

# Caritas in Veritate Foundation

"Authentic development must foster the development of each man and the whole man"

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# FREEDOM OF RELIGION IN THE MIDDLE EASTERN CONTEXT

ISLAM AND ITS MINORITIES

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"One cannot pick and choose among human rights, ignoring some while insisting on others. Only as rights equally applied can they be rights universally accepted. Nor can they be applied selectively or relatively, or as a weapon with which to punish others. Their purity is their eternal strength".<sup>1</sup>

The above statement is an excerpt from an address delivered by the former Secretary-General of the United Nations Kofi Annan at the University of Tehran in December 1997. It clearly spells out the fact that any reference to human rights within a religion or a culture must be set within the wider framework of those expressed in the context of those human rights that are shared by the human race and enshrined in the 1948 UN Declaration of Human Rights.

We live in times when religious tensions leading to violence are a frequently recurring news item. The Middle East is especially prone to this tragic situation, which is not rendered any easier by the fact that certain Islamic movements in this region and beyond are transforming Islam into an ideology. Actually, societies worldwide are being faced with Islamic movements that seek to present religious belief and conduct as homogeneous, thereby doing away with inculturation (which is an impoverishment of Islamic tradition, history, and culture) and seeking instead to present a standard mode of belief and conduct. These attitudes are leading to increased sectarian violence which, by means of social media, is being rapidly transformed from a local to a global issue. In light of the rapidly evolving events that have become known as the 'Arab Spring', one would have hoped that freedom from oppressive and corrupt regimes, won at such a high cost in terms of human lives, would also have brought about the full exercise of basic human rights. Taking into consideration all of the above, it would be helpful to first examine what the Qur'ân teaches about how Muslims regard themselves as a community apart, and what their conduct with non-Muslims should be. Consequently, one may address the issue of freedom of religion in the Middle East as a region whose majority population is Muslim.

#### Islamic self-awareness

According to the Qur'ân, Man is the vicegerent of  $\operatorname{God}^2$  He must faithfully observe all the prescriptions of the divine word in order to be assured of prosperity and harmony both in this world and in the next. Islam's relation with other religious communities, and especially with the 'People of the Scripture' ( $\operatorname{Ahl} \operatorname{al-Kit\bar{a}b}$ ), has to be considered together with its self-awareness. One detects a sharp demarcation between Islam and other religions and a profound affirmation of its uniqueness.

Say: 'To God belongs the East and the West. He guides whomsoever he wills onto a straight path.'Thus, we have appointed you a median nation,

To be witnesses for mankind, And the Prophet to be a witness for you.(Q. 2:143)<sup>3</sup>

This concept of the Muslim community as a "median nation" (ummat<sup>an</sup> wasaṭ<sup>an</sup>) is not alien to either the classical Greek, the Jewish or to the Christian tradition.<sup>4</sup>

<sup>&</sup>lt;sup>4</sup> On the threshold of the Promised Land the Hebrews are instructed to keep the commandments and precepts handed down to them by God. It is on account of their observance of, and therefore of their fidelity to the divine will, that they will be acknowledged as a holy people. This attitude will be its distinguishing trait in comparison with the nations in whose



<sup>&</sup>lt;sup>1</sup> KOFI ANNAN, Secretary General of the United Nations, Statement at the University of Tehran, 9 December 1997. http://www.un.org/press/en/1997/19971209.SGSM6419.html Accessed 16.11.2014.

<sup>&</sup>lt;sup>2</sup> See Q. 2:30.

<sup>&</sup>lt;sup>3</sup> Unless stated otherwise, all texts from the Qur'ân are taken from The Qur'an, A New Translation by TARIF KHALIDI, Viking, New York 2008.

### The Muslim community and the 'Other'

Each act, even the most insignificant, in the life of the Muslim brings to life that awareness of being a living cell within this best of communities, which is Islam.

