

THE UNITED NATION'S 'BEIRUT DECLARATION AND ITS 18 COMMITMENTS ON FAITH FOR RIGHTS': A CRITIQUE FROM AN ISLAMIC PERSPECTIVE

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ABSTRACT

In March 2017, the United Nations Office of the High Commissioner for Human Rights (UN OHCHR) launched a “Faith for Rights” initiative. This initiative aims to gather the adherents of various religions around the world and show that they support human rights as part of their religion. This Faith for Rights initiative hosted a workshop in Beirut, which resulted in a document titled “the Beirut Declaration and the 18 Commitments on Faith for Rights” which is the centre of this article. Islam is one of the faiths claimed to be represented in this initiative. However, is Islam truly represented properly? Did this initiative properly accommodate Islamic teachings? First, this article notes that Islam does believe in human rights and has its own concept of it. Second, this article continues by examining the Beirut Declaration and its 18 Commitments on Faith for Rights and seeing whether the points agreed are consistent with Islamic principles. It is found that this document does not accommodate Islam properly. It is not suggested that Islam does not recognize human rights. However, the concept of human rights agreed by this document does not represent and even breaches the teachings of Islam. This article therefore recommends that Muslims should not accept “the Beirut Declaration and the 18 Commitments on Faith for Rights”, and instead they should accept the concept of human rights which are properly prescribed in the noble teachings of Islam. This article emphasizes that in the future, Muslim representatives to human rights initiatives must be weary and never agree on any declaration that might contravene any Islamic teachings or which could lead to such possibilities such as this.

Keywords: Islam, Human Rights, Beirut Declaration, United Nations, Religion

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‘DEKLARASI BEIRUT DAN 18 KOMITMEN DAN HAK-HAK DALAM BERAGAMA’ PERTUBUHAN BANGSA-BANGSA BERSATU: SATU KRITIKAN DARI PERSPEKTIF ISLAM

ABSTRAK

Pada Mac 2017, Persuruhjaya Tinggi Hak Asasi Manusia Pertubuhan Bangsa-Bangsa Bersatu telah melancarkan inisiatif “Hak Dalam Beragama”. Inisiatif ini bertujuan untuk menyatukan penganut daripada pelbagai agama dari seluruh dunia dan menunjukkan mereka menyokong hak kemanusiaan sebagai sebahagian daripada agama mereka. Inisiatif hak dalam beragama ini menganjurkan sebuah bengkel di Beirut, yang menghasilkan sebuah dokumen yang bertajuk, “Deklarasi Beirut dan 18 Komitmen Dalam Hak-Hak Beragama” yang merupakan tunjang kepada artikel ini. Islam adalah antara agama yang diperkatakan telah dibentangkan dalam inisiatif ini. Akan tetapi, adalah Islam telah dibentangkan dengan betul? Adakah inisiatif ini membantu dalam menyampaikan ajaran Islam? Pertama, artikel ini menerangkan Islam mempunyai hak asasi manusia dan mempunyai konsepnya tersendiri. Kedua, artikel ini disambung dengan meneliti Deklarasi Beirut dan 18 komitmen-komitmen hak-hak beragama dan melihat sekiranya perkara-perkara yang dipersetujui selari dengan prinsip Islam. Hasilnya mendapati bahawa dokumen ini tidak sesuai untuk menjadi wadah untuk Islam. Ini bukanlah bermakna mencadangkan Islam tidak mengiktiraf hak asasi manusia. Akan tetapi, konsep hak asasi ini telah dipersetujui di dalam dokumen ini bukanlah mewakili dan malahan bertentangan dengan ajaran Islam. Artikel ini mencadangkan agar Muslim untuk tidak menerima “Deklarasi Beirut dan 18 komitmen komitmen hak-hak dalam beragama”, and seharusnya menerima konsep hak asasi manusia yang telah ditetapkan dalam ajaran Islam yang mulia. Pada masa hadapan, wakil Muslim ke inisiatif hak asasi manusia seharusnya tidak bersetuju dengan apa yang bertentangan dengan Islam seperti ini.

Kata kunci: Islam, Hak Asasi Manusia, Deklarasi Beirut, Pertubuhan Bangsa-Bangsa Bersatu, Agama

INTRODUCTION

The efforts of the United Nations (UN) to construct an international regime of human rights, has long been met with resistance. Although the Universal Declaration of Human Rights (UDHR) begins with the

word 'universal', it is more of a dream rather than a statement of reality. While it is true that hundreds more states only joined the UN after the UDHR, thus making the majority of the states not actually present to vote on it, the true universality of the UN version of human rights remains elusive, even for those who did and what more for those who did not. Furthermore, even from only 58 voting memberships at the time of UDHR, there were eight abstentions and two states did not vote.¹ Not only that, even after all this time, there has been a steady number of critics that question the universality of human rights remain strong and academically sound.²

The relationship between human rights and religion has always been the subject of a longstanding debate. This is especially so with the religion of Islam, where numerous debates have sparked regarding how Islam and human rights interact and what should be changed (if any at all). Numerous scholars have written on the subject, most of them generally agreeing that there are some agreements and disagreements – on whether the level of fundamental teachings or scholarly interpretation of Islam are affected when discussing the issue of human rights.³

¹ "A/RES/217(III)[A]," United Nations Bibliographic Information System, accessed March 11, 2019, <http://unbisnet.un.org:8080/ipac20/ipac.jsp?session=14O243550E15G.60956&profile=voting&uri=full=3100023~!909326~!676&ri=1&aspect=power&menu=search&source=~!horizon>.

² See *inter alia*: Benoit Mayer, "The 'Magic Circle' of Rights Holders: Human Rights' Outsiders," in *Critical International Law: Post-Realism, Post Colonialism, and Transnationalism*, ed. Prabhakar Singh and Benoit Mayer (Oxford–New Dheli: Oxford University Press, 2014), 198–219; Antony Anghie, "International Human Rights Law and a Developing World Perspective," in *Routledge Handbook of International Human Rights Law* (New York: Routledge, 2013); Makau Mutua, "Savages, Victims, and Saviors: The Metaphor of Human Rights," *Harvard International Law Journal* 42, no. 1 (2001): 201–46.

³ See *inter alia*: Ebrahim Afsah, "Contested Universalities of International Law. Islam's Struggle with Modernity," *Journal of the History of International Law* 10 (2008): 259–307; Abdullahi Ahmed An-Na'im, "Islamic Law, International Relations, and Human Rights: Challenge and Response," *Cornell International Law Journal* 20, no. 2 (1987): 317–35; Mashood A. Baderin, *Hukum Internasional Hak Asasi Manusia Dan Hukum Islam* (Jakarta: Komisi Nasional Hak Asasi Manusia, 2010);

In meeting this challenge, the Muslim-majority nations have attempted to show how Islam also has its own concept of human rights. In 1990, the Organization of Islamic Cooperation issued the Cairo Declaration of Human Rights in Islam. While generally recognising human rights as something inherent within the Islamic faith, there are a number of items where it differs from the general mainstream international human rights law such as the concept of women rights and freedom of religion.⁴ Nonetheless, it could be seen that there is an effort from all parties to promote human rights. When there are differences, there is discourse on what to do and to what extent can one adjust.

In March 2017, the UN Office of the High Commissioner for Human Rights (OHCHR) launched an initiative called the “Faith for Rights” framework and held an Expert Workshop in order to bridge the connection between different faiths and between faiths and human rights.⁵ The Expert Workshop involved thirty experts from the Middle East and North Africa from various faiths,⁶ which resulted in the Beirut Declaration. They also issued an additional document titled, “18 Commitments”, which is a summary of the contents of the Beirut Declaration. These two documents are opened for signatories to

Saiful Anwar, “Problem Aplikasi Paham Gender Dalam Keluarga,” *Jurnal Kalimah* 13, no. 1 (2015): 21–44.

⁴ See *inter alia*: Fathimatush Sholihah, “Perbandingan Hak Kebebasan Beragama Yang Diatur Dalam Universal Declaration of Human Rights (UDHR) Dengan Cairo Declaration of Human Rights in Islam (CDHRI)” (Universitas Gadjah Mada, 2016); “Cairo Declaration on Human Rights in Islam - Diverges from the Universal Declaration of Human Rights in Key Respects,” Europe News, 2007, <https://en.europenews.dk/Cairo-Declaration-on-Human-Rights-in-Islam-Diverges-from-the-Universal-Declaration-of-Human-Rights-in-key-respects-78272.html>; Farhad Kazemi, “Perspective on Islam and Society,” in *Islamic Political Ethics: Civil Society, Pluralism, and Conflict*, ed. Sohail Hashmi (Princeton: Princeton University Press, 2002), 51; Rira Nurmaida and Anita, “Konsep Dan Implementasi Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW),” in *Delusi Kesetaraan Gender: Tinjauan Kritis Konsep Gender*, ed. Dinar Dewi Kania (Jakarta: Yayasan AILA Indonesia, 2018). This is explained further later in this article.

