

# HUMAN RIGHTS AND RESPONSIBILITIES

*We...offer a preliminary formal definition of positive human rights. Human rights are the legally codified recognition of the freedoms that must be allowed and the resources which must be protected for each person in the society, which are to be arrived at by a just adjudication of competing legitimate claims in recognition of the independent responsibility and authority of human persons to pursue their callings.*

**Paul Marshall<sup>1</sup>**

*The vision of the new [OIC] Charter gives pronounced importance to, and acknowledges the universality of human rights. Not only does it “sanctify” these rights,...[but] it espouses and totally endorses diversity. In the same vein, it exalts tolerance, compassion, equality, and actively promotes dialogue among civilizations to ensure the prevalence of peace, security and concord among all nations.*

*Islam is built on the premise that relations between humans can only be governed by virtue of the balanced principles of*

*strict equality (first in the history of humanity), and justice and fairness which abhors fanaticism and extremism.*

**Ekmeleddin Ihsanoglu, Secretary General, OIC<sup>2</sup>**

*Injustice anywhere is a threat to justice everywhere. We are caught in an inescapable network of mutuality, tied in a single garment of destiny. Whatever affects one directly, affects all indirectly.*

**Martin Luther King, Jr.<sup>3</sup>**

*Muslims need to acknowledge universal human rights as a natural progression of their faith in the twenty-first century, that religious dissent, sectarian tolerance and interfaith harmony are crucial to survival in the twenty-first century. Not only is it important to stress these messages repeatedly, it is essential to do so with clarity and force, as the messages often become diluted in the quagmire of anger, recrimination and mistrust.*

**Farzana Hassan<sup>4</sup>**

*This... catalog of [human] inequities and atrocities is a big part of the historical burden that now weighs heavily on our conscience. We cannot undo the past, but we can repent of what has happened and is still going on. By God's grace and in obedience to His Word, we can resolve to faithfully honour, protect, restore and promote human rights within our own circles and in the world around us whenever possible.*

**Gordon Spykman<sup>5</sup>**

**▲ KUYPERIAN PERSPECTIVES (MOSTLY)** —————

Almost any discourse about human rights in the so-called Middle East immediately engages Islam in the discussion as if that were the only force shaping developments in that part of the world. In her book, *Islam and Human Rights*, Ann Elizabeth Mayer of the University of Pennsylvania, rejects that approach. On the first page of her Preface, she wrote, "I see Islam as only one factor in the reception of human rights in the Middle East."<sup>6</sup> The same can be said about the Northern Nigerian situation. There, too, various factors have combined to produce the current complex human rights scene, not all of which come from Islam. Though the North always had contact with the wider world, especially the Muslim world, colonialism has brought other parts of the world to its doorstep that have also influenced its human rights culture. It may all be Muslim, but it is not all Islamic.

Lamin Sanneh and Gordon Spykman, along with his fellow Kuyperians, both agree with the Muslim view on the need for *religious* grounding of human rights in distinction from that of secular humanism. "Muslim integrist," Sanneh wrote, "are *correct* that rights without God are meaningless, but *mistaken* to require a religious state for that." Without God such rights have no basis anywhere. They must be grounded "in a faith that fosters the twin culture of rights and obligations, of freedom and community." These rights need to be "insulated from the tyranny of numbers by being grounded in faith in the divine right of personhood...."<sup>7</sup> The German theologian Emil Brunner, writing about the awareness required for a culture of human rights, said that "this awareness can only grow on religious grounds."<sup>8</sup> Hebden Taylor, a Kuyperian Anglican clergyman and legal philosopher whom we already met in Volume 5, wrote that the legal system must be "based on our faith in God's sovereignty

over the whole of human life and in God's Word written in the Scriptures....” Interpreting Dooyeweerd, he wrote, “A truly Christian theory of law and society...must be based on a renewed Biblical religious insight into the divinely established structural principles of human society.”<sup>9</sup> Spykman wrote, “Divine imperative alone constitutes the firm foundation for the implementation of human rights.” “The Biblical view of man, grounded in the creation order, is the divine standard for weighing these and other human rights issues.”<sup>10</sup> Just a few lines further down you will hear more from him. Similarly, Paul Marshall, another Kuyperian, insisted “that our discussion of rights must be Biblical.”<sup>11</sup> That is the constant refrain in this tradition.

I agree with these writers and for this reason understand the call of Muhammad Hassan Tom, who, in the Nigerian context, wrote, “It is especially important that Muslims and non-Muslims alike be enlightened about the Islamic provisions for human rights. One reason is that genuine seekers of human rights for all have tried virtually all options—except Islam, which has been buried in near anonymity and at best presented in unpalatable perspective.” The same complaint would hold for the Christian perspective, for Christians throughout the world have been too wound up with secularism. In Nigeria it cannot be said that Christians have struggled to develop a Christian human rights perspective. They simply buy into imported secular varieties,<sup>12</sup> with a Christian veneer.

*So, yes, if Nigeria is going to develop a human rights regime, it should contain Christian and Muslim components. Both should work on that separately and jointly. Muslims should become aware of their Islamic provisions and Christians should develop theirs. Both should bring their own into the joint hopper of human rights provisions and with the utmost of goodwill and good faith together hammer out a national approach they can both live with.*

In his Muslim context it is only to be expected that Tom should claim that the sharia is the ultimate human rights model and that we need to look no further, but just “awaken to them, exercise and enjoy them to their God-blest fullest.”<sup>13</sup> Abul Mawdudi wrote that it is really a matter “of law-finding, not of law-making,”<sup>14</sup> a concept similar to the Kuyperian theory of creation ordinances and structures within which human rights need to operate.

At this point I am going to treat you to a little more about Kuyperian human rights. First a couple of generalities or, rather, warnings offered by Paul Marshall. He begins an article about rights and social welfare with a warning that in the US, a country labeled the “land of rights,” there is an “obsession with litigation” that is encouraged by its “infestation of lawyers.” The area of rights has become a fertile garden for the vested interests of lawyers. While we encourage the development of human and other rights, we must ensure that we do not allow that “most learned” profession to run away with it and turn it into a negative experience for us.

Marshall’s second warning is that talk of rights usually keeps the notion of responsibility at arm’s length. He writes of “its silence with respect to personal, civic, and collective responsibilities.” “Rights are usually understood as *guarantees* that must be fulfilled, regardless of the responsibility of the right bearer.” In certain contexts “a rights infatuation can ignore and erode responsibility.” In

short, in many human rights cultures there is a “responsibility crisis,” or, as I prefer to put it, a “responsibility deficit.” The third and final warning is that human rights issues are often—Marshall says “always”—“asserted in a tone of contention” and as a result they “have hobbled American politics and poisoned social relations.”<sup>15</sup>

*I suspect that many Nigerians will admit that these warnings are apropos for our Nigerian situation as well. Let us therefore heed them and ensure that as we hammer out our own human rights regime between Christians and Muslims, we do not allow it to deteriorate to that level. To prevent that, we must allow the underlying Christian and Muslim perspectives guide us as we navigate the rocky waters.*

I draw your attention to a study guide by Gordon Spykman, enough to make you curious and pursue it on your own, but not enough to give you a full perspective.<sup>16</sup> I begin with a few basic Spykman statements and quotations. He explained how difficult it is for the human race to understand, let alone practise, human rights: “With our fall into sin..., we broke the perfect pattern that God gave us for healthy human relationships. One devastating testimony to our fallen nature is the horrifying record of human rights violations.” “The Bible never speaks explicitly about human rights in modern terms, yet on page after page we find fundamental principles for sound relationships among individuals and nations.” A longer quote:

*The Biblical view on human rights goes far beyond the appeal of humanists to “the brotherhood and sisterhood of humanity.” Such slogans are based on a low-level, “horizontal” view of life. Scripture points instead to a higher responsibility, an obligation that surpasses the boundaries of human relationships and looks for a deeper meaning.*

*God's will is our law for life. Being a creature means being a servant of God (Psalm 119:91). We are under obligation to God for others. These "others" include even our enemies (Matthew 5:47-48). No one can escape this obligation to others....*

*Being faithful to Scripture therefore means deepening our sensitivity to the three-dimensional perspective that shapes every rightful relationship in life: (1) the rightful claims of **others** upon us; (2) **our** rightful claims upon them; (3) [these] are all subservient to **God's** comprehensive claim upon us all.*

*This perspective, built into creation, reveals what it means for us to be imagers of God.<sup>17</sup> It shows us how we are to go about imaging our Maker in the way we practice human rights. Thus, we see that our rights and responsibilities, our freedoms and duties, go hand in hand. All human beings have an original right (and responsibility) to be imagers of God, to obey His word, and to be His servants, called to His work. All have the right (and responsibility) to enjoy the resources of His creation and to act as stewards of the creation.*

These human rights, explained Spykman, are not based on charity, human goodness, merits or guilt. Instead, they are "part of the very fabric of creation;" they are based on the creation order or creation ordinances.<sup>18</sup> "The Biblical doctrine of creation continues to serve as the standard framework for understanding our calling to practice human rights. Rights and responsibilities are a part of who and what God created us to be. We are not in command of these duties, but we are subject to them in carrying out the cultural mandate." *They apply to both individuals and communities. "All human beings are created in the image of God. We must respect them and seek justice and righteousness for them because they bear God's image—not because of the colour of their skin...or their religious convictions...."* "We do justice to human rights by recognizing the

life relationships that God has ordained: husbands and wives, parents and children..., governors and citizens, teachers and students, employers and employees. Only as we live faithfully within these life relationships and seek to restore the created order can human rights function as a blessing for everyone.” As James Skillen of the Washington-based Association for Public Justice put it some years ago, “The key to a revival of Christian social and political life today must be a revived understanding of God’s ordinances—God’s normative will for all of life....”<sup>19</sup>

Spykman makes two important points here. First, “the meaning of the term ‘human rights’ is different today from what it was a century ago. It differs also from community to community, from church to church..., from one part of the world to another.” That is important for Christian-Muslim relations. Even among Christians a variety of views on the subject holds sway. There are so many local factors that influence these opinions, a point also emphasized repeatedly with respect to Muslims by Mohamad Rachid in his lectures at Simon Fraser University in Vancouver. *When it comes to Muslims, our respective views of human rights are definitely different, something that we must take into consideration in our negotiations. We must be careful to respect each other’s views and not wish the differences away—another parameter.*<sup>20</sup>

In discussing the UN Declaration of Human Rights, Spykman claims that it “is shaped by a secular-humanist mindset” and that it “is thoroughly human-centered.” However, there are also traces of other religions and worldviews blended into it. In spite of its blended nature, Spykman agrees that its category of rights must be recognized and protected, for “it is better than the theory behind it.”<sup>21</sup> So, at least from this Kuyperian perspective, the possibility of divergent perspectives to arrive at an agreed set of human rights is not out of the question. It should be possible for Nigerian Christians and Muslims to come to an agreed formula. That is hopeful.