The Qur'ân is well aware of religious diversity in the world and it treats this issue on various levels. This diversity is indeed continually deplored as being a source of constant discord. The primordial unity of mankind is portrayed in the Qur'ân by way of a pact  $(m\bar{n}t\bar{q}q)$  sealed between God and the entire human race.<sup>5</sup> The Qur'ân envisages the entire human race as being ideally one religious community, diversity being an unfortunate state of affairs; and yet, at the same time, it is set within the framework of the unfathomable will of God.<sup>6</sup> However, in spite of the fact that the Qur'ân, together with the Prophet's preaching, exhorts Christians, Jews and Sabeans to embrace Islam, the Qur'ân itself also appears to set forth the conditions for divine reward in the afterlife as belief in the one God and the fulfilment of righteous deeds.<sup>7</sup>

It is in this context that the Qur'ân, while constantly reiterating that Islam is "the primordial nature that God implanted in mankind" (Q. 30:30), and that its communication to Muḥammad as Scripture is the criterion (*al-Furqān*) according to which former scriptures as they stand are deemed authentic or otherwise, makes the following statement whose meaning and consequences for interreligious dialogue today cannot be underestimated:

"To you we have revealed the Book with the Truth, confirming previous Scripture and witnessing to their veracity. So judge between them as God revealed and do not follow their whims, to turn you away from the truth revealed to you."

"For every community we decreed a law and a way of life. Had God willed, He would have made you a single community – but in order to test you in what He revealed to you. So vie with one another in virtue. To God is your homecoming, all of you, and He will then acquaint you with that over which you differed." (Q. 5:48)

As Michel Cuypers rightly states, one detects a sudden leap from legal questions about judging Jews and Christians to a universal theological principle aimed at shedding light on the problem under discussion.<sup>8</sup> It sheds theological and eschatological light on religious pluralism. One cannot underestimate the contemporary importance of this verse. This, however, did not preclude the fact that other verses of the Qur'ân take a more rigorous view.<sup>9</sup>

midst it would be settling: Now therefore, if you will obey my voice and keep my covenant, you shall be my own possession among all peoples; for all the earth is mine, and you shall be to me a kingdom of priests and a holy nation. (Exod 19:5-6a). The basic idea here is that Israel is God's viceroy on earth charged with making the whole world holy. As for the Christian community, its faith in Christ as its foundation is its distinguishing trait as well as the only path to salvation: You are a chosen race, a royal priesthood, a holy nation, God's own people, that you may declare the wonderful deeds of him who called you out of darkness into his marvellous light. Once you were no people but now you are God's people; once you had not received mercy but now you have received mercy. (1 Pet 2:9-10). This text is an expansion of the concept portrayed in the one from Exodus quoted above. As for the classical Greek tradition one need not look further than Homer's *Iliad* and *Odyssey*.

<sup>&</sup>lt;sup>9</sup> One such text is the following: Fight those of the People of the Book who do not [truly] believe in God and the Last Day, who do not forbid what God and His Messenger have forbidden, who do not obey the rule of justice, until they pay the tax



<sup>&</sup>lt;sup>5</sup> See Q. 7:172-174. This same pact, however, is ironically fractured as a consequence of the advent of the messages sent by God through the prophets to the People of the Scripture (see Q. 2:213).

<sup>&</sup>lt;sup>6</sup> See Q. 10:19; 11:118.

<sup>&</sup>lt;sup>7</sup> See Q. 2:62.

<sup>&</sup>lt;sup>8</sup> MICHEL CUYPERS, *The Banquet: A Reading of the Fifth Sura of the Qur'an* (Preface by MUHAMMAD ALI AMIR-MOEZZI, trans. By PATRICIA KELLY) Convivium Press, Miami 2009, pp. 244-245. It should be noted that, although the writing prophets of the Old Testament are not commanded to judge, they nevertheless utter oracles against the nations as well as to Israel.

## Islam and the UN Universal Declaration of Human Rights

From what has been stated above it is already clear that in the sphere of human rights Muslim countries do not take the anthropological dimension (which includes also cultural and economic factors) as a point of departure but rather the theological one. In other words, the issue of human rights ( $\hbar uq\bar{u}q$  al-ins $\bar{a}n$ ) is inscribed within the framework of the rights claimed by God ( $\hbar uq\bar{u}q$  Allah) over humanity. The very notion of  $\delta ar\bar{i}a$  implies the classification of human acts as judged by God, who is the sole legislator of humanity. The human being does have dignity, but this is given by God and subject to those limitations that are imposed by him. It is therefore not surprising that the 1948 United Nations Declaration of Human Rights was vigorously contested by most Arab-Muslim countries who were then members.