⁵ The Beirut Declaration and Its 18 Commitments on Faith for Rights. Commitment I.

⁶ “The Beirut Declaration and Its 18 Commitments on Faith for Rights,” 6.

anyone who wishes to support it, and as per the completion of this article, (i.e. 19 April 2019) there are 140 listed supporters from various backgrounds.⁷

It is difficult to find a full list of who the participants of the Expert Workshop were. However, as Islam is one of the largest faiths in the world, certainly Muslims and Islam should be represented. After all, how can a document be produced by the UN if not accommodating at least all major faiths including Islam? At least, this is what the initiative seems to claim.

However, a short skim through the document shows some matters peculiar to the eyes of any Muslim who reads it. One that is especially intriguing is a quotation which was supposedly from the Qur'an, cited as "Qu'ran, 103, 3"⁸ which refers to Surah al-'Asr (i.e. Surah 103) verse 3.⁹ The English quotation of Surah al-'Asr from the document reads as follows:

Mankind is at loss. Except those who believe in doing righteous deeds, constantly recommend it to one another and persist in that vein.¹⁰

It does not take a deep analysis to see that not only the verse numbering in the Document is wrong,¹¹ but the translation is very incorrectly misleading. Compare the above citation with the following full text of Surah Al-'Asr (103), which is the second shortest Surah of the Qur'an, with the Sahih International translation:

وَالْعَصْرِ (١) إِنَّ الْإِنْسَانَ لَفِي خُسْرٍ (٢) إِلَّا الَّذِينَ آمَدُوا وَعَمِلُوا الصَّالِحَاتِ وَتَوَّصُوا بِالْحَقِّ وَتَوَّاصُوا بِالصَّبْرِ (٣)

⁷ "The Beirut Declaration and Its 18 Commitments on Faith for Rights," 62–63.

⁸ The document actually misspelled the Qur'an as "Qu'ran".

⁹ "The Beirut Declaration and Its 18 Commitments on Faith for Rights," 8. As mentioned earlier, the formatting is inconsistent, but this is what seems to be intended for the particular item highlighted if compared to the French and Arabic version of the Declaration at page 14 and 21.

¹⁰ Emphasis added.

¹¹ The Beirut Declaration says that its verse 3, while the text resembles verses 2-3. One may think it's a typo, but the French and Arabic version reproduces this same citation.

By time (1), Indeed, mankind is in loss, (2), Except for those who have believed and done righteous deeds and advised each other to truth and advised each other to patience (3).¹²

The Arabic version of the 18 Commitments seems correct, albeit the verse number also being wrong. While there are different translations of the Qur'an with minor differences between the translations, it is obvious that the version put forward by the Beirut Declaration is severely and misleadingly incorrect. This article will not go deep in analysing how severe the translation mistakes are and what the consequences are (the added emphasis can illustrate the difference), but a simple comparison towards the two translations above would easily show the severity. Note that the French version is also inaccurate, translating *آمَنُوا* as “*dherent*” and *وَأَعْتَدُوا الصَّالِحَاتِ* as “*sont intègres*”.¹³

Official translations are easily available for the entire Qur'an and there are millions of people who memorizing the Qur'an to the last dot by heart, and Surah Al-‘Asr which is the second shortest Surah after Surah Al-Kawthar (108). With a document that claims to be submitted by the participants of an Expert Workshop,¹⁴ one cannot help but wonder how such an easily avoidable mistake could occur.

One cannot help but to be curious of the further details of the content of this document. This article further examines the Beirut Declaration and the 18 Commitments, with a greater focus on the latter as it is a conclusive summary of the former. Using a literature review and doctrinal legal method, this article compares this UN document to Islamic teachings especially on human rights in order to see whether Islam is truly represented.

¹² Emphasis added.

¹³ The Muhammad Hamidullah French translation of the Qur'an uses “*croient*” and “*bonnes œuvres*” respectively for these two terms. See: “The Noble Qur'an,” quran.com, accessed March 12, 2019, <https://quran.com/>. The term *foi* may also be used as alternative to *croient*, but either ways the Beirut Declaration version is very inaccurate and misleading.

¹⁴ See: “The Beirut Declaration and Its 18 Commitments on Faith for Rights,” 12, especially at endnote 1.

ISLAM AND HUMAN RIGHTS: A BRIEF OVERVIEW

Before proceeding further, it is essential to first mention that Islam does not entirely reject the general idea that humankind has rights. Rather, there are some who claim that the first milestone of human rights was set in the Madinah Charter by Prophet Muhammad s.a.w as a covenant with the people of Madinah.¹⁵

However, the main source of the western version of human rights are typically the international human rights law instruments and conventions, including most essentially the UDHR, and many others. It must be noted that international human rights law would and should generally follow the general notion of international law, which uses the sources of law mentioned in Article 38(1) of the Statute of the International Court of Justice as well as other sources such as 'soft law' (including the UDHR *etc*).

It is not that Islam does not have any place for international law, as *fiqh al-siyar* also considers treaties and reciprocity¹⁶ (which, on a large scale, becomes customary international law). However, as a branch of *fiqh* (and as any branch of the Islamic sciences), the primary sources of law are always the Qur'an and Sunnah.¹⁷ Surely there would be major fundamental differences between human rights as understood by Islam and international human rights law.

¹⁵ See *inter alia*: Badria Al-Awadhi, "Address by the Dean of the Faculty of Law and Shari`a in the University of Kuwait," in *Human Rights in Islam*, ed. International Commission of Jurists, Kuwait University, and Union of Arab Lawyers (Geneva: International Commission of Jurists, 1982).

¹⁶ Muḥammad ibn al-Ḥasan Al-Shaybānī, *The Islamic Law of Nations: Shaybani's Siyar*, trans. Majid Khadduri (Maryland: John Hopkins Press, 1966), 8.

¹⁷ Imam ibn Katsir, *Shahih Tafsir Ibnu Katsir*, ed. Safiurrahman Al-Mubarakfuri, vol. 3 (Jakarta: Pustaka Ibnu Katsir, 2016), 149; Ibn Abī 'Alī Al-Ḥanafī, *Sharḥ Al-'Aqīdah Al-Taḥawīyyah*, vol. 2 (Beirut: Mu'assasah al-Risalah, 1997), 446. See also: Haji Abdulmalik Abdulkarim Amrullah, *Tafsir Al-Azhar*, vol. 3 (Singapore: Pustaka Nasional PTE Ltd, n.d.), 1758–60.

Sigit Riyanto and Fajri Muhammadin pointed out that there are three paradigmatic differences between the concept rights in Islam and in international human rights law:¹⁸

- Scope of ‘Religion’: a more western view of law and international law view ‘religion’ as a mere matter of personal belief and has no place in public life. On the other hand, the term ‘*al-din*’¹⁹ from its original Arabic is a term to include not just the belief in Allah but also: ‘indebtedness’, ‘submissiveness’, ‘judicious power’, and ‘natural inclination’.²⁰ This different understanding towards the one term ‘religion’ will result in a plethora of different consequences, including in the human rights discourse.²¹
- Epistemological difference: the western international law concept of human rights is secular, while Islam is anything but secular. Secularism, as an epistemology, negates anything metaphysical while the Islamic faith is based on the belief in the *ghaib* (i.e. metaphysical realities).²² This causes not only the difference in scope of ‘religion’ as mentioned in the previous point, but also scope of objects of human rights and the extent of its regulation.

¹⁸ Sigit Riyanto and Fajri Matahati Muhammadin, “The Urgency to Incorporate the Islamic Concept of Rights into the International Human Rights Law Course in Indonesian Law Schools,” *Al-Ihkam: Jurnal Hukum Dan Pranata Sosial* 14, no. 1 (2019): 176–98. See also: Umar Ahmad Kasule, *Contemporary Muslims and Human Rights Discourse: A Critical Assessment* (Selangor Darul Ehsan: IIUM Press, 2009), 33–141.

¹⁹ This word is usually translated as ‘religion’ but for the lack of better word, as it reduces so much of what it truly means.

²⁰ Syed Muhammad Naquib Al-Attas, *Prolegomena to the Metaphysics of Islam: An Exposition of the Fundamental Elements of the Worldview of Islam* (Kuala Lumpur: Institute for the Study of Islamic Thought and Civilizations, 1995), 42.

²¹ Riyanto and Muhammadin did not explain this as a specific distinct fundamental difference, but rather it was the spirit of the second point. Zara Khan, however, pointed this out as a specific distinct fundamental difference: Zara Khan, “Refractions Through the Secular: Islam, Human Rights, and Universality” (Ph.D Dissertation, The City University of New York, 2016), chaps. 4–5.

