

Human rights dilemma and the 21st century



Perhaps the toughest task facing the people of Pakistan in the new century, may be over a considerable part of the next millennium even, is likely to be the establishment of respect for the human rights of all members of their family in practice. This somewhat grim prognosis is based on the view that both the State and the society have been moving in a direction opposite the one demanded by an order inspired by human rights norms.

Human rights are defined as a body of standards enforceable by law. But law in this context becomes effective only when it reinforces social belief in the equality of all human beings, whose conduct is regulated by democratic principles. If a society for any reason does not accept the equality of its members in practice it will not create a democratic order. Nor will it make laws to enforce human rights. Even such laws as may have been put on the statute book will become redundant. That this has been the case in Pakistan needs little elaboration.

Pakistan inherited a colonial State structure and a social order premised on inequality between the feudal elite and the commoners. The privileged accepted the label of democracy firmly in the belief that their title to power over the people will not be challenged. Thus, whenever any possibility of power passing into the hands of the people has emerged, strategies have been devised to repudiate democracy. Similarly, at the start of the State's journey the custodians of authority

Pakistan and India will succeed in persuading the West to better its human rights record only after ensuring fullest possible respect for these rights at home, writes I. A. REHMAN

adopted the rhetoric of human rights apparently in the hope that this would not compromise the dominant social belief about the people having been created unequal and their duty to accept this condition forever. Any attempt on the part of the traditionally disadvantaged sections of society to challenge this belief has been resisted mainly on two grounds.

One line of assault on human rights, as understood in the modern world, does not deny the principle underlying them. It is argued that since Pakistan is an Islamic state it will enforce human rights enjoined by Islam which are of a higher order than those being currently propagated. However, no serious attempt has been made to concretise the Islamic human rights norms.

Some years ago a group of Muslim scholars met in Europe and drafted an Islamic charter of human rights in an attempt to reconcile their belief with the Universal Declaration of Human Rights. The exercise was not wholly successful. Mr Yahya Bakhtiar was however convinced that this charter answered the demands of a human rights order in the Islamic Republic of Pakistan. He therefore introduced it in the Senate in the form of a private members' bill, which was duly referred to a Standing Committee. By the time the Standing Committee took a decision several years had passed and Yahya Bakhtiar had ceased to be Senator. The bill was summarily killed on the ground that its mover had disappeared. No other parliamentarian was prepared to adopt the proposal or even to accept the need for an Islamic bill of rights. Thus ended the only attempt to support repudiation of the international human rights standards with any alternative code.

The episode has been recalled to focus on the political elites' tendency to evade its human rights obligations under an undefined commitment to the belief of the majority population. At

the root of the problem lies the dilemma many Muslim States (Pakistan more than any other) have created for themselves by helping the orthodoxy through State effort to eliminate the liberal tradition from public and political discourse. In the dispensation imposed by Gen. Zia, *Shariah* is interpreted in the light of *fiqh* frozen many centuries ago, a break from which was so passionately advocated by Iqbal.

In this interpretation of what is often described as classical Islam neither democracy nor human rights, as understood in this age, can enjoy clerics' sanction. An order based on it, as several modern authorities on the subject, Dr. Fazlur Rahman, Abdullah al-Naimi, *et al*, have argued, is bound to treat non-Muslims as second class citizens and deny women equality of status with men. There are doubts that an Islamic theocracy can have friendly relations with non-Muslims states. Political authorities are understandably scared of this prescription because they realise the near impossibility of running a modern State if they make the polity and human rights subject to the orthodox clergy's diktat.

The way out for those who believe that politics, law, and human rights cannot be separated from belief, regardless of what the founder of the State had declared and what the majority of the lay population subscribes to, is to reinterpret Islam, or reconstruct religious thought (Iqbal), so as to bring it in accord with the demands of the present age, something that Islam has always been supposed to stipulate. The task may not be impossible but the reality on the ground discourages optimism. What is more likely is that the religious argument will continue to be used to trim and circumvent human rights standards.

The second line of resistance to human rights proceeds from a recent increase in their denunciation as a West-

ern ploy to undermine Pakistan's vital social interests, especially the sacred cultures of its peoples. The hypocritical foundations of this formulation is transparent. Many things from computers to guns that are acquired from the West, which serve the elite more than the commoners, and which deeply affect cultural practices are not spurned but human rights are. Obviously the values and practices held sacred are vestiges of feudal culture which allows exploitation of women and other disadvantaged sections of the population. An order based on human rights is rejected as it not only threatens to end the tradition of inequality but also leads to the empowerment of the common people.

The latter view has been strengthened by an undefined national sentiment because some of the human rights issues given preference by the West, such as calls for elimination of child labour, are construed as directed at the country's economic interests. Memories of grievances against the western countries, such as their refusal to share Pakistan's stand on Kashmir, and inconsistencies in their human rights record have brought wide acceptance of the view that these countries have embarked upon a modern version of the Crusades.

The nexus between the two forces hostile to human rights, religious and nationalist-feudal lobbies, is obvious. The State's policy of not ratifying the basic human rights instruments, and of making reservations on the ground of belief on the treaties that have been ratified, is taken as an endorsement of the stand taken by perpetrators of social inequality. As a result intolerance of religious or sectarian differences is on the increase and so is violence against women and encroachment on their rights that were recognised till a few decades ago. If these trends continue the space for practical respect for hu-

man rights in Pakistan will diminish with the passage of time till the victims rise in open confrontation with the State and the clergy — a prospect too sanguinary to be viewed with equanimity.

That the present drift against human rights can be arrested quite early in the new century should not be difficult to realise. There is a considerable body of enlightened opinion in the country that holds that Pakistan's best option is to revert to the non-theocratic ideals defined at the time of the State's founding. However, if the dominant social elite chooses to remain a prisoner of its self-created fears and illusions, it should at least be able to realise that its own stake in the State demands lifting of curbs on an open discourse on ideology. The State may not have the capacity to encourage the liberal interpreters of Islam but it can certainly assure them of a fair space in public debate by withdrawing its support, covert as well as overt, to elements that are exploiting religion for their narrow political and social ends.

By the same token the props raised to perpetuate the monopoly of influentials, feudals, clerics, and the vulgar rich will need to be dismantled. Certain basic rights that hold the key to the people's enjoyment of the general body of rights, such as the rights to political equality, equality in opportunities for economic advance, rule of just laws, and freedom of expression, will have to be placed on higher and firmer pedestals than at present. As regards protection of national interests against any attack, real or imagined, from the West, a non-communal strategy could be evolved in alliance with other developing States.

The governments of India and Pakistan have shown remarkable unity in denouncing human rights norms, particularly when it comes to the rights of children, women, and minorities. There is no reason why they cannot get together to resist hegemonic attempts from any quarter. But Pakistan and India will succeed in persuading the West to better its human rights record only after ensuring fullest possible respect for these rights at home, or at least demonstrating the will required to realise this objective.