There are two specific rights in this Declaration that have never been endorsed in any country in the Arab world (nor in the Muslim world at large) irrespective of the natures of governments then in power. These are Article 16 and Article 18 of the U.N. Declaration, the first referring to the right to marry and to found a family, and the second referring to freedom of religion (which is different from freedom of worship):

#### Article 16

"Men and women of full age, without any limitation due to race, nationality or religion, have the right to marry and to found a family. They are entitled to equal rights as to marriage, during marriage and at its dissolution. Marriage shall be entered into only with the free and full consent of the intending spouses. The family is the natural and fundamental group unit of society and is entitled to protection by society and the State."

#### Article 18

"Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.<sup>11</sup>
The reason for withholding endorsement is precisely that such rights supposedly run counter to the rights of God over human conduct."

Already back in 1948 Saudi Arabia had refused to be a signatory of the Universal Declaration of Human Rights because it considered it to be at variance with the tenets of Islam. Egypt and other Arab countries expressed reservations precisely regarding the two above-mentioned articles because they were deemed to be contrary to  $\check{S}ar\bar{\imath}'a$ . Saudi Arabia's stand was later reiterated in a Memorandum sent by the Minister of Foreign Affairs of the Kingdom of Saudi Arabia to the

and agree to submit. (Q. 9:29). This excerpt has been taken from *The Qur'an: A New Translation*, by M.A.S. Abdel Haleem (Oxford: Oxford University Press, 2004).

<sup>&</sup>lt;sup>12</sup> See Andrea Pacini, "Introduzione: L'islam e il dibattito sui diritti dell'uomo", Andrea Pacini (a cura di), *L'islam e il dibattito sui diritti dell'uomo* (Torino: Edizioni Fondazione Giovanni Agnelli, 1998), p. 5.



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The following Qur'ânic text is the one which best portrays humanity's identity and presence in the world and before God: It is He Who hath created for you all things that are on earth; Moreover, His design comprehended the heavens, for He gave order and perfection to the seven firmaments; and of all things He hath perfect knowledge. Behold, thy Lord said to the angels: "I will create a vicegerent (<u>halīfa</u>) on earth." They said: "Wilt Thou place therein one who will make mischief therein and shed blood?- whilst we do celebrate Thy praises and glorify Thy holy (name)?" He said: "I know what ye know not." (Q. 2:29-30) In spite of the archaic nature of the language used I have opted in favour of this translation by 'Abdallah Yūsuf 'Alī because of the use of the term *vicegerent* as the English equivalent of the Arabic <u>halīfa</u> which is more appropriate in this context. Yūsuf 'Alī's interpretation is still widely recognized as one of the most accurate.

<sup>&</sup>lt;sup>11</sup> Universal Declaration of Human Rights, <a href="http://www.un.org/en/documents/udhr/index.shtml#atop">http://www.un.org/en/documents/udhr/index.shtml#atop</a> Accessed 05 08 2012

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Secretary-General of the League of Arab States. On 15 June 1970 the latter had forwarded him a letter written by Dr. Edward H. Lawson, then Assistant Director of the Division of Human Rights within the United Nations which communicated Resolution 14 of the 25<sup>th</sup> Session of the United Nations Commission for Human Rights that demanded the application of the UN Universal declaration and to the International Covenant on Economic, Social and Cultural Rights (adopted by the General Assembly of the United Nations on 16 December 1966). The Memorandum stated that Saudi Arabia would never adhere to either the UN Declaration of Human Rights nor to the International Covenant because it considers human rights as guaranteed by divine revelation (i.e., the Qur'ân) and not by laws inspired by materialistic principles that are forever susceptible to variation and which are the cause of disorder among youths (MEMORANDUM, nn. 7-8).<sup>13</sup>

With respect to marriage and freedom of religion the Memorandum stated that, concerning the first, marriage between a Muslim and a pagan woman is forbidden because the latter's convictions are incompatible with Islam (MEMORANDUM, n. 10). Marriage between a Muslim and a woman from among the 'People of the Book' (Jews or Christians) is permitted, given that the two religions are recognized as such and respected by Islam (*ibid.*). Marriage between a Muslim woman and one from among the 'People of the Book' is forbidden because the latter's religion does not permit him to believe in the holiness of the Prophet and Messenger of God. This is unacceptable in Islam, since it would create the possibility that the husband would not respect that which is sacred to his wife (*ibid.*). The woman remains "the weaker of the two pillars upon which the family is established because of the weakness she experiences in her relations with the man" (MEMORANDUM, n. 9). As for conversion to another religion, the Memorandum explained that the prohibition against abandoning Islam originated in the Qur'ân's will to avoid a trap laid by the Jews of Medina for a nascent Islam to incite the Arab neophytes to apostasy. The prohibition against apostatizing and the punishment envisaged for the apostate have the sole purpose of making anyone who intends to embrace Islam reflect seriously as well as to avoid subversion and to uphold peace.