²² See generally: Syed Muhammad Naquib Al-Attas, *Islam and Secularism* (Kuala Lumpur: ISTAC, 1993).

- Construction of rights versus responsibility framework: the western international law concept of human rights is heavily based on rights and much less on responsibilities, while Islam provides a balance between rights and responsibilities with an emphasis towards the latter.²³

Therefore, it is only natural that there would be differences between Islam and international human rights both in the conceptual level as well as in derivative issue. Although some general terms may be similar (e.g. 'rights to life') but the way they are understood and implemented may be very different as this article will subsequently illustrate.

ANALYZING THE DOCUMENT: THE 18 COMMITMENTS

As explained earlier, the 18 Commitments could serve essentially as a summary of the Beirut Declaration. Therefore, this section analyses the 18 Commitments and sees whether they are consistent with Islamic teachings. Some of the Commitments may be analysed together when the explanation towards multiple points are interrelated.

The last two Commitments i.e. Commitments XVII and XVIII speaks of cooperation and creative technological dissemination of the 18 Commitments (and, consequently, the Beirut Declaration).²⁴ Can a Muslim pledge to commit to that? The answer will depend on the individual Commitments I-XVI which are elaborated in the sub-sections below.

²³ See also: Shamrahayu binti Abdul Aziz, "Islamic Concept of Human Rights," in *Human Rights Law: International, Malaysian and Islamic Perspectives*, ed. Abdul Ghafur Hamid @ Khin Maung Sein (Selangor: Thomson Reuters Malaysia Sdn Bhd, 2012), 329.

²⁴ "The Beirut Declaration and Its 18 Commitments on Faith for Rights," 29–30.

ANALYSIS OF COMMITMENT I: THE ‘RIGHTS AND FREEDOM’ DILEMMA

Commitment I reads as follows: “Stand up and act for everyone’s right to free choices and particularly for everyone’s freedom of thought, conscience, religion or belief”.²⁵

If this Commitment is meant to mean that no religious believers may be persecuted and barred from practising their faith, then this is correct. As the 18 Commitment document correctly cites, the Qur’an in Surah al-Baqarah (2) verse 256 famously reads as follows:

لَا إِكْرَاهَ فِي الدِّينِ

There shall be no compulsion in [acceptance of] the religion...

This verse does emphasize that nobody should be coerced into accepting Islam.²⁶ However, whether ‘belief’ really constitutes as a ‘right’ according to Islam must be examined more thoroughly.

The word ‘rights’ in human rights terms does not seem to have a direct definition in any of the international human rights treaties. However, human rights scholars have noted that the meaning of ‘right’ used in the context of ‘human rights’ is ‘entitlement’, while negating the ‘moral correctness’ meaning of ‘right’.²⁷ As Article 1 of the UDHR mentions, “*All human beings are born free and equal in dignity and rights,*” it is only natural that human beings are born with them.

This is where Islam does not seem to sit well with the idea that the freedom of belief is, properly speaking, a ‘right’. The term ‘rights’ in Islam has a different connotation. In the Arabic language, the term

²⁵ For all 18 Commitments, see: “The Beirut Declaration and Its 18 Commitments on Faith for Rights,” 26–30.

²⁶ Haji Abdulmalik Abdulkarim Amrullah, *Tafsir Al-Azhar*, vol. 1 (Singapore: Pustaka Nasional PTE Ltd, n.d.), 623–24; Ismail ibn Katsir, *Shahih Tafsir Ibnu Katsir*, ed. Safiurrahman Al-Mubarakfuri, vol. 2 (Jakarta: Pustaka Ibnu Katsir, 2016), 47; Jalāl al-Dīn Al-Maḥallī and Jalāl al-Dīn Al-Suyūṭī, *Tafsīr Al-Jalālayn*, ed. Ghazi bin Muhammad ibn Talal (Amman: Royal Aal al-Bayt Institute for Islamic Thought, 2007), 47.

²⁷ Jack Donnelly, “Natural Law and Right in Aquinas’ Political Thought,” *Western Political Quarterly* 33, no. 4 (1980): 520–35. See also: Kasule, *Contemporary Muslims and Human Rights Discourse: A Critical Assessment*, 95–97.

'right' means *حق* (*haqq*) or in plural form *حقوق* (*huquq*) which is derived from the root *ح ق ق*, from which the derived meanings include 'suitability with the requirements of justice / wisdom / truth / right / reality', 'to be just / proper / right / correct / fitting', 'to be obligatory or due', 'established as a fact', and others.²⁸

As Al-Attas notes, the term *haqq*, "...signifies both reality and truth. As reality it denotes an ontological condition; as truth a logical condition; and it denotes a *hukm* confirming with the reality or the real situation."²⁹ How can *kufr*, which is *batil*, be considered as *haqq*?³⁰

What the 18 Commitments conveniently missed out is the full verse of Surah Al-Baqarah (2) verse 256:

لَا إِكْرَاهَ فِي الدِّينِ ۗ قَدْ تَبَيَّنَ الرُّشْدُ مِنَ الْغَيِّ ۚ فَمَنْ يَكْفُرْ بِالطَّاغُوتِ وَيُؤْمِنْ بِاللَّهِ فَقَدِ اسْتَمْسَكَ بِالْعُرْوَةِ الْوُثْقَىٰ لَا انْفِصَامَ لَهَا ۗ وَاللَّهُ سَمِيعٌ عَلِيمٌ

There shall be no compulsion in [acceptance of] the religion. The right course has become clear from the wrong. So whoever disbelieves in Taghut³¹ and believes in Allah has grasped the most trustworthy handhold with no break in it. And Allah is Hearing and Knowing.

As shown in the full verse above, the 18 Commitments missed out entirely that "no compulsion" does not include the inability to differentiate between right and wrong. This mistake is similarly shown in the quotation of Surah Al-Kahf (18) verse 29 as follows: "The Truth is from your Lord; so let he or she who please believe and let he or she who please disbelieve." The 18 Commitments cited this verse with a tone clearly suggesting that Islam believes in freedom of religion. However, as was the case of Surah al-Baqarah (2) verse 256,

²⁸ Edward William Lane, *An Arabic-English Lexicon: In Eight Parts*, vol. 2 (Beirut: Librairie du Liban, 1968), 605–10.

²⁹ Al-Attas, *Prolegomena to the Metaphysics of Islam: An Exposition of the Fundamental Elements of the Worldview of Islam*, 125.

³⁰ The Arabic translation of the international human rights instruments uses the term *huquq* as translation of the English word 'rights'. However, as explained in this section, the use of *huquq* for this context betrays what the Arabic word truly means.

³¹ The word "Taghut" refers to either a false god or a person who transgresses the Rights of Allah.

the 18 Commitments conveniently did not provide the whole context of the verse. Surah Al-Kahf (18) verse 29 reads as follows:

وَقُلِ الْحَقُّ مِنْ رَبِّكُمْ ۖ فَمَنْ شَاءَ فَلْيُؤْمِنْ وَمَنْ شَاءَ فَلْيُكْفُرْ ۗ إِنَّا أَعْتَدْنَا لِلظَّالِمِينَ نَارًا أَحَاطَ بِهِمْ سُرَادِقُهَا ۗ وَإِنْ يَسْتَعِينُوا يُوَفَّوهُم بِمَا كَانُوا يَكْفُرُونَ ۗ

And say, ‘The truth is from your Lord, so whoever wills - let him believe; and whoever wills - let him disbelieve.’ Indeed, We have prepared for the wrongdoers a fire whose walls will surround them. And if they call for relief, they will be relieved with water like murky oil, which scalds [their] faces. Wretched is the drink, and evil is the resting place.

This verse is not related to the freedom of religion. Rather, this verse is a warning for those who do not believe as to the effect of their refusal of follow the right path (i.e. in Islam), to make them heed to what is at the end of the path of their choice of disbelief.³²

Other than the verses cited in the previous Section, there are endless verses in the Qur’an indicating how disbelief is among the worst of actions and state to be in. This includes *inter alia* Surah al-Baqarah (2) verse 24, al-Nisa (4) verse 48, Surah Al-Najm (53) verse 36, Surah al-Bayyinah (98) verse 6, and so many more.

