THE CAUSES OF MUSLIM COUNTRIES POOR HUMAN RIGHTS RECORDS

Lecture Notes 8 by Denis Bašić
Saad Eddin Ibrahim is an Egyptian and American scholar, renowned human rights activist, and professor of sociology at the American University of Cairo. For more than a decade Professor Saad Eddin Ibrahim has directed a research and advocacy institute in Cairo that monitors elections, conducts voter education projects, and criticizes, at times, the Egyptian government. He holds a Ph.D. in sociology from the University of Washington and has taught there, at Cairo University, and at several other universities in the United States. He is a Founder and Secretary-General of the Arab Organization for Human Rights (Cairo)
According to Ibrahim, “Countries that have poor human rights records are frequently the same countries that have poor records in other aspects of economic, social, and political development. This assertion applies equally to Muslim and non-Muslim countries.

Many scholars and political observers who question the compatibility of Islamic and democratic values argue that the essentialist and communalistic nature of Islam leaves no place in Muslim societies for individual rights, including basic political and civil rights.

However, a closer look at the realities on the ground demonstrates that the record of human rights in Muslim and Arab countries is not as poor as it is often assumed to be. Rather, the record is mixed.
HUMAN RIGHTS VS. DEVELOPMENT RECORD IN THE MUSLIM WORLD

- According to Ibrahim, “When these countries are measured along the United Nations development indicators, their record correlates very well with their rank on the United Nations Development Program’s Human Development Index. Thus, countries that are performing poorly on that index also have very poor human rights records.

- The Freedom House index shows a similar correlation, as does the Transparency International index. These correlations apply to all developing countries, including Arab and Muslim ones.

- In other words, a country's human rights condition reflects the state of its general economic, political, and social development.”

- Is one or the other aspect more important - economic, or social, or political?
Freedom House Human Rights Index compared with UNDP’s HDI
Freedom House Human Rights Index compared with world’s legal systems
Legal Systems of the World

Subcategories:
- N Napoleonic law
- G Germanic law
- No Nordic law
- NG Napoleonic law with Germanic law influence
- C Chilean law (which is inspired by Napoleonic law)
- M Mixed forms of indigenous, Napoleonic and Germanic law
- P Islamic law applies in personal status issues such as marriage, divorce, inheritance, and child custody
- F Islamic law applies in full, covering personal status issues as well as criminal proceedings
Capital Punishment

Legend

- Abolished for all crimes - 103 (53%)
- Abolished for all crimes except under exceptional/special circumstances (such as crimes committed in wartime) - 6 (3%)
- Not used in practice (under a moratorium or have not used capital punishment in at least 10 years) - 50 (26%)
- Retainers of the death penalty in law and practice - 36 (18%)

*Note - Accurate as of March 2015 when Suriname abolished capital punishment.

See: Amnesty International
According to Ibrahim, “Much of the history of the evolution of human rights in the West is not that different from what is currently happening in the Muslim world. Some may have forgotten a century-long debate among the U.S. founding fathers over the definition of **who is a complete human being** worthy of any rights at all. Or that it took another century entailing a civil war before *slavery* and its aftermath were eradicated in the United States.

**Equal rights for women** are still being contested. Some Western women, such as the Swiss, obtained their voting rights after their counterparts in several Muslim countries, such as Egypt, Turkey, and Tunisia.”

**[How do we prove that black people are human beings, not a stage in the evolutionary development between apes and human beings?]**
IS RELIGION OR SOCIOECONOMIC DEVELOPMENT THE CAUSE OF HUMAN RIGHTS VIOLATION?

- According to Ibrahim, “Having questioned the assertion that Islam and human rights are incompatible, the fact remains that the human rights record of many countries with Muslim majorities leaves much to be desired.

- My competing hypothesis is that the state of human rights is mainly a function, not of religion, but of a country's overall level of socioeconomic development. How else could we account for the marked variations in respect to human rights among countries sharing the same religion, namely Islam?

- However, the fact remains that a great many Gulf countries enjoy a high HDI, including Saudi Arabia, yet the human rights level in these countries, especially of non-nationals and minorities, is very low. How do we explain that?
According to Ibrahim, “Three factors explain the existing limitations with respect to human rights in Arab and Muslim countries.

- The first factor is the differences between despotic vs. non-despotic regimes.
- The second is the difference between textualists & contextualists.
- And, finally, the third is the very troubling challenge for democracy activists and civil society advocates whose message gets entangled in the process of resistance to Western hegemonic policies in the developing world.”
According to Ibrahim, “In recent years [2005], several countries in the Muslim world have undergone democratic transitions.