Another Kuyperian document is a report entitled *RES Testimony on Human Rights*, published by REC in 1983.<sup>22</sup> A valuable feature of this report is its critical Kuyperian treatment of the human rights perspectives of a wide range of Christian traditions, including that of the Roman Catholics and WCC.<sup>23</sup> In distinction from the 1990 study guide, this report presents a set of recommendations that constitutes Appendix 88. Though this document is 25 years old and many things have changed in the world, the Kuyperian perspective that informs it is sufficiently broad for it to remain useful and meaningful today. I include a few of the most pertinent recommendations here and strongly urge a careful study of the entire set. The purpose of such study would include appropriating those most fitting for the Nigerian situation, especially by the Nigerian REC members,<sup>24</sup> including them in the Christian platform in negotiations with Muslims and, of course, for your own and your denominational action.

The opening statement affirms that these recommendations all emerge from the Kuyperian Biblical perspective of the document. That foundation constitutes their base and validates them. The parenthesized references show you where to locate them in the original and in Appendix 88 (a) “We affirm...the universal legitimacy of human rights as the God-given freedom and responsibility of all people...in our various life-relationships and within the several spheres of societal life.” (b) “We gladly accept the Biblical claim which rests upon us to protect, promote, and practice human rights as an urgently important way to deal justly with our fellowmen and to pursue righteousness and peace in a broken world.” (c) [Not exact wording] A confession of guilt on the part of the members for participation in oppression and for being slow to intervene. (d) “We openly denounce every assault upon public justice and we commit ourselves openly to work with renewed dedication for a fuller realization of the following manifestations of human rights”—and then follows a list of twelve human rights

with a brief summary about each. Two of them touch directly upon religion and are therefore treated under “Religious freedom.” (e) “We reaffirm our commitment to the task of the church in its preaching, teaching, pastoral, deaconal and fellowshiping ministries to be a vital and vigorous advocate and practitioner of a Biblical view of human rights....” (f) “In our world badly polarized by individualist and collectivist [communalist] ideologies, we advocate a Biblically-directed pluralist view of societal relationships as an authentic alternative to the adversarial situations...” around us.<sup>25</sup> (j) “We urge our member churches to take full advantage of this Testimony..., especially in the educational task and public responsibility of the church in the world.”

Paul Marshall further explains the above reference to communal rights. “God gives responsibility and authority to more than just persons.” They are more than just rights of individual persons. “In principle we can speak of the rights of families, of marriage, of churches, of states, of animals, and *perhaps* also of inanimate things, as all of these have their particular place, claim and authority in the world that God has made.” In principle, he explained, the rights of all of these could be discussed, but he unfortunately chose to concentrate where everyone else does, namely, on *human* rights.<sup>26</sup> If he seems to twiddle a bit when it comes to non-human rights, he insists that rights are not just individualistic but also communal. Communities also have rights and he bemoans the fact that in his own “land of rights,” discussions of rights are routinely individualistic. Such discussions generally ignore, “override” or trump “communal solidarity.” “A right is always a *relationship between more than one* and so cannot be *inherent* within one.” Even communities are usually regarded as “collections of individuals and communal relations as intercourse between right-bearing individuals.” Discussions are marked by “hyper-individualism.” This trait “works to the detriment of recognizing and reinforcing the multiple communal relations in which

people live.” In short, the rights culture often pays “excessive homage to individual independence and self sufficiency and concentrates on the individual and the state at the expense of the intermediate groups of civil society.”<sup>27</sup>

Islam agrees to this wide scope of rights. Abdulkadir Orire, discussing the range of sharia and rights, gave very wide scope to them and included “the rights of creatures and objects.”<sup>28</sup> Since, as we have seen above, according to Kuyperian thought, God’s law is all-embracing, *every created being or thing, animate or inanimate, is subject to divine law*. “Law is the boundary line dividing God from the cosmos. God is above law; everything else is subject to law.” Taylor explained,

*Dooyeweerd [the doyen of Kuyperian philosophy] does not conceive of the notion of law in a purely juridical or moral sense. God’s laws are not confined to the Decalogue. They must be seen primarily as universal ordinances...encompassing creation in all its aspects as constant structural principles making possible individual things and events. Their...character is guaranteed by the fact that they are not founded in the subjective consciousness, but are created by God.*<sup>29</sup>

Muslims say the same thing when they insist that sharia covers even natural law and that therefore everyone is automatically under sharia already, whether he knows it or not.

*I have two reasons for alluding to this aspect of the rights question. The first is to indicate that it goes beyond the individual not only but also beyond the human community. It covers all of creation. It is thus once again that wholistic perspective. The second is to indicate an important commonality between Kuyperianism and Islam. Since we share perspectives on both law and human rights, it may be easier to come to some practical common rights enhancement programme with a wholistic thrust. That is to say, one that could*

*include animal and ecological rights concerns as well as human rights. After all, harmony is achieved only when all of creation is in sync with itself.*

Marshall stated that we “find the authority of the person by understanding our place in God’s creation. God has placed us to love Him, our neighbours and ourselves” and “to steward the earth,” to serve as His vicegerent, a term used by both religions or, as Muslims put it, to be His “*Khalifa*.” “This is what we are made for; this is what we are fitted for. We all are called, both Christian and non-Christian, to live out every dimension of our lives in joyful obedience to God.” We all have the “right to be a servant of God,” obligation even. We have the right to do what God calls us to do and live as His imagers. “Hence, the political order must be one in which men and women can express themselves as God’s imagers....”

That said, Marshall indicates how this translates into rights. In short, everything that inhibits us from fulfilling our image function, our service to God and man, is unjust, for we have both the obligation and the right to image Him in all our doings. It is the calling of the state to protect the calling of its citizens and the space to exercise it.<sup>30</sup>

There is the issue of conflicting rights. They often conflict—with Marshall saying that they *always* do. The exercise of my rights often conflicts with the lives and rights of others. My claim to property may affect your right to shelter. My claim to government resource will reduce the share available for other rightful claims. Because of that, we must realize that human rights are not “invariant.”

*Rather, they are specific, varied, legitimate claims for protection which must all be addressed simultaneously. Governments are faced at one and the same time with claims for access to food and shelter by some, with claims for the means of education by others, with claims not to be interfered with by others. None of these claims is illegitimate, so none*

*can be dismissed. None of these claims is invariant and contextless, for each claim always affects the treatment of other such legitimate claims. In addition, the very limits of the resources and powers of government means that all possible claims cannot be met simultaneously.*

*In this situation, the calling of government is to use its power in a just and equitable way....to protect the freedom and...access to the resources required for each person, community or organization to fulfill its God-given calling and responsibility, and to prevent the oppression of one by another. Justice points to the manner and means of weighing and simultaneously meeting different rights....*

Marshall then introduces the very important question about the relationship of these human rights to positive law, that is to say, to the body of laws approved by government. Because of the limits of the government's ability to meet all legitimate claims and to make choices and compromises among competing claims, the most fundamental rights should be encoded in the constitution, while the other [secondary?] laws should define and limit how the government actually meets the competing claims. Such [secondary?] rights, "created by the body of citizens, provide a public legal expression of and foundation for citizens' mutual respect for one another's rights." Based on the foregoing, Marshall presents this *definition of positive [secondary, derived] human rights*:

"Human rights are the legally codified recognition of the freedom which must be allowed and the resources which must be protected for each person in the society, which are to be arrived at by a just adjudication of competing legitimate claims in recognition of the independent responsibility and authority of human persons to pursue their calling."

Marshall offers the above as an initial framework for rights, while he recognizes that this is only the beginning and neither answers all questions nor solves all problems. It is his attempt to determine a connection between the basic task of the human race as steward of creation and as imager of God, as vicegerent, trustee, *khalifa*. *Kuyperians, Sanneh and Muslims all agree that our political life is to flow out of our religion. If that is to be accomplished “we must ensure that even our basic political categories, such as rights, are reformed in the light of God’s Word.” He offers this framework as a “tentative” first step on basis of the Christian religion.*<sup>31</sup> *I pass the same on to Nigerians, both Christian and Muslim, for consideration.*

In closing this section, allow me to quote the following from Bert Witvoet, former Kuyperian editor of *Christian Courier*: “Multiculturalism as a way of showing respect for diversity can be a healthy practice..., *provided* we evaluate each culture honestly, including our own, using such standards as freedom of speech, freedom of religion, respect for life, public modesty, human dignity, interpersonal respect, freedom from violence, and equality of opportunity. When a culture lacks any of these standards, it deserves to be critiqued.”<sup>32</sup> Really, can anyone find fault with that? Or dismiss it as an expression of Western ethnocentrism? Multiculturalism is here to stay, like it or not. Human rights cannot forever be suppressed. Even Saudi Arabia and other closed Muslim countries will have to face it sooner or later. In fact, the process seems to have begun.<sup>33</sup> As to standards, you can’t do much better than these. People need room to breathe. That’s what human rights are all about.

### ▲ ISLAM AND ORGANISATION OF ISLAMIC CONFERENCE (OIC) \_\_\_\_\_

I began the Christian section above with the insistence on the religious grounding of human rights. Again, there is a parallel with

Islam. The OIC Dakar Communique states, “The Conference, by recalling the prominent place of Man in Islam as Allah’s vicegerent on earth and hence the paramount importance attached by Muslim thought to the promotion of human rights” [par. 112].

Before going into some aspects of Islamic human rights, I want to address the constant refrain by Muslims that they are the world’s original human rights advocates. For some reason, it is important for them to point out that their human rights preceded those of the West.<sup>34</sup> Then they go on to tell some arcane ancient stories illustrating various random acts of Muslim kindness to Christians. Mohamad Rachid fits the pattern. In a terse skeletal outline of his lecture on human rights he asks, “Are human rights a Western invention?” After listing various Western human rights milestone documents, he states “Islam introduced many rights centuries before the West did.” He buttresses it with some examples that “the West” would consider trivial, namely about eating pork and drinking alcohol. He also mentions Islam’s early attempts at emancipating slaves. But Karl Kumm, the founder of the mission under whose umbrella I worked in Nigeria, described horrible slavery atrocities by Muslims in the 20th century that he personally witnessed. With my own eyes I saw the shack “houses” of slaves in the shadow of their masters’ mansions right along the open sand streets of Nouakchott, capital of Mauritania, during the 21st century.<sup>35</sup> Rachid interprets all this as Muslim distortions of Islam as Christians interpret Western slavery as a distortion of Christianity. As the Dutch jurist Verkouteren put it a century ago, when religious people are involved in injustice, it needs to be proven that the injustice is the natural result of the religion, before blame it on the religion. He then recounts some atrocities committed in the past by Christians. Those Christians, he insisted, have not *applied* Christian principles so much as *betrayed* them. It takes a long time for Christianity to cleanse a society. Even in his long-Christianized Netherlands the struggle between Christianity and Paganism is still

waging.<sup>36</sup> Both religions face that same struggle; there is always that disconnect between religion and practice. *It would be so much better if both humbly acknowledged this disconnect within themselves before they cast stones at the other.*

My reaction to all that is: so what? OK, so you were there long before the West. But if we are having a race between the three “people of the book,” then the trophy goes to the Jews hands down with their Old Testament (OT) that is full of human rights and sharia-like materials centuries before anyone ever conceived of Islam. Christians appropriated the OT 600 years before Islam. What is more important to me and, I dare say, to Nigeria, is their *current* human rights record—and that, to put it mildly, leaves something to be desired! Besides, even if Muslims preceded the West in human rights, they seized up and froze their position, while the West developed theirs in a dynamic way far beyond the traditional Muslim practice. In fact, the Muslim practice now looks arcane, almost amusingly so if it were not so serious for those living under Muslim persecution.

