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Dr. Ekrem Tucaković finished his studies of Persian language and literature, obtained his Master's Degree in literary history, and his Doctorate in *Public Relations in the Service of the Realization of the Islamic Community's Goals*. As a co-author, he published the book: *100 Bosniak Imams from 1912-2012*. He has written several professional papers and newspaper articles. Since 2006 he has been the editor-in-chief of the Riyasat web portal <http://www.rijaset.ba> as well as the head of the Public Relations Department of the Islamic Community in Bosnia Herzegovina. Since 2015 he has been the editor-in-chief of the semi-monthly informative newspaper „Preporod“ (*The Revival*) of the Islamic Community. Currently he is the Head of Department of Higher Education, Sciences and Culture of the Directorate for Education and Science of the Riyasat of the Islamic Community in Bosnia and Herzegovina.

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Autorica je u knjizi *Islam i ljudska prava* pokazala mnogostrukost islamske misli, koju se ni o kojoj temi, pa tako ni o osjetljivoj temi ljudskih prava, ne može shvatiti pojednostavljeno, u crno-bijelom kontrastu. Ona otvara uvid u postojanje žustre polemike unutar samoga islama, osvjetljuje neke razlike u tumačenjima islamskih svetih tekstova, te islamsku misao o temi ljudskih prava čitatelju – možda po prvi put na hrvatskom jeziku – predstavlja s naglaskom na njezino bogatstvo i unutarnje napetosti, a ne na kontroverznosti. Postoje, dakako, i kontroverzna shvaćanja koja autorica ne izbjegava, nego adresira i objašnjava. Ova knjiga nije pisana sa stajališta kritičnosti prema islamu, ali ni sa stajališta plitke apologetike. Ovo je ozbiljna studija u kojoj su osjetljiva pitanja obrađena na osjetljiv način.

izr. prof. dr. sc. Boris Havel

Knjiga *Islam i ljudska prava* predstavlja pionirsku studiju unutar hrvatskih društvenih znanosti s obzirom na to da važna tema islama i ljudskih prava do sada unutar naše znanstvene zajednice nije diskutirana na ovako obuhvatan način. Pozicija koju autorica brani je ona progresivne islamske misli koja se ne temelji na pukoj prilagodbi temeljnih vrijednosti islama liberalnom poimanju ljudskih prava, već poziva na otvoreni dijalog (otvorenu razmjenu) između liberalne i islamske tradicije o temeljima i sadržaju univerzalnih ljudskih prava. Takva strategija, naravno, podrazumijeva spremnost obju tradiciju mišljenja da uvažava argumente druge strane, te da prilagode neke od svojih vlastitih argumenta s ciljem postizanja konsenzusa oko ljudskih prava koja bi se time približila idealu univerzalnosti.

prof. dr. sc. Enes Kulenović

Ovakve knjige nema u Hrvatskoj. Dijalog dvaju različitih shvaćanja ljudskih prava višestruko nadmašuje okvir teorijsko-teološke rasprave i postavlja pitanja suživota uzajamnog respekta pojedinaca i grupa koje na značajno različit način razumiju smisao ljudskog života. Tema je relevantna i ostat će relevantna još godinama te će buditi interes kako znanstvene tako i šire javnosti. Vrijednost ove knjige nalazi se i u činjenici što se zadržava na proceduralnim normativnim rješenjima: čitatelju i čitateljici nudi postupke i procedure kojima bi se dijalog između različitih tradicija mišljenja oko ideje univerzalnih ljudskih prava trebao odvijati, bez da pokušava nametnuti savim konkretna rješenja kojima bi takva vrsta dijaloga trebala rezultirati. Sama tema, kao i teza o otvorenoj razmjeni koju autorica zagovara u svojoj knjizi, neizbježno zahtijeva multidisciplinarnu uvide iz područja teologije, povijesti, epistemologije i komparativnih religijskih studija. U konačnici potrebno je spomenuti i činjenicu da se u ovoj knjizi predstavlja tema koja je, u kontekstu hrvatske politologije, pionirska.

prof. dr. sc. Zoran Kurelić



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Ekrem TUCAKOVIĆ

TAČKE NAPETOSTI U RAZUMIJEVANJU KONCEPTA LJUDSKIH PRAVA

Prikaz knjige: Ajla Čustović, *Islam i ljudska prava*, Zagreb, Ljevak, 2022, str. 343.