In the light of this Memorandum, a series of colloquia on human rights in Islam between Saudi Arabian and European jurists took place between 1974 and 1976, beginning with the one held in Riyādh, followed by others in Rome, Paris, Geneva, and Strasbourg. These meetings led to a colloquium on human rights organized by the Faculty of Law of the University of Kuwait held in Kuwait City (9-14 December 1980). This meeting was followed by a summit in Ṭā'if (25-29 January 1981) in which a draft of a declaration of human rights in Islam was presented but not examined, allegedly because of lack of time. <sup>17</sup> Finally, one should note that on 27 June 2012, a Memorandum of Understanding was signed between the Office of the High Commissioner for Human Rights (OHCHR) and the Kingdom of Saudi Arabia, represented by the Saudi Human Rights Commission. <sup>18</sup>

#### Declarations of Human Rights in Islam

As of 1981 four declarations of human rights in Islam have been published. These are:

 $<sup>^{18}\,</sup> See \, \underline{\text{http://www.ohchr.org/EN/Countries/MENARegion/Pages/TechnicalCooperationSaudiaArabia.aspx}}$ 





<sup>&</sup>lt;sup>13</sup> See Robert Caspar, "Les Déclarations des droits de l'homme en Islam depuis dix ans," *Islamochristiana* 9, 1983, pp. 60-61.

<sup>&</sup>lt;sup>14</sup> Muslim jurists would also invoke Q. 60:10 which prohibit Muslims from sending Meccan women who went to Medina back to their hometown after having converted to Islam.

<sup>&</sup>lt;sup>15</sup> Quoted in Caspar, op. cit., p. 62.

<sup>&</sup>lt;sup>16</sup> Ibid.

<sup>&</sup>lt;sup>17</sup>See Caspar *op. cit.*, p. 73ff.96-102. See also Paolo Ungari e Milena Modica (a cura di), *Per una convergenza mediterranea sui diritti dell'uomo*, vol. I (Rome: Editrice Universitaria di Roma – La Goliardica, 1999), p. 103.

- (1) The *Universal Declaration of Human Rights in Islam*, promulgated by the Islamic Council of Europe (UNESCO, Paris, 19 September 1981).
- (2) The *Cairo Declaration of Human Rights in Islam*, published by the Islamic Conference of Foreign Ministers of the Organization of Islamic Conference (5 August 1990).
- (3) The *Arab Charter on Human Rights* adopted by the League of Arab States (Cairo, 15 September 1994).
- (4) The *Arab Charter on Human Rights* adopted by the League of Arab States (Tunis, 22 May 2004; came into force, 15 March 2008)

The Universal Declaration of Human Rights in Islam (19 September 1981)

This document was issued by the Islamic Council of Europe, a private organization based in London, which is funded mainly by Pakistan. Together with the original version in Arabic, another in French and in English devoid of any reference to the Qur'ân and the  $had\bar{t}$  were presented to the Western media gathered for the event. This meant that, whereas in the original text it was obvious that the language appropriated was strictly religious, the translations were expressed in secular parlance. <sup>19</sup>

The first element worth noting is that the entire declaration, and in particular those articles referring to freedom of religion, are all situated within the framework of an Islamic state. All rights and duties are established by  $\check{sari}'a$ , which also becomes the final arbiter of their interpretation and application. In spite of its claim to be a *universal* declaration, in actual fact it is the Muslim who is portrayed as its subject. Consequently, all rights and duties are understood as being implemented in an Islamic state and, thus, subject to  $\check{sari}'a$ . The *Declaration* appropriates the 1948 Universal Declaration of Human Rights in order to express and interpret it while, at the same time, couching it in the language of Islamic jurisprudence and strict adherence to  $\check{sari}'a$ . It therefore adopts a very traditionalist stand on human rights in general and of freedom of religion in particular.

