُولَئِكَ جِنَّتُمْ بِأَهْدَىٰ مِمَّا وَجَدْتُمْ عَلَيْهِ آبَاءَكُمْ ۖ قَالُوا إِنَّا بِمَا أُرْسِلْتُمْ بِهِ كَافِرُونَ.

- *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 (al-Zukhruf, 23-25).*
- I found Hannah Arendt's observation very useful when she said that "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... (*Between Past and Future*, Penguin, 2006, p. 93.) In addition, Arendt's emphasis on the fact that "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" (ibid, p. xii).

## III

Let me now say that, in spite of your obvious expectation, I'll spare you from an obvious narrative about a glorious Islamic tradition and a glorious Muslim human rights. But, I'll not spare you from the notion, in which I strongly believe, that the venture of Islam, as a final completion of the divine mercy on mankind based on Abrahamic tradition at the dawn of the seventh century after the *Milād*, was the most radical reformation of religious thought in the history of religions.

Indeed, Islam cancelled an involuntary faith by declaring that there shall be no compulsion in religion (لَا إِكْرَاهَ فِي الدِّينِ) ;

second, Islam cancelled a 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 a black over a white, nor a white over a black man or woman except by good character (لَا فَضْلَ لِعَرَبِيٍّ عَلَيَّ) ; (لِعَجْمِي عَلَيَّ عَرَبِيٍّ، وَلَا لِأَبْيَضٍ عَلَيَّ أَسْوَدَ وَلَا لِأَسْوَدٍ عَلَيَّ أَبْيَضَ إِلَّا بِالتَّقْوَىٰ عَجْمِي وَلَا

third, Islam cancelled the institution of priesthood as a vehicle of a manipulation of man's faith in God by announcing that there shall be no mediation in Islam between God and man ( لَا صَيْرُوةَ فِي الإسلامِ أَوْ لَا رَهْبَانِيَّةَ فِي الإسلامِ ) ;

fourth, Islam cancelled the filicide or female infant killing by declaring that there shall be no slaughter of an innocent infant daughter (*filia*) (وَأَذَ الْمُؤُودَةُ سُنَّتٌ بِأَيِّ ذَنْبٍ قَتَلَتْ) ;

and fifth, Islam cancelled an inherited guilt of sin by declaring that there shall be no person responsible for a sin of another except for his/her own because each and every person is born free of sin (كُلُّ مَوْلُودٌ يُوَلَدُ عَلَيَّ فِطْرَةً) .

Nor, if you have thought I would, I'll spare you from the story of dhimmitude, the concept which is now very much hated by the people of the Book, both Christians and Jews, who have lived under the majority Muslim rule for centuries, especially in the Ottoman Empire. I am sure, dr. Farhan Nizami would remember our meeting at Lambeth Palace in January, 2002 at the Conference with the former archbishop of Canterbury George Carey on "Building Bridges: "Overcoming Obstacles in Christian-Muslim Relations", when Anglican bishop of Rochester Michael Nazir-Ali severely attacked the concept of dhimmitude by blaming it to be discriminatory against Non-Muslims in the Muslim majority rule by making them second class citizens. Bishop Nazir-Ali said that in the presence of Prince Hasan of Jordan, late Shaikh Zaki Badawi and Tariq Ramadn. It seemed that Bishop Nazir-Ali had win the day. When he finished I asked from the moderator archbishop of Canterbury George Carey for a rebuttal. I said to Bishop Nasir-Ali that I have once thought the same about the concept of dhimmitude, but after my experience of genocide against my Muslim people in Bosnia, I feel now that the concept of dhimmitude at the time was the best the Muslim free spirit and responsible mind could have provided for the Non-Muslims in a Muslim Empire. Take the concept of dhimmitude in the context of time, indeed, in the time prior to Magna Carta (1215), the English Bill of Rights (1689), the French Declaration on the Rights of Man and Citizen (1789), and the US Constitution and Bill of Rights (1791) and you will see that it is an genuine and praiseworthy idea that saved human lives?

Even before Abū Ishāq al-Shātibī (d. 1388), the great Andalusian Muslim scholar, articulated the five basic values of life, which are the five fundamentals of human rights induced from the highest purposes of the *Fiqh* of *Sharī'a*'ah, the idea of dhimmitude, as an oath (ذِمَّة) of respect, protection, guarantee, responsibility and commitment to peace and safety to the people of the Book, not only to Christians and Jews, but also to all people who live within a majority Muslim society, had been already contained in the Medina Constitution written and signed by the Prophet Muhammad (peace be upon him), himself as a practical example to be followed by all succeeding Muslim generations.

These five basic values of life, indeed, these five fundamentals of human rights as the core of any idea of human rights are: the right to life (النفس); the right to faith (الدين); the right to freedom (العقل); the right to property (المال); and the right to dignity (العرض).