The most authoritative recent Muslim statements on human rights have come out of the OIC. Remember that supposedly neutral organization that hardly practices religion?!<sup>37</sup> If you google it and study the various entries, you will soon realize that it is an intensely religious organization with, of course, a strongly wholistic bent and with religion, politics and economics going hand in hand. There is a huge disconnect between the human rights practice on the ground in almost all Muslim countries and the lofty statements of OIC. In answer to a question of mine during one of his lectures, Mohamad Rachid explained that, with respect to human rights, the OIC is mostly a propaganda machine—my own words—for the governments of the member countries. But let me be charitable and regard the OIC an *avant garde* human rights advocate that tries to pull its members forward, even though the 2008 public Dakar documents are abso-

lutely and amazingly silent about the rough treatment Christians receive in Muslim countries, especially today.

To get a full picture of Muslim human rights viewed through OIC eyes, I urge you to google “Organisation of Islamic Conference” and read the numerous sites dedicated to it to your heart’s content. In this section, I restrict myself to some documents of the 2008 Dakar conference found in the Bibliography, along with that important speech delivered by Ekmeleddin Ihsanoglu, It is not possible even to summarize all that is said in these Dakar documents about human rights. I encourage you to read the appropriate paragraphs in these documents<sup>38</sup> to interpret them for yourself. Also be sure to read the extensive comments on human rights found in Ihsanoglu’s 2008 lecture (Appendix 91). You will find that, apart from issues about free speech, Islamophobia and defamation, these documents are strong on human rights. In contrast to many Nigerian Muslim writers, these OIC statements strongly identify with the UN’s and other global human rights standards. OIC promises co-operation with and support of these rights. Again, in strong contrast to much of the Nigerian scene, Ihsanoglu indicates a surprisingly strong pro-US bias, in spite of the US disapproval of the OIC speech-muzzling campaign as dealt with below.

The 2008 Dakar Declaration and the 52-page Dakar Communique contain many paragraphs on human rights that sound great. The Dakar Declaration reads: “We therefore set great store by human rights and good governance so that our respective countries would uphold them continuously as essential factors of human progress and prosperity.”<sup>39</sup> Various articles in the Communique also indicate how important OIC considers the issue of human rights. It wants to set up an entire human rights regime within itself. It also appears they want to co-operate with “other international human rights organizations...to verify human rights conditions....” It appears not fully satisfied with the state of

human rights within the global *ummah* and is therefore planning to draw up an “Islamic Covenant on Human Rights” and even a “Covenant on Women’s Rights in Islam.” They intend to promote the Islamic perspective on human rights within the halls of the UN, an intention one cannot fault; the West very intentionally promotes theirs all the time.<sup>40</sup> That’s pluralism for you—the goose and the gander.

Nigerian Muslims frequently write about human rights in a positive spirit. You may remember the 14-point list of rights advocated by the Islamic Democratic Progressive Party in the South-West.<sup>41</sup> There is Muhammad Hassan Tom, who wants everyone to be enlightened on the subject, especially that the sharia is the ultimate model. The good thing is that you don’t even need to seek it: “Considering what God has already given, mankind does not even need to look for any rights. We just have to awaken to them, exercise and enjoy them to their God-blest fullest.”<sup>42</sup> K. A. Balogun long ago wanted Christians and Muslims to work together on human rights, “fuse their knowledge” and together fight for human rights. Ibrahim Sulaiman weighed in positively as well. Kano State Governor Ibrahim Shekarau found that the ideals of democracy such as “the rule of law, mutual consultation and the safeguarding of human rights are not far from the teachings of the sharia. In fact, they are at the core of its philosophy.” It appears that the larger Muslim *ummah* sees things in a broader light. Yes, democracy, but within the parameters of sharia and without secularism. Once you move away from the militant community, Muslims in general have a deep interest in human rights.<sup>43</sup>

A major Muslim argument has been that it goes against their human right to be subjected to Common Law. This goes back to pre-independence days with the colonial government defending the status quo with the typical myth of the neutrality of their secular system. Hence, Suleiman Kumo encouraged a people who had their rights trampled upon far too long to assert themselves to

regain these rights by struggling for the renewed sharia with “one loud, clear, orderly and un-ambivalent voice....”<sup>44</sup>

*Most Muslims will agree with this, but what of us Christians? Should we support this struggle? Perhaps it is still too early for you to answer this question. Aspects of this issue are discussed throughout these chapters. You may need to read further before you answer the question, but do keep it in mind as you read on.*

But having said that, we need also to be aware of nuances and differences of opinion among *Muslims* on the subject. There is little rubber stamping. Sanusi and a whole lot of Muslims are critical of Western arrogance towards Muslim human rights and of their attempt to impose their own variety on the rest of the world. Since arrogance makes dialogue difficult, Nigerian Christians have to consciously avoid that kind of attitude and be more appreciative of Muslim approaches.<sup>45</sup> Ali Ahmad fully supports human rights but the new sharia has raised the “need to *guarantee* protection of human rights of *all* citizens, as well as to ensure religious neutrality of the ever-intrusive nation state.” Though favouring both sharia and human rights, he recognizes that the Zamfara type sharia represents a threat to those rights.<sup>46</sup> There is also quite a difference of opinion with respect to “international”—basically meaning Western—human rights conventions and declarations, including that of the UN. The OIC stance is ambiguous. On the one hand, it expresses strong support for them; on the other, it is trying to undermine at least aspects of it. Quite a few Nigerians regard UN declarations as just more expressions of the same tired Western secularism and haughtiness. They sound quite prepared to dump them in favour of more Muslim-compliant provisions with respect to freedom of speech concerning religion.<sup>47</sup> Besides, argues Ibrahim Ado-Kurawa, “Westerners only pretend to care for the human rights of others. History has shown that they are the most

brutal of human beings, whenever there is a clash of interest,” an allegation he supported with comments allegedly made by Samuel Huntington in an interview with the *Observer*, a British newspaper.<sup>48</sup> Then there are those who insist that a kind of utopia be established where all the right socio-economic conditions are put in place *before* the new sharia becomes official. In other words, sharia overhaul is to be preceded with total social overhaul.<sup>49</sup> So, considerable variety of opinions; no cookie-cutter scene.

*When Christians face Muslims in the national dialogue, they need to be aware of this fluid situation and know how to deal with it in a constructive manner. Above all, they must resist the temptation to exploit it as a divide-and-conquer tool. Muslims have to make up their minds about just what face to present during this dialogue. That could be a very daunting decision to make. Charity, clarity and a reasonable degree of unanimity on both sides are required and both should be given the time and encouragement to develop them.*

## ▲ RIGHTS, COMMUNITY AND CULTURE —————

I want to remind you once again that the worldview, religious and political issues discussed in previous chapters have a bearing on all these subjects. You need to be familiar with them in order to understand the drift of this and succeeding chapters. I also remind you of the goose and gander equation, for it too will play a prominent role here.

John Witte Jr., a Kuyperian scholar at Emory State University in Atlanta, USA, has long busied himself with human rights and other legal issues. He re-iterated an important principle we have heard before along the way. He regards it as an “elementary, but essential, point that human rights norms need a human rights culture to be effective. Declarations are not deeds. A form of words by

itself secures nothing. Words pregnant with meaning in one culture may be entirely barren in another. Human rights are not artifacts to be imported wholly formed from abroad; they must be sown and grown in local cultural and constitutional soils and souls.” I encourage every reader to read in its entirety Witte’s lecture delivered in Ottawa.<sup>50</sup> Secular Muslims and Christians need to heed Witte’s point. You cannot simply apply these rights to a culture where they are foreign. Remember as well the compilation edited by Syed Khalik Rashid, in which several Muslim writers keep returning to the problem of Common Law as a repugnant foreign element in Northern Nigerian culture that the people neither understood nor felt comfortable with. These writers insisted on the need for “legal education [that] should be in harmony with social realities in a country.”<sup>51</sup> This is a very important principle that has been ignored wholesale by everyone. Colonialists ignored it when they imposed secular law on Muslims. Nigerian Muslims ignore it when they impose sharia on others. Nigerian Christians ignore it when, in their struggle against sharia, they want to continue the colonial imposition. Remember the goose-gander equation. What is good for the one is good for the other; same with what is bad.... For the most part, Christians rightly object to having sharia imposed on them, for it does not fit them.<sup>52</sup> But we Christians must understand the opposite to be true for Muslims as well. Common Law does not suit Muslim culture either. I would like to hear the reply, “Of course.” *Unfortunately*, it is not “of course.” Both sides tend to see only their own perspective and are all too ready to impose it on the other. Both sides accuse the other of imposition while they practice it themselves! *Fortunately*, moderate adherents on both sides also recognize many of the same human rights. That is a crucial point where the human rights discussion could make a fruitful start. Remember Spykman’s hopeful conclusion that divergent worldviews have been able to produce mutually agreed upon human rights declarations. If that was possible in the

UN, why not in Nigeria, where we have much more of culture and traditional worldview in common than does the UN crowd?

Another insight Witte offers is that the contemporary international human rights regime is not neutral. You would expect that from a Kuyperian, of course, since they regard most neutrality claims as mere secular myths. Western human rights in reality are the joint product of Christianity and its rebellious offspring, the Enlightenment:

*The modern human rights movement was...born out of desperation in the aftermath of World War II. It was an attempt to find a world faith to fill a spiritual void. It was an attempt to harvest from the traditions of Christianity and the Enlightenment the rudimentary elements of a new faith and a new law that would unite a badly broken world order. The proud claims of Article I of the 1948 Universal Declaration of Human Rights — “That all men are born free and equal in rights and dignity [and] are endowed with reason and conscience” — expounded the primitive truths of Christianity and the Enlightenment with little basis in post-[Second World] War world reality.<sup>53</sup>*

Muslims have recognized this all along, but most Nigerian Christians have been taken in by the secular myth of neutrality. It is important that we Christians realize our mistake here and not expect Muslims to simply climb on our “neutral” band wagon as any “rational” people should. Why should they simply succumb to a Western Christian-Enlightenment regime without their equally valid and equally rational input?

