

humanist outlook

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through an ethics based on human
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THE FUNDAMENTALS OF MODERN HUMANISM *Amsterdam Declaration 2002*

1 Humanism is ethical.

It affirms the worth, dignity and autonomy of the individual and the right of every human being to the greatest possible freedom compatible with the rights of others. Humanists have a duty of care to all of humanity including future generations. Humanists believe that morality is an intrinsic part of human nature based on understanding and a concern for others, needing no external sanction.

2 Humanism is rational.

It seeks to use science creatively, not destructively. Humanists believe that the solutions to the world's problems lie in human thought and action rather than divine intervention. Humanism advocates the application of the methods of science and free inquiry to the problems of human welfare. But Humanists also believe that the application of science and technology must be tempered by human values. Science gives us the means but human values must propose the ends.

3 Humanism supports democracy and human rights.

Humanism aims at the fullest possible development of every human being. It holds that democracy and human development are matters of right. The principles of democracy and human rights can be applied to many human relationships and are not restricted to methods of government.

4 Humanism insists that personal liberty must be combined with social responsibility.

Humanism ventures to build a world on the idea of the free person responsible to society, and recognises our dependence on and responsibility for the natural world. Humanism is undogmatic, imposing no creed upon its adherents. It is thus committed to education free from indoctrination.

5 Humanism is a response to the widespread demand for an alternative to dogmatic religion.

The world's major religions claim to be based on revelations fixed for all time, and many seek to impose their world-views on all of humanity. Humanism recognises that reliable knowledge of the world and ourselves arises through a continuing process of observation, evaluation and revision.

6 Humanism values artistic creativity and imagination and recognises the transforming power of art. Humanism affirms the importance of literature, music, and the visual and performing arts for personal development and fulfilment.

7 Humanism is a lifescape aiming at the maximum possible fulfilment through the cultivation of ethical and creative living and offers an ethical and rational means of addressing the challenges of our times. Humanism can be a way of life for everyone everywhere.

Our primary task is to make human beings aware in the simplest terms of what Humanism can mean to them and what it commits them to. By utilising free inquiry, the power of science and creative imagination for the furtherance of peace and in the service of compassion, we have confidence that we have the means to solve the problems that confront us all. We call upon all who share this conviction to associate themselves with us in this endeavour.

Source: IHEU Website

EDITORIAL



Human Rights and Social Ills

The removal of social ills - such as discrimination on grounds of gender, race or caste; or domestic violence and child-abuse - cannot be accomplished without active intervention by the State. In a liberal democracy this has to be mainly in the form of adequate legislation and effective enforcement. But State action is a necessary, but not sufficient, condition for the eradication of social evils. In most societies in transition legislation tends to run ahead of changes in social attitudes and customs. Effective - in fact, draconian - implementation of the enacted laws is essential to bring about changes in social attitudes that have taken roots over generations. But, in a 'soft state' like ours, enforcement of the law is notoriously weak; while the hold of tradition, custom, superstition and religion remains strong as ever. The one instrument for weakening this hold: education, has seemingly been singled out for neglect by the Indian State. So, despite legislative measures, social evils of the vilest variety continue to plague Indian society: female foeticide, dowry deaths, child-labour, caste-violence, religious killings are just at the head of a long list.

It would, however, be wrong to bring these ills under the rubric of human rights violations. Most sources define human rights essentially as an issue between *governments* and individuals or groups. Thus: according to Longman Dictionary of Contemporary English, human rights are "*the basic rights which every person has to be treated in a fair, equal way without cruelty, especially by their government.*" The Hutchinson Encyclopedia defines human rights as "*civil and political rights of the individual in relation to the state.*"

According to Stanford Encyclopedia of Philosophy: "*Human rights are political norms dealing mainly with how people should be treated by their governments and institutions.*" How people treat *each other* is of course of vital importance, but such issues are distinct from lapses by governments in the area of human rights. As the Stanford Encyclopedia of Philosophy observes: "*Many political movements would like to see their main concerns categorized as matters of human rights, since this would publicize, promote, and legitimate their concerns at the international level. A possible result of this is "human rights inflation," the devaluation of human rights caused by producing too much bad human rights currency (Cranston 1973, Orend 2002, Wellman 1999, Griffin 2001b). The most basic idea of the human rights*

movement is not that of a right, but the idea of regulating the behavior of governments through international norms.”

In this context the “behaviour” of governments is, of course, not confined just to framing laws to eliminate social evils. The implementation (whether fully effective or not) of these laws, *in good faith*, is essential. It is not unknown for governments to act in violation of their own laws, or to condone and collude with such violations. This constitutes a clear breach of Human Rights. Poor implementation, by itself, does not amount to such a breach. In issues related to social practices and prejudices, attitudinal change is the key; and legislation can only play an enabling role. Given a ‘soft state’ and a tradition-bound society, implementation just has to be poor.

While some obvious cases - such as torture or custodial deaths - go unchallenged, politically sensitive questions are taken up as Human Rights issues by interested parties to “*publicize, promote, and legitimate their concerns at the international level.*” In recent years, the question of Human Rights has been gaining increasing prominence in international politics, providing the Great Powers with a handy tool to intervene in the internal affairs of other States. Someone has rightly described Human Rights intervention as a “*jemmy in the door of national sovereignty.*” Therefore representations in international fora against governments for human rights violations have to be resorted to with great caution and restraint. Here NGO’s, domestic as well as international, have a crucial role to play. It cannot be claimed that in no case do domestic NGO’s have a political, religious or sectarian agenda. In a liberal democracy nothing would prevent the NGO’s from promoting the desired change through the normal democratic process of mobilising public opinion or invoking judicial intervention. When a domestic NGO seeks international intervention against its national government it follows that it has failed to muster the requisite public support or legal vindication for its stand. This factor has to be taken into account by the international NGO before it takes up the issue. This, of course, is true only when the domestic NGO is operating in a democratic setup. The situation in an authoritarian regime is entirely different.

The ‘legislative’ record of the Indian State in combating social ills perhaps cannot be faulted. But the laws remain on paper. The situation on the ground, the social reality, is deeply disturbing. Social evils, such as caste-discrimination, gender-bias, dowry-killings, female foeticide, human trafficking, child-labour, communal violence continue almost as if the State did not exist. For this the State deserves to be blamed, but mostly for incompetence - not *mala fides*. Indian society at large is perhaps even more to blame, for being unable to break the shackles of religion, superstition and venality.

Vir Narain

BACK TO BASICS*

- Doug Thomas

Once in a while I yearn to get back to the simplest order of things. Day after day, I deal in the gray areas of human endeavor. Absolute rules are very difficult to enforce with teenage students who want to negotiate everything, so perhaps my craving is natural

When I became interested in the humanist movement a few years ago, I was looking for a simple and direct way to connect to the society around me without always starting an explanation of my personal philosophy with a series of negatives — no, I don't believe, no, I don't accept etc. Subsequently, I have found a simple, three-part way to derive ethics and explain them to others

Part of the purpose of my investigation into humanism was to discover its basic principles. I was surprised to discover that each of the lists of principles seemed long and complex. In 1952, the International Humanist and Ethical Union (IHEU) was formed around 10 principles that seem straightforward enough, but in 2000, another list or, more correctly, a group of paragraphs that seemed to split hairs with the precision of a verbal microtome was published

After reading these, I had a pretty good idea of what humanism represented, but certainly did not undertake to memorize them. My palm pilot still contains the 10 principles, I think. I haven't looked lately. The list is about as useful as a Swiss army knife in a gang fight. By the time one can find the right well-honed statement among the scissors and corkscrews of logic, the opportunity to explain one's philosophy positively has passed. As is often the case, I found a perfectly good pocketknife of principles with only two blades needed to do the job easily buried within my memory. Many years ago, I read Bertrand Russell's essay "The Good Life" wherein he demonstrated the distinction between revealed ethics and derived ethics. The former is the stuff of the Ten Commandments or other equivalent religious prescriptions; the latter is the goal of humanist ethicists, the defining of morals and ethics through reason.