On the other hand, to believe in Allah and follow Islam is an obligation. In fact, it is the most fundamental obligation which humankind are created with. As Allah says in the Qur’an, Surah Dhariyat (51) verse 56:

وَمَا خَلَقْتُ الْجِنَّ وَالْإِنْسَ إِلَّا لِيَعْبُدُونِ

And I did not create the jinn and mankind except to worship Me.³³

The verses cited above show that to worship Allah is more of an obligation rather than a right. The consequence of an obligation would normally be punishments for those who fail to meet them, and as shown in all the verses cited above in this section, *Kufr* or ‘disbelief’ is given punishment in the Hereafter. Meanwhile, during

³² Ismā‘il ibn Kathīr, *Tafsir Al-Qur’an Al-Adzim*, vol. 5 (Beirut: Dar al-Kutub ‘Ilmiya, 1998), 524–26; Al-Mahallī and Al-Suyūfī, *Tafsir Al-Jalālayn*, 315; Haji Abdulmalik Abdulkarim Amrullah, *Tafsir Al-Azhar*, vol. 6 (Singapore: Pustaka Nasional PTE Ltd, n.d.), 4191.

³³ See also the following verses, Surah Dhariyat (51) verses 57-58.

life on earth, the disbelievers should not be forced to believe but they should be left to see the evidences and find their path to Islam as this is their test.³⁴

In fact, when the document under Commitment V cited Surah Al-Hujarat verse 13, the 18 Commitments conveniently (again) cited only part of the verse and missed out the rest. The full verse reads as follows:

يَا أَيُّهَا النَّاسُ إِنَّا خَلَقْنَاكُمْ مِنْ ذَكَرٍ وَأُنْثَىٰ وَجَعَلْنَاكُمْ شُعُوبًا وَقَبَائِلَ لِتَعَارَفُوا ۗ إِنَّ أَكْرَمَكُمْ عِنْدَ اللَّهِ أَتْقَاكُمْ ۗ إِنَّ اللَّهَ عَلِيمٌ خَبِيرٌ

O mankind, indeed We have created you from male and female and made you peoples and tribes that you may know one another. Indeed, the most noble of you in the sight of Allah is the most righteous of you. Indeed, Allah is Knowing and Acquainted. (emphasis added on the part missed out by the document).

The phrase “the most righteous of you”, in Arabic, is *أَتْقَاكُمْ* which is from the word *تقوى* (*taqwa*) or ‘piety’. There is no true *taqwa* without Islam and the Qur’an, as the connection is clear in various verses of the Qur’an including Surah Al-Baqarah (2) verse 2, Surah Ali ‘Imran (3) verse 102, and many more.

Therefore, in conclusion, from the Islamic view, it is incorrect to label ‘disbelief’ as a ‘right’. Consequently, Commitment I, in its current wording, is incompatible with Islamic teachings.

A correct construction may be as follows: a Muslim should not coerce a non-Muslim to accept Islam because it is the Muslim’s obligation to let them be and the non-Muslim’s obligation to find their way to Islam. If the non-Muslim chooses to disbelieve and dies that way, the punishment will be given not by the Muslims, but by Allah in the Hereafter. In this situation, the obligation of a Muslim is to carry out the holy mission of *da’wah* which should be done in the best manner possible while arguing with eloquence and etiquette, to invite the non-Muslims to the correct path.³⁵

³⁴ See Surah Al-Baqarah (2) verse 256, especially on “The right course has become clear from the wrong”: *قَدْ دَبَّيْنِ الرَّشْدُ مِنَ الْغَيِّ*. See: ibn Katsir, *Shahih Tafsir Ibnu Katsir*, 2016, 2:16; Amrullah, *Tafsir Al-Azhar*, n.d., 1:623–24; Al-Mahallī and Al-Suyūṭī, *Tafsīr Al-Jalālayn*, 47.

³⁵ ibn Kathīr, *Tafsir Al-Qur’an Al-Adzim*, 5:279–80; Al-Mahallī and Al-Suyūṭī, *Tafsīr Al-Jalālayn*, 294; Haji Abdulmalik Abdulkarim Amrullah,

ANALYSIS OF COMMITMENTS II, VIII, AND XVI: AGREEING ON A 'MINIMUM STANDARD'

Commitment II reads as follows:

...the present declaration on “Faith for Rights” as a common minimum standard for believers (whether theistic, non-theistic, atheistic or other)”. Considering the content, Commitment II must be read together with Commitment VIII which reads: “monitor interpretations, determinations or other religious views that manifestly conflict with universal human rights norms and standards.” Commitments II and VIII must also be read together with Commitment XVI which reads: “We commit to leverage the spiritual and moral weight of religions and beliefs with the aim of strengthening the protection of universal human.

The essential part of Commitments II and VIII are that they effectively placed a minimum standard of which believers of religions may conduct or interpret their faith, in other words, if there are any interpretations or conducts which are against this ‘agreed minimum standard’ then they would be labeled as ‘wrong’.

In theory, if there are certain standards, which are coincidentally believed equally by all faiths, then there should not be any problem. And, if such a truly ‘universal human rights norm and standard’ did exist, which is also believed equally by all faiths, then there should be no reason why these commitments cannot be accepted. When the document seems to self-proclaim itself to be an agreement between faiths that sets such a minimum standard, the real question is: does it live up to its claim?

If the Beirut Declarations and the 18 Commitments does not live up to its claim to be reflective of a standard acceptable towards all religions, or at least acceptable towards Islam, then this is a very serious issue. If there is one or more items in the Beirut 18 Commitments that is not from Islam and also against Islam but is pledged by Muslims to be the ‘minimum standard’ to adhere to, then this falls under ‘putting laws not from Islam, above Islam’. This, as mentioned earlier, is a very serious issue.

As among the basis, the Document cited one document that, at face value, seems to be Islamic which is allegedly a quote from Caliph Ali to Malik Ashtar.³⁶ The alleged quote does not seem to imply any such thing as a minimum standard, rather to simply be kind and have mercy to non-Muslims. However, upon further investigation, such a letter can only be found in the book *Nahj al-Balaghah* by the Shi'a scholar Al-Musawi.³⁷ It must be noted that Rafiḍi Shi'as do not count as Muslims according to the *ahl al-sunnah wa al-jama'ah*,³⁸ and their tradition of dishonesty makes them not credible as narrators.³⁹ Regardless of what one may make of the *Sunni-Shi'a* issue, at the very least one must accept that *Nahj al-Balaghah* itself is an unreliable book providing reports without chains of narrators, making it's authenticity impossible to verify.⁴⁰

On the other hand, actual scholars of Islam have noted that using laws not revealed by Allah by believing that the other law is better than what Allah reveals is not just incorrect but also an act of *kufr*.⁴¹

³⁶ "The Beirut Declaration and Its 18 Commitments on Faith for Rights," 28.

³⁷ Al-Murthadha Ali bin Husain bin Musa Al-Musawi, *Nahj Al-Balaghah*, vol. 3 (Beirut: Dar al-Ma'rifah li al-Thiba'ah wa al-Nashr, n.d.), 82.

³⁸ Ahmad ibn 'Alī Al-Maqrīzī, *Imtā' Al-Asmā' Bi Mā Li Al-Nabī Min Al-Aḥwāl Wa Al-Amwāl*, vol. 9 (Beirut: Dar al-Kutub 'Ilmiya, 1420), 218; 'Iyād ibn Mūsa, *Tartib Al-Madarik Wa Taqrib Al-Masalik*, vol. 2 (Maghrib: Matba'ah Fudalah, n.d.), 49; Abu Bakr Al-Khallal, *Al-Sunnah*, vol. 3 (Riyadh: Dar al-Rayah, 1410), 493; Muḥammad Ibn Abi Ya'lā, *Ṭabaqāt Al-Ḥanābilah*, vol. 1 (Beirut: Dar al-Ma'rifah, n.d.), 13.

³⁹ Ibn Ḥajar Al-'Asqalānī, *Tahdhib Al-Tahdhib*, vol. 9 (India: Dā'irah Al-Ma'ārif Al-Nizamiyah, 1326), 94; Muḥammad ibn Aḥmad ibn 'Uthmān Ibn Al-Dhahabī, *Mizān Al-'Iṭidāl*, vol. 1 (Beirut: Dar al-Ma'rifah li al-Thiba'ah wa al-Nashr, 1382), 5–6.

⁴⁰ Muḥammad ibn Aḥmad ibn 'Uthmān Ibn Al-Dhahabī, *Siyar A'Lām Al-Nubalā'*, vol. 17 (Beirut: Mu'assasah al-Risalah, 1405), 589; Aḥmad ibn 'Abd al-Ḥalīm Ibn Taymiyyah, *Minhaj Al-Sunnah Al-Nabawiyyah*, vol. 8 (Riyadh: Jami'ah al-Imam Muhammad bin Su'ud Al-Islamiyah, 1406), 55.