To the contrary, not a few regard the modern human rights regime as a Western tool to re-colonialise the world. “Human rights are instruments of neo-colonization which the West uses to impose its values on the rest, even toxic compounds that are exported abroad to breed cultural conflict, social instability, reli-

gious warfare and thus dependence on the West.”<sup>54</sup> We have come across such viewpoints among Nigerian Muslims during the sharia days. Samuel Huntington wrote that “the concept of a universal civilization [of which contemporary human rights are part] helps justify Western cultural dominance of other societies...” “What Westerners herald as benign global integration..., non-Westerners denounce as nefarious Western imperialism.”<sup>55</sup> Many Nigerian Muslims would enthusiastically affirm this sentiment. We Christians need to heed this opinion and weigh it carefully before we naively seek to impose these human rights on the entire country as “neutral,” as culturally appropriate for all and not as a Western instrument of domination.

Musa Gaiya is one Nigerian Christian scholar who is sensitive towards the Muslim perspective in this regard.<sup>56</sup> He recognizes that the current human rights regime in Nigeria was imposed by the former colonialists and that no Nigerian signed for it. He also recognizes the spurious claims of the universal validity of Western human rights. Just aping the UN, Amnesty International and the like will not cut it among Muslims. You only end up with even greater hostility. What gives Christians the right to impose an alien regime on Muslims? We are doing the very thing to them we accuse them of doing to us—imposing an alien regime. Again, our secularism has led us astray. To both Christians and Muslims: Do unto others....

Witte goes on to warn that modern *human rights are irresponsible* in that they are shorn of human responsibility or obligations, a feature that I experience almost daily in my human rights paradise called Canada.<sup>57</sup> It is a feature to which I have drawn attention time and again. One-sided emphasis on rights without their corollary responsibilities protects perpetrators of crime and violence while it leaves peaceful citizens vulnerable. In the case of Nigeria, the failure to apprehend and punish perpetrators of violence is not due mainly to unilateral rights but to politics, corrup-

tion and fear on the part of governments. In fact, most of Nigeria's human rights problems are due to a failure to recognize, honour and apply them. But when Christians and Muslims finally get their heads together to discuss the future, they will have to be aware of the pressure from human rights groups towards their unilateral emphasis on rights and ignoring of obligations. Both Christians and Muslims have deep religious foundations for a more balanced human rights regime. Both should insist on that balance and reject the fashion of unilateralism.

*But above all, Christians and Muslims should fully recognize each other's rights and apply them. Failure to do that is a major problem between them in Nigeria.*

Another problem I have signaled frequently and that Witte also stresses is the extreme form of individualism that marks the human rights culture. Let us take his warning seriously, for such individualism is a foreign imposition that has no base in Nigerian traditional culture, Christianity or Islam.<sup>58</sup> But base or not, it has eaten deeply into the Nigerian community. The African Forum on Religion and Government (AFREG) apparently sees human rights in strict individualistic terms. In its Action Plan it devotes one single section to human rights and gives it the heading, "Individual Rights and Development in Africa." The lead paragraph reads: "Churches and individual Christians need to develop the capacity to organize themselves for involvement in the formulation and defense of laws that affect individual rights."<sup>59</sup> In these few words the term "individual (-ism)" appears three times. Not a word about communal rights. I do not believe this was a conscious choice after much philosophical or sociological debate about the traditional African, Christian and Muslim sense of community. They just used and even emphasized that terminology because that is what the secular human rights culture is all about. No real thought given to it.

For Christians and others to simply demand the imposition of such alien and individualistic human rights on the sharia scene is unfortunate ignorance and irresponsibility. This is a clear example of the need for developing a theoretical framework for governance and politics as AFREG itself expresses in the same document.

Once again it is the Christian Musa Gaiya who wants us Christians to understand the Muslim view of the issues as a background to their attitudes towards human rights, including religious freedom and conversion. Islam is not individualistic. He quotes the following from *The World of Islam*:<sup>60</sup> “The rights of the individual come second to the greater good of the Ummah.... Islamic thinking is far more concerned with the group, the family, community and society. Humans exist within an established social structure and it is difficult for a traditional Muslim to mentally pluck an individual out of that structure and ascribe rights to him or her which might conflict with those of the community to which they belong.”<sup>61</sup> Though he does not overtly criticize the collectivist tendency of Islam, Mohamad Rachid indicates that it does lead to problems. For example, it has “caused people to forego their rights and privileges for the benefits of society at large.” Also “this attitude has encouraged oppressive rulers” who “claimed to guard the interests of the people as a whole, while they [actually] violated the rights of most individuals.”<sup>62</sup>

Islam is not alone. I have earlier indicated that Kuyperians also reject individualism along with its correlative extreme of collectivism or communalism. Go to endnote 58. *Huntington reveals that individualism is basically a Western characteristic with collectivism prevailing everywhere else.*<sup>63</sup> That includes Nigeria. So, Islam is in good company here! Individualism is not natural. It only *seems* natural to Westerners who developed its philosophy over such a long period of time that to them it is the only common sense that counts! Among Western Christians, only the Kuyperian and the Catholic traditions consistently eschew both individu-

alism and communalism. Both regard a person as an individual in community.

But Islam, like much of the world, goes beyond the communal to the communalistic or collectivistic, where the individual is submerged into the community and has little or no individual status. It represents an absolutisation of the community, placing an important aspect of life in the centre. Understanding this communal(-istic) emphasis of Islam, we can perhaps better understand, with or without agreeing, Islam's resistance to individuals converting out of Islam or to allowing the virus of another religion to attack the entire community and thus undermine its very foundations. It is very similar to a dominant Old Testament perspective. Both tend towards prevention, to nipping a development in the bud before it blooms. That, I believe, is the explanation for the Islamic reaction to adultery, apostasy and conversion. They are viral attacks on the harmony of the community, poison pills that must be prevented from spreading and destroying the community.

We face some tough questions here. On the one hand, Christians insist on the freedom and the integrity of individual conscience that may not be violated by anyone, not even by government, church or community. On the other hand a question: Does a community have rights in distinction from individuals? I have indicated that Kuyperian thought affirms community rights. If that is so, what of the right of the Muslim community to protect itself against the virus of "unbelief," which is one of the functions of sharia, at least, according to the literalists?<sup>64</sup> They did not originally invite the colonial invaders and their Nigerian aftermath. The former invaded, conquered and eventually left, but left in their wake a large contingent of Christian Nigerians from the MB and the South who just kept coming till the local economy adjusted to their presence and made them almost indispensable. Eventually they became so indispensable that even after frequent bloody bat-

ties between them that led Christians to flee, they were invited to return every time.

Did the core North have the right to resist the non-Muslim secular viral invasion of colonialists? I know no one who would answer negatively. Yes, they did have that right. It was an attack on the very soul of their community. Did they have the right to resist the initial invasion of Christians from the MB and the South? Why not? They were not invited and also constituted an attack on their community, though the migrants may not have been aware of that and did not come for this purpose. I hold the opinion that the North did have the moral right to resist the influx, even though they were not able to carry it out due to colonialism that forced them to become one country.

*But now, a century later, do they still have the right to resist the indigenization of these Christians?* These Christians have been there for long and have contributed much to the culture and economy of the North. There have been serious riots between them, and Southerners fled a number of times, but the Northern governments always invited them back. They have become indispensable to the changing economy of the North. In my opinion they now have a right to live and work there. They have earned it. They can no longer be considered invaders. There is a point where history has to be closed. If not, then every group in Nigeria would have the right to secede. Nigeria rightly does not recognize that right at this point. Nigeria is on the map. It is a done thing and cannot be undone. The mixing of its peoples is a done thing and cannot be undone either. Yes, we all know how it happened. It may not have been right or just, but it is done now and we must move on, leaving bygones be bygones. It is something like forgiveness. An individual who refuses to forgive becomes bitter and, according to Jesus, will not be saved; a people or a nation that refuses to forgive, if not forget, becomes rancid and rancorous and will not be saved either. It will remain what Huntington calls a "clef" country that will forever be divided.<sup>65</sup>

At the same time, does the Muslim community of the core North not have a right to the protection of its integrity even with the presence of those “others?” Even more, do they not have the right to protection for their sharia at the national level and not have Common Law imposed on them? Should indigenes and descendants of migrants, not have respect for each other’s communities, a respect that should be extended nation wide? Should the migrant community not recognize the right of the indigenes to protect their culture and religion/sharia from the onslaught of alien, individualistic, one-sided human rights? And should the indigenous community not also recognize the rights of the former migrants? If you recognize the “done-ness” of history—and we really have no choice here—then these questions must all be answered affirmatively.

But, remember from Chapter 6, these are *democratic* rights, where the majority sets the tone. In true pluralistic style, the majority also recognizes constitutionally protected rights of the minority. As Muslims in the MB and South are expected to submit to the majority legal system of the Common Law, so the former migrants in the North should expect to submit to the majority sharia law. That is the way of democracy. Democracy cuts both ways. Remember also that I have argued in earlier chapters that all my argumentation assumes that we have excluded the militant fundamentalists from participation. We cannot work with their literalistic interpretation and militant approach. They must be marginalized and not be part of the conversation, unless they indicate willingness to seriously reconsider and then we must do our best to rehabilitate and embrace them.

This leads to still another related issue. If the former migrant community now have their recognized rights, what of the rights of that other indigenous group called *Maguzawa*?<sup>66</sup> They even preceded the Muslims. They are the original indigenes, of the same kith and kin, the same blood; they just never accepted Islam. While they remained in their Animism, they were subdued in their

behaviour, but since many of them are now turning Christian, they are becoming more alive to their rights as well. These are not always recognized by Northern authorities as you may have learned from earlier volumes. Being the original indigenes, they surely should be accorded at least as much right as the offspring of the migrants. In fact, there may be the need for national affirmative action to speed up their re-absorption into main stream society, albeit in a Christian way.<sup>67</sup> Muslims, are you listening? *Do not expect to have your rights recognized if you are not prepared to accord others theirs.*

There is yet another inconvenient goose-gander truth. I grant that the Northern Muslim community has rights that need to be legalised and protected as a community, not merely as a bunch of discreet individuals. That means among other things it has a right to the sharia. But what of the indigenous peoples of Tafawa Balewa in Bauchi State and Southern Zaria in Kaduna State? Have they not been invaded by Muslims and others? Have Muslims not connived with the British to impose themselves on these people? Have their communities not been seriously compromised by outsiders? In Chapter 6 I have suggested that this be professionally and scientifically researched. Few Christians will recognise *your* rights if you don't recognize *theirs*, recognize them not in *your* way as *dhimmi* rights but in *their* way. If you want to be free in your own house, you should grant or struggle for the freedom of your neighbour. Rights always cut two ways.