I recently re-read the essay and refreshed my knowledge that Russell's derived ethics are easily attainable if two factors, knowledge and love, are present. The absence of either one, according to Russell, results in catastrophe in spite of the best intentions of the person who is trying to help other inhabitants of the planet. His primary examples still hold up. The first

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example is that of a medieval priest who, out of love for his parishioners in the midst of the onset of the plague in his community, called them all into the local cathedral to pray. The result was an immediate surge in the number of new infections. Obviously, the intentions of the priest were loving but thwarted because he lacked the knowledge that gathering people in close contact in a public place would enhance the plague's opportunity to infect many

The second is the Great War, now known as World War I. By 1914 we had developed the knowledge to kill large numbers of people at long range. Unfortunately, we could not find the love to override the momentum for the war. The resulting catastrophe still haunts the cenotaphs of Canada, not to mention the potato fields of Belgium, where their mechanical harvesters cannot distinguish between potatoes and rusty grenades and where the remains of unknown soldiers are still uncovered regularly.

Ironically, the influenza epidemic of 1919 wrought more carnage than the war, in spite of the love of those who tended the infected. The knowledge of how to limit such a pandemic was lacking and so catastrophe occurred. Humanist ethics, then, are easily and simply based on Russell's two fundamentals, knowledge and love. As humanists we don't have to dig out a pocket tomb to scan ten principles in order to determine our ethical base.

But, what happens if we have the knowledge and possess the love to be ethical and do nothing about it? My experience with humanists is often that we love to sit around and shout into each other's navels about serious situations. Knowledge, at least at some level is usually there, as is love, at least in the form of concern. In spite of the presence of these two fundamental bases of ethics, catastrophe or at least damage still ensues. I suggest that in addition to Russell's two bases, we need to add a third — action. Now, the priest acted, as did the governments that orchestrated the Great War, so obviously, action does not replace nor should it precede the acquisition of the first two. Action is the third ingredient of the recipe. We have two modern examples to demonstrate the accuracy of this statement.

In December of 2004, a tsunami devastated the lives of many people in Southeast Asia. As a society, we knew what had to be done in terms of reconstruction and the prevention of disease. We cared and so we acted, and the result, although imperfect and incomplete to this day, was that the lives of the victims are measurably better now than they would have been without our help. While we were helping, a few religious leaders managed to demonstrate the futility of their "revealed" code of ethics when they attempted to play on the love in the form of compassion for the victims of the social breakdown in the

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UNIVERSAL DECLARATION OF HUMAN VALUES

- Abraham Solomon

Abraham Solomon, who passed away in July 2004 was for long a leading figure in the Indian Humanist Union and a close friend of its founder. He, along with Narsingh Narain, founded the Humanist Endowment Fund Society. The Distinguished Humanist Award was conferred on him by the IHEU at the World Humanist Congress held in Mumbai in 2000. This draft Declaration was adopted by the IHEU and recommended by it for consideration by the United Nations

Introduction

The adoption of the “Universal Declaration of Human Rights” by the United Nations General Assembly on December 10, 1948, was an historic event. It was the successful culmination of the efforts of H. G. Wells in the 1940’s for the diffusion worldwide of a declaration of “The Rights of Man” for the world citizen. The “Universal Declaration of Human Rights” is the most important and far reaching of all U.N. declarations and a source of inspirations for national and international efforts to promote and protect human rights and fundamental freedoms.

The basic philosophy and concept of humankind on which the declaration is based is stated succinctly in Article 1 of the declaration which reads : “All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.”

Unfortunately, the human rights that this declaration spells out are largely violated by governments and people all over the world. There are, no doubt, many and complex reasons - social, political and economic - for this state of affair. But the failure to uphold and implement these human rights is mainly because the human values on which these rights are founded have not been clarified and universally accepted and internalised by people. Besides, in many countries, the traditional values, social relationships, and modes of thinking, which are a part of ethos of these countries, are in conflict with these values that form the basis of “Universal Declaration of Human Rights.” In these countries, there is need for social and cultural change, which is the task of the human rights and liberal movements in those countries to bring about.

It is evident that the “Universal Declaration of Human Rights” is founded on secular humanist values. It is only when a majority of the people all over the world intellectually and emotionally accept these values that the human rights mentioned in the Declaration can become a reality. It is, therefore, necessary to have a Declaration stating basic human values on which “Universal Declaration of Human Rights” is founded.

The development of Human, Moral and ethical values is the criterion

of social and cultural progress. It is only when a majority of the people in the world become committed intellectually and emotionally to the basic human values of freedom, truth, reason, and compassion that we can hope for a free, just and peaceful world.

DRAFT DECLARATION

Preamble

Whereas, the realization in practice of the Universal Declaration of Human Rights depended on the intellectual and emotional acceptance by the people of the universal human values on which these rights are founded.

Whereas, disregard and contempt for human values have resulted in barbarous acts that have outraged the conscience of humanity.

Whereas, it is essential to promote the development and acceptance of basic human value by the peoples of all nations to usher in a world order based on freedom, truth, reason and compassion.

Whereas, the people of the United Nations have in the Charter and the Universal Declaration of Human Rights affirmed their faith in the dignity and worth of the human person had have determined to promote social and cultural progress in peace and harmony, and

Whereas, the common understanding and acceptance of these universal human values is of the greatest importance for the realization of this pledge,

Now therefore the General Assembly of the United Nations proclaims this Universal Declaration of Human Values as a common ideal of attainment for all peoples and all nations, to the end that every individual and every section of society shall strive by teaching and education to promote respect for these values and make all efforts, national and international, to secure the universal and effective recognition among the peoples of then world.

ARTICLES

Article 1. Source of Values: Dignity of the human person as an autonomous agent endowed with reason is the ultimate source of all values.

Article 2. Reason: Reason is an essential human faculty in promoting the progress of humankind enabling human beings to have a worldview that motivates their thoughts and actions. Cultivation of rational thinking is, therefore an intrinsic human value.

Article 3. Critical intelligence: The essential nature of human beings is to question, examine and understand. It is necessary to subject all beliefs to the scrutiny of reason and critical intelligence in order to eliminate error. An unexamined belief is not worth having.

Article 4. Truth. The aim of all rational thought is the discovery of truth. Truth consists of beliefs about reality resulting from rational thinking and experience. Quest for truth is, therefore, a supreme human value.

Article 5. Tolerance; Tolerance of differing ideas and ideas is essential for the discovery of truth. Absence of tolerance leads to denial of freedom and the suppression of creativity. Tolerance is, therefore, a basic human value.

Article 6. Creativity: All social progress is the result of human creativity. Rooted in the individuality of a human being, creativity can flourish only in an atmosphere of freedom.

Article 7. Freedom: Respect for the dignity of the human person demands that the freedom of every human being ought to be ensured in all spheres of life, consistent with the freedom of all.

Article 8. Equality: Respect for the human person implies that all human beings shall be treated as equal in dignity and rights, irrespective of race, nationality, belief or non-belief, colour gender age or sexual orientation.

Article 9. Justice: The principle of justice which dictates equal consideration for the well-being of every individual shall inform all social institutions and relations between individuals.

Article 10. Humankind and Nature: Man being a part of nature necessitates his living in harmony with it. Concern for all life and the quality of the environment ought to guide all human activities.

Article 11. Universal Culture: It should be the aim of all human endeavour to evolve a universal culture based on freedom, truth, reason and compassion.