⁴¹ Muhammad bin 'Abd al-Wahhab, *Nawaqidhul Islam - Pembatal Islam (Matan Dan Terjemah)* (Surabaya: Pustaka Syabab, 2015), 4; Al-Ḥanafī, *Sharḥ Al-'Aqīdah Al-Taḥawiyyah*, 2:446. See also from many other scholars from various madhhabs: Abū Ṣuhayb 'Abd Al-'Azīz ibn Ṣuhayb Al-Mālikī, *Aqwālu Al-Ā'immah Wa Al-Du'āt Fī Bayāni Riddati Man*

Allah says in Surah al-Ma'idah (5) verse 44:

وَمَنْ لَمْ يَحْكَمْ بِمَا أَنْزَلَ اللَّهُ فَأُولَٰئِكَ هُمُ الْكَافِرُونَ

And whoever does not judge by what Allah has revealed - then it is those who are the disbelievers.

Then, in Surah al-Ma'idah (5) verse 49:

وَأَنْ أَحْكَمْ بَيْنَهُمْ بِمَا أَنْزَلَ اللَّهُ وَلَا تَتَّبِعْ أَهْوَاءَهُمْ وَاحْذَرْهُمْ أَنْ يَفْتَدُواكَ عَنْ بَعْضِ مَا أَنْزَلَ اللَّهُ إِلَيْكَ فَإِنْ تَوَلَّوْا فَاعْلَمُوا أَنَّمَا يُرِيدُ اللَّهُ أَنْ يُصِيبَهُمْ بِبَعْضِ ذُنُوبِهِمْ وَإِنَّ كَثِيرًا مِنَ النَّاسِ لَفَاسِقُونَ

And judge, [O Muhammad], between them by what Allah has revealed and do not follow their inclinations and beware of them, lest they tempt you away from some of what Allah has revealed to you. And if they turn away - then know that Allah only intends to afflict them with some of their [own] sins. And indeed, many among the people are defiantly disobedient.

The above verse particularly warns against those who wish to divert the Muslims to go away from Islamic laws and teachings. Surely, it should make us at least extra cautious when non-Muslims invite Muslims to follow certain rules, so that the Muslims really consider whether to fulfil such invitation. Finally, Allah says in Surah al-Ma'idah (5) verse 50:

أَفَحُكْمَ الْجَاهِلِيَّةِ يَبْغُونَ^{٤٢} وَمَنْ أَحْسَنُ مِنَ اللَّهِ حُكْمًا لِقَوْمٍ يُوقِنُونَ

Then is it the judgement of [the time of] ignorance they desire? But who is better than Allah in judgement for a people who are certain [in faith].

While the term *الْجَاهِلِيَّةِ* ('ignorance' or *jahiliyah*) in itself means 'the pre-Islamic times',⁴² such a period is named that way because people did not know the rights of Allah and the rights of creation.⁴³ This is why any persons or peoples having those characteristics, while not literally living in pre-Islamic Arabia, may be referred to as having the characters of *jahiliyah*. Ibn Kathir, in commenting about this

Baddala Sharī'ah Min Al-Hukkam Al-Tughāt (Ilmway (Online), 2000), http://www.ilmway.com/site/maqdis/MS_9234.

⁴² Ibn Hajar Al-Asqalānī, *Fath Al-Bārī Fī Sharḥ Ṣaḥīḥ Al-Bukhārī*, vol. 10 (Beirut: Dar al-Ma'rifah, 1379), 468.

⁴³ Muḥammad ibn Sāliḥ Al-Uthaymīn, *Al-Qaul Al-Mufid*, vol. 2 (Dar al-'Ashima, 1415), 119.

verse, gave an example of laws of the *jahiliyah*. He mentioned the Tartars who made a book of law containing a mix of various laws including Jewish, Christianity, Islam, and others including a lot of rules they made up out of their own thoughts and desires.⁴⁴ According to Ibn Kathir, those who follow this law and abandon those revealed by Allah are *kafirs* and even must be fought.⁴⁵

Therefore, having that said, Commitments II and VIII have given the Beirut Declaration and the 18 Commitments a very great burden. If these Commitments fail to provide a 'minimum standard', which is acceptable according to Islamic teachings, then no Muslim may pledge to agree with it.

The "Analysis of Commitment I: The 'Rights and Freedom' Dilemma" sub-section has shown that, at least in one of the Commitments, there is at least one item in the 18 Commitments which is against Islamic teachings. As this article progresses, more will be revealed. However, at the very least, the prospect of Commitments II and VIII does not seem very bright.

This is not to mention the alleged 'universal human rights norms and standards' as part of the minimum standard in Commitment VIII. While in theory it sounds very beautiful, the reality is that it is difficult to find a truly universal human rights norm and standard. As mentioned earlier, scholars using a postcolonial approach have argued that the alleged 'universal' human rights are truly not universal but assumed and forced to be so while dismissing any dissenting views.⁴⁶ And, alas, Paragraph 14 of the Beirut Declaration does maintain the assumption that international human rights instruments are an articulation of 'universally recognized values'.⁴⁷

⁴⁴ ibn Katsir, *Shahih Tafsir Ibnu Katsir*, 2016, 3:149.

⁴⁵ ibn Katsir, 3:149. See also: Amrullah, *Tafsir Al-Azhar*, n.d., 3:1758–60.

⁴⁶ See *inter alia*: Fajri Matahati Muhammadin, "Universalitas Hak Asasi Manusia Dalam Hukum Internasional: Sebuah Pendekatan Post-Kolonial," in *Hak Asasi Manusia: Dialektika Universalisme vs Relativisme Di Indonesia*, ed. Al-Khanif, Herlambang P. Wiratraman, and Manunggal Kusuma Wardaya (Yogyakarta: LKiS, 2017), 1–20; Mayer, "The 'Magic Circle' of Rights Holders: Human Rights' Outsiders"; Antony Anghie, *Imperialism, Sovereignty, and the Making of International Law* (New York: Cambridge University Press, 2004).

⁴⁷ "The Beirut Declaration and Its 18 Commitments on Faith for Rights," 10.

The UN is not new in the impositions of their concept of universality on states. For example, the UN have been known to inject funds and carry out campaigns to promote alleged ‘rights’ which are not recognized or agreed upon by many states. For example, United Nations Development Program (UNDP) somehow felt that promoting Lesbian Gay Bisexual and Transexuals (LGBT) rights was part of their mission of ‘development’. They sent US\$ 8,000,000.00 to support LGBT movement in a number of South East Asian states including Indonesia.⁴⁸ This is despite LGBT rights being rejected in Indonesia and also in numerous other states in the world.⁴⁹

There is no way to justify the aforementioned act of UNDP other than to assume that LGBT rights are universal then demand everyone else to follow it. This is a modern reproduction of the European logic to justify colonialism back then.⁵⁰

Suffice to say that it is too difficult to prove that any true ‘universal human rights’ standard exists. Therefore, one can only guess what kind of ‘universal human rights’ which the Beirut Declaration and 18 Commitments are referring to. If Commitments II and VIII were to be accepted under Islamic teachings, the ‘standards’ must be revised in order to meet Islamic standards. However, seeing how even the first quote under the Beirut Declaration and the very first Commitment is problematic, it may seem that what can save the document is a total re-writing. Then, when even a re-writing is done to adjust to Islamic standards, will the other faiths agree on it? As such, this suggestion would seem to be a remote possibility.

⁴⁸ “Kalla Requests UNDP to Not Fund LGBT Groups,” *The Jakarta Post*, February 15, 2016, <https://www.thejakartapost.com/news/2016/02/15/kalla-requests-undp-not-fund-lgbt-groups.html>.

⁴⁹ Dinar Dewi Kania et al., *Transformasi Menuju Fitrah: LGBT Dalam Perspektif Keindonesiaan* (Jakarta: Yayasan Dompot Dhuafa Republika dan Aliansi Cinta Keluarga, 2019).

⁵⁰ Anghie, *Imperialism, Sovereignty, and the Making of International Law*, 268; Muhammadin, “Universalitas Hak Asasi Manusia Dalam Hukum Internasional: Sebuah Pendekatan Post-Kolonial.”

ANALYSIS OF COMMITMENT III: CONSTRUCTIVE ENGAGEMENT ON THE UNDERSTANDING OF RELIGIOUS TEXTS

Commitment III reads as follows:

As religions are necessarily subject to human interpretations, we commit to promote constructive engagement on the understanding of religious texts.