The Cairo Declaration of Human Rights in Islam (5 August 1990)

This declaration, which was issued following the meeting of Ministers of Foreign Affairs of the Organization of the Islamic Conference, takes its cue from its predecessor both in its basic concepts and in the rigorousness of its terminology.<sup>21</sup> It is far more concise than its predecessor and appears to have taken overall consideration of the 1948 UN Declaration. The document does not contain any direct reference to the Qur'ân or the *Sunna*, but it is certainly couched in Qur'ânic vocabulary and language, with a preamble that is decisively traditionalist in expression.<sup>22</sup>

<sup>&</sup>lt;sup>22</sup> See Maurice Borrmans, "Convergences et divergences entre la Déclaration Universelle des Droits de l'Homme de 1948 et les récentes declarations des droits de l'homme dans l'islam", Islamochristiana 24, 1998, p. 6. This apparent "anomaly" has been clearly pointed out by Milena Modica, whom Borrmans quotes in his article, wherein she states: Eppure, vista la sua diretta derivazione dalla Carta di Ta'if – al cui preambolo e articoli corrispondono, sebbene in sequenza diversa, I 25 articoli del Cairo – la lunga vicenda dei suoi lavori preparatorii, piuttosto che una ponderata riflessione sulla condizione dell'uomo e dei suoi diritti in ambito islamico, sta ad attestare la riluttanza e il travaglio degli Stati arabo-islamici al momento di codificare esplicitamente I diritti pur direttamente (e strettamente) dedotti dal Corano e dalla Sunna. Il testo del Cairo si distingue da quello di Ta'if per il suo contenuto maggiormente tradizionalista. Scompaiono dal preambolo le proposizioni più generali riguardanti il messaggio egualitario e liberatore portato da Maometto; scompre analogalmente, qualsiasi riferimento alle Carte onusiane dei diritti dell'uomo. Milena Modica, "La progressiva internationalizzazione dei diritti dell'uomo nel mondo arabo-islamico e africano (1948-1994)", in Paolo Ungari e Milena Modica (a cura di), op. cit., p. 158



<sup>&</sup>lt;sup>19</sup> The translation of the entire text from Arabic to English is found in *Islamochristiana* 9, 1983, pp. 103-120.

<sup>&</sup>lt;sup>20</sup> See Caspar, *op. cit.*, pp. 73-75.

<sup>&</sup>lt;sup>21</sup> The full text in English is found at <a href="http://www1.umn.edu/humanrts/instree/cairodeclaration.html">http://www1.umn.edu/humanrts/instree/cairodeclaration.html</a>

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As one may notice, the social and religious framework of this document is decidedly Islamic. In article 24 it is clearly stated that "all the rights and freedoms stipulated in this Declaration are subject to the Islamic Šarī'a" and that this is followed by the statement that "the Islamic Šarī'a is the only source of reference for the explanation or clarification of any of the articles of this Declaration" (art. 25). In spite of its affirmation that "all men are equal" the focus remains on the Muslim believer who adheres to "the true religion". Only this religion (presumably Islam) "is the guarantee for enhancing such dignity along the path to human integrity" (art. 1). Šarīʿa remains the criterion concerning the penal code (art. 2) and the freedom to marry (art. 5). As for the right to public education (art. 9), the context is decidedly Muslim since it is this is intended "to enable man to be acquainted with the religion of Islam and uncover the secrets of the Universe for the benefit of mankind." Concerning the exercise of conscience (art. 10), the Declaration is at best ambiguous. Given that the first part of the sentence exalts Islam as "the religion of true unspoiled nature" 23, the prohibition against using force to change one's religion or to embrace atheism would appear to have as its object the Muslim individual. The question would therefore arise as to whether non-Muslims are regarded as juridical inferior. One would be inclined to answer positively given that, according to art. 23, although everyone has the right to participate, directly or indirectly in the administration of his country's public affairs, this right is granted "in accordance with the provisions of Šarīʿa". 24

The Arab Charter on Human Rights (15 September 1994)

This Charter was drawn up by the Committee for Human Rights of the League of Arab States, which includes all the states of the Arab world. While maintaining its religious characteristics, it also adds an anthropocentric trait.<sup>25</sup>