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ignorance of some survivors by implying that some supreme being was angry with them. Ignorance and anger are not part of the humanist formula, so their claims are repugnant to us. However, Darfur is a looming disaster for which we've done little. We certainly have knowledge about the situation and feel love in the form of compassion for the victims of the social breakdown in the area. Where is the action? Unless we act, the antagonists will continue to destroy the efforts of relief agencies. Now this particular situation requires considerable international political will, but our determination to act must provide this. Otherwise our derived ethics are useless and the catastrophe will continue. Numerous other examples of the necessity for derived ethics — the ongoing pollution of the environment, our increased exposure to carcinogens, the plight of the homeless to name but a few — continue to exist. I'm almost certain that Russell implied that action was a natural part of the formula, but I think we need to make sure we understand that in order to make our derived ethics effective in our humanist lives, knowledge, love and action must all be included in the formula

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MUSLIM WOMEN IN INDIA - II*

- Vrinda Narain

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III. THE SHAH BANO CONTROVERSY

The controversial Shah Bano case ⁸⁸ and the consequent enactment of the Muslim Women's Act, 1986, ⁸⁹ illustrate the marginalization of Muslim women's interests both by the State and by fundamentalist leaders. Shah Bano, a divorced Muslim woman, claimed maintenance from her ex-husband under the secular law applicable to all Indian women. ⁹⁰ The defense raised by her ex-husband was that since Muslim personal laws did not require him to maintain a divorced wife beyond the prescribed three month iddat period, ⁹¹ the secular law was contrary to his personal laws and therefore did not apply to him. The Supreme Court of India ruled, *inter alia*, that in case of conflict between personal laws and the secular law, the secular law shall override personal laws. ⁹² The Court awarded Shah Bano maintenance and held that in this case there was no conflict between Muslim law and the secular law, quoting several passages from the Koran to support its conclusion. ⁹³ The Court further called on the Government to honor the Constitution and enact a Uniform Civil Code (UCC) since personal laws were unjust and discriminatory. ⁹⁴

This Supreme Court decision was denounced by the Ulema as an encroachment by the State upon Muslim collective rights. ⁹⁵ The Court's emphasis on the UCC was seen by the Ulema as a threat to personal laws. At first the Government supported the decision; however, when it became clear that conservative Muslim leadership was completely opposed to it, the Government changed its stance. ⁹⁶ With no public debate and no representation of women's groups or of moderate Muslim leaders, the Government hastily passed the Muslim Women's (Protection of Rights on Divorce) Act. ⁹⁷ The Act was portrayed by the Government and the Ulema as protecting both the rights of Muslim women and of the Muslim community. ⁹⁸ In fact, the Act served to circumscribe Muslim women's rights while preserving the interests of Muslim men in the name of upholding the integrity of the community. The passage of this Act illustrates the Government's acceptance of the fundamentalists as the true representatives of the Muslim community, the insistence on perceiving the Muslim community as undifferentiated and, finally, the importance of political expediency in motivating the State's actions. ⁹⁹

II. NAMING THE ISSUES

A. The Individual/Group Dichotomy From the perspective of Muslim women, experience has shown that neither the State nor the representatives of the

Muslim community have been willing to reform the law in order to address their disadvantage. Women's rights and the rights of the community have been presented as being mutually exclusive. The tension between Muslim women's rights and the rights of the Muslim community can be viewed as the tension between individual rights and group rights. The constitutional guarantees of the individual's fundamental rights to equality and freedom from discrimination on the basis, *inter alia*, of sex or religion, are violated by Muslim personal laws.¹⁰⁰ The preamble to the Constitution states, "the Constitution undertakes to secure to all citizens justice, liberty and equality."¹⁰¹ Significantly, the concept of justice was articulated outside the sphere of religious specificity.¹⁰² In recognition of the conflict between the principles of equality and freedom from discrimination, and the discrimination sanctioned by personal laws, the Constitution directs the State to enact a UCC.¹⁰³

The Constitution also guarantees the right to freedom of religion.¹⁰⁴ This right affirms the State's commitment to secularism, to protect the integrity of religio-cultural communities and to the accommodation of difference. Inevitably, women's rights and group rights conflict in a situation where women assert their constitutional right to equality and freedom from discrimination to challenge personal laws, and the group asserts its right to personal laws as an essential component of its identity. A case in point is Shah Bano and the subsequent passage of the Muslim Women's Act. Despite the constitutional directive to introduce a UCC, the State has made few attempts to do so. The demands of the women's movement and of civil liberties groups, calling on the State to introduce a UCC as a means to ensure gender equality irrespective of religious affiliation, have gone unheeded. The State, supported by religious leaders, has justified the retention of personal laws, notwithstanding constitutional strictures against such discrimination, under the right to religious freedom.¹⁰⁵ Nevertheless, to view the situation as one of a strict dichotomy between individual and group rights would be too simplistic. We need to be wary of drawing too sharp a distinction between the two. We need to question the nature of the Muslim group posited by the State as well as the identity projected by the group itself. The Muslim community is neither monolithic nor homogenous, and it is the fundamentalists who seek to project an identity that occludes differences of class and gender.¹⁰⁶ The State, for its part, has accepted the fundamentalists' narrow definitions of group interest and community identity, in addition to their contention that the Muslim community in India is undifferentiated.¹⁰⁷ At the same time, however, we should not make too great a distinction between the goals and aspirations of Muslim women and the goals of the Muslim community in India. Muslim women, as much as Muslim men, are active participants in the culture of the group and have as great an interest in forwarding collective rights. However, their interest in collective rights does not preclude an interest in ending gender oppression.¹⁰⁸ This understanding

raises the question of what is needed to maintain the integrity of the community. We cannot posit a unitary gender identity upon Muslim women which completely separates them from the aspirations of the Muslim community at large. Acknowledging that the two conflict in regards to women's equality does not imply a lack of commitment on the part of Muslim women to participate as members of the Muslim community. Nor should it necessarily signify to the dominant group or to the State that there is no commonality between the aspirations of Muslim women and the group at large. Rather than the existence of shared values for a community to survive, what is needed is a shared commitment to the community. Applied to the Muslim context, it could signify to Muslim leaders the possibility of upholding women's rights without compromising group solidarity. In the accommodation of religious difference, the State has to be cognizant of the claims of women, even at the risk of paternalism. We cannot assume a simple one to one correspondence between individual and group; this has disadvantaged Muslim women. Such a view assumes a unitary identity and is based on religious essentialism. There is a need to establish a dialogical identity, sensitive to the multiple consciousness within individuals, without reducing difference to religious affiliation. We have to understand and historicize the context within which Muslim women have been discriminated against by the law, and the reasons why they have difficulty in challenging the gender discriminatory aspects of personal laws when this challenge is seen as a threat to the anti-communal agenda.¹⁰⁹ We also have to question why it is that Muslim male leaders are willing to speak up for community interests, but seldom for the interests of the women of the community.

Kymlicka considers the question of what differences are to be taken into account when accommodating cultural difference.¹¹⁰ He makes the argument that individual rights can be respected by the State without necessarily ignoring group rights, while group rights are protected via the individual.¹¹¹ Although Kymlicka does not claim that every cultural practice furthers individual rights, he argues that individuals cannot be removed from their cultural context. According to him, we value collective rights not for their intrinsic value but for the individuals who make up the collectivity. It therefore follows that we can care about the context without devaluing the individual, and this provides some hope for the resolution of the predicament of Muslim women. Kymlicka thus seeks to recover cultural perspectives within liberalism and to blend liberalism and communitarianism, articulating a notion of collective rights built upon individual interests. However, Kymlick does not provide a mediating principle whereby a group may be identified or defined. Further, the problem of determining individual choice is inherent in such a view. Group definition cannot be simply reduced to the "will of the group," and the reality of oppression within the group must also be considered. In accommodating difference, there has to be an awareness of internal dissension within the group, and the State must be

wary of positing too simple a notion of unity upon the group. This understanding forces an analysis of the nature of group recognition and of the State's obligation to respect people both as individuals and as members of obligation to respect people both as individuals and as members of cultural communities. In order to better situate Muslim women's right to equitable family laws in the context of conservative leaders privileging group rights, we need to look beyond the binary of individual versus group rights.

