

ISLAMIC VALUES AND HUMAN RIGHTS: HOW THE ARABS AND MUSLIMS DEALT WITH GRIEVANCES?

Social Sciences

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ABSTRACT

This study focuses on a very new idea in Human rights in the Arab and Islamic Culture .It is the subject of (Raffee El Mathalim) RM .This means reducing or combating the Grievances. This text means when the decision maker practices the job of the Judge and executes the resolutions immediately predict nothing has been written yet about it. So there is no previous studies in English yet according to my knowledge may be there is but not available in our libraries.

The assumption that the human rights in the Arab World has been taken care of in way which is not existed else where. Arabs before Islam and after Islam concentrated on the same subject.

This unique experience has not been introduced to the others in the proper way. If the Islamic literature in human rights is reviewed, a very large amount of new information will be found. This paper is directed to the non Moslems and non Arab Moslem readers who don't know enough information about Islam and Arab culture. Someone may find thousands of studies in the Arab world about human Rights but not on this subject. This study covers the subject in English.

INTRODUCTION

After the 11th of September the writers in the Arab world became busy to defend Islam in the same old way. Many conferences took place to discuss the relation between Islam and peace .All these conferences concentrated on the defensive way to defend Islam. It was useless. From some of the western states side a new era in the world started to fabricate information .The text

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axis of evil appeared and it included two Moslem states Iraq and Iran. Many studies and actions sometimes provoke and hurt the feeling of Moslems. Some of the Studies like that one of Samuel Huntington highlight the elements of clash between civilizations pave the way for more hatred against Islam.. Although that study looked at the civilizations as one unified one block of Latin America, Confucian, Hindu, Slavic Orthodox, African and Japanese, the attack was on Islam only. (Mumayez 2007)..In the Arab and Moslem World no such writings or actions against Christians and the studies which appear after 11th September did not attack others. They were defensive studies to proof that Islam is the Religion of Forgiveness and Tolerance. On the international level no one listened or cared for such studies by the Arabs or Moslem states.

In several times during different period of the history there was a cold war between Islam and the west. Some time it erupts into open warfare as happened during the Crusaders. This time in the era of media there was Huge Hysteric propaganda against Islam after 11 September.

WHAT IS NEW IN THIS STUDY

This study is not like the studies which I mentioned above who is from the Moslem side Defensive and from the Western side is biased and attacking Islam .It concentrates on pure facts existed in the Arab and Islamic history. This study will deal with the idea of RM .This expression relates to the early interest of Human Rights in the Arabian peninsula before Islam*.It relates to a job of the ultimate decision maker to achieve justice in his state. This job is practiced by the most powerful person in the Government who can judge and carry out his orders .He is different from a lawyer or judge. The judge doesn't have the power of executing.

Historically the Arabs survived in the area which is known the Middle East between two cultures who divided the area in the Mediterranean until the seventh century. There were the Persian and Roman Empires. The Eastern half of the Roman Empire appeared with a capital Byzantium or Constantinople the capital of the new empire Byzantine Empire whose religion was Orthodox Christianity .There was a great struggle between the two empires and they weakened each other before the peace was concluded in 602 .In the south the greater part of the Arabian Peninsula was inhabited by Arab tribes who had their own culture .The most important cities were Mecca and Medina .In Mecca they were Idol worshippers. In Medina (which was called Yathrib), there were some Jews who se religion was Judaism. All the Arabs made pilgrimage to Mecca and visit the holy temple every year. This

small city was dominated by a tribe called Quraish who had commercial business with Yemen, Syria and Egypt. Islam appeared in this city in 610 and Mohammad the Apostle of God started his message in this city. The prophet left Mecca after twelve years convincing 60 or 70 persons to become Moslems and they immigrated to Medina. That marked the commencement of the Islamic Calendar. Ten years later the prophet died in 632. He was succeeded by Abu Bekr

Historically, the Arabs before and after Islam lived in the open desert a hard life which required a man of outstanding characteristics. Such life made them more responsible. Moreover, they enjoyed the ideal of personal honor which prevented the dishonorable actions, treachery, and ruthlessness

HILF- EL- FODHOUL

The tribe of Quraish who was ruling Mecca before Islam divided the functions of the state between the sub tribes. This tribe who lived in Mecca was the dominant tribe of Arabia that represents the Arabs. She was rich and its economy depended on the trade. The caravans of this tribe moved from the south of the Arabian Peninsula (Yemen) to Bilad El Sham (Syria). There is great Commercial route Between Damascus and Mecca. The Holy Quran mentioned this trade and commercial movement in the winter and summer like this

*(Since the Quraish have been united
United to fit out caravans winter and summer,
Let them worship the Lord of this house)*