This is the concept of dhimmitude, which the Muslim scholars had made as a self-imposing measure for the protection of the Human Rights of the other before the world reached the level of the Human Rights expressed in the Universal Declaration of Human Rights in 1948, but only after the atrocious experience of Second World War. Thus, my rebuttal against Bishop Nazir-Ali's attack was clear: - *I wish the Orthodox Christians of the Serbs had this concept of dhimmitude in their Christian tradition so to respect the rights of my Muslim people in Bosnia, the rights to life, faith, freedom, property and dignity. Furthermore, if you don't like the Muslim concept of dhimmitude now, let it be applied on me in Bosnia by the Christians so that I can be sure that genocide will not happen again*, I concluded my rebuttal with Bishop Nazir-Ali.

#### IV

I don't see it necessary to comment on the Universal Declaration of Human Rights of UN except to say that the core of it is contained in the five necessity values of human life worked out by the Muslim scholars throughout their theory of the Muslim Law, ("*Usūl al-fiqh*") or simply ("*Fiqh*"), as a means of an understanding of the *Sharī'ah* as an Islamic overall worldview. Indeed, the ("*Usūl al-fiqh*") or ("*fiqh*") is not necessarily *Sharī'ah*, but the *Sharī'ah* is necessarily a sort of *fiqh*, i.e. a sort human understanding of the *Shari'ah*. This distinction between the *Sharī'ah* and *Fiqh* is very important in order for us to deter the bad image of *Sharī'ah* that is dominating today not only in the Non-Muslim but also in the Muslim word. Because *Sharī'ahphobia* is not meant to frighten the Non-Muslims but primarily it is meant to frighten the Muslims so that they distaste for all things Islamic.

However, I see it necessary to make a comment on the Universal Islamic Declaration of Human Rights (UIDHR) of 1981, and the Cairo Declaration on Human Rights in Islam (CDHRI) of 1990. I am sure that you are aware that these two exclusively Muslim documents on Universal Human Rights were not well received by human activists. Taking into the account that some of these activists have prejudices against Islam and Muslims in general, I think that it was not necessary for the Muslim world to issue its own Universal Declaration of Human Rights. I think that the Universal Declaration of Human Rights of UN is compatible with and applicable to an overall Islamic world view, the *Sharī'ah*, in accordance to the five *darūriyyāt*, which are the five values of human life, which are the five fundamentals of Human Rights, which are the core of *Maqāsid al-Sharī'ah*, the highest purposes of human understanding of God's Law for a welfare of human life on earth. Thus, my question is why we have these two exclusively Muslim universal declarations of human rights? And my answer is that we have these documents because of three reasons: (1) because of an Muslim imagined self-sufficiency syndrome; (2) because of a Muslim self-imposed cultural insecurity syndrome; (3) because of a Muslim impotent global influence syndrome.

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Let me elaborate a bit on the idea of an imagined self-sufficiency syndrome. It goes without saying that the spirit (*al-rūḥ*) of Islam is ascertained by Almighty God, but the mind (*al-lubb*) of Islam is uncertain by man. This doesn't mean that the spirit is only of God and

that the mind is only of man since everything is from God - both God's spirit in man and man's mind of God. But, it means that the spirit of Islam inbreathed into man by God is of God only, while the mind of Islam as an inseparable part of this God's spirit in man is man's free will, free action and free judgement only. Thus, today we have no crisis of the free spirit of Islam. Indeed, instead we have the crisis of the enslaved mind of Islam. This collision between the man's free spirit of God and the man's enslaved mind of a selective tradition of the past is, as I said, a result of three lingering syndromes of Muslim history: (1) a Muslim imagined self-sufficiency syndrome; (2) a Muslim self-imposed cultural insecurity syndrome; and (3) a Muslim impotent global influence syndrome.

The thriving for a self-sufficiency (الكفاية الذاتية) is a legitimate goal of any genuine and sustainable civilization, let alone a genuine and self-assuring faith or religion such as Islam. Thus, Islam is both, the genuine faith of the free spirit (*al-rūḥ*) of God and the self-assuring religion or self-instructed theology of an inherited human mind (*al-lubb*). Let us make no mistake, religion (*al-dīn*) is not always necessarily faith (*al-īmān*), but some faith is always the religion as man's endeavor to work out a meaningful culture and a progressively functional civilization claimed to be an inspiration from the free spirit of God. Historically, by the beginning of the 7th century AM (after *Mīlād*) the divine free spirit of *Tawrāt*, *Injīl* and *Zabūr* (*Old Testament*, *New Testament* and *Psalms*) was handed down to the Son of the Arabs from the Sons of Israel. This shift of the divine free spirit from one direction to the other of the same spiritual family was both dramatic and challenging not only at the time of its fresh manifesto in history over 1400 years ago, but equally so today. It has had though one unmistakable characteristics equally so then as now, i.e. it has never been disconnected from the common roots of the divine free spirit ((الله رُوحٌ)).

Indeed, the idea of Islam as a concept of willfully peaceful trust in God and, thus, in man as well as a vicegerent (*khalīfah*) on earth saved the divine free spirit in man, who has been encouraged since to enlighten his mind from God's light as God's light is the light of heavens and earth ((والأرض السموات نُورُ الله)).