B. State Policy Toward Religion

I now turn to the issue of State policy toward religious difference, beginning with the premise that religious difference must be accommodated in India given the pluralistic nature of Indian society. I examine State policy of secularism to understand what this means in terms of the role of the State in accommodating religious difference. There are various interpretations of secularism in the Indian context. As Marc Galanter notes: There is disagreement about what this secular State implies—whether it implies a severe aloofness from religion, a benign impartiality toward religion, a corrective oversight of it, or a fond and equal indulgence of all religions. But there seems to be a general agreement that public life is not to be guided by religious doctrines or institutions. There is a widespread commitment to a larger secular order of public life within which religions enjoy freedom, respect, and perhaps support but do not command obedience or provide goals for policy.¹¹² There is, inevitably, a dialectical relationship between the secular order and religious institutions as each is shaped and formed by prevailing notions of secularism and religion.¹¹³

The crucial question for consideration here is whether, in fact, the State can be impartial in its policy toward religion.¹¹⁴ There is a contradiction inherent in State recognition of cultural difference, in the rights that flow from the accommodation of such difference and the State's policy of "neutrality." In effect, by distributing benefits to a group whose difference is acknowledged and sought to be accommodated, the State is thereby moving away from a policy of strict neutrality. Having identified the tension between State recognition and State neutrality, this leads to the issue of how we can have group recognition without conceding too large a role for the State. In the context of Muslims in India, this poses some serious difficulties. A policy of "neutrality" is in itself a method of government control. The notion of secularism itself is not value neutral, but is in fact informed by a specific set of values, which may well reflect the values of the dominant Hindu majority. One objection raised by the Muslim community to the enactment of a UCC is the fear that it would be influenced by a Hindu perspective presented as neutral and secular, and this fear must be addressed.¹¹⁵

Rights such as freedom of religion involve fundamental choices about

what is really good and what is worth protecting. Even in neutrality there is the implicit good, and a policy of neutrality inevitably recognizes some rights and protects some spheres of autonomy. In the formulation of State policy this understanding necessitates the recognition that the situation is not a dichotomy between neutrality and partiality but is far more complex. The very fact that freedom of religion is a constitutionally protected right indicates that there is something about religion that is deemed deserving of such protection. At the same time this protection is not absolute. The State has retained for itself the right to regulate religion, and the right to freedom of religion is subject to the constitutional rights to equality and freedom from discrimination. ¹¹⁶

According to McConnell and Posner, the State should not prescribe what is the good nor acknowledge any one perception of the good; instead it should be left to the individual to decide. ¹¹⁷ However, such a State policy cannot be sustained as it does not recognize, acknowledge or endorse the special protection afforded to religion as separate from other goods. Morality cannot be reduced simply to individual rights. Such an atomistic view of individuals, which sees them as separate from their social and cultural context, cannot do justice to the conception of the protection of religious faith. Any conception of individual rights is based on a richer conception of the good than is acknowledged by liberals. However, individual rights to equality and freedom from discrimination must inform any decision to accommodate cultural difference.

Arguably, the goal of complete neutrality regarding ideas of the good is untenable. It follows that if complete neutrality is impossible, then the imposition of a particular view of the good has to be acknowledged and understood. We have to acknowledge this non-neutrality and try to provide a justification for why it should be so, while at the same time deciding what measure of pluralism must be valued. The State should not be limited to a negative role. The State has to play a positive role in protecting religious freedom rather than a “neutral” role in which it ensures negative rights and imposes constraints. On the other hand, the State is also committed to respecting individual rights. Thus, there has to be a mediating principle based on dialogue and consensus to balance these two goods. For the particular situation of Muslim women, however, this signifies that although the State must actively protect group rights of Muslims, it also has a duty toward ensuring the rights of women within that group. The consequence of such a proactive State role is the protection of pluralism but not at the expense of State guarantees of individual rights, both goods being valued. Thus there has to be not just complete neutrality, but a more subtle and nuanced understanding of what role of the State is necessary, what level of intervention is permissible for the protection of religious difference, what aspect of this difference is to be protected and how this is to be determined.

According to Galanter, “[w]hatever the tenor of its encounter with religion, the law cannot entirely avoid questions of religious identity. Even in a secular State, civil authorities, including the courts, find themselves faced with the necessity of ascertaining what is religious.”¹¹⁸ The question of the definition of religion is inevitably raised as well as the scope of the State’s guarantee of freedom of religion. Freedom of religion is not simply about allowing people to worship in mosques and temples. It is about recognizing that there are differing conceptions about life and differing world views. In guaranteeing freedom of religion, the Constitution guarantees the accommodation of different levels of belief, but it also stipulates that such accommodation cannot be at the expense of fundamental rights.¹¹⁹

Thus, the questions include what part of religious belief the State should accommodate, what level of deference religious difference should receive, and whether religious belief can in fact be separated into essential practices or beliefs that are worthy of protection and non-essential parts which will not merit the same level of protection. These issues are crucial for the equality claims of Muslim women. A choice has to be made regarding what aspects of culture and religion the State should accommodate. Although it might bespeak paternalism, pragmatism requires that this decision be reached through a dialogical engagement with and between all members of the group and the State. Muslim women have so far been denied the right to decide for themselves what aspects of religion are to be regulated and accommodated by the State. They have not been a part of the discussions between the leaders of the Muslim community and the State. The result of making personal laws part of the private domain, free from State regulation, is that for Muslim women private subordination has been very much a part of the public agenda.

John Rawls argues that a pluralistic democracy needs to be supported by “at least a substantial majority of its politically active citizens.”¹²⁰ Since there can be no religious, philosophical or moral doctrine shared by all citizens, he limits the conception of justice to be affirmed by citizens for the continuance of the society to the “political domain.” In other words, while recognizing that there can be no comprehensive doctrine shared by all members of a pluralistic democracy, it is essential that in the political domain there be a consensus regarding the conception of justice. Religious, moral and philosophical doctrines which necessarily differ are confined to the private domain in which there is the greatest amount of diversity acknowledged and celebrated. This liberal notion of a public/private split informs the Constitution. Religious differences are confined to the private sphere in which the State does not interfere, not even to enforce constitutional guarantees of equality, liberty and justice. Applied to the context of Muslim women, this notion of Rawls’ is problematic. The

public/private split has permitted and perpetuated the subordination of women. The policy of not interfering with personal laws has resulted in the perpetuation of discrimination against Muslim women, cutting them off from collective action and State verification and abandoning them to conservative, male definitions of self, family and community.¹²¹ It appears that the separation between the public and private is more complex than Rawls allows. The Rawlsian conception of overlapping consensus is unsatisfactory from the perspective of subordinated groups, since it is unable to adequately address structural injustice. This conception is limited in its ability to recognize group difference as well as to recognize difference within the group, which is where Muslim women are located. Further, it does not pay sufficient attention to power and inequalities, assuming the equality and rationality of those in this conversation, and thus is unable to adequately further the claims of Muslim women

This leads to the issue of whether it is possible to acknowledge group difference and accommodate it without doing violence to the rights of minorities within the group, i.e., Muslim women. Although there should be a greater acknowledged space for religious belief to inform the political conception of justice, this does not imply an absence of an ethic of restraint. The very fact that there is a need to collaborate will itself force an ethic of restraint. While acknowledging that religion should not be completely screened out of the picture, the issue is how an understanding of religion will inform this perspective. Religion, as it is interpreted and understood today, does violence to the rights of Muslim women, and there is no longer the space in current religious discourse for women to assert their right to equality or their conception of religion. This is a fundamental problem with the State allowing religion to be used as a shield against women's equality. As women have experienced, politico-religious identity has been discursively constructed in a manner disadvantageous to them, and it is therefore imperative to interrogate and problematize notions of "religion" and "culture."

In the formulation of public policy, the State must strive to reach a consensus by the construction of dialogue, which includes not just the perspective of the male-dominated collectivity of Muslims, but one that is also informed by the specificity of Muslim women. What we need is a notion of dialogue that is more sensitive to context and an understanding of the dialogic process as more dynamic and actively constructed than is posited by Rawls. This new conception of the public sphere envisages a greater resonance with the doctrines of religion and morality from the so-called private to the public sphere. It must be sensitive to the claims of all individuals that make up the collectivity. In contrast to Rawls' conception of the public sphere, a notion of public sphere which can take into account the specificity of the demands of Muslim women, while at the same time acknowledging the rights of the Muslim

community, is one that can truly be said to be pluralistic and acknowledging difference and sensitive to the demands of disadvantaged groups.