Para 10b of the Beirut Declaration emphasizes that it does not mean to be a platform for inter-faith dialogues,⁵¹ but Commitment III further notes that religious interpretations must be mindful of the “... *globalized world composed of increasingly multi-cultural and multi-religious societies that are constantly facing evolving challenges.*”

In general, there is some truth in this. There is a narration where Prophet Muhammad s.a.w said: “*Seeking knowledge is a duty upon every Muslim.*”⁵²

The scholars differ on the authenticity of this narration,⁵³ however in terms of content it is supported by other sources such as Surah Taha (20) verse 114.⁵⁴ That verse uses the word عِلْمًا (knowledge), and Ibn Hajar comments that this word refers to religious knowledge so that the *mukallaf* knows their obligations in worship and social relations, knowing Allah and His Characteristics and rights.⁵⁵

Some knowledges, such as a more detailed study of religion, is a collective obligation (*fard al-kifayah*).⁵⁶ However, there are knowledges that can become compulsory depending on the situation

⁵¹ “The Beirut Declaration and Its 18 Commitments on Faith for Rights,” 9.

⁵² Muḥammad ibn Yazīd Ibn Mājah, *Sunan Ibn Mājah*, vol. 1 (Beirut: Dar al-Jail, n.d.), para. 224.

⁵³ Imām Muhammad ibn ‘Abdirrahman As-Sakhawī, *Al-Maqasid Al-Hasanah*, vol. 1 (Beirut: Dar al-Kitab Al-‘Arabi, 1405), 440; Muḥammad Nāṣiruddīn Al-Albānī, *Ṣaḥīḥ Wa Ḍa‘īf Sunan Ibn Mājah*, vol. 1 (Riyadh: Maktabah al-Ma’arif, 1417), 92.

⁵⁴ See: Surah al-Nahl (16) verse 78, Surah Muhammad (47) verse 19, Surah Al-Isra (17) verse 36, and many others. See also: Muḥammad ibn Ismā‘īl Al-Bukhārī, *Saḥīḥ Al-Bukhari*, vol. 1 (Beirut: Dar Ibn Kathir, 1414), 37.

⁵⁵ Ibn Ḥajar Al-‘Asqalānī, *Fath Al-Bārī Fī Sharḥ Ṣaḥīḥ Al-Bukhārī*, vol. 1 (Dar al-Rayan li al-Turath, 1407), 170.

⁵⁶ Yaḥya ibn Sharaf Al-Nawawī, *Adabul ‘Alim Wal Muta’allim* (Yogyakarta: DIVA Press, 2018), 75–76, 84.

of the people such as how the *fiqh* of commerce can be compulsory for someone engaged in trade.⁵⁷

Having that said, when the Commitment mentioned the world becoming more increasingly multi-cultural and multi-religious,⁵⁸ surely challenges would appear. Muslims, if they were to interact in such a multi-cultural and multi-religious world, would surely need to know and understand the Islamic teachings pertaining multi-cultural and multi-religious relations.

In relation to multi-cultural societies, Islam has its teachings. The famous Surah Al-Hujarat (49) verse 13, if cited in full as done in previous sub-sections, is a good explanation. There shall be no discrimination towards people just because of their race, but rather the best of persons are determined by their *taqwa*.⁵⁹

In the case of multi-religious interactions, it is therefore important to also understand fully what the Islamic commands and prohibitions regarding multi-religious interactions are. For example, in order to know what is commanded in this respect, one must understand how Islam stands compared to the other faiths. The previous sub-Section commenting Commitment I illustrates how important it is for a Muslim to know and hold firm that Islam is the truth and other religions are false.

Otherwise, believing in the correctness of other religions (i.e. religious pluralism) is a deviant belief that could lead to *kufur*, as

⁵⁷ Imām Al-Zarnūjī, *Ta'lim Al-Muta'allim* (Jakarta: Dār al-Kutub al-Islāmiyah, 2007), 11. See also: Mukhlas Nugraha, "Konsep Ilmu Fardu Ain Dan Fardu Kifayah Dan Kepentingan Amalannya Dalam Kurikulum Pendidikan Islam," *TAFHIM: IKIM Journal of Islam and the Contemporary World* 10 (2017): 113.

⁵⁸ Actually, engaging with various religions and ethnics is not something new to Islam. See, for example, when Islam entered the Malay-Nusantara archipelago many centuries ago: Syed Muhammad Naquib Al-Attas, *Islam Dalam Sejarah Dan Kebudayaan Melayu* (Petaling Jaya: Angkatan Belia Islam Malaysia, 1990).

⁵⁹ Except for very specific issues, such as the discourse on whether the Muslim Khalifah has to be from the Quraysh tribe. See: Wahbah Al-Zuhaylī, *Fiqh Al-Islām Wa Adillatuhu*, vol. 6 (Damascus: Dar al-Fikr, 1428), 697; Imām Al-Mawardi, *Al-Aḥkam Al-Sulṭāniyyah* (Beirut: Dar al-Kutub al-'Ilmiyyah, 1996), 6; Taqqi al-Din Al-Nabhani, *Nizam Al-Hukum Fi Al-Islam* (Lebanon: Dar al-Ummah, 2002), 53–56.

explained in the previous Section “A Skim Through the Document: Intriguing Peculiarities”. Another relevant deviance is the belief that ‘truth cannot be truly known’ (i.e. sophism) and therefore one cannot be truly certain of their religion. This is deviant because Islam is based on certainty as opposed to doubt, definitely rejecting sophism outright.⁶⁰ This is the first thing for a Muslim to truly understand when interacting with non-Muslims.

Therefore, as part of the challenges of a multi-religious world, it is also important to understand the true nature and Islamic position regarding inter-religion ‘dialogues.’ It is not to suggest that Muslims shall not converse with non-Muslims regarding religion, but one must be careful in understanding the nature of the forum.

The problem with these multifaith dialogues is that usually they are intended to *inter alia* ‘clear out misconceptions’ and assume that dialogue participants are on ‘equal position’.⁶¹ Islam has firm positions regarding other faiths: what they believe and why it is wrong. For example, the trinity believed by the Christians is *shirk* (polytheism), as Allah says in Surah al-Ma‘idah (5) verse 73:

لَقَدْ كَفَرَ الَّذِينَ قَالُوا إِنَّ اللَّهَ ثَلَاثَةٌ ۖ ثَلَاثَةٌ ۖ وَمَا مِنْ إِلَهٍ إِلَّا إِلَهُ وَاجِدٌ ۚ وَإِنْ لَمْ يَدْنُوهُمْ عَمَّا يَقُولُونَ لَيَمَسَّنَّ الَّذِينَ كَفَرُوا مِنْهُمْ عَذَابٌ أَلِيمٌ

They have certainly disbelieved who say, " Allah is the third of three." And there is no god except one God. And if they do not desist from what they are saying, there will surely afflict the disbelievers among them a painful punishment.

Christians have argued in various ways how the Trinity, in their understanding, is a monotheistic belief and to say otherwise is a

⁶⁰ Amrullah, *Tafsir Al-Azhar*, n.d., 1:114; Sa’d al-Din Al-Taftazani, *A Commentary on the Creed of Islam (Sa’d Al-Din Al-Taftazani on the Creed of Najm Al-Din Al-Nasafi)* (New York: Columbia University Press, 1950), 5; Al-Mahallī and Al-Suyūfī, *Tafsīr Al-Jalālayn*, 3; Syamsuddin Arif, “Ilmu, Kebenaran, Dan Keraguan: Refleksi Filosofis -Historis,” in *Orasi Ilmiah Dalam Rangka Memperingati Ulang Tahun Ke-13 INSISTS* (Jakarta: Institute for the Study of Islamic Thought and Civilizations, 2016). See also: Surah al-Baqarah (2) verse 2.

⁶¹ Syamsuddin Arif, *Islam Dan Diabolisme Intelektual* (Jakarta: Institute for the Study of Islamic Thought and Civilizations, 2017), 102–3.

misunderstanding.⁶² However, the consequence of this statement is to suggest that the Qur'an is mistaken in the verse cited above.⁶³ Is it really the proposition of a Muslim to attend an event where the Muslim is supposed to be open to the possibility that the Qur'an might be wrong? In fact, in the case of the Trinity, the answer is that the Christian and general notion of 'monotheism' is not the same as the Islamic concept of *Tawhid*.⁶⁴

As explained earlier, a Muslim must always hold the position that Islam is the right path and anything else is wrong. It is not possible to put Islam in a dialogue where the Muslims are put on 'equal level' in the sense that both can be wrong or right depending on the dialogue. When Islam as a faith interacts with other faiths, there are only three possible interactions:⁶⁵

- *Da'wah*: as explained, by inviting the non-Muslims towards Islam. This could be through explicit invitation, or implicit by displaying justice and good behavior as well as sharing the beauty of Islam.
- *Debate*: Muslims may engage in polemics with the other religions to show the superiority of Islam above the other faiths, certainly conducted in good manners and with utmost respect towards the debate opponents.