POINTS OF TENSION IN THE UNDERSTANDING OF THE CONCEPT OF HUMAN RIGHTS

Book review: Ajla Čustović, *Islam and Human Rights*, Zagreb, Ljevak, 2022, p. 343.

PRIKAZ
REVIEW

POINTS OF TENSION IN THE UNDERSTANDING OF THE CONCEPT OF HUMAN RIGHTS

Book review: Ajla Čustović, *Islam and Human Rights*,
Zagreb, Ljevak, 2022, p. 343.

Since the middle of the 20th century, the concept of human rights has become an extremely important and first-class global issue in the fields of political science and international relations, which strongly affects the key social and cultural issues of entire societies and transforms their value system and culture (issues of individual and collective rights, privacy, marriage and family, gender, culture of life). Entire societies, cultures and religions are characterized based on the concept and practice of human rights, and their place in the global community of nations and states is determined.

Ajla Čustović's book *Islam and Human Rights* focuses on this current and important issue of the modern world and tries to use a comparativist approach to two different moral and intellectual traditions to make the phenomenon of human rights a place of reconciliation and productive meeting of those traditions. The fundamental discussion in the book revolves around the concept of human rights as formulated in the United Nations Universal Declaration on Human Rights, adopted in 1948, and the Declaration of Human Rights in Islam, adopted in Cairo in 1990, which reflects the Islamic view. The Universal Declaration guarantees equal and inalienable rights to all people regardless of gender, nation, race, and religion, with the ambition of universal applicability, while the Declaration of Human Rights in Islam is taken as an Islamic alternative, in which rights, unlike the secular approach in the Universal Declaration, are on God's word.

In the Universal Declaration, the focus is on the individual, and in the Cairo Declaration on society, the Universal Declaration emphasizes "rights", while the Cairo Declaration emphasizes "responsibilities", thus objecting that human rights in Islam are not rights

but obligations (19). The Cairo Declaration defines the rights of the individual as religious obligations and responsibilities, the fulfilment of which gives the individual rights. The difference, as the author notes, comes to the fore in three points of tension: the right to freedom of religion, the right to freedom of thought and expression, and the (in)equality of women (19).

The Universal Declaration guarantees the freedom of religion and the freedom to change it, and the Cairo Freedom of Religion limits it to the right of Muslims to be Muslims, not to be induced to change their religion or apostasy, and at the same time invokes the *Shar'iah*. Referring to the *Shar'iah* is problematic for the author because there is no single version of the *Shar'iah* and the implementation of the *Shar'iah* as the law of the state or a supranational law which nullifies the religious authority of the *Shar'iah*, because Muslims can only adhere to the *Shar'iah* through freedom of belief - "belief cannot be forced because then it is not belief" (20). Furthermore, by referring to *Shar'iah*, the Cairo Declaration calls into question the very universality of these rights, instead of the equality of all people it implies only the equality of those who believe in God. However, there is also a problem here, since there is no central religious authority, so "there are countless versions of Islam that are equally authoritative" (20).

The author advocates dialogue between different traditions that must show flexibility and readiness for change, which she points out as the main thesis of the book, because only in this way something "can be universal" (43). The critical review of the approach to human rights in the liberal (Western) and Islamic moral tradition is carried out through the methodological framework of *open exchange* and dialogue, at the same

time advocating for an intra-Muslim conversation about the points of tension between Islam and the liberal understanding of human rights in the area of human rights (43). She points out that the aim of the book is not to "offer solutions and answers", because there are none. "Therefore, the meaning of my book is a procedural and not a substantive solution, it is an attempt to open a common space for dialogue from political theory by critically re-examining the discourses that monologically absolutize the discourse on human rights" (43).