Between the notion of a compromise antithetical to a Rawlsian notion of consensus and a set of universally defined principles, lies the best response to respecting individual rights while at the same time valuing cultural diversity. This conception of “public sphere” goes beyond the dichotomy between compromise and principles. It has been characterized as a normative compromise as it takes into account the claims being made by the other side, and is an attempt to cognize the other point of view to make a new argument and formulate a concept that speaks to the reality of all those implicated. 122 We need to craft legal responses and structure social institutions that recognize the specificities of women as a disadvantaged group so that they are better able to recognize the different voices within the category “women.” This reconception of the political sphere is one of dialogue which aspires to speak to the cultures of not just all groups within society but all individuals within collectivities, and this perspective must underlie the formulation of State policy.

To be Continued in Vol II No. 5

NOTES

88. See *Mohammed Ahmed Khan v. Shah Bano Begum*, AIR 1985 SC 945
89. See *Mohammed Ahmed Khan v. Shah Bano Begum*, AIR 1985 SC 945.
90. See *India Code Crim. Proc. § 125* (1974).
91. Under Muslim law, a husband is required to pay alimony to an ex-wife for only three menstrual cycles known as *iddat*. See Pearl, *supra* note 17, at 52-53, 64-65.
92. *Mohammed Ahmed Khan v. Shah Bano Begum*, AIR 1985 SC 945
93. See *id.* at 951-52
94. See *id.* at 954
95. See Vasudha Dhagamwar, *Towards the Uniform Civil Code* 24 (1989).
96. See *id.* at 24-25.
97. See *id.* at 24-26
98. See Zakia Pathak & Rajeswari Sunder Rajan, *Shahbano*, 14 *Signs* 558, 568 (1989).
99. See Dhagamwar, *supra* note 95, at 26-27.
100. See *India Const. arts. 14, 15.*
101. *India Const. Preamble*
102. Cf. Dhagamwar, *supra* note 95, at 57 (explaining how the state has different duties toward different citizens depending on their religion).
103. *India Const. art. 44.*

104. *India Const. art. 25 provides: Freedom of conscience and free profession, practice and propagation of religion.- (1) Subject to public order, morality and health and to other provisions of this Part [the fundamental rights chapter] all persons are equally entitled to freedom of conscience and the right freely to profess, practice and propagate religion.*
(2) Nothing in this article shall affect the operation of any existing law or prevent the State from making any law-

(a) regulating or restricting any economic, financial, political or other secular activity which may be associated with religious practice;

(b) providing for social welfare and reform or the throwing open of Hindu religious institutions of a public character to all classes and sections of Hindus.

105. See Galanter, *supra* note 13, at 158; Parashar, *supra* note 8, at 217.

106. For a discussion on fundamentalism and identity creation, see Marie-Aimee Helie Lucas, *The Preferential Symbol for Islamic Identity: Muslim Women in Muslim Personal Laws*, in *Identity Politics and Women: Cultural Reassertion and Feminism in International Perspectives* 391, 391-98 (Valentine Moghadam ed., 1994); Valentine Moghadam, *Women and Identity Politics in Theoretical and Comparative Perspective*, in *Identity Politics and Women: Cultural Reassertion and Feminism in International Perspectives* *supra* note 51 at 3, 12.

107. See Dhagamwar, *supra* note 95, at 26-27; Zoya Hasan, *Contextualizing Gender and Identity in Contemporary India*, in *Forging Identities: Gender, Communities and the State*, *supra* note 51, at vii, xiii.

108. See Donna Sullivan, *Gender Equality and Religious Freedom: Toward a Framework for Conflict Resolution*, 24 *N.Y.U. J. Int'l L. & Pol.* 795, 856 (1992)

109. Communalism in the South Asian context, is defined by D. E. Smith as the tendency of a socio-religious group to attempt to maximize its economic, social and political strength at the expense of other groups. Smith, *supra* note 22, at 23. I use the term "anti-communal agenda" here to denote the Muslim community's struggle against the anti-Muslim sentiments and hostility of the majority community in India.

110. See Will Kymlicka, *Liberalism, Community, and Culture* 135 (1989).

111. See *id.* at 211.

112. Galanter, *supra* note 13, at 237.

113. See *id.*

114. In the discussion of this question I rely on the arguments made by the following: Joseph Raz, *The Morality of Freedom* 193-216 (1986) and Michael W. McConnell & Richard A. Posner, *An Economic Approach to Issues of Religious Freedom*, 56 *U. Chi. L. Rev.* 1 (1984)

115. See Dhagamwar, *supra* note 95, at 46.

116. See *India Const. art. 25(2)*.

117. McConnell & Posner, *supra* note 114, at 10-12.

118. Galanter, *supra* note 13, at 238.

119. See *India Const. art. 25(1) and (2)*.

120. John Rawls, *Political Liberalism* 38 (1993)

121. See Catharine A. MacKinnon, *Feminism Unmodified: Discourses on Life and Law* 101-02 (1987).

122. See generally Jeremy Webber, *Relations of Force and Relations of Justice: the emergence of normative community between colonists and Aboriginal peoples*, 33 *Osgoode Hall L.J.* 623 (1995) (discussing how a normative community can emerge in the presence of profound cultural divisions).

□

CHILDREN OF A LESSER GOD: THREE POEMS

Zoya Zaidi

As the world marked June 12 as the World Against Child-Labour Day, I helplessly watched children working at Car Mechanic, Tailor, Tea-vendor, and Retailer's shops, working day in and day out, being scolded, kicked, and beaten into submission, and labour often beyond their capacity. It is hard not to be appalled by this situation, even more so, because people, especially employers, are insensitive to the plight of these children, and think nothing of it.

I would like to share a series of five short poems I wrote with the readers.*

The Silver-Needle Factory Worker

The silver that brightens the needles
In the factory where he works,
Pokes deep into his tiny being,
Gives cramps in his belly,
Prickling sensation in his thighs,
Drives him close to blindness,
To stupor, deafness...
'Where's my salvation!' is his cry,
While his escape from this drudgery
Is like getting through the needle's eye

The Stone Breaker

He breaks stones,
With his tiny hands,
Under the scorching sun,
By the dusty road.

The chips of the stones,
The grains of hot sand,
Mottle his young lungs
with a mosaic of disease,
And he can hardly breathe,

While his calloused hands
Tell his tale,
The stones that he has broken,
Lie embedded in the road.

Trampled by the multitude,
The road will stand
For a long, long time.
About the child:
I have my fears.

Dr. Zoya Zaidi is a doctor, born and brought up in India. She received her entire Medical training in Moscow. She later specialised in Rheumatology from AIIMS New Delhi and is now practising as a consultant Rheumatologist in Aligarh.

The Carpet Weavers

He breathes the fibre
That he weaves with ease
Into a carpet of sheer beauty.
The carpet will adorn the floor
Of those who trample it
Under their feet.

The fibre settles in his lungs,
In a pattern, quite similar
To the one he weaves.
It cannot be seen, it's heard
In his every wheezing breath.
He weaves his childhood
Into that carpet,
His dreams into its pattern,
His blood and sweat into
Each and every knot,
His soul into its warmth.

He weaves his heart
Into each flower,
His freedom into the wings
of every bird in flight,
His blood colours every rose,
His sweat the yellow of each lily.

His innocence he weaves
Into the softness of each bud,
His nights are in the blackness
Of the background.
Where do his tears go?
They dry-up as he begins to grow.

Old and haggard
Long before his time
His skin, no longer soft
Like the delicate carpet,
But rough and torn. A rug
Trampled by Time.

When next you step
On such a carpet,
Please, remember him,
That little boy,
His childhood might be
Woven into it...

** Two more poems will be published in a subsequent issue*

ISLAM AT THE HUMAN RIGHTS COMMISSION*

- Roy Brown

Islam and Human Rights

The UN Human Rights Commission was created 60 years ago as a forum in which human rights abuse in any country could be exposed, and the abusers condemned. But by 2005 this dream had become a nightmare and had led to the abolition of the Commission which, in the words of UN Secretary General Kofi Annan, had become “too political and selective in its work”. For several years the Islamic states at the Commission had refused to accept any condemnation of human rights abuse in their countries.