This Charter is a decisive departure from the traditionalist and rigorous approach of its two predecessors. It is more pragmatic, and one notes a serious effort by the Committee to adapt the laws of Arab countries to the framework of the UN Declaration of Human Rights. Furthermore, it appears that the document lays more emphasis on Arab identity, nationalism and unity as opposed to tendencies within the member countries to Islamize radically their institutions. This approach, however, did not go uncontested. In fact, the United Arab Emirates, the Sultanate of Oman, the Yemen, Bahrain, the Kingdom of Saudi Arabia, and the Sudan have voiced their reservations regarding this Charter.<sup>26</sup>

Already in the Preamble, the document stresses the Arab world's "right to a life of dignity based on freedom, justice and peace". In spite of its reference to the Šarīʿa as being the basis for the "eternal principles of brotherhood and equality among all human beings," it is so in association with "the other divinely-revealed religions", presumably Judaism and Christianity. The Preamble also reaffirms "the principles of the United Nations Charter, the Universal Declaration of Human Rights, the



<sup>&</sup>lt;sup>23</sup> See Pacini, art. cit., pp. 12-14.

<sup>&</sup>lt;sup>24</sup> At this juncture it would be useful to refer to the judgement handed down by the Grand Chamber of the European Court of Human Rights in the case of Refah Partisi vs Turkey (13 .02.2003) which stated that "Mindful of the importance for survival of the democratic regime of ensuring respect for the principle of secularism in Turkey, the Court considers that the Constitutional Court was justified in holding that Refah's policy of establishing sharia was incompatible with democracy." See paragraph 40 of the Court decision:

 $<sup>\</sup>frac{\text{http://cmiskp.echr.coe.int/tkp197/view.asp?item=1\&portal=hbkm\&action=html\&highlight=refah%20%7C%20partisi%20%}{7C\%20turkey\&sessionid=84805991\&skin=hudoc-en}$ 

The full translation in English is found at: <a href="http://www1.umn.edu/humanrts/instree/arabhrcharter.html">http://www1.umn.edu/humanrts/instree/arabhrcharter.html</a>

<sup>&</sup>lt;sup>26</sup> See Pacini, *art. cit.*, p.20, n. 30.

provisions of the two United Nations International Covenants, on Civil and Political Rights and on

Economic, Social and Cultural Rights, and the Cairo Declaration on Human Rights in Islam."

The principles expressed in arts. 2, 26, 27 and 37 provide a fresh approach to the issue of freedom of religion in the Arab world, since they are set within the parameters of what one would call a democratic society, irrespective of the tendencies it would adopt. Art. 26 especially, which guarantees the "right to freedom of belief, thought and opinion" is in total conformity with art.18 of the UN Declaration of Human Rights.<sup>27</sup>

The main problem with this document is not in the wording but rather in its enforcement. Besides the above mentioned reservations made by some member states of the Arab League, it appears that it was not followed by a mechanism that would ensure its implementation. This is the reason why the Charter has never in fact been enforced,<sup>28</sup> a lacuna which brought about the promulgation of another Arab Charter a decade later.

The Arab Charter on Human Rights (22 May 2004)

This Charter has ten more articles than its predecessor and, in some cases, the tone of its language is different.<sup>29</sup>

This Arab Charter contains some notable differences. Whereas the previous document referred in its Preamble to "the eternal principles of brotherhood and equality among all human beings which were firmly established by the Islamic Šarī'a and the other divinely-revealed religions", this new text refers to "eternal principles of fraternity, equality and tolerance among human beings consecrated by the noble Islamic religion and the other divinely-revealed religions." Again, art.30 (1 and 2) of the 2004 Charter includes both art. 26 and art. 27 of the 1997 Charter. However, as regards art. 27 the new Charter adds another proviso, namely, "the protection of public safety, public order, public health or morals or the fundamental rights and freedoms of others." Furthermore, art.30 (3), echoes art.7(b) of the Cairo Declaration. In the former reference is made to "parents or guardians [who] have the freedom to provide for the religious and moral education of their children", the latter refers simply to "parents and those in such like capacity". At this point it would be appropriate to pose the question: Does Šarī'a place a limit upon human rights? Sarī'a encompasses all human actions committed from birth to death, from dawn to dusk as seen and classified by God. The human legislator is merely an instrument of the Divine will. Does it therefore provide for an implementation of its rules in the here and now, or is it an ideal that is yet to be fulfilled?

