Challenges Facing Activists

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The Rights at Home Project (R@H) held an Advanced Training Programme (ATP) in Zahle, Lebanon in June and July of 2004. The training focused on challenges and opportunities facing human rights activists in Muslim societies and communities. Trainers and trainees rose to the challenge in an inspiring way.

The overall purpose of the Rights at Home Project (R@H) training in Lebanon was to rethink strategies, theories, and histories of human rights and Islamic legal theory. The training consisted of twelve trainers, 45 trainees, five translators, and support staff led by Mariëtte van Beek. At the helm, Cassandra Balchin kept a close watch on the unfolding programme, and guided it with great sensitivity and firmness. The participants came from Tanzania, Yemen, Thailand, Malaysia, Indonesia, and the Philippines.

Among the most debated issue was the question of the compatibility between human rights and sharia. Some participants felt the need to specifically announce this compatibility while others wanted more information to reinforce their conviction that human rights and Islam were not in conflict with each other. One way of going beyond the deadlocked debate in which Islam and human rights were placed in opposite camps was to find the meaning of both Islam and human rights in their contexts. A considerable looseness was employed in Muslim discourse about what Islam says on any given particular issue. Does Islam allow polygamy? Does it allow a husband to beat his wife? The question to be asked before such questions is who speaks in the name of Islam? How does Islam speak? Is this a convenient way of talking about the values that Muslims hold? Or does "Islamspeak" hide the real actors?

With respect to human rights, it is absolutely clear that subjective positions are imposed on the pronouncements of Islam. A husband may justify beating in the name of Islam. Such positions do not take into consideration other opinions and related Quranic verses and hadiths that temper or condition such behaviour. Speaking in the name of Islam is a shortcut that conceals alternative viewpoints and deliberations. Our legal trainers, Ziba Mir Hosseini, Muhammad Khalid Masud, and Ebrahim Moosa argued in different but complementary ways that the Islamic tradition provides some fundamental resources for thinking and acting on human rights. But accessing these resources in the formative texts like the Quran or legal theory would mean an excavation and reconstruction of previously accepted terms and values.

Trainers emphasized the need for a paradigm shift in how Muslims think about the sharia whose meaning has gone through a number of structural transformations in Islamic history. The latest such transformation was the reformist one (*islahi*) led by Muhammad Abduh and others at the turn of the nineteenth and twentieth centuries. Unlike the reformists, our legal trainers thought it was no longer sufficient to declare that Islam was compatible with human rights as it was with science, progress, and economic development. One critical example of rethinking raised at the meeting was the particular way in which marital problems were addressed in some Muslim contexts. Whilst women demanded their rights in the face of abuse, jurists worked with a model that gave absolute prerogative to the husband. At the root of such a privilege lay a marriage contract in which the husband acquired the right of sexual favours for the exchange for maintenance. Such a formula completely ignored the mutuality and companionship of marriage that is emphasized in verses of the Quran. But many jurists and judges do try to resolve failed or dysfunctional marriages with this model. No less than a paradigm shift is essential for rethinking the approach of human rights in Muslim courts and informal religious networks.

Participants also shared experiences and strategies regarding how laws were actually made and implemented in different national contexts ranging from Yemen, Tanzania, and Malaysia. In Tanzania, for example, most of the cases had some connection with the spread of the HIV/AIDS epidemic. To a large extent women contracted the infection from their husbands, or were left destitute and infected in the case of a unilateral divorce. The AIDS epidemic triggered and revealed the social structures and its problems.

A glimpse into law making revealed how values and juridical opinions may or may not become part of a legal heritage. The writing of codes presented lawmakers with the power and the opportunity to include their prejudices and interests into the law. Contemporary legal systems do not simply import verses, hadiths, and legal opinions into legal codes. These have to be reworked into a form that judges and administrators can apply to actual cases. Such reworking provides opportunities for ignoring the rights of women. Thus, for example, rape was unfortunately placed within the ambit of Pakistan's Hudood Ordinance (criminal codes based on the sharia), imported wholesale without critical reflection on the formulations in early sharia. Inflexible legal codes and rigid understandings are often to the detriment of the suffering victims.

The group similarly debated the question of whether there was a chance for implementing "universal" human rights at home whilst political rights were being violated at the local and regional levels? It was almost impossible to talk about rights of individuals in homes without tackling the selective use of human rights as an instrument of political control and interference. The point was forcefully brought home by the fact that the most gruesome violations of rights were being perpetrated on the pretext of a global war on terror in occupied Palestine and Iraq whilst the meeting was being held. The participants highlighted and contemplated the connectedness of all rights, from a woman's individual rights in her home, for example, to her right to a fair trial in a government court.

Despite differences of opinions, interpretations, and priorities, the basic spirit at the meeting where each persons dignity was respected, ensured a successful training programme. The human rights trainers, with little or no background in Islamic legal training, should particularly be credited with nurturing this spirit from the first day. Toni Kassim, Salma Maoulidi, and Suad al-Qadasi with their co-facilitators ensured that human rights were not understood exclusively as social, political, and intellectual goals. They gave us a taste that living human rights demanded, above all, a personal transformation. Legal codes would go a long way to ensure rights in social and political contexts, but it was the appropriate disposition and mindset that could turn societies around. The Rights at Home programme at Zahle touched on some key aspects of human rights in Muslim societies: it stressed the necessity of unmasking tangible and intangible powers behind social, political, and religious structures in societies, and argued that a paradigm shift in thinking about sharia was absolutely essential.

R@H NEWS

From 28 January till 28 February 2005 Salma Maoulidi and Nahda Shehada will be assisting the RaH Project in building materials on the issues of domestic violence, early marriage, inheritance, and women in public life with a special focus on materials in Swahili and Arabic for the Rights at Home website (www.rightsathome.org).

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