The problem dates back to the Iranian revolution of 1979. Shortly after the revolution the Islamic Republic of Iran described the 1948 Universal Declaration as “a Western secular concept of Judeo-Christian origin and thereby incompatible with the sacred Islamic shari’a”. An Iranian representative at the UN General Assembly stated: “.. my country will not hesitate to violate its provisions, since it has to choose between violating the divine law of the country and violating secular conventions.”

In 1990, after several years of debate, representatives of the Islamic states adopted the “Cairo Declaration of Human Rights in Islam”. It established shari’a law as “the only source of reference” for the protection of human rights in Islamic states, thus giving it supremacy over the UDHR.

The Cairo Declaration has been strongly criticized by many human rights experts as threatening the inter-cultural consensus on which the international human rights instruments were based; for introducing, in the name of the defence of human rights, discrimination against women and non-Muslims; and for legitimising practices which attack the integrity and dignity of the human being.

In 1994, a UN Special Rapporteur on the Sudan, Gaspar Biro, was accused of a “vicious attack on the religion of Islam” for suggesting that the government of the Sudan bring its legislation into accordance with international instruments to which it is a party.” His proposal was excised from his report and he was publicly threatened by the Sudanese Minister of Justice. Other Special Rapporteurs and NGO representatives have been variously accused of blasphemy, sacrilege and defamation of religion by daring to speak out against human rights abuse in Islamic states. The law of an Islamic country it is deemed an integral part of the Islamic faith, so to criticise any aspect of the law is an attack on Islam, “the most perfect religion”.

* Source : *International Humanist News*, June 2006

The Cairo Declaration received official UN recognition in 1997 when it was published in the UN's Compilation of International Instruments. No-one has ever explained how such a distorted view of human rights ever received the UN seal of approval without a vote by the General Assembly.

Defamation of Islam?

In 1997, Special Rapporteur Maurice Glélé-Ahanhanzo from Benin reported that "Muslim extremists are turning increasingly to their own religious sources, first and foremost the Qur'an, as a primary anti-Jewish source." He was accused of "defamation of our religion Islam and blasphemy against its Holy Book Qur'an." The Commission then "Expressed its indignation and protest at the content of such an offensive reference to Islam and the Holy Qur'an". For the next seven years the Special Rapporteur omitted from his reports any reference to anti-semitism in Arab countries, in Iran, and elsewhere in the Muslim world. Even quoting the Qu'ran is now considered blasphemy at the UN!

Many of these incidents are described in detail in the book "The Myth of Islamic Tolerance", edited by Robert Spencer and published by Prometheus.

In 1998, the Iranian Foreign Minister Kamal Kharazi called for a "revision of the UN's Universal Declaration of Human Rights." Later the same year, the Geneva Office for Human Rights jointly hosted a seminar which affirmed the divine origin of the Sharia and its binding supremacy over all legislation or UN Declarations and Covenants. One observer asked: "Are we going toward a new Universal Declaration of Human Rights? .. this seminar could constitute support for political attitudes totally in contradiction with the founding principles of human rights."

In 1999, the OIC began lobbying for the adoption of a Commission resolution against "Defamation of Islam", citing "the emergence of a new manifestation of intolerance and misunderstanding and misconception of Islam and Muslim peoples" and because "It has already been claimed that Islamic scriptures incite Muslims to violence". Yet "it was Islam which gave the world the first Charter of Human Rights in the Holy Qur'an"...

The same year, the Sudanese delegation managed to muzzle a charismatic African leader, the late Dr John Garang. He was twice stopped on a 'point of order' before he could ask this question:

"In 1992, the regime in Khartoum declared Jihad .. against the people of southern Sudan and the Nuba mountains. Since then, Jihad has been declared again and again. I ask this very important question: is the Jihad a religious right of those who declare and wage it? Or is it a violation of the human

rights of the people against whom it is declared and waged?”

A day later the former Sudanese Prime Minister Al- Sadiq Al-Mahdi affirmed that “the traditional concept of Jihad does allow slavery as a by-product.”

Women and Non-believers

No mention was possible within the Commission of the restrictions that Islam places of the human rights of women and non-believers. To do so would be silenced as “defamation of religion”. A Sudanese delegate even privately justified the chopping off of hands for theft; the stoning of women accused of adultery on the grounds of the freedom of religion protected by article 18 of the UDHR!

Deferring to Islam

The extent to which the Human Rights Commission deferred to Islam can be judged from the 2002 statement of then High Commissioner Mary Robinson:

“No one can deny that at its core Islam is entirely consonant with the principles of fundamental human rights, including human dignity, tolerance, solidarity and quality”.

The rules of conduct imposed by the OIC and accepted by many States give the “representatives of Islam” an exceptional status at the UN that has no legal basis and no precedent. These rules give cause for grave apprehension. Will discussion about political issues within the Islamic States be prohibited at the new Human Rights Council? To do so would be in clear contravention of “the right to freedom of opinion and expression” enshrined in article 19 of the UDHR. But the signs are not good.

The ‘Danish Cartoon Affair’ has revealed just how powerful Islamism has become when the depiction of a prophet can cause greater outrage than televising the beheading of innocent hostages. In February this year, the Secretary-General of the OIC stated: “It is the common sense that Islamophobic acts, which are also against the internationally promoted common values, can not and should not be condoned in the pretext of freedom of expression or press”.

In discussions leading up to the creation of the new Human Rights Council, the Islamic States then called for “governments to demand that the U.N. adopt a clear resolution or law that categorically prohibits affronts to

prophets – to the prophets of the Lord and his Messengers, to His holy books, and to the religious holy places.”

The UN’s Inadequate Response

To increase the pressure on the UN, they even discussed the possibility of setting up a break-away organization. The OIC summit meeting in Mecca in December 2005: “called for considering the possibility of establishing an independent permanent body to promote human rights in Member States as well as the possibility in preparing an Islamic Charter on Human Rights in accordance with the provisions of the Cairo Declaration on Human Rights in Islam and interact with the United Nations and other relevant international bodies.”

The response of the UN was to note in the preamble to the new Council charter that the news media and NGOs have “an important role to play” in promoting respect for religion. One can well imagine how this will be used in the Council to stifle discussion of human rights abuse by those who claim religious justification.

In almost the last act of the now defunct Human Rights Commission, the Special Rapporteur on racism, Doudou Diene, issued a report which even by the now tarnished standards of the Commission will stand as a model of partiality and bias. The report condemned the Danish cartoons but made no mention of the far worse anti-semitic cartoons which appear almost daily in the Arabic press; it (rightly) condemned abuse of Muslims but made no mention of any provocation by Muslims; it criticised the linking of Islam to terror – not by the terrorists who carry out their attacks in the name of Islam, but by those who report on these incidents! In the topsy-turvy world of the Commission, Islamic violence and extremism simply do not exist. It is time for all who care about human rights to make it clear that the UDHR and its binding conventions are paramount; that Islamic law does not apply to non-Muslims; that Sharia law is unacceptable to free peoples in free countries; and that nothing can be allowed to stifle criticism of human rights abuse, wherever it may occur.

IHEU will continue to work with other NGOs in Geneva to try to ensure that the ideals enshrined in the UDHR are not completely lost in the swamp of submission to Islam, or any other religion.



Roy Brown is IHEU's past President and Head of IHEU's UN NGO Delegation at Geneva. He is also Chair of IHEU's Committee for Growth and Development.

THE LEGACY OF JIHAD

- Ibn Warraq

In what has been described as a unique step and the first ever comprehensive review in English of the Islamic cult of Jihad, Andrew Bostom has compiled an overwhelming account of the history of the cult from the earliest period of Islamic history through to today. The following article is adapted from the foreword by Ibn Warraq to the book: The Legacy of Jihad: Islamic Holy War and the Fate of non-Muslims, Prometheus, 2005

Sura IX, Verse 29

Dr Andrew Bostom has gathered together an impressive range of primary and secondary source documents relating to the theory and practice of Jihad, as well as to the conditions of Dhimmis, non-Muslims living as oppressed tributaries in Islamic countries. The theory of the treatment of non-Muslims was in part derived and developed by theologians and Koranic commentators from Sura IX. Verse 29:

Fight against such of those who have been given the Scripture as believe not in Allah nor the Last Day, and forbid not that which Allah hath forbidden by His messenger, and follow not the religion of truth, until they pay the tribute readily, being brought low.