#### Citizenship and belief

Middle Eastern societies face the phenomenon of populations whose roots are culturally and religiously diverse. If multi-religious and multi-ethnic communities in the Middle East are to achieve not only integration but also a sense of belonging, it is of the utmost importance that each "language" be given its due. Here one needs to be reminded that the modern democratic nation is also based on the notion that there is a public domain in which a multiplicity of communities with

<sup>&</sup>lt;sup>30</sup> The question is posed by Borrmans in *art. cit.*, pp. 13-14.



<sup>&</sup>lt;sup>27</sup> See Pacini, art. cit., pp. 18-19.

<sup>&</sup>lt;sup>28</sup> See http://www.acihl.org/res/Arab Charter on Human Rights 2004.pdf

<sup>&</sup>lt;sup>29</sup> The full text in English is found at: <a href="http://www1.umn.edu/humanrts/instree/loas2005.html">http://www1.umn.edu/humanrts/instree/loas2005.html</a>

different traditions (including religious ones) can join in that collective enterprise which is called

One would, however, be ill-advised to ignore one's belonging to the wider community brought into existence by citizenship. Decades of tragic events in the Middle East have proven that such an attitude frequently leads to acts of violence. Keeping alive the notion of citizenship demands working and collaborating *for the common good*.<sup>32</sup>

In this perspective it would perhaps be useful if one were to consult the *Final Statement* issued at the end of a conference organized by the Committee for Relations with Muslims in Europe of the Council of European Bishops' Conferences (CCEE) and the Conference of European Churches (CEC). The meeting was held in Mechelen in Belgium between October 20<sup>th</sup> to 23<sup>rd</sup> 2008 in order to discuss the topic: being a citizen of Europe and a person of faith: Christians and Muslims as active partners in European societies.

#### Conclusion

citizenship.31

One cannot expect the Middle East, which possesses a totally different culture from European societies and those on the other side of the Atlantic, to adopt the liberal brand of democracy that is that is embraced by the latter.<sup>33</sup> Furthermore, one also has to keep in mind that liberal democracy, which back in 1990 had been trumpeted by the historian Francis Fukuyama as bringing about the end of history through the victory of consumer culture,<sup>34</sup> is not necessarily the best and most beneficial, even for European societies today.

A pluralistic society requires communities wherein the individual feels that his/her values are being safeguarded and handed down to the next generation, together with an over-arching sense of national community, where different groups take an active part in their quest for the common good.

Finally, although the situation in the Middle East remains volatile and fluid, it is also a golden opportunity to take up the challenge of exploring what it means to be a citizen and a person of faith. It still remains to be seen whether religious diversity and shared citizenship are allowed to proceed hand in hand. Liberal democracy need not be a *sine qua non* for this development, but the respect and adoption of basic human rights and, in our particular case the right to freedom of religion, are a must.

<sup>&</sup>lt;sup>34</sup> FUKUYAMA originally launched his theory in a 1989 article (see FRANCIS FUKUYAMA, 'The End of History?' *The National Interest* [Summer 1989], pp. 3-17). He later expanded his ideas and published them in a book in 1992 entitled *The End of History and the Last Man*.



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<sup>&</sup>lt;sup>31</sup> See Jonathan Sacks, *The Persistence of Faith: Religion, Morality and Society in a Secular Age*, Weidenfeld and Nicolson, London 1991, p. 66f.

<sup>&</sup>lt;sup>32</sup> On May 9, 2005 the Commission of the Bishops' Conference of the European Community (COMECE) published a document entitled *The Evolution of the European Union and the Responsibility of Catholics*. As regards the contribution to the common good n. 42 states the following: As Christians we share the conviction that, although politics is not everything, political action is important for our faith and our faith is important for our political engagement... When we have to take decisions, the Common Good of humanity must be our ultimate criterion. At the same time, we must be able to distinguish between levels of our actions, whilst giving appropriate importance to provisional attitudes. For it is there in the concrete reality of our commitments, that our spiritual fulfillment is realized.

<sup>&</sup>lt;sup>33</sup> See the interesting interview carried out by BARRY WEISS with BERNARD LEWIS entitled *The Tyrannies are Doomed* and published in *The Wall Street Journal* (Online Edition) April 2, 2011:

http://online.wsj.com/article/SB10001424052748703712504576234601480205330.html. See also the report filed by Mukul Devichand, *Rachid Gannouchi on Britain, Islam, and liberal democracy*, for BBC Radio 4, 12 February 2012: http://www.bbc.co.uk/news/world-16932923