Even within the Arab world, countries such as Morocco, Qatar, and Jordan [monarchies] have taken cautious but steady steps on the road to political liberalization and democracy.

Other regimes, such as those of Tunisia, Libya, Syria, and Egypt [republics] have grown more despotic in recent years [as of 2005] in order to remain in power. In the 1950s and 1960s, these regimes maintained a social contract based on the withholding of political and civil liberties in return for the provision of basic services, employment, and social justice [Arab Socialism]. Today these regimes are no longer capable of fulfilling their part of the social contract and yet are not willing to democratize and share power. Thus civil and political rights and liberties are severely repressed, and these despotic regimes utilize both legal and extralegal means to maintain their power.”
According to Ibrahim, “For Muslims, the Holy Qur'an is the divinely revealed book containing the words and commandments of Allah (God Almighty). Some Muslims take this sacred text literally to live by, and hence are referred to as "textualists." Others take the spirit, the broad guidelines, laid down in the Qur'an and adapt them to different and changing conditions in Muslim communities, and hence are referred to as "contextualists." The outcome of this debate between the textualists and the contextualists will determine the direction for the future state of human rights in Muslim countries and, consequently, the future of political development of their respective communities.”

Does this latter statement mean that, after all, religion does shape the politics?

Or does it mean that the internal politics within religious circles determines both religion and state politics?
WHO SPEAKS FOR ISLAM?

According to Ibrahim, “In answer to the question of who speaks for Islam or for Muslims or what is typically an Islamic perspective on any issue, I would argue that what makes any matter Islamic is rooted in the text. I would further argue that in order to be defined as Islamic, a notion must be rooted in the two essential texts of Sunni Islam: the Qur'an and the tradition as enunciated by the Prophet Muhammad and later by his successors. A return to these fundamentals renders a notion, a theory, a perspective that is Islamic.

What makes the above-mentioned concepts Muslim - not Islamic - is not the text, rather it is the context. A multitude of parties have utilized Islam as a religion to justify their ideological leanings or political aims. While these parties might claim that their actions or beliefs are grounded in Islamic notions, I would argue that they are not based on Islam as a religion but, rather, depend on an array of social, political, and economic conditions pertinent to the specific Muslim context.”
According to Ibrahim, “A prime example of textualist Islam and Muslims is the Wahhabi movement of the eighteenth century in Saudi Arabia, of which Osama bin Laden and other followers consider themselves the legitimate heirs and who thus are contesting similar claims by the Saudi royal family.

In contrast to the Wahhabis, most Muslims elsewhere in the world, from Indonesia to Morocco, either willfully or de facto subscribe to a variety of contextualist interpretations of Islam...

This difference between text and context poses a dilemma not only for the relations between Muslims and non-Muslims or between the Islamic world and the West, notably the United States, but also for Muslims themselves. It creates a divide between the textualists and the contextualists, and between them and the secularists who are opposed to both.”
OLD OR NEW DEBATE
TEXTUALISM VS. CONTEXTUALISM

According to Ibrahim, “The debate between the textualists and the contextualists has a long history in the Muslim world.

Great 19th-century Islamic reformers such as Muhammad Abduh and Jamal ed-Din al-Afghani focused on the importance of interpreting Islam in accordance with the logic of the temporal and spatial contexts.

In recent years, the Muslim world has been placed between an immense extremist, and at times militant, Islamic current and the rigidity and inflexibility of the official religious establishment (such as the Al-Azhar University in Egypt).

Yet a few promising signs have appeared on the horizon, such as rare calls by Islamic scholars to reopen the door to ijtihad, or interpretation of the religion drawn directly from its sources. These calls resonate throughout the Muslim world.”
According to Ibrahim, “Certain aspects of U.S. policy toward the Arab and Muslim world make the task of those working for democracy and human rights difficult, because they are perceived to be propagating a Western agenda at a time when there are many misgivings about the United States and its political aims in the Muslim world.

- The first problematic aspect is the double standard applied to Arab and Muslim countries;
- the second is the United States' one-sided support for Israel; and
- the third is the U.S. unilateralism. In so many hotspots in the Arab world, such as Iraq and Palestine, the United States has acted alone without the collaboration of European powers, especially those that have positive images in the Arab world. This phenomenon has deepened Arab misgivings regarding U.S. unilateralism.”
According to Ibrahim, “Ambivalence in American foreign policy vis-a-vis the Arab and Muslim world persists at a deep level. While the official U.S. foreign policy and discourses toward Arab and Muslim countries call for the promotion of democracy and better governance, the United States, through its financial support and trade relations, continues to collaborate with and maintain in power a multitude of corrupt and despotic regimes, including those in Egypt, Saudi Arabia, and even that of Saddam Hussein's Iraq during the Iran-Iraq War.