Dr. Bostom is the first scholar to have had translated from the Arabic the works of commentators on Sura IX.29. Other primary sources translated for the first time into English include documents on Jihad by al-Ghazali, the celebrated Islamic Mystic or Sufi, laying to rest the myth that Sufis always interpreted jihad as an inner moral struggle against one's lower instincts. Muslim jurists and philosophers whose works are quoted include both Shiites and representatives of all four Schools of Sunni jurisprudence.

Similarly, Dr Bostom is the first scholar to have overseen the translations of important, and in some cases neglected or forgotten, secondary sources from French works on Jihad by Edmond Fagnan, Roger Arnaldez, Charles Emmanuel Dufourcq, Clement Huart, Dimitar Angelov, and Maria Mathilde Alexandrescu-Dersca Bulgaru.

Wide-ranging

Thus Dr.Bostom's collection is truly wide-ranging, combining Shiite and Sunni, classical and modern, Koranic commentators and Islamic jurists and philosophers. There are regional examples of jihad campaigns, as well as analyses of jihad slavery by some of the most learned modern scholars of Holy War. Dr Bostom has even taken care to find and reproduce beautifully colour-coded maps, with an accompanying chronology, depicting the initial five centuries of

**Source : International Humanist News, March 2006*

Jihad conquests, and other primary documents detailing the havoc wrought by Muslims in the name of Jihad across three continents, over a period of a thousand years.

Both scholars and non-specialists should be grateful to Dr Bostom for making these documents available for further research. But not everyone will be pleased with this comprehensive anthology that irrefutably gainsays the myth of Islamic tolerance. And why did it take a non-specialist like Dr Bostom, a scholar from another discipline - clinical epidemiology - to discover, to have translated and have published for the first time in English, primary and secondary source material? Where were the Orientalists (by which I mean those versed in oriental languages and literature), Islamologists and Professors of Near Eastern Studies?

Myth of the Golden Age

There are a number of scholars writing and living in the West whose works are widely read, respected and influential but who, for various reasons, wish to play down the history of the Dhimmi, including the Armenian genocide, and the periodic but persistent massacres of not only Jews and Christians, but the oft-neglected Hindus, Zoroastrians and Buddhists living under Islam. Some scholars are grateful to Turkey for their treaties with Israel, and do their best to deny or at least minimize the Armenian massacres. Since any discussion of Dhimmi often ends in a discussion of the Armenian Genocide, the negationist scholars are hostile to any works highlighting the plight of Jews and Christians under Islam in general. Others are simply Turkophiles, having made Turkey their field of speciality, or have friends and colleagues, even girlfriends or wives from Turkey. Others are grateful to Turkey for their support during the Cold War.

Bernard Lewis, in an important essay "The Pro-Islamic Jews" in *Islam in History*, Chicago: Open Court, 1993, recounts how the romantic cult of Spain, reaching its peak in Victor Hugo's *Hernani*, influenced Jews who now nourished the illusion that they "had flourished in Muslim Spain, had been driven from Christian Spain, and had found refuge in Muslim Turkey". But as Lewis points out, "The golden age of equal rights [in Spain] was a myth, and belief in it was a result, more than a cause, of Jewish sympathy for Islam. The myth was invented by Jews in nineteenth-century Europe as a reproach to Christians".

Something of the myth of the Golden Age of Spain persists to this day, and is perpetuated by politicians desperate to maintain social stability. Political leaders and the media in general in Europe are worried about the increasing number of Muslims in their respective countries, and are aware of the difficulties of assimilation. Under such circumstances the media will only invite those

scholars who believe in the myth of Islamic tolerance. But European politicians in their collective hatred and fear of the United States have formed a strategic alliance with Arab states as a buffer to perceived threats from the only super-power, the Great Satan itself. In such a climate, an objective look at Jihad and Dhimmis is discouraged, and even scholars who should know better are swept along on the tide of anti-Americanism.

Europe or Eurabia?

But long before the transformation of Europe into Eurabia (Bat Ye'or. *Eurabia - The Euro-Arab Axis*, Cranbury, New Jersey: Fairleigh Dickinson University Press, 2005), many intellectuals had continued to treat Islam as a taboo subject for many reasons, including:

- Political correctness leading to Islamic correctness;
- The fear of playing into the hands of racists or reactionaries to the detriment of the West's Muslim minorities;
- Commercial or economic motives;
- Feelings of post-colonial guilt (where the entire planet's problems are attributed to the west's wicked ways and intentions);
- Plain physical fear;
- And the intellectual terrorism of writers such as Edward Said.

There are also tactical, political and social reasons for playing down the role of Jihad and dhimmitude in India, where communalism is a real danger, and where religious passions run very high and can lead to riots leaving hundreds dead in their wake. For the sake of social harmony it makes sense not to keep harping on the past crimes of Islam.

As Bernard Lewis wrote, ...[We] may, indeed we must study the history of Atlantic slavery and expose this great shame in the history of the Western world and the Americas north and south in all its horror. This is a task which falls upon us as Westerners, and in which others may and should and do join us. In contrast, however, even to mention - let alone discuss or explore - the existence of slavery in non-Western societies is denounced as evidence of racism and of imperialistic designs. The same applies to other delicate topics as polygamy, autocracy, and the like. The range of taboos is very wide. (B.Lewis, "Other People's History" in *Islam and the West*, New York: Oxford University Press 1993).

I should like to remind Bernard Lewis, his students and admirers of his own words:

There was a time when scholars and other writers in communist east

ern Europe relied on writers and publishers in the free West to speak the truth about their history, their culture, and their predicament. Today it is those who told the truth, not those who concealed or denied it, who are respected and welcomed in these countries.

Historians in free countries have a moral and professional obligation not to shirk the difficult issues and subjects that some people would place under a sort of taboo; not to submit to voluntary censorship, but to deal with these matters fairly, honestly, without apologetics, without polemic, and of course, competently. Those who enjoy freedom have a moral obligation to use that freedom for those who do not possess it. We live in a time when great efforts have been made, and continue to be made, to falsify the record of the past and to make history a tool of propaganda; when governments, religious movements, political parties, and sectional groups of every kind are busy re-writing history as they would wish it to have been, as they would like their followers to believe that it was. All this is very dangerous indeed, to ourselves and to others, however we may define otherness - dangerous to our common humanity. Because, make no mistake, those who are unwilling to confront the past will be unable to understand the present and unfit to face the future.

Tell the Truth

Finally there are those who tell me that even though Dr Bostom and many others may be right in exposing history hitherto repressed or simply denied, this was not the right historical moment to express it, in this hour of a conservative U.S. administration whose members do not hide their Christian allegiances, at this time of a war on terror when we are trying to convince Muslims round the world that we are not at war with them, but those who have a perverted interpretation of the great religion of Islam. Sir Isaiah Berlin once described an ideologue as somebody who is prepared to suppress what he suspects to be true. Sir Isaiah then concluded that from that disposition to suppress the truth has flowed much of the evil of this and other centuries. The first duty of the intellectual is to tell the truth. By suppressing the truth, however honourable the motive, we are only engendering an even greater evil.

We are all beholden to Dr Bostom for helping us to see more clearly, and more honestly past events that have such an important bearing on present travails. In the words of Albert Schweitzer:

Truth has no special time of its own. Its hour is now, always, and indeed most truly when it seems most unsuitable to actual circumstances.



Archival

NOTES FOR A HUMANIST GROUP

In the early 'sixties, Dr Vinod Gaur, now a Distinguished Scientist at the Centre for Astrophysics, started a Humanist Group at Roorkee where he was teaching at that time. The Note below, prepared for this group by Narsingh Narain, has - if anything - gained relevance with the passage of time; though it must be admitted that Humanist Groups have just not taken roots in any of our teaching institutions. Our periodical resolutions to do something about it have not borne fruit. If any renewed efforts are to be made, this note maybe of help.