The author analyses the three points of tension between Islam and the liberal understanding of human rights (the UN Universal Declaration and the Cairo Declaration) regarding freedom of expression, freedom of religion and (in)equality of women through four types of discourse, which she defines in the following terms: incompatibility discourse (Islam is incompatible and not can be reformed); compatibility discourse (reform Islam to achieve compatibility); revivalist discourse (Islam is a perfect system); the discourse of progressive Islamic thought (the universality of human rights is also a Qur'anic concept and the *Shari'ah* should be reformed). Both discourses of the liberal moral tradition, despite their differences, share the same conviction about the normative character of the Universal Declaration, while both discourses of the Islamic moral tradition, revivalists and progressive Islamic thought, despite their many differences, share an important feature about the foundation of universal human rights in the Qur'an (25).

A critical review of the incompatibility, compatibility and revivalist discourse in the methodological sense is carried out through the distinction between open and *guided exchange* according to Paul Feyerabend's settings. In an *open exchange*, no tradition imposes its values, in the meeting there is no ambition to convince the other tradition until it accepts the point of view of the other tradition, the individual and all traditions are respected, the interaction is equal, spontaneous and free. In a *guided exchange*, the debate is conducted according to the pre-set rules of a tradition (39-40). The author advocates an open exchange, with a combination of David Bohm's methodological approach and his differentiation between discussion and dialogue, in such a way that dialogue is characterized by joint participation without the desire to win, and discussion is

a competition in which the participants aim to win.

The book is divided into five chapters. After the introduction, the first chapter questions the ideas and attitudes of the representatives of the incompatibility discourse, Samuel Huntington, Bernard Lewis, Daniel Pipes, Jack Donnelly, etc., and their conviction about the irreconcilability of Islam with the idea of universal human rights, the impossibility of reforming Islam and thus achieving compatibility, because Islam promotes inequality between men and women, Muslims and non-Muslims, especially when it comes to unbelievers and apostates, it divides people into Muslims and non-Muslims, divides the world into Islamic and non-Islamic, so it is "a threat to every non-Muslim"(57).

The second chapter discusses the compatibility discourse whose main thesis is that the liberal understanding of the idea of universal human rights is the standard that Islam has yet to reach through reform. Ann Elizabeth Mayer, Thomas M. Franck, Michael Ignatieff, Alain Pellet, Ayaan Hirsi Ali, Sam Harris, Eva Brems are key authors whose ideas are discussed in this chapter.

Criticism of the incompatibility and compatibility discourse through the prism of progressive Islamic thought is the third chapter, in which the first discourse is rejected because of its absolutist and ultimate attitude, and the compatibility discourse because of the understanding of the universality of human rights as culturally neutral and normative, while the liberal understanding of human rights is pre-set as "the standard according to which Islam must be reformed and adapted". In addition, compatibilists consider their tradition more advanced, modern and superior, which prevents an equal dialogue (68).

The fourth chapter reviews the revivalist discourse based on the views of Sayyid Abul Ala Mawdudi, Sayyid Qutb, Ayatollah Khomeini and Yusuf al-Qaradāwī and others. According to the author, their idea of human rights is not based on the idea of the equality of all people and fails three tests: freedom of religion, freedom of expression and (in)equality of women (128), that is why "revivalist discourse eliminates itself from dialogue - because dialogue implies that all its participants are equal. The rhetoric of a better and superior tradition deprives the revivalist discourse of the possibility of understanding and accepting others, because they are convinced that because of God's word they possess the

only Truth - they ask other participants to convert to Islam or reject them as 'lost'. Revivalists see Islam as a perfect and complete system, which contains everything necessary for the life of an individual, society and the state itself, holding that this is true for all people in the world, not only for Muslims" (127).