[By 2005] the United States has intervened militarily in Latin America 20 times in 100 years and 10 times in the Middle East during the last 50 years. 75% of the world's refugees are Muslims. Unfortunately, most American citizens are unaware of these facts.”
Is there love in politics?
THE U.S. INTERVENTION IN IRAQ

- According to Ibrahim, “Moreover, not a single intervention has been on behalf of democracy. The most recent intervention, in Iraq, was supposed to usher in democracy not only there but also in the rest of the Arab world. But, the chaos that has followed has obscured this democratic message. Rather, it has made that message one more example of the American double standard. No matter how intrinsically benign it may be, the message is often dismissed because of the suspect messenger.”

- Watch the presentation Structural Causes of War by Antonia Juhasz and discuss why the majority of Middle Easterners for not believe that the reason for the U.S. intervention in Iraq was the spread of democracy.
According to Ibrahim, “The events of September 11 made [the Islamists to whom Ibrahim spoke] aware that their radical discourse had been partly responsible for that event by affecting the minds and thoughts of young people. As a result, they felt a special responsibility for that event and wrote a book about 9/11, disavowing and for the first time condemning their fellow Islamists' actions and revising most of their previous convictions and stated principles and practices.

[These] Islamists were also very intrigued by democracy and my challenge to them to declare their commitment to democracy. Initially, they had reservations about democracy and about how one could be a good Muslim and a good democrat. My observation of Christian democrats was well received. And several European ambassadors who were aware of this dialogue provided the Islamists in prison with literature they had requested about Christian democrats and how their movement had evolved. This literature proved that abiding by a particular religious doctrine can in principle be, and has in practice been, reconciled with democracy as a political system.”
According to Ibrahim, “Among the literature they read in prison was the Vatican’s shifting stand on democracy.

In 1838, Pope Gregory XVI issued an edict considering democracy a ‘sinful heresy.’ The edict was a reaction to the excessive anti-church, anti-clerical policies of the French Revolution and Jacobin-style secularism.

In the following century, the Bolshevik revolution and the emergence of communism and other authoritarian ideologies came to be seen as more detrimental to organized religion than democracy.

If anything, in the long run the Catholic church and its adherents fared better under democratic systems. Thus, following the trauma of World War II, Pope Pious XII issued a new edict in praise of democracy.”
According to Ibrahim, “A number of recent developments in some Muslim countries have also had a positive impact on Islamists' thought regarding the issues of democracy and human rights.

The most important was the Turkish election in November 2003, which brought to power a party with deep Islamic roots and a leader who is an observant Muslim.

That election was preceded by parliamentary elections in Morocco in September 2002 that also saw the emergence of several winners with Islamic agendas.

The outcomes of these elections made the Islamists realize that Islam and democracy are not incompatible and that they can accede to power through democratic means.

Disappointment with the Islamic government in Iran has also contributed to some Islamists' rethinking of their stance on democracy.”
WHAT A BILLION MUSLIMS REALLY THINK?

- To get a more detailed answer watch the documentary *Who Speaks for Islam: What a Billion Muslims really think* and/or read the book *Who speaks for Islam?* on which the documentary is based.

- The book *Who speaks for Islam?* (2008) is the product of the Gallup World Poll's based on massive six years research and more than 50,000 interviews representing 1.3 billion Muslims who reside in more than 35 nations that are predominantly Muslim or have sizable Muslim populations. Representing more than 90% of the world's Muslim community, it makes this poll the largest, most comprehensive study of its kind.

- Gallup posed questions that are on the minds of millions: Is Islam to blame for terrorism? Why is there so much anti-Americanism in the Muslim world? Who are the extremists? Where are the moderates? What do Muslim women really want? *Do Muslims Want Democracy?*
DO MUSLIMS WANT DEMOCRACY?
BASED ON THE GALLUP STUDY:

- Substantial majorities in nearly all nations surveyed (95% in Burkina Faso, 94% in Egypt, 93% in Iran, and 90% in Indonesia) say that if drafting a constitution for a new country, they would guarantee **freedom of speech**, defined as “allowing all citizens to express their opinion on the political, social, and economic issues of the day.”