⁶² See *inter alia*: Luke Wayn, "So, Why Isn't the Trinity Polytheistic?," Christian Apologetics and Research Ministry, accessed November 9, 2019, <https://carm.org/doesnt-the-trinity-contradict-monotheism>. Note also that Britannica lists Christianity together with Islam as examples of monotheistic religions: Theodorus P. van Baaren, "Monotheism," Encyclopædia Britannica, accessed March 21, 2019, <https://www.britannica.com/topic/monotheism>.

⁶³ Together with others indicating that the Trinity and related concepts are *kufir*, such as Surah Al-Nisa (4) verse 171, Surah al-Ma'idah (5) verse 17, etc.

⁶⁴ The Islamic concept of *Tawhid* is not as simple as a belief that there is only one deity. Rather, there are so much more comprehensive details and consequences included in it. For a thorough elaboration of the Islamic concept of *Tawhid*, see generally: Shalih bin Fawzan Al-Fawzan, *Concise Commentary on the Book of Tawhid* (Riyadh: Al-Maiman Publishing House, 2005).

⁶⁵ Arif, *Islam Dan Diabolisme Intelektual*, 104.

- *Jihad*: In this context, the *jihad* referred to is military confrontation. Certainly, this is only if the *jus ad bellum* (lawful reasons to wage war) is fulfilled and the conduct must obey the *jus in bello* (lawful conducts of war).⁶⁶

Although, it must be noted that sometimes there are events which may allow *da'wah* and/or debate and do not contain the negative characteristics as explained earlier, but such events are labelled as 'dialogue'. In such a case, there is no problem for Muslims—who have sufficient knowledge—to participate.

In terms of social relations, it is important to bear in mind that a Muslim must treat non-Muslims well. As also explained previously, non-Muslims must not be coerced or violated due to their disbelief. *Da'wah* is conducted in the best of manners and not through compulsion. In daily life, good manners and justice must be upheld. Allah says in Surah Mumtahanah (60) verse 8:

لَا يَنْهَاكُمُ اللَّهُ عَنِ الَّذِينَ لَمْ يُقَاتِلُوكُمْ فِي الدِّينِ وَلَمْ يُخْرِجُوكُمْ مِنْ دِيَارِكُمْ أَنْ تَبَرُّوهُمْ وَتُقْسِطُوا إِلَيْهِمْ ۗ إِنَّ اللَّهَ يُحِبُّ الْمُقْسِطِينَ

Allah does not forbid you from those who do not fight you because of religion and do not expel you from your homes - from being righteous toward them and acting justly toward them. Indeed, Allah loves those who act justly.

This verse shows how important it is to treat anyone well, even non-Muslims, as long as they are not fighting against the Muslims.⁶⁷ However, the next verse of Surah Mumtahanah (60) verse 9 reads:

إِذْمَا يَنْهَاكُمُ اللَّهُ عَنِ الَّذِينَ قَاتَلُوكُمْ فِي الدِّينِ وَأَخْرَجُوكُمْ مِنْ دِيَارِكُمْ وَظَاهَرُوا عَلَىٰ إِخْرَاجِكُمْ أَنْ تَوَلَّوهُمْ ۗ وَمَنْ يَتَوَلَّهُمْ فَأُولَٰئِكَ هُمُ الظَّالِمُونَ

⁶⁶ Further reading on Islamic laws of war, both on *jus ad bellum* and *jus in bello*: Yusuf Al-Qardhawy, *Fiqh Jihad* (Bandung: Mizan, 2010); Muhammad Khayr Haykal, *Al-Jihād Wa Al-Qitāl Fī Al-Siyāsah Al-Shar'īyah*, vol. 1 (Beirut: Dar al-Bayariq, 1996); Abdullah Azzam, *Fī Al-Jihād: Fiqh Wa Ijtihād* (Peshawar: Markaz Al-Shahid Azzam Al-Illamiy, n.d.).

⁶⁷ Ismail ibn Katsir, *Shahih Tafsir Ibnu Katsir*, ed. Safiurrahman Al-Mubarakfuri, vol. 9 (Jakarta: Pustaka Ibnu Katsir, 2016), 58–60; Haji Abdulmalik Abdulkarim Amrullah, *Tafsir Al-Azhar*, vol. 9 (Singapore: Pustaka Nasional PTE Ltd, n.d.), 7303; Al-Maḥallī and Al-Suyūṭī, *Tafsīr Al-Jalālayn*, 662.

Allah only forbids you from those who fight you because of religion and expel you from your homes and aid in your expulsion - [forbids] that you make allies of them. And whoever makes allies of them, then it is those who are the wrongdoers.

The significance of this verse is to indicate that there is time for kindness to cease. It is impermissible to make allies with the disbelievers when they are fighting with Muslims.⁶⁸

In addition, there are also other limitations to consider in multi-religion interaction. Allah says in Surah Al-Ma'idah (5) verse 2:

وَلَا تَعَاوَدُوا عَلَى الْإِيمَانِ وَالْعُدُوانِ ۗ وَاتَّقُوا اللَّهَ ۖ إِنَّ اللَّهَ شَدِيدُ الْعِقَابِ

... but do not cooperate in sin and aggression. And fear Allah; indeed, Allah is severe in penalty.

What may seem to be obvious would be that crimes such as murder and theft are not something to cooperate in. What is less obvious, and in fact applauded by many but highly prohibited in Islam, is to cooperate in engaging in disbelief. It has been explained previously how disbelief (*kufir*) is wrong according to Islam and brings someone to hellfire. Therefore, assisting a non-Muslim in conducting their worship (which are acts of disbelief) is prohibited. For example, among the rulings taken from this verse, it is forbidden for a Muslim to help build a Church because it is a place specific to commit *shirk* (i.e. the primary sin and act of *kufir* in Islam).⁶⁹ Participating in the worship of other religions is also not permissible,⁷⁰ despite being perfect poster material for interfaith harmony.

It is also important to learn the different rights, obligations, and rules applicable to Muslims and non-Muslims. This is explained

⁶⁸ Amrullah, *Tafsir Al-Azhar*, n.d., 9:7304–5; Al-Mahallī and Al-Suyūfī, *Tafsir Al-Jalālayn*, 662.

⁶⁹ Shihāb al-Dīn Al-Qarāfī, *Al-Furūq*, vol. 4 (al-Qāhirah: 'Alam al-Kutub, n.d.), 124; 'Abd Allāh b. Aḥmad ibn Qudāmāh Al-Maqḍīsī, *Al-Mughni*, vol. 6 (Maktabah Al-Qahirah, 1388), 218; 'Alī ibn Aḥmad ibn Sa'īd ibn Ḥazm, *Al-Muhallā Bil-Āthār*, vol. 8 (Beirut: Dār al-Kutub 'Ilmiya, 1971), 317.

⁷⁰ Ibn Al-Qayyim Al-Jawziyah, *Aḥkam Ahl Al-Dhimmah*, vol. 3 (Dammam: Ramadi li al-Nasr, 1418), 1245; Aḥmad ibn 'Abd al-Ḥalīm Ibn Taymiyyah, *Iqtidha' Al-Sirat Al-Mustaqim*, vol. 1 (Beirut: Dar 'Alam al-Kutub, 1419), 510.

further under the next sub-section. However, in general Commitment III seems to be acceptable in Islam as long as it follows the proper methodology recognised in Islam.

ANALYSIS OF COMMITMENTS IV, VI, VII, X, XII, XIII AND IX: NON-DISCRIMINATION, VIOLENCE, AND HATE

Commitment IV reads, *“To prevent the notions of ‘State Religion’ and ‘Doctrinal Secularism’ from being used to discriminate or reduce the space for diversity of religions and beliefs.”* Commitment VI reads: *“To stand up for the rights of all persons belonging to minorities and to defend their freedom of religion or belief, particularly in cultural, religious, social, economic and public life.”* Commitment V reads, *“not to give credence to exclusionary interpretations claiming religious grounds in a manner that would instrumentalize religions, beliefs or their followers to incite hatred and violence, for example for electoral purposes or political gains.”*

Commitment VII reads, *“to publicly denounce all instances of advocacy of hatred that incites to violence, discrimination or hostility.”* Commitment IX reads, *“to condemn any judgmental public determination by any actor who in the name of religion disqualifies the religion or belief of another individual or community or community in a manner ... that would expose them to violence in the name of religion or deprivation of their human rights.”* Commitment XII reads, *“refine the curriculums, teaching materials and textbooks wherever some religious interpretations, or the way they are presented, may give rise to the perception of condoning violence or discrimination.”* Commitment XIII reads, *“We pledge to build on experiences and lessons learned in engaging with children and youth, who are either victims of or vulnerable to incitement to violence in the name of religion.”*

It seems that there are some Commitments that have been mentioned above that Islam can agree with. As explained in the comment towards Commitment I, it is impermissible to coerce non-Muslims to accept Islam. Relating to dangers of violence, it is the obligation for a Muslim state to protect everyone within its

jurisdiction –Muslim or otherwise—from harm, and especially the non-Muslims may even have special protection.⁷¹

However, the terms ‘hate’, ‘discriminate’ and ‘deprivation of human rights’ must be taken with a grain of salt. These terms, when taken too generally without analysis, may be easily misunderstood and therefore misjudged.