If wholistic Islam tends towards collectivism, does pluralism demand that we allow for that as part of the religion? We know it emphasizes community, but is communalism or collectivism, that is, absolutization of the community, genuinely Islam or an illegal cultural accretion? Kuyperian thought rejects both individualism and collectivism, but sees a person as an individual in community; the community does not absorb the individual, but neither is the individual an island. Muslims will have to sort this out for themselves. In the meantime, Muslims feel under strong

pressure from individualistic secularism. In reaction, it will be easy for them to swing the pendulum to the far other side and choose collectivism instead of the pluralistic stance of individual-in-community. Christians must sympathize with them in this struggle for self-definition and take it into consideration in the on-going discussion and struggle. Simultaneously, Islam must allow other indigenous communities of the North as well as resident non-indigenes to blossom and to follow the leading of God wherever He takes them, without putting obstacles in their way.

This claim for communal rights flies in the face of the liberal democratic movement seeking to engulf the globe, according to Umar Danfulani of Unijos:

*Nigeria's entrance into the global society presupposes a successful socialisation programme for its populace and regional-religious-ethnic groups into embracing liberal-democratic values and liberal state framework. Liberal democracy focuses on individuals whose claims are ultimately placed above those of the collective or ethnic enclave. Thus as an integral part of the modernity project, the liberal democratic state appears to be impervious to notions of collective and group rights and interests. It rests on the individual rather than the collective rights and does not guarantee equality between political, social, ethnic, religious and economic majorities and minorities.*

It appears that Danfulani does not have much respect for the rights of groups and laments that the process of individualization has not gone far enough in Nigeria. "So far, Nigeria as a nation has woefully failed in entrenching and nurturing a vibrant culture of the liberal state project."<sup>68</sup> He observed the global situation well, but I regret his response to it.

*Nigeria must one day come to a decision on these issues: How can it guarantee a place to a community with its own rights without sacrificing the individual? And how can it guarantee an individual his full place without sacrificing the community? It will not get much help from the UN, human rights bodies and other secular organizations, for they are mostly geared towards individualism. Perhaps Kuyperians have more to offer here.<sup>69</sup>*

Witte's warnings are well taken, but he does not reject human rights. In his final remarks he redeems them, but to be rethought and re-enacted drastically in a very different manner. So, I urge those concerned with human rights in the sharia context, to take in Witte's entire article and re-think the entire subject. Remember the Kuyperian perspective on which he bases himself. The article is on the *Companion CD* and thus hopefully accessible to you.

All parties need to rethink their histories and their current reactions to and treatment of each other. Human rights are communal as well as individual and both need to be taken seriously. We need to free ourselves **and** each other from the restraints of individualistic secular formulas and the blindness they induce.

## ▲ FREEDOM OF SPEECH

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This is a discussion about human rights in *Nigeria* and about how Christians and Muslims can hopefully reach agreements about a *modus vivendi* in *Nigeria*. However, local Muslims often take their cue from the international *ummah*. In this section we zoom in on international free speech struggles and ask you to put on your thinking cap for their implications in *Nigeria*. Abul Mawdudi summarized the issue for us: There is freedom of speech

“on condition that it is used for propagating virtue and not for spreading evil.”<sup>70</sup> The OIC, the largest and most authoritative international Muslim body, carries a lot of weight. Together with the Muslim community as a whole, it is seen these days as trying to impose gag laws on freedom of speech. General Secretary Ihsanoglu made the following remarks during Columbia University lecture.

*A major bone of contention with the proponents of Islamophobia is the question of freedom of expression. Although all agree that any freedom is always linked to responsibility, such as respecting human rights, and avoiding any form of incitement to hatred on the basis of race or religious belief, we find that some circles tend to ignore this basic universal and moral value and accuse Muslim victims of this racial hatred, who are defending their human rights, nevertheless, of trying to stifle freedom of expression.*

*The resolution against defamation referred to above was adopted in three successive years by the UN General Assembly and passed by comfortable majority. It strikes a balance between the freedom of expression and the inherent responsibility attached to every liberty as stipulated in the international law, and endorsed in many Western national laws. It is clearly established that international law and in particular the International Covenant on Civil and Political Rights (ICCPR) of 1966 forbids any incitement to religious hatred. Article 20 of this Covenant stipulates that “Any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law.” Despite this clear stipulation, the Attorney General of Denmark failed to see in the infamous Danish Cartoons issues on Prophet Mohammed, any incitement to hatred on basis of religion or belief. The same authority in the Netherlands did*

*the same thing in the case of the film Fitna, produced by a Member of Dutch Parliament.*

*Such negative or indifferent attitudes adopted by officials in certain Western countries which seem to condone acts of an Islamophobic nature, can only lead to legitimizing Islamophobia and enhancing discrimination against Muslims and exposing their well-being and safety to danger. It is alarming to see that the present campaign of dehumanizing and demonizing Muslims which is supported by certain quarters in the West, consider Muslims as enemies.*

*At this point I wish to touch upon the role of politicians in this issue. What is expected from them is particularly a moral stand against provocative incitements targeting a part of their population and harming social peace with implications beyond their countries. We are not calling for Government action to jeopardize or stifle freedom of speech, which we hail and uphold as a fundamental right. However, we believe that it is the prerogative of a government to identify and react when sheer incitement to hatred, supposedly banned by international law, creep into their society under the guise of freedom of speech.<sup>71</sup>*

The Western world is up in arms against this attack on freedom of speech. Luiza Savage explains in the Canadian *Maclean's* magazine how he considers the anti-defamation campaign of OIC, which, according to him, "is itself part of a larger agenda to reshape the understanding of human rights" by the OIC. Their approach

*included a comprehensive strategy on human rights that features a plan to shield Islamic states from being pressured to change their more contentious practices through international human rights laws and organizations. The conference expressed "deep concern over attempts to exploit the issue of*

*human rights to discredit the principles and provisions of Islamic sharia and to interfere in the affairs of Muslim states.” It also called for “abstaining from using the universality of human rights as a pretext to interfere in the internal affairs of states and undermining their national sovereignty.”*

*They also called for a binding international covenant to protect religions from defamation. The organization “stressed the need to prevent the abuse of freedom of expression and the press for insulting Islam and other divine religions, calling upon member states to take all appropriate measures to consider all acts...which defame Islam, as heinous acts that require punishment.”<sup>72</sup>*

There is more to Savage’s article that you can read in the article itself on the *CCD*—see Bibliography. He is not the only one to condemn this as a campaign to restrict free speech. Condoleezza Rice, at the time US Secretary of State, rejected “attempts by the OIC to criminalize ‘defamation’ of religions.... We’re concerned by efforts to promote a so-called defamation of religious concepts, which has been the focus of numerous resolutions passed at the UN,” she reportedly said.<sup>73</sup> Jim Coggins’ article on the OIC campaign is very enlightening in its details.

*Shaun Tinkler, a spokesperson for the Department of Foreign Affairs and International Trade Canada, said, “Canada takes the position that people, not religions, have rights. ... The right to freedom of religion includes the right to adopt or to leave any religion.” Thus, he stressed, “the concept of ‘defamation of religions’ runs directly counter to the universal rights of freedom of religion and freedom of expression.”*

*Elizabeth Kendall of the World Evangelical Alliance Religious Liberty Commission, wrote in a recent report, “Of all things in this world, religion has the least grounds to claim an exemption from scrutiny.” Kendall argued that the OIC talks*

*about protecting Islam from defamation, or false accusations, when it really means it wants to protect Islam from criticism.*

Assistant professor of intercultural studies at ACTS Seminaries in Langley, near Vancouver, Canada, Gordon Nickel asked, “What if you study Islam and its source books in an objective way and find a connection between Islam and violence there?” Using the language of ‘Islamophobia’ accuses opponents of having a mental illness and “shuts down public discourse.”

*Part of the issue is what exactly is meant by ‘respect,’ said Nickel. While it is necessary to give respect to all persons since they are made in the image of God, it is not necessary to give that respect to ideas. “If we find something is false, can we really respect it?”*

*Believing that one religion is true and others are false needs not lead to hate of adherents of other religions, Nickel said, adding: “When we talk with people of another faith, we need the freedom to express what is dear to us and hear what is dear to them. We also need to leave room for disagreeing where we think things are not true ... We shouldn’t allow anything to shut that down.”*

Continuing with the Coggins article but now referring to similar attempts by Canadian Muslim groups, Nickel said the “UN resolution is remarkable for its use of language.” He explained,

*The [OIC/UN] resolution demonstrates that Muslims have learned to use “politically correct North American concepts” – such as tolerance, nondiscrimination, human rights, respect and racial harmony – to promote the Islamic agenda. In recent months, Islamic groups in Canada have brought human rights commission complaints against Ezra Levant for reprinting Danish cartoons satirizing Muhammad and Mark Steyn for an article on Islam in Maclean’s magazine.<sup>74</sup>*

The OIC has been on this campaign for some years. After a 2006 meeting in London, it published a statement against Islamophobia and called on journalists to refrain from “premeditatedly vilifying and defaming religion,” referring mainly, of course, to Islam. The London call did not go unchallenged. Barnabas Fund drew attention to the fact that this OIC censorship call was made to mark World Press Freedom Day. The Fund reported, “Kim Howells, a minister in the British foreign office, made a robust response, pointing out the anti-Western and anti-Jewish nature of much material published in Muslim media and the fact that many acts performed in the name of Islam are very offensive to Westerners.”<sup>75</sup>

Of course, free speech goes along with responsibility for its effect on the people. In my mind, there is no unlimited free speech; it is always restrained by responsibility. However, those who call for restraint must remember the goose and the gander. If they forget that lesson or just plainly have contempt for it, their calls will fall on deaf ears as hypocritical. So, Muslims, the weight of your calls is up to you! I might be more sympathetic to such a call if Muslims in general, but especially in Nigeria, would similarly restrain themselves from their extreme vilification of Christians and secularists.<sup>76</sup>

The OIC campaign can be regarded from several points of view, both positive and negative. *Speaking from the explosive climate of Nigeria*, it can be interpreted positively as a call for *responsible* speech that may help prevent the outbreak of violence—a safety measure. But I vividly remember the complaints of Nigerian Christians about always having to be careful about their speech, lest some Muslim feels—or pretends feeling—slighted or humiliated and brings on the violence. The critical views of Savage, Rice, Nickel and others can thus not be so easily disregarded. It then becomes an illegitimate and unwarranted restriction on free speech and, thus, on human rights, an attempt of one religion to impose

its restricted view of free speech on the rest of us. Or simply escape being criticized while it freely vilifies others as in Nigeria.