The fifth chapter is the central chapter and talks about progressive Islamic thought. It is based on the works of Abdullahi al-Na'im, Khālid Abū al-Faḍl, Bassam Tibi, Ahmed Sachedina, Moḥammed Hāshim Kāmali, Reza Aslan, and feminist authors Riffat Hassan, Asma Barlas, Laleh Bakhtiar, Ziba Mir-Hosseini, Hādīa Mubarak, Amina Wadūd, et al.

The sympathies of the author of this book are on the side of the protagonists of this discourse. She sees them as mediators between two understandings of human rights. Their views are that all three freedoms exist in Islam and are guaranteed by God, but the interpretation process must be reopened, and *Shari'ah* reduced to a moral code to which a Muslim surrenders by practicing freedom of belief in a religiously neutral state that protects the rights of all (189). They advocate a religiously neutral state, they do not see a conflict between the Qur'an and human rights, but they see a conflict between *Shari'ah* and human rights (322). The Universal Declaration of Human Rights is not culturally neutral, which is why it is not of a normative character, and its imposition is cultural imperialism. The Culturally neutral is not a product of God's providence, but of human interpretation, which opens it up to new interpretations, additions and refinements and has never been and cannot be the law of the state, it is a moral instruction that Muslims, if they wish, can adhere to in a religiously neutral state (187). This discourse is productive for the dialogue between Islam and the liberal understanding of human rights, the author concludes. Progressive Islamic theorists "have no easy task: on the one hand, because of their secular views on religion, they are considered westernized and incompetent to talk about Islam, and on the other hand, because of their adherence to Islamic values and what the Holy Book prescribes, liberals often describe them as those who by performing mental acrobatics in the interpretation of the Qur'an, want to achieve apparent compatibility and thus apologize in the name of Islam" (43)

The book *Islam and Human Rights* is a multifaceted, interesting, topical and useful read that opens up new

perspectives for looking at the concept of human rights within different traditions. The author, who formally no longer has a higher theological education, has shown good knowledge and elaboration of this very complex issue, which is often a source of tension on a global level. Therefore, the author deserves praise, especially for the useful confrontation of two different intellectual, spiritual and moral traditions that are condemned to a certain relationship in the world of globalization, and the author strongly advocates that it be a relationship of dialogue and cooperation. Therefore, "this book advocates interpretation, contextual reading of the Qur'an and *ijtihad* in order to assert that neither the Qur'an nor Islam contradicts the idea of universal human rights" (24). In this desire, she relies on progressive Islamic thought, while she is aware, as she says, that this version of Islam is not normative, dominant Islam. "Normative Islam is what Islam is through what the major legal schools prescribe, and progressive authors describe Islam as it should be, but it can also be the Islam I ultimately aspire to. I do this painfully aware that I could not write this kind of work in one of the Islamic countries without being labelled as a heretic or an infidel. However, I did not approach the work from theological aspirations, but from political-theoretical ones, in the desire to point out that in the Islamic moral tradition there is a stronghold that reflects the message of the equality of all, thus reconciling the two moral traditions to which I belong" (325).

The set methodological framework serves well the desired goal of the work, but at the same time it is also limiting for the wider inclusion of the central stream of Islamic thought and the expansion of the discussion. The author admits that she did it consciously and that she had no ambitions of a theological nature. The paper emphasizes the scepticism towards the interpretation of those hadiths used by revivalists to support their views on points of tension in the area of human rights. Claims that *Shari'ah* has not changed since the ninth century are questionable, and the repeated emphasis on free interpretation (faith is interpretation) represents a provocative challenge to orthodox Islamic thought. Admittedly, the author sees the reason for this in the absence of a central religious authority, which makes every interpretation equally valid (24-25).

Some of the authors who are labelled as actors of progressive Islamic thought, rightly or wrongly, in the central legal and theological Islamic opinion are rather perceived as actors of "dissident opinion" rather than progressive.