The term ‘hate’, for example, does seem to be a word infamous for its negative tone and ‘do not hate’ seems to be the topic of many viral wisdom quotes. Even in the Beirut Declaration, there are specific mentions on ‘hate’ such as the need to curb hate speech especially if it incites violence.⁷²

However, to say that “Islam does not teach hate” is not correct. With no doubt there are various verses about love and mercy. However, Allah also says in Surah al-Hujarat (49) verse 7:

وَلَكِنَّ اللَّهَ حَبَّبَ إِلَيْكُمُ الْإِيمَانَ وَزَيَّنَهُ فِي قُلُوبِكُمْ وَكَرَّهَ إِلَيْكُمُ الْكُفْرَ
وَالْفُسُوقَ وَالْعِصْيَانَ ۗ أُولَٰئِكَ هُمُ الرَّاشِدُونَ

...but Allah has endeared to you the faith and has made it pleasing in your hearts and has made hateful to you disbelief, defiance and disobedience. Those are the [rightly] guided.

Note that this verse uses the term *كَرَّهَ* (“has made hateful”) derived from *كراه* which means *inter alia* ‘hate’, ‘loathe’, ‘abhor’, and ‘detest’.⁷³ This verse speaks, among others, about how a believer’s heart would love belief and hate disbelief. Disbelief, defiance, and disobedience, which are to be hated, would include all acts against Islam but worst of all: *kufr*.⁷⁴ Therefore, Islam does not disregard hate entirely but rather put it in its correct place. This hate does not mean to justify violence, but rather as a personal motivation to avoid the

⁷¹ Al-Qardhawy, *Fiqh Jihad*, 658–71.

⁷² Paras. 10c and 22. See: “The Beirut Declaration and Its 18 Commitments on Faith for Rights,” 9 and 11.

⁷³ Edward William Lane, *An Arabic-English Lexicon: In Eight Parts*, vol. 8 (Beirut: Librairie du Liban, 1968), 3000.

⁷⁴ Ismail ibn Katsir, *Shahih Tafsir Ibnu Katsir*, ed. Safiurrahman Al-Mubarakfuri, vol. 8 (Jakarta: Pustaka Ibnu Katsir, 2016), 466; Al-Maḥallī and Al-Suyūṭī, *Tafsīr Al-Jalālayn*, 605; Amrullah, *Tafsir Al-Azhar*, n.d., 9:6819–20.

hated deeds as well as to enjoin others to avoid it too (including to do *da'wah* to disbelievers).

Regarding discrimination, at the very least there can be no true equality between the faiths in terms of perception because, albeit the prohibition to coerce, a Muslim state would hold that Islam is true and others are not. Even if it is 'exclusionary' and 'disqualifying others' as termed by this Document, but every religion has its own truth claim such as how the Catholics used to have their *Salus extra ecclesiam non est* (no salvation outside the church) doctrine.⁷⁵ It is true that, there are other religions who have modified their own fundamental doctrines to be 'less exclusionist' such as how the Catholic have shifted from their *Salus extra ecclesiam non est* doctrine during the mid-20th Century.⁷⁶ However, that is the business of those other religions, and surely one cannot expect to impose the same to Islam the same way they do not wish Islam to be imposed upon them.

Further in details, especially in rules and regulations, Islamic law stems from Islamic teachings. If applying different laws to different people would be considered a discrimination, imposing the full level of Islamic law might be considered as imposition of faith. Therefore, there is necessarily a difference of applicable laws for persons of different religions.

Some of these different laws would potentially violate the western concept human rights. For example, the impermissibility of electing non-Muslim leaders which may possibly breach political rights. Allah says in Surah al-Ma'idah (5) verse 51:

يَا أَيُّهَا الَّذِينَ آمَنُوا لَا تَتَّخِذُوا الْيَهُودَ وَالنَّصَارَىٰ أَوْلِيَاءَ

O you who have believed, do not take the Jews and the Christians as allies.

The original word in Arabic used for 'allies' in the verse is *أَوْلِيَاءَ* which roots from *ولى*. The derivative of this word can include 'allies' but also 'office' and 'authority'.⁷⁷ With this verse among many other *dalil*, scholars have ruled that it is impermissible to elect a non-

⁷⁵ Arif, *Islam Dan Diabolisme Intelektual*, 88.

⁷⁶ However, it may be interesting and essential to explore more of their motives in doing so. See: Arif, 89–94.

⁷⁷ Lane, *An Arabic-English Lexicon: In Eight Parts*, 1968, 8:3060.

Muslim as leader for the Muslims.⁷⁸ This may, to some extent, go against Commitment X because religion is then used to gain an upper-hand in elections (especially if the other candidate is non-Muslim). However, this is Islamic teachings. True Muslims would know their choice.

There are numerous other differences of rules in various fields. In the laws of *salat*, non-Muslims may not perform as *imam* in a congregation (*salat jama'ah*).⁷⁹ In the laws of marriage, it is impermissible for Muslim man to marry a *mushrik* which is not among the *ahl al-kitab*, or Muslim woman to marry any *mushrik*.⁸⁰ Regarding the laws on *zakat* (compulsory alms), the obligation to pay it is only burdened to Muslims and not to non-Muslims.⁸¹ In the laws of inheritance, Muslims and non-Muslims do not inherit each from other via the portions pre-determined by the *Shari'ah* (Islam uses a *legitimae portie* system).⁸² These are just a very few examples of a wide array of differences of laws applicable between Muslims and non-Muslims.

Therefore, the dilemma is there for the Beirut Declaration and 18 Commitments. If the aforementioned points are considered as discrimination according to the alleged 'universal human rights standards', then, whoever pledges to the Beirut Declaration and 18 Commitments must abandon those Islamic teachings. However, such a choice is, according to Islamic teachings, an act of disbelief or *kufr*.

⁷⁸ Yahya ibn Sharaf Al-Nawawī, *Rawḍah Al-Ṭālibīn*, vol. 7 (Riyadh: Dar 'Alam al-Kutub, 2003), 262; Al-Khaṭīb Al-Sharbīnī, *Al-Iqnā' Fī Ḥalli Alfāz Abī Shujā'*, vol. 2 (al-Qāhirah: Muṣṭafā al-Bāb al-Ḥalabī, 1940), 246.

⁷⁹ Imam Syafi'i, *Ringkasan Kitab Al-Umm*, vol. 1 (Jakarta: Pustaka Azzam, 2004), 238–39.

⁸⁰ Muḥammad ibn Ṣāliḥ Al-'Uthaymīn, *Al-Sharḥ Al-Mumtī' 'alā Zād Al-Mustaḥṣi'*, vol. 12 (Damman: Dar al-Ibn al-Jawzi, 2012), 145–46; Shalih bin Fauzan Al-Fauzan, *Syarah Nawaaqidhul Islam* (Jakarta: Akbar Media, 2017), 215–18.

⁸¹ 'Abdul Rahman Al-Jazayri, *Kitab Al-Fiqhi 'ala Al-Mazahib Al-Arbaah'*, vol. 1 (Beirut: Dar al-Rashad al-Hadithah, n.d.), 590–91.

⁸² Imam Syafi'i, *Ringkasan Kitab Al-Umm*, vol. 2 (Jakarta: Pustaka Azzam, 2004), 267. Although, a Muslim may give some wealth to non-Muslims via gifts or wills.

It begs a question: is this UN document really trying to represent freedom of religion?

ANALYSIS OF COMMITMENT V: GENDER EQUALITY

Commitment V reads as follows, “*We pledge to ensure non-discrimination and gender equality in implementing this declaration on ‘Faith for Rights’. We specifically commit to revisit, each within our respective areas of competence, those religious understandings and interpretations that appear to perpetuate gender inequality and harmful stereotypes or even condone gender-based violence.*”

One of the things that Islam brought to the world was justice. In this context, surely justice regarding the relations between the sexes are also introduced by Islam. The problem is that there is no secret that the advent of the western secular civilization has become a challenge towards all religions. One of the products of this western secular civilization is feminism, and it seems to be one of their premises that religious interpretations have always been monopolised by men under patriarchal society influences and are therefore gender-biased.⁸³

There are some scholars who are influenced by this western secular ideology in researching Islam, and they call for ‘reforms’ using methods which are not acceptable in Islam.⁸⁴ Regarding the issue of gender equality, there are scholars who incorporate ‘Islamic flavour’ in their feministic agenda. They say that Islam truly wants equality between men