Thus, Muslims advocate laws “against blasphemy to protect all religions.” They want defined “no-go” areas where the exercise of freedom of speech against Islam will not be tolerated. Underneath it is their disdain and rejection of secularism that insists on rights but tends to neglect responsibilities. I do not believe that Nigerian Christians insist on absolute freedom of speech without responsibility restrictions.<sup>77</sup>

The OIC creates ambiguity, for it could take us in opposite directions. Can Nigerian Muslims adopt the positive but resist the negative authority and direction of mighty OIC of which Nigeria has been a member since 1986, according to the membership list on its website? Our situation is so unique. The traditional Muslim perspective, instinct and expectation of being the majority power over minorities simply will not cut it any more in Nigeria. There is no other country where two equally large blocks of Christians and Muslims—some 60 million plus each—face each other, equal in both number and aggressiveness, with the unthinkable possibility that—mother of all Muslim nightmares—Christians are beginning to outnumber Muslims.

Nigerian Muslims have much to do in terms of explaining OIC policies, for critical voices are there for all to read on any computer. This is so especially because during the OIC debate in the late 1980s, Muslims kept arguing that the OIC is not a religious organization and that it caters to all, regardless of orientation.<sup>78</sup> Ihsanoglu similarly declared that it is not a religious organization, but the Final Communique of the 2008 Dakar conference is a clear demonstration of the Islamic, that is, religious character of the organization.<sup>79</sup> I take the earlier Nigerian Muslim denial as willful deceit, while I suspect that Ihsanoglu simply catered to the secular definition of religion of his Columbia University audience.

This free speech issue cannot and should not be solved by the simple mechanism of majority, especially not in Nigeria with its near balance. Both must somehow find a place alongside each other or interwoven with each other. I have personally long wondered whether there may be enough similarities in specific rights that negotiators in Nigeria could come up with mutually tolerable formulas—and long longed for the same.

I have already hinted at the problem of public utterances in Nigeria. In fact, it has been a major irritant here for years.<sup>80</sup> Christians are vexed that Muslims feel free to abuse the Christian faith and religion at will, but react with great indignation when Christians even mention the Prophet or the Qur'an.

Ihsanoglu responds to this issue in a typical Muslim way. Why, of course, Muslims don't do such things. He may not be aware of what goes on in Nigeria, but in our Nigerian context his statement sounds pretty hypocritical. Be sure to read his statements that start with, "The allegation that the OIC is spreading anti-Christian bigotry cannot be farther from the truth." Furthermore, he argued, that the OIC's resolution against defamation adopted by the UN "strikes a balance between the freedom of expression and the inherent responsibility attached to every liberty as stipulated in the international law, and endorsed in many Western national laws."<sup>81</sup> Well, in Nigeria that balance is not operative. An OIC General Secretary should check out his facts before making public utterances. In Nigeria, this issue remains an important irritation that sours the atmosphere and needs to be openly dealt with in the negotiations.

*In Nigeria, Christians must decide which kind of human rights regime they want: **unrestricted** free speech or **responsible** free speech that may help prevent violence in our charged atmosphere. If in the negotiations with Muslims, Christians opt for the responsible but restricted version, then Muslims had better realize that the same restrictions will hold for them. The day of their unilateral “right” to lambast Christianity but rejecting the reverse “right” for Christians will be over. The ugly vituperations about Christians published by Muslims will now be legally challenged. That “freedom” will no longer be there. Nigerian Muslims, are you ready for that restriction on your speech? The end of unilateralism! Can you take that? You better think twice, for this is a restriction you may not have considered and which may be hard for you to swallow or adhere to. Having to bite your tongue is painful! Remember the goose and the gander.*

### ▲ FREEDOM OF RELIGION

I am going to take you on a diversion—a historical tour that is likely to cause you surprise at the very least, if not amazement. You are going to discover that until relatively recent times, Christians held attitudes similar to those they object to in Islam today. I treat you to a succinct article by Johannes Haafkens, a Dutch scholar of Islam with strong Nigerian and African connections.<sup>82</sup> He begins with a *definition of religious freedom* borrowed from a German encyclopedia: *It is “the fundamental human right guaranteeing the freedom to confess and practise one’s faith without suffering any legal disadvantage...from the side of the state.”* Actually, the concept “is relatively new in the history of Christianity.” At its beginning, Christianity was the victim of intolerance on the part of the Roman Empire, even though Rome had a general policy of religious tolerance for most religions in the empire. Christianity was seen as a

threat and became subject to severe persecution. In 312, Emperor Constantine put Christianity on an equal footing with other religions and in 380, Emperor Theodosius proclaimed Christianity as the state religion, the rationale being that “it was the Emperor’s duty to maintain the whole empire united in the practice of true religion.” Pagan religions were now illegal and temples closed. The North African Church Father Augustine (354–391) taught that “the state should use force, though no heavy torture or death penalty, to bring lapsed Christians back into the church.” He understood Jesus’ words in Luke 14:23— “Compel people to come in”—as “justification for a just persecution, motivated by love, in contradistinction to the unjust persecution by the unbelievers, motivated by cruelty.” Thomas Aquinas (1225–1274) was the founder of Scholasticism and the one who set the tone for the Roman Catholic Church and, indeed, for Western philosophy in general, including the dualism I battle throughout this series. Allow me this rich quote from Haafkens:

*[Aquinas] distinguished between unbelievers, heretics and apostates. As for the unbelievers, because faith cannot be forced on human beings, their cult should be tolerated, if they are many. This was particularly so with the Jews, whose cult was seen as a prefiguration of the true faith. However, if accepting the Christian faith is voluntary, keeping to the faith once it has been accepted is necessary and obligatory. Heresy is a crime to be punished by death,... because it is a disease which may threaten many souls. Apostasy, abandoning the faith, is also forbidden and should be punished. Apostates must be even bodily compelled to return to the faith. As it is forbidden for Christians to abandon their faith, it is not permitted for unbelievers (Jews, Muslims) to preach to them.*

All these centuries, right through the Reformation, the idea reigned that the unity of the state requires unity of religion. Various

countries in Christendom had their official religion, whether that be the Reformed in The Netherlands, Anglicans in the UK, Catholics in France. In Germany it was a matter of each state determining its own. The famous expression in Germany was “*cuius regio eius religio*”—each ruler determines the religion. Haafkens then traces philosophical developments in the West that led to ideas of civil rights and religious freedom, a process that began in the 17th century. But it was left to the USA where the concept really took hold to further develop it in practice. The 19th century saw most Western nations moving towards religious freedom.<sup>83</sup> The Roman Catholic Church also struggled with it and in 1965 finally gave full support to the freedom principle.<sup>84</sup> A number of factors contributed to this new direction. Among them was the growing realization that religion is a matter of conscience and cannot by definition be imposed or forced. No doubt, Europeans also had grown tired of the bloodshed and wars that came with their intolerance. Haafkens concluded this part of the paper with an expression of thanks to God who continues to lead mankind into “deeper insight.”

Those insights, I might add, came about through historical experience that led to new reflections, including reflections on the Bible. This development can legitimately be seen as the continuous fulfillment of Jesus’ words in John 16:16—“But when He, the Spirit of truth, comes, he will guide you into all truth.” Historical human experience is a powerful revelational channel through which He teaches the human race.

Haafkens then goes on to draw “striking parallels” in the history of Christianity and Islam. Among others, “both functioned as the official religion” of states. For centuries, the place of Jews was similar under both religions. Haafkens reproduces the Statute or Covenant of Umar, which he regards as “more or less apocryphal, but reflecting actual practice in the Caliphate” around 750 AD.<sup>85</sup> Both religions thought it appropriate to establish their religions

over unbelievers by military means. Heresy was forbidden by both as was abandoning the faith, while force could be applied against those guilty of such acts.

It probably comes as a surprise to most Nigerian Christians that not all that long ago Western Christians practised force, intolerance and violence similar to that of which they accuse Nigerian Muslims today, with Catholics still doing so in milder fashion even now in a few countries. Due to circumstances and other influences, Western Christians adopted an attitude of toleration that is unparalleled in history, including Islamic history. They did so without becoming unfaithful to the faith and its basic sources, but definitely spurred on by Christianity's rebellious child, the Enlightenment, that slowly evolved into today's secularism. Christians did it! Yes, with the help of some others, such as humanists and secularists, but they did it! There is a residue of intolerance left here and there, but that is basically due to folk Christianity that is mixed with alien stuff. If some still do practice intolerance, it is with the disapproval of the Christian community at large.

*If Christians can do so without changing the basics of their religion, why cannot others? Why cannot Muslims? This history should give us hope. A religion does not have to become untrue to itself to shed intolerance.*

Actually, Haafkens' article ends with the recognition that, in fact, such changes are already astir in the Muslim world. "A certain evolution can be observed... regarding the interpretation of the right to religious freedom," even though fundamentalism is increasingly spreading intolerance—two simultaneous but opposite tendencies. This also applies, as readers of earlier volumes have discovered, to Nigeria.

End of guided tour. Back to today.

There is a human rights deficit among Muslims that is widely recognized and complained about times without number in Nigeria and indeed throughout much of the world. It is the problem of restrictions on religion. A television personality quoted by Sanneh stated: "While Muslim minorities proliferate and prosper in Western societies that preach and practice freedom and tolerance, in nations where Muslims are the majority, Christians find the profession of the faith difficult, the preaching of the Gospel impossible." A Barnabas writer put it this way: "While Islam is a very missionary-minded religion, active in trying to win new converts, many Muslims are outraged at the idea of any other faith doing the same."<sup>86</sup> Sanneh refers to this as a "split-level structure in interfaith relations" that is "untenable and poses a risk to democratic...institutions."

Spykman wrote of "*the ultimate human right—the right to hear the Gospel...*"<sup>87</sup> *Talk of rights that excludes religious freedom makes no sense. It is the first and basic one to be granted.* Spykman's Kuypertian voice also is mediated through the REC, that insists on "the right to *freedom of worship*—challenging us to intervene on behalf of persecuted worshipping communities, Christians and others, assuring them the opportunity to gather in their places of worship without molestation, discrimination, or reprisal." Along with that comes "the right to *religious liberty*—challenging us in a religiously pluralist world to plead the cause of all persons and communities to freely choose and change their religions, to live out their beliefs freely, both privately and publicly, within the various structures of society, without infringing upon the similar rights of others."<sup>88</sup>

The protection of human rights and the fostering of pluralism necessitate some degree of separation of church and mosque as "institute," from the state. In Nigeria, this means at the very least that no religious establishment enjoys a privileged position with the government at the expense of all the others. The necessity of

such separation, it should be understood, is taught by historical experience of oppression and bloodshed when they were/are joined in both Muslim and Christian contexts. But remember all the caveats and brackets with which Sanneh keeps surrounding his separation statements. As he summarized it, “*Church and state complement each other when they are separated, but they corrupt each other when they are conjoined in one effort, when the one co-opts the other.*”<sup>89</sup> The Kuyperian movement developed out of a struggle against secularism and *therefore* insists on this separation. I pass on this classic formula once again for serious consideration, because it has been such a successful one, but also because the Muslim tendency is in the opposite direction. But please do remember my alternative formula that may well fit better for Nigeria.