However, some of the issues indicated in the book are certainly relevant and contemporary Islamic normative thinking will have to deal with them devotedly. Does *Shari'ah* primarily protect the welfare and rights of the community rather than the welfare and rights of the individual? Does the claim stand that only those who believe in what is advocated, believed and practiced by the dominant current in Islamic jurisprudence (20) have the right to freedom of belief, and only Muslims who follow the version of *Shari'ah* implemented by the state in which they live have the right to freedom of expression? If human rights in Islam are universal, given by God to all people regardless of differences between them, how do some interpretations divide humanity into Muslims and non-Muslims, treating one as human and the other as "beings of the second order" (66)? What is the answer to the statement: "To claim that human rights in Islam are universal (that they rest on the equality of all) implies that non-Muslims, infidels, polytheists and women have the same rights as Muslim men" (323)? Muslim authors claim that God created people equal, does this mean that "it is up to the Muslims themselves to interpret and confirm that equality (326)?" In what way " *Shari'ah* must once again be the subject of re-examination, interpretation and exegesis in the internal discourse among Muslims, and with new interpretations the universality of human rights in Islam should be established and confirmed - rights that rest on the equality of all, regardless of the differences between them" (320)? What is the response of the ulama to the methodological approaches to reading the Qur'an according to which some find parts of the Qur'an that support modern principles of human rights, while others find other parts that contradict them, often interpretations of the same verse have resulted in conflicting views that both support and violate modern principle of human rights (320)? How serious is the claim about the inability of Muslims to agree among themselves what Islam is and who determines it, from which incompatibilists draw the conclusion about the

impossibility of Muslims agreeing with the rest of the world (52)? The absence of a central religious authority is emphasized in several places in the book as a problem and a stumbling block, which is why the author points out that "I allowed myself the freedom to treat the Islam of progressive Islamic authors as a normative, dominant Islam, even though it is not" (32), maintaining that Islam is of progressive Islamic thinkers more appropriate and reasonable for dialogue on human rights.

Also, the actors of the liberal understanding of human rights owe answers to how it is possible to talk about universal human rights if religious and cultural differences and values are not preserved from ridicule and insults, and their religion is equated with terrorism (255)? "If the right to freedom of speech is absolute, then no one can be privileged, but since it is not, then those who cherish different values from us should be treated with equal respect, even if their values are in conflict with our values. In such examples, two human rights seem to be in conflict: the right to express our own opinion and the right not to be victims of prejudice. However, either we are all protected from prejudice, or no one is, the idea of equality for all implies equal respect for the dignity of others" (259). It is not wise to ignore the Islamic objection to the Universal Declaration that it is not culturally neutral and independent of the tradition on which it was founded, which calls into question "the universal applicability of those rights, holding that their normative character is valid only for those societies on whose values they were created" (69). If it has a universalist nature, "the freedoms and rights it guarantees should be open to questioning and dialogue" (325). A dialogue conducted according to the pre-set rules and standards of one side is not a dialogue, but a "monologue that rushes into cultural imperialism" (43).

The book *Islam and Human Rights* is a genuine intellectual and theoretical challenge for Islamic legal thought (*fiqh*), but not only for it. Ajla Čustović made a brave step forward and we hope that her book will be an incentive for other authors, especially Muslim authors, to see the concept of human rights in Islam in the context of their universality and benefit for everyone. If Muhammad, peace be upon him, is a mercy to the worlds, then the Islamic concept of human rights must be a mercy to all because they are human beings and a

unique creation of God. But not only on the verbal level, but also in practice.

The author in a special way deserves recognition for the effort put in and the fact that, among so many other topics and considering the environment in which she lives, she chose human rights in Islam as the subject of her research and tried to expose their universal nature. The topic is not only not popular and easy, but it is also significantly taboo both in the East and in the West for completely different reasons. It is especially worth pointing out that this is the first author's book in South Slavic languages that tries theoretically and methodologically, and it does so very successfully, to set a framework for understanding Islam and human rights from the perspective of modernity.



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