Note

In response to Dr. V.K Gaur's request I am writing these lines for the first meeting of the Humanist Group at Roorkee.

National Integration

I should like to mention, first, that the Naini Tal group is organising a programme for the National Integration week next month. Though Humanism implies a dissent from all traditional religions, we wish to have a sympathetic understanding of all religions and, as our Memorandum of Association makes clear, we are prepared to cooperate with the followers of all religions and ideologies in the furtherance of those ideals which we share with them. One of these ideals is the promotion of a better understanding of one another's beliefs and points of views and more harmonious relations among the followers of different religions and ideologies. It is this aspect of National Integration with which we are specially concerned. And it is one which really transcends national boundaries and is thus in harmony with the outlook of Humanism, which knows no national frontiers.

The Historical Perspective

It seems to me that in existing circumstances a Humanist group, such as the one at Roorkee, which at present consists entirely of University teachers, can best function as a study and discussion group. Humanism is not an intellectual enterprise. Its concern has been aptly described by Prof. John Herman Randall, Jr., as "a scheme of values and program of living." But humanism does very much need the support of the intellectuals, and in the West it has this in abundant measure. In Britain men like Bertrand Russell, Sir Julian Huxley and Prof. A.J. Ayer have been actively associated with the Humanist Movement. In the United States it has received the support of John Dewey, Albert Einstein, and a host of eminent scientists and scholars. In India today the position is different. No outstanding figure is identified with the Humanist movement, and Sri Jawaharlal Nehru is perhaps the only eminent Indian who has expressed

Humanist views.

The ideas underlying Humanism are very much older, having existed in the ancient civilisations of India, China and Greece, but the modern Humanist movement is largely a product of the scientific revolution of the 16th century. It is important to see the movement in its historical setting, and studies designed to that end can be rewarding in other ways too. One of our weak points from ancient times has been a neglect of history, a matter in which most other ancient civilizations seem to have done better. Here is one important question : why did the scientific revolution occur when and where it did? Bertrand Russell has said that while the ancients possessed one or other of the two great qualities which have led to great scientific discoveries, they did not combine these in the same individual. He describes these qualities as “immense patience in observation, and great boldness in framing hypotheses.” (See the chapter on The Rise of Science in his History of Western Philosophy.) Was it merely an accident that Copernicus and his great successors, Kepler and Galileo, combined both these qualities?

As is well-known, the pioneers of science had to encounter great hostility and persecution from the established Church. And the spirit of science, with its ever-tentative conclusions, is altogether different from the spirit of religious teachings, with their finality based on Divine revelation. Yet, Prof. E.H. Hocking maintains (in *The Coming World Civilization*) that “the characteristic development of science in modern Europe is not only a corollary of the religion of Europe but in a significant sense part of that religion.” Recently Prof. Robert J. Oppenheimer, the pioneer nuclear physicist, dealt with this question in a talk published in *Encounter*. (It will be remembered that it was under the guidance of Oppenheimer that atomic energy first became available for use on a mass scale, that he opposed its use for the manufacture of bombs, and was thereupon relieved of his post.) Oppenheimer refers to what he calls a trait of the European tradition, namely, “Our sense of responsibility to human history, to its present and its future.” And he goes on to say : “ This is not a trait of a great culture of China nor that of India, but it is to be found in the old Testament and the New - - - -.” This , he says, was “probably a decisive reason” for the origin and growth of modern science and technology. Other scientists, for example Einstein, have expressed different views. I suggest that this is a good subject for study and discussion.

New Blyth Cottage
Naini Tal
UP, India
September 4, 1963

Narsingh Narain

NEWS AND NOTES

In God We Trust

A federal judge in the United States on Monday rejected a lawsuit from atheist Michael Newdow, who said having the phrase "In God We Trust" on U.S. coins and dollar bills violated his First Amendment rights. The judge said the words amounted to a secular national slogan that did not trample on avowed religious views.

NSS Newslines 16th June 2006

Rape Victim Ostracised in Bihar

Forced by a religious leader, a Muslim-dominated village in Bihar has asked a rape victim to leave the place after calling her 'napak' (impure) for giving birth to a child. The husband has also deserted Sabia, a mute woman in her 20s and mother of two, following pressures from the leaders, the woman's distraught father Samsher Ali told IANS

The woman, who was raped last year by a neighbour, Mustafa, now lives with her parents in their thatched hut in the same village, Chandkiwari, in Muzaffarpur district, about 70 km from here. Mustafa is on the run. Sabia's parents are facing the ire of the villagers for giving shelter to their "impure" daughter. No one talks to us; we have no social life. We are treated like animals for no fault of ours," Samsher Ali lamented. Says Sabia's mother: "I fail to understand why my mute daughter was punished when she did not commit any crime. She was rather a victim of the heinous crime of rape. But these people do not realise it."

Maulana Abdul Haleem, a Muslim leader of the village, however said that as per Islamic law Sabia had become impure due to the rape and the "illegitimate" child. "We have instructed the villagers to boycott her," he said without mincing words.

The villagers are following his instruction. "We are bound by the decision to boycott her," said Pir Mohammad, a villager. He added: "This is not an individual decision. It was taken by the community." Lalan Pandey, in-charge of the local police station, said Sabia or her parents had not filed a police complaint. "If they lodge a complaint, we will try to end the social boycott," he said. Sabia's desperate parents are planning to seek the help of an NGO.

Saturday, June 24, 2006 1:07 AM

IHEU asks President Musharraf to quash Qisas and Diyat Ordinance, defends right to fair trial

IHEU's International Representative Babu Gogineni has written to President Musharraf asking him to review the case of British Muslim Mirza Taher Hussain. Mirza Hussain has been in detention for 18 years and on the death row

for 16 years on murder charges which Pakistani courts too have rejected. Mirza Hussain is scheduled to be executed in July. IHEU has also asked President Musharraf to revoke the Qisas and Diyat Ordinances, which allow justly-convicted murderers to escape punishment by payment of 'blood money' to the victim's families.

IHEU July 2006 update

Murderous Blasphemy Madness

Two Muslims accused of blasphemy in Pakistan have been murdered. The first was an imam, Hafiz Qamar Javed, who was killed by a mob after he was spotted burning rubbish near his mosque. Someone from a rival sect accused him of burning pages of the Koran and within minutes a lynch mob had formed and he was beaten to death.

The second incident concerned Abdul Sattar Gopang who was stabbed to death as he entered a court to face charges of blasphemy. Eyewitnesses said the assailants both students at a local religious school did not resist arrest and were laughing and chanting religious slogans after Mr Gopang bled to death following the fifteen stab wounds they had inflicted.

Mr Gopang had been arrested last March 13 following a complaint that following a heated argument with a lorry driver over money in which Mr Gopang had allegedly uttered blasphemous words.

Newsline 30th June 2006 www.secularism.org.uk

Honour Killing Case Finds Nine Guilty Of Conspiracy

The High Court of Eastern Denmark has found nine people guilty of conspiracy in the most far-reaching honour killing case yet tried in Europe. The verdict is considered a landmark one because in addition to the brother who fired the gun that killed Ghazala Khan, Ghazala's father and seven others were also convicted.

Ghazala, a young Pakistani woman, and her husband were attacked for disobeying family orders not to marry last September. Jurors concluded that a group of uncles, aunts and acquaintances apparently plotted to lure the couple to the train station of Slagelse in western Zealand, where the brother waited with a loaded gun.

Ghazala suffered fatal wounds while her newly wed husband narrowly escaped death. Although lawyers of seven of the defendants sought a reduced sentence for their clients, jurors rejected their plea. The verdict came as no surprise to Vagn Greve, a law professor at Copenhagen University. Jurors merely made use of Danish law's broad guidelines in defining who acts as an accomplice in a crime, he said. Legal experts in Germany, Sweden and other countries have followed the case closely, since it marks the first time accomplices have been found guilty in an honour killing.

Newsline 30th June 2006 www.secularism.org.uk

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