- However, while acknowledging and admiring many aspects of Western democracy, those surveyed do not favor wholesale adoption of Western models of democracy. Many appear to want their own democratic model that incorporates *Sharia* -- and not one that is simply dependent on Western values. Actually, few respondents associate "adopting Western values" with Muslim political and economic progress. Abuses in the name of *Sharia* have not led to wholesale rejection of it.
WHY MAJORITIES IN MOST SUBSTANTIALLY MUSLIM COUNTRIES, WITH THE EXCEPTION OF A HANDFUL OF NATIONS, WANT SHARIA AS AT LEAST “A” SOURCE OF LEGISLATION?

- In Gallup’s data, the emphasis that those in substantially Muslim countries give to a new model of government -- one that is democratic yet embraces religious values -- helps to explain why majorities in most countries, with the exception of a handful of nations, want Sharia as at least "a" source of legislation.

- In only a few countries did a majority say that Sharia should have no role in society: yet in most countries, only a minority want Sharia as "the only source" of law. In Jordan, Egypt, Pakistan, Afghanistan, and Bangladesh, majorities want Sharia as the "only source" of legislation.

- Most surprising is the absence of systemic differences in many countries between males and females in their support for Sharia as the only source of legislation. For example, in Jordan, 54% of men and 55% of women want Sharia as the only source of legislation. In Egypt, the percentages are 70% of men and 62% of women; in Iran, 12% of men and 14% of women; and in Indonesia, 14% of men and 14% of women.
Ironically, we don't have to look far from home to find a significant number of people who want religion as a source of law. In the United States, a 2006 Gallup Poll indicates that a majority of Americans want the Bible as a source of legislation.

- 46% of Americans say that the Bible should be "a" source, and 9% believe it should be the "only" source of legislation.

- Perhaps even more surprising, 42% of Americans want religious leaders to have a direct role in writing a constitution, while 55% want them to play no role at all. These numbers are almost identical to those in Iran.
THREE OBSTACLES TO A BETTER HUMAN RIGHTS RECORD IN THE ARAB & MUSLIM WORLD

- The first obstacle is erected by the discrepancy between the hegemon's discourses and policy in the region, which diminishes the credibility of the notions of democracy and human rights and their promoters, because they are associated in the popular psyche with foreign and imported concepts.

- Reluctance on the part of governments to loosen their grip on power, which leads them to disregard human rights and resist all calls to democracy.

- Meanwhile, some Islamic opposition forces violate the rights of women and minorities and allow the principles of democracy to function only within predefined and accepted boundaries.
WHAT CAN THE ADVOCATES OF DEMOCRACY DO?

- One way is by **engaging enlightened Islamic thinkers.** These thinkers have existed throughout the times, but they have been marginalized by governments and by textualist and extremist Muslims.

- The other way is by helping democratic forces in a nuanced, subtle way with the tools available. These tools include aid, trade, technology, and investment. However, one needs to use these tools intelligently. One is not obliged to use force or to be overbearing when approaching autocratic regimes to help potential democratic forces such as women, young people, civil society, and human rights organizations. **Western governments can indicate to these regimes that if they want aid, favorable trade agreements, and investment, they should engage in sustainable democratic reform.**
To avoid instability, a workable timetable is needed in the shape of a roadmap of expected positive developments, with aid, trade, and investment conditioned to that schedule. These incentives worked after Helsinki 1975 in Europe, and they have the potential to work in the Arab and Muslim world.

The Conference on Security and Cooperation in Europe (CSCE) has produced marvelous results in Eastern Europe and in the former Soviet Union. A similar process can do the same for the Arab world. Similar measures already have had some effect in Morocco, Bahrain, and Jordan. Ironically, it is the modernizing monarchies that are performing better in the Arab world - Bahrain, Qatar, Oman, and Morocco [as of 2005, but after that only Oman has had a decent human rights record]- whereas Egypt, Saudi Arabia, and, of course, Syria are reluctant to change and democratize.

Lastly, it is important that Western governments demonstrate their commitment to democracy in the Arab and Muslim worlds and follow a consistent policy in this regard.
For fresher and more accurate information on the situation in the Arab monarchies, read at least one of these two articles:

- **Arab Monarchies: Surviving the Revolts** by *Al-Akhbar* (a Lebanese independent, non-sectarian political magazine, which describes itself as being based on “the principles of anti-imperialist struggle, progressive politics, and freedom of expression.” (November 2011)

Listen to the following discussion among some of the most prominent Arab intellectuals today to hear their views about the causes and consequences of the 2011 Arab Uprisings and their relationship to human rights violations and endeavors for democratic changes in the Arab world,

Empire: What Future for the Arab World? by Al Jazeera