Here again, please remember the distinction between religion as institute vs organism. We are talking separation of the central institutes of religion from the state, not of religion itself as living organism, as faith or value systems, from state and politics, nor of other types of social organizations with an overt religious basis. These latter in fact often lead communities to cooperate with and complement the efforts of the state in health, educational, agricultural, small business and other developmental projects. *Here complementarity rather than separation should be the standard.* In fact, in such projects even church and mosque sometimes join hands with the government, but now as partners in specific social projects, not in terms of religious establishment. The Nigerian landscape is dotted with such cooperative efforts.

*My church-state formula continues to expand. With the addition of the new complementarity component, it now stands at “equality of status, access and rights; critical solidarity; independence; shura/consensus; complementarity.”*

But the relation of religion to and its function in state and politics go far beyond complementarity. If, as this series argues throughout, religion, belief system or worldview is the foundation of everything else, then this holds also for state and politics. If the human race is first of all a race of believers, then we take it with us wherever we go, also into government and politics. Religion is at home there; it belongs there; it is *always* there inevitably and invariably. Rulers and politicians attend to their affairs on basis of their belief and value system, even if they are not conscious of them. We cannot stop that with a secular signboard of “no trespassing” or “private property” or by a secular ban of “religion” to private or ecclesiastical life. Neither is it legitimate to allow one worldview community or one religion to openly operate in public while the others must retreat into church/mosque or into the realm of the private.

*Why should Christians or Muslims have theirs banned to these restricted areas when the secularist practices his belief and value system with abandon without such restrictions in the market place of life? That is the ultimate denial of human rights and religious freedom! That's what the whole struggle for human rights is all about—one system imposed on all. Secularists, including the semi-secularist Christians, and Muslims are all guilty of imposing their views on each other!*

*It is a struggle that we in Nigeria have to wage with ourselves as semi-secularists first of all and then with each other. We Christians have to free ourselves from attachment to secular values and then quit imposing them on Muslims. Muslims have to free themselves of their instinctive unilateralism and domineering attitudes and then quit imposing their system upon Christians. You may regard Islam as the ultimate of all truth, the highest blessing for all*

mankind and the greatest solution to Nigeria's problems, but the other 60 million plus feel the same about theirs. Both have a right to hold these religious convictions very dear as I do, and you have every right to bring your beliefs and values into the political marketplace to compete with mine, but you cannot deny me the *equal* right to do the same. As Abul Mawdudi put it: "Although there is no truth or virtue greater than Islam, and although Muslims are enjoined to invite people to embrace it and advance arguments in favour of it, they are not asked to spread this faith by force. Whoever accepts it does so by his own choice.... But...Muslims have to recognize and respect the decision of people who do not accept Islam: No moral, social or political pressures may be put on them to change their minds."<sup>90</sup>

*It is high time that both Nigerian Christians and Muslims become aware of the opinions of foreign Muslim leaders and scholars: Muslims, in order to stop their fellows, including sharia governors, from harassing Christians; Christians, in order to call Muslims to task on basis of their own authorities.*

The issue of *dhimmi* has cropped up occasionally in this series. The arrangement involves a Muslim-imposed contract that allows the conquered *dhimmi* community to live as second-class citizens under various humiliating circumstances. They are allowed to practice their religion, but only in restricted fashion not unlike secular restrictions on religion. The arrangement is meant to provide some limited breathing space for the other "people of the book," namely, Christians and Jews. This *dhimmi* arrangement has often been subject to detailed examination,<sup>91</sup> but, wrote Sanneh, Muslim "attempts to assure critics that classical Islamic resources offer full guarantees have not been entirely persuasive"—a massive understatement! *Dhimmi* status is part of what Sanneh called "split-level structure." B. K. Datta, a Pakistani Congressman, commented that

*dhimmi* status means “inferior status.” He predicted that his own nation “would remain communally divided into two houses, the minority tasting neither democracy, nor freedom, nor equality, nor social justice, but being merely tolerated.”<sup>92</sup> Bat Ye’or’s *The Dhimmi* is a sad account of their history. There is no doubt that some militant fundamentalists in Nigeria would like to work towards turning Christians into *dhimmis*, but that is a lost cause. For one thing, Daniel Pipes observed already years ago that “nearly all Muslim governments unilaterally abolished sharia regulations concerning...*dhimmis*.”<sup>93</sup>

Sanneh makes the point that “religious toleration is an essential part of human rights and, thus, of democratic pluralism.” I would edit the above statement to read “*equal* religious toleration...,” for to Muslims, Christians *are* tolerated, but ideally only as *dhimmis*. It is the inequality of the formula that is the problem. Insistence by Muslims on retaining that unequal formula as an ideal for the nation as a long-term secret agenda, would make peace impossible. It cannot be hidden long. In fact, *because of their bitter experience, Christians will assume it to be there unless Muslims prove otherwise by clear indications through both word and deed.*

It is encouraging to note that Muslims have demonstrated a capacity to compromise in the face of overwhelming facts. During their centuries of power over pre-colonial India, they had a vast majority of millions of Hindus under their wing. Hindus, in the Muslim scheme of things, are not even among the special “People of the Book;” they are classified as “mere” Pagans who were, strictly speaking, not to be accorded any status or rights. Reality demanded compromise and it was granted. There were simply too many to treat them as “Pagans,” people without any rights and thoroughly despised.<sup>94</sup> Mohamad Rachid stated that Islam is realistic when it comes to “human necessities.” “Human necessities make religiously illegal things legal,” two examples being eating pork or drinking alcohol as medicine to save life.<sup>95</sup>

Yes, but a more significant example is that of the status of Hindus under Muslim rule.

*In view of the facts of realism and the global pressure for pluralism and human rights, I have every confidence that Nigerian Muslims would not be so stupid—and that really would be the only fitting description—as to work towards the creation of dhimmi status for Christians. I believe the almost hysterical Nigerian Christian fear mongering by some writers about dhimmi status is not called for. Except for the militants, I believe the Muslim mainstream to be rational enough not to push that button. They will do well to assure Christians in this regard and be clear and firm about this in negotiations about our future.*

Though in itself it may not be a vital subject today, some Christians hold it over their fellow Christians' heads as a threat. If Muslims take power, we will become *dhimmis*, second-class citizens with restricted freedom and a life of humiliation.<sup>96</sup> It can be used as a tool to keep them on guard, to create tension, to resist any alleged Muslim advance and to set up oneself as a defender of the people and, thus, their hero. So, a very useful tool for “Christian” manipulation that should be rejected as much as Muslims need to officially reject the *dhimmi* arrangement in principle as no longer valid or acceptable.

This is not really a “to do” chapter. Its purpose is to help equip Nigerians with a Christian perspective on human rights that moves them *away* from its secular varieties and *closer* towards the parallel—not the same!—of the Muslim perspective that similarly insists on religious grounding. Even more important, of course, is that it is Biblical. I believe this perspective represents an important and robust shift in parameters that should evoke more respect from Muslim negotiators than do Christian secular meanderings and can thus help prepare the ground for more mutually respectful dia-

logue. Once *both together* approach the sacred law of God properly, that is, in an attitude of reverence, humility and obedience, they really have no choice but to become more open to each other as they struggle together to understand that divine will for the Nigeria of today.

**Study Guide 12 — Human Rights<sup>97</sup> (Appendix 105)**

*It is up to moderate and liberal Muslims in the country to support the tendency towards greater toleration and to suppress the militant factions. Militancy is one feature we cannot tolerate, for it will continue the havoc we are trying to escape. I encourage Christians to embrace and support the moderates in this effort<sup>98</sup>. However, such support will be nearly impossible as long as Christians remain bound to their semi-secular dualism. The Kuyperian perspective I have been outlining throughout offers release from that bondage. It will allow us to meet Muslims on equal terms— with the wide horizons of a wholistic world-affirming worldview. That should make for more mutual respect and improved partnership.*

I close this section with a statement from AFREG of which I fully approve. Under the caption “Freedom of Religion,” Section 13 of the Action Plan states:

***Africa needs to embrace a concept of freedom that promotes the acceptance of all people as fellow human beings irrespective of race, tribe, religion and other ideological persuasions.***

*All national constitutions in Africa should provide freedom of religion that allows people the freedom to choose their religion without coercion, manipulation or force. People should be free to share their religious and other persuasions with others in so*

*far as they do not use any form of coercion, manipulation or force.*

*Freedom of worship is a God-given right for all individuals, and it is enshrined in many African constitutions. The freedom to propagate our faith leads to a renewed commitment to evangelism.<sup>99</sup>*

### **▲ CONVERSION, BLASPHEMY, APOSTASY, PERSECUTION**

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The topics in this section represent a cluster of subjects that cannot be avoided in a chapter on human rights. In Volumes 3, 5 and 7 you will have read many Christian stories about persecution and all kinds of violence related to “apostasy” in Nigeria. That does not need to be repeated here. If you turn to the *CCD*, you will find many more stories, not only from Nigeria but from the entire Muslim world. There is a constant barrage of stories from writers, including Nigerians, and organizations who monitor these developments and report them on the internet as well as in some magazines. These stories and reports are so constant, that I find it difficult to swallow that all this represents an invalid interpretation of Islam, as some of its apologists insist. But as soon as that thought comes to me, I remember the centuries of colonial violence that the “Christian” West has inflicted on the Muslim world—or that of today on Iraq! Some, perhaps even many, of those Westerners were genuine Christians, but look at the secular imperialism with which they ruthlessly took over much of the world. Was all of that the consequence of Christianity? Or was it the result of a Christendom distorted by a dualistic worldview that was too weak to resist the violent impulse of a fallen humanity? Almost a century ago, you may remember, the Dutch jurist Verkouteren wrote that whenever religion is mixed up with violence, it has to be proven that the violence is the natural product of the religion. It cannot simply be

assumed.<sup>100</sup> *But if Christians are not prepared to own up to their violence as the direct consequence of their religion, by what logic can we deny Muslims the same refusal? And yet, my heart won't allow me to let Islam get away with it quite that easily.*

Another serious consideration is that even some organizations and their publications that specialize in stories of persecuted Christians alert us to the need for some skepticism with respect to the flood of these stories. I draw your attention to an article by Harry der Nederlanden, the late editor of the Kuyperian biweekly *Christian Courier (CC)*, who followed religious developments throughout the world closely and one of whose aims was to make his Canadian readers aware of the sufferings of their persecuted fellow Christians. Writing from the calmer clime of Canada may have taken the bite out of some of the persecution stories for him, but it also allowed him the “luxury” of calmer reflection. I pass on a couple of quotes from him that may not be taken kindly by some Nigerian Christians, but that need to be heard. If they annoy you, remember that der Nederlanden did not deny the reality or severity of persecution; he published many of its stories.