This God's light is sufficient to enlighten the human mind to be able to see certain things behind curtains. No discovery would have been ever possible without the light of human mind which is the God's light of the heavens and earth. Indeed, the divine free spirit ((الله رُوحٌ)) is the cause of the effect of light in the individual human mind. It is the fact that all discoveries from Muhammad ibn Musa al-Khwarizmi (d. 850) in Algebra and Ibn Al-Haytham (d. 1040) in Optics to Isaac Newton (d. 1727) in Universal Gravitation and Nikola Tesla (d. 1943) in Alliterating Electricity Supply have been individual enlightening of the individual minds.

My point here is to highlight the notion that the Muslims as 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 Qur'an have tasted the sweetness of self-sufficiency through the enlightening of the individual minds of theirs towards lasting discoveries for the benefit of humanity.

Indeed, the Muslim deep sense of self-sufficiency has been assured by the divine free spirit:

- *You should rely on God only because God is sufficiently reliable.*

وَكَيْلًا؛ بِاللَّهِ وَكَفَى َ اللَّهُ عَلَىٰ وَتَوَكَّلْ

- *Those who deliver God's messages having in mind only God without fear from any one else except God, they are aware that God is sufficient observer of their hard work.*

حَسْبِيَ؛ بِاللَّهِ وَكَفَى َ اللَّهُ إِلَّا أَحَدًا يَخْشُونَ وَلَا يَخْشَوْنَهُ اللَّهُ رَسَالَاتٍ يُبْلَغُونَ الَّذِينَ

- *Say to them, Muhammad, God is sufficient witness between me and you because God is well informed and well observing .*

بَصِيرًا؛ خَبِيرًا بِعِبَادِهِ كَانَ إِنَّهُ َ وَبَيْنَكُمْ بَيْنِي شَهِيدًا بِاللَّهِ كَفَى َ قُلْ

*Thus, God made against each messenger one opponent from among the criminals, but your Lord is sufficient to be your*

*Guide and Supporter .*

وَنَصِيرًا؛ هَادِيًا بِرَبِّكَ وَكَفَى َ الْمُجْرِمِينَ مِنْ عَدُوِّ نَبِيِّ لِكُلِّ جَعَلْنَا وَكَذَلِكَ

This idea of transcendental sufficiency was soon translated into an imminent self-sufficiency of a Muslim civilizational history. Really, the Muslims in history have tasted the power of self-sufficiency in almost everything of human need and desire. Indeed, there was a time in the Muslim history when they had neither need for nor fear from any human power on earth except from the power of God Almighty. They felt self-sufficient all the way.

However, the Muslims lost the power and with it they lost the self-sufficiency they had once enjoyed. But, they didn't lose the memory of their self-sufficiency. And this is why they have fallen into the state of an imagined self-sufficiency syndrome, which prevent them to actively participate in a framework of global issues, where they feel that they have no sway on them, issues such as the human rights.

This memory and a drive for a self-sufficiency make the Muslims today want to look different from others or special to themselves even if it doesn't always serve their civilizational cause. They are on defense even if they have no reason for that, but the mental habit to be apologetic all the times make them feel short of their faith duty if they didn't defend themselves from a real opponent or an illusive enemy.

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This state of mind makes today's Muslims in the state of self-imposed cultural insecurity syndrome, which is best illustrated by their new talk about the *wasatiyyah* as an introduction of an Islamic moderation as apposed to an Islamic extremism even terrorism.

Of course, we are aware of the Qur'anic verse which says that Allah Almighty made the Muslim Community to be the *Ummatan Wasatan*, but not in the way it is often

explained as “just balance”, “middle way” and “moderation”. The idea of *wasat* is more than that. It means that the Muslim *Ummah* must be in the middle of the one human whole in order to connect, in order to integrate, in order to organize, in order to collect all the parts of human existence in a comprehensive whole for the whole human use and benefit. This is what the *Bayt-l-hikmah* 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 integrative movement as apposed to both the trend of isolation and the trend of assimilation. The *wasatiyyah* should neither be a flattering that leads us into an assimilation, nor a rejection that leads us into an isolation. But, it should be an integrative force that leads us into what we have been known for. And we have been known as 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.

One of signs of a self-imposed of cultural insecurity syndrome is that we see today the use of Islamic attributes behind which there is no real value whether in thought or action, while in the times of a great Muslim cultural security we see no books with titles of Islamic attributes, but when you open them you see that they are full of Islamic substance.

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I have no time to dwell on a Muslim impotent global influence syndrome except to say that it is the result of the two previous syndromes in the sense that when you are not self-sustainable your are mentally insecure and when you are mentally insecure, you are shy from the world, and when you are shy from the world you are losing your right place in the world and, thus, you become an easy prey to anyone who wants to hurt you just because the way you are as it is happening now to the Rohingya Muslims.

Dear brothers and sisters,

We Muslims have a lot work to do in order to cure ourselves from an imagined self-sufficiency syndrome until it becomes real; we have to learn a lot in order to clear our mind from a cultural insecurity until it becomes our security; and we have to work hard in order to overcome our impotence in the world affairs until we are able to find our right place in the world, until we become champions of the human rights as it was meant to be for us from the day one.

Thank you and Allah Almighty bless you!