Quraish who enjoyed a great reputation in trade enjoyed an other reputation of having the Holy places. The House of God which attracts the Arabs to come for Mecca every year for performing Hajj. These things made Quraish committed to values and responsibility. All over the Islamic history Every ruler Caliphate who ruled in the Islamic World was from Quraish. All the rulers (Caliphates) came from Quraish for 600 years at least. No one dare to have the title the (Caliphate) after the collapse of the Abbassi Empire. The Ottomans broke this traditions when Sultan Selim went to Mecca in 1525 and asked the Sherif of Mecca to pray for him in the Friday School Teaching. He the Sherif gave him more than he asked for and granted him the title which the King of Saudia Arabia still uses ;The Servant or the Guard of the Holy Shrines (Khadim El Harmain El Shareefain). Any way Ib Khaldoun later gave very good explanation that Quraish doesn't mean blood necessarily but Power (Asabieh) .

QURAISH CONCENTRATION ON HUMAN RIGHTS

Quraish concentrated on this aspect of Human Rights and in specific reducing or combating grievances which is called RM .The famous story in the history happened when a Yemenite merchant was robbed in the middle of the holy shrine .The men gathered and decided to assist him to get back what was robbed from him.They succeeded .So they reached resolution and carried it out immediately. This was an informal court but it achieved justice. The prophet was 25 year old by then .He attended the meeting. He liked it and he encouraged to have it in Islam. This meeting was called Hilf El Fodhoul (Ibn Hesham) .The word Hilf means an alliament and El Fodhoul means the plural of El Fadhl and El Fadhl is the good thing.

THE ISLAMIC ERA

The holly Prophet (pbuh) was political and religious leader. He was a judge. After he died his successor was The Caliphate Abu Bekr .He was the first Caliphate after the prophet Mohammad .From the very beginning he addressed the people to assist him if he is right and critics him if he is not. **(Ibn Hesham)**.Omar the second Caliphate (634-644) was utterly dedicated to Islam. He was noted for his great Justice. In RM he had a very famous story when an Egyptian man complained to him that he was beaten by the son of the governor..(The Wali).Omar took his Decision immediately and ordered the Egyptian to beat the son of the Governor. **(Hassan 1964)** He addressed the Governor ;(When did you enslave the people who were born free).This phrase is copied and mentioned in the first article of the Human Rights Declaration.

THE PLACE

This kind of court is held in the mosque .Some time the Caliphate assign specific hours for this purpose. Ali the fourth Caliphate (656-661) assigned specific hours to meet people.**(Hassan 1964)**.The third Abbasid Caliphate Mehedi (775-785) built a specific place like a Mosque with 4 doors .He called it Qubit El Mathalim (The place where grievants can complain to the Caliphate)He used to sit and wait for the grievant to come. (Deawan means the Public Building). The Caliphate was very accessible.**(Massoudi:1986)**.

This place may be called Dewan El Mathalim .The person who supervise it is Sahib El Mathalim .His Authority is above the authority of the Judge .(Hassan 111).It

needs a strong man with a great image of authority and power to deter the aggressors. He does what the judge cannot do. He may investigate looking for clues and he may postpone the decisions till every thing is clarified. He may interfere and use his influence or power between the two parts to reach resolutions and reconciliation.

Usually it is practiced by the caliphate. In the early days of Islam it was like that until the Caliphate El Mehedi received the power. Some time he delegates .The Caliphate Ali delegates the power to his Judge (Abi Edris El Khawlani).Other Caliphates did it like Muawiya (661-680), Mutasim (833-842) (Massoudi :1986)

THE TEAM

The caliphate or who delegates were assisted by a team of five persons

- 1- A Judge to assist in understanding the law.
- 2- Al Faqeeh an expert in understanding religion, Quran and Sunnah.
- 3- Guards who protects or arrest the aggressors
- 4- Writers for the sake of documentations
- 5- Witnesses who witness and who assist in information

THE CASES AND SUBJECTS

The caliphate or the man who he delegates may see the following cases

- 1-These grievances who complains about the government officials like governors and others
- 2-The cases of soldiers who don't have their rewards
- 3-The grievances who complain about the size of taxes
- 4-The cases of worshipping the God for example accusing any one of any case relates to his religion.

Ibn Batouta the famous Arab traveler who traveled through Asia and passed by India 800 years ago wrote that he saw a king sitting to receive the grievances on two days Monday and Thursday to look into the stories of the grievances who complain. He was assisted by four who were sitting beside him .One was prince .There were four doors and at each door there was a prince. The person who wants to complain may submit to any one of them .If any of these princes did not receive the complain he may be punished by the King .The King used to sit and read all of the complains rest of the day. (Ibn Batouta 1967).

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