*Invariably, those stories of violence and persecution are told by those who are part of the suffering community, and they tend to gloss over the ethnic hatreds and crimes of their own and to magnify those of the other. In those distant Christian communities, we may assume, that, as in ours, there are those who are Christian in name only and there are nasty, bone-headed Christians who do stupid things to incite conflict. That kind of complexity is seldom conveyed in our news stories.<sup>101</sup>*

Even Barnabas Fund, second to none when it comes to supporting persecuted Christians, published a warning that “exaggerated convert figures could cost lives.” Though it stated that “more Muslims are now coming to Christ than at any other time in history,” it warned that some reports about “vast scale” conversions are

not true. “These false reports, often initiated by non-Christians and then circulated by Christians” endanger Christians because of “the publicity given to the exaggerated figures.” “The present ‘numbers game’ is proving deadly;” they are not welcomed by converts. I urge you to read the entire article in Appendix 93.<sup>102</sup>

*If exaggerated convert statistics are not the biggest problem in Nigeria, other types of exaggerations about inter-religious violence do abound on both sides, including the media, and they serve to inflame hatred and anger that lead to further violence. Freedom of speech does not spell “irresponsibility.” Religious leaders especially should urge their members to be careful and not to sensationalise conversions. Similarly, the media should restrain their editors from exaggeration.*<sup>103</sup>

Of course, one of the major freedom-of-religion issues is the right to convert from Islam. Islam always cries “Apostasy!” And that, in many cases, means death unless the convert manages to escape. A Bangladeshi election campaign was in process early 2009 in which a group of Islamist parties were campaigning for new blasphemy laws. The proposals were based, according to Barnabas Fund, on Pakistani legislation “which includes a mandatory death sentence for defiling the name of Muhammad, life imprisonment for desecrating the Qu’ran, and no penalty for false accusations.” It must be acknowledged that “in Pakistan...many Muslims are accused of blasphemy,” but it is also “clear that non-Muslims are particularly vulnerable to it. Some 60 Christians are accused each year, and even those who are acquitted are vulnerable to attack by extremists.”<sup>104</sup> In many cases this killing is considered “honour” killing and is carried out by individuals or groups, often family members of the convert. Frequently government agencies such as courts and police either fold their arms or they collaborate in the

killing and protect the perpetrators. So, the Nigerian situation from this perspective is not so unique. Remember how Governor Sani of Zamfara State explained that the newly created state sharia constitution did not need to include the killing of converts, for the families would take care of their shame privately. It amounts to the privatization of execution, a euphemism for plain murder. Even rulers ready to protect converts find their hands tied. Mazhar is a convert from Islam in Syria. He was called in by the governor of his state, who advised him that it would be impossible for him to change his religious identity and “strongly encouraged ...[him] to leave Syria, believing ‘any idiot could now kill you without having to have a reason.’”<sup>105</sup> The reality is often shaped by the law of the people rather than the law of the land or even of the religion as some Muslim apologists insist. In earlier volumes we have seen how serious a problem this is in Nigeria.

Muslims themselves are beginning to reject this violent approach to “apostasy” by rejecting the literalist approach to the Qur’an. Back in 2006, a few [in]famous cases of apostasy in Malaysia and Afghanistan drew the attention of the world. Though most Muslim scholars argued in favour of the death penalty, there were some who opposed it. In a recent article a Muslim scholar, Dr Louay Safi, a US-based Muslim scholar and leader, has argued that apostasy is not illegal.

*Dr Safi argues that “at the heart of the apparent conflict between Islamic traditions is a static and stagnant approach to understanding Islamic law. The conflict stems mainly from a literalist understanding of the revelatory sources, that is the Qur’an and the Sunnah (the Prophet tradition), and the body of Islamic jurisprudence derived from them through exercise of juristic reasoning.” Thus, scholars with literalist interpretations continue to argue that the punishment for apostasy and the role of Islamic shari’a law should be the same as it was*

*during the classical period of early Islamic history. It is an essentially static model which cannot be changed to meet the demands of the modern world.*

*Dr Safi argues that the Qur'an does not support the death penalty for apostasy. Rather, it is based upon two hadiths (statements attributed to Muhammad) and the precedent of Muslims fighting against Arab apostates in early Islamic history. Dr Safi feels that the hadith statements "cannot stand as credible evidence" because he thinks they contradict the Qur'an, which he interprets as arguing for individual religious freedom.<sup>106</sup>*

Safi is not the only Muslim advocate for this new direction. An article in *Barnabas Aid* tells us more:

*... a small number of reformist Muslims are today calling for a new ijtiḥad. In July 1999 the Malaysian group Sisters in Islam protested against attempts by Parti Islam se-Malaysia, an Islamic political party, to get a bill through the Malaysian parliament to impose the death penalty for apostasy. In an open letter they spoke of the need to "open the doors of ijtiḥad" to allow for the removal of apostasy as a crime from the sharia.*

*In August 2002 the Islamic Research Academy of al-Azhar University in Cairo (the world centre for Sunni Islamic theology) announced its view that Muslims who convert to another faith should be given a lifetime's opportunity to return to Islam, i.e. the death penalty should never be imposed.*

The author commented as follows:

*Whilst such announcements are welcome news for converts, there is still a long way to go. The findings of the Islamic Research Academy are considered to be only opinions and do not carry the weight of fatwas (Islamic legal judgements).*

*Furthermore, the decision is highly controversial and many other al-Ahzar scholars have objected to it.*

*Nevertheless, it seems that today, at the beginning of the twenty-first century, the time is right for a new debate on the Islamic teaching of apostasy. It is time for the death penalty and other traditional punishments for apostasy to be challenged, and the human right of every Muslim to change their religion, if they so wish, to be respected.<sup>107</sup>*

Calls for moderation are overheard increasingly. The European Muslim Tariq Ramadan is going about advocating that the “voices of moderation should be radically more vocal.” During a recent trip to Canada, he called on Muslims “to stop acting like misunderstood ‘victims’ and get on with ‘contributing’ to Western society.” He is encouraging Muslims to become self-critical and “take their religion from hard-liners.” He insists that the Qur’an “is open to interpretation,” a nod of approval to a more liberal hermeneutic.<sup>108</sup>

Norway scored a first at this front. The Islamic Council of Norway (ICN) and the Church of Norway Council on Ecumenical and International Relations (CNCEIR) jointly declared that everyone is free to adopt the religious faith of their choice. Olav Fykse Tveit, General Secretary for the CNCEIR explained that “In Norway there are few conversions from Christianity to Islam or vice versa. Nevertheless the two bodies underline that there should be no doubt that freedom of religion, with the right to conversion, is a fully acknowledged principle, reflected in attitudes and accepted in practice, both by the ICN and the CNCEIR.” He added, “By issuing this declaration we hope to contribute to the international process on this important matter.”<sup>109</sup> Folks, cracks are developing in the dyke. More are bound to come. Just give it time. Eventually.... We keep pressing on!

*I fully agree. Nigeria will not get out of her doldrums without overcoming this apostasy hurdle. Christians can press for it and support the move, but the actual hard work will have to be done by peace-loving Muslims. They will have to choose between the two approaches to the Qur'an. This is not one of these things that can be left dangling. There is no place here for "messiness," only clarity, determination and honesty. Apostasy thinking must not only be deleted from the sharia agenda but also eliminated from the very psyche of the people. Honour killing is not Islamic; it dishonours Allah and the Prophet. It replaces concern for the honour of Allah with the honour of the family, in other words, it is kind of humanistic. It is barbaric and pagan in origin!<sup>110</sup>*

*There are many things opponents to apostasy legislation and killing can do in Nigeria. The London-based Barnabas Fund is conducting "The Right to Justice" campaign all over the world, including the UN. They encourage Christians and all others opposed to apostasy legislation to write letters in a bid to overcome it. Christians and moderate Muslims in Nigeria could join this campaign<sup>111</sup> **or embark on a joint national campaign within Nigeria. This is an important issue, since it currently is an obstacle to peace among us. Be sure to check out the endnote in this box!***

*As we plan to move towards serious and purpose-driven negotiations, we must take one step that seems undemocratic but that is absolutely necessary. Militant fundamentalists must definitely be left out of the equation; in fact, they should be declared as persona non grata, as unwanted persons, illegal even. Why should human rights give room to people who seek to undermine them? As*

*Communism was declared illegal in the US during the Cold War, so should militancy be criminalised. The correlative of human rights is human responsibility, not abuse. Where human rights are harnessed for the promotion of human restrictions, they have reached their limits. The perpetrators ought to be anchored down and denied the very tools they abuse.*

As undemocratic as this exclusion may seem, the reason for it hardly requires explanation. Nigerian Christians and Muslims both have suffered much at the hands of militants. In the global context, concludes Nina Shea, extensive studies have shown “that every reactionary interpretation of sharia is antithetical to fundamental individual rights and freedoms<sup>112</sup> as well as incompatible with the principles of democracy.” “There is a documented correlation between the state enforcement of reactionary forms of sharia and abysmal human rights records.” She reports that Fazl Hadi Shinwari, at the time a chief justice in Afghanistan’s Supreme Court and an Islamist, stated “that sharia rejects three crucial freedoms—those of expression, religion and equality of the sexes.” One of his first acts on the court was to charge a colleague with blasphemy, because she criticised the sharia. A UN report about Arab human development quoted by Shea, stated that the fundamentalist interpretation of sharia is “inimical to human development, particularly with respect to freedom of thought, the accountability of regimes to the people and women’s participation in public life.”<sup>113</sup> Enough said. Militants do not qualify for participation in the crucial Christian-Muslim dialogue that is waiting to happen in Nigeria.

*There is a limit to what is tolerable in such negotiations and to what Nigeria can bear. That limit must be clearly set and adhered to with determination by all the parties to the negotiations, including the religions and the governments. Zero tolerance is the need of the hour. Failure to define that limit and to act upon it decisively prevents solutions in Nigeria. The time to bar kaza cikin gashinsa [leave sleeping dogs lie] is long past. Ran wanka ba a boye cibiyā!—you don't hide your navel when you take your bath or it is high time to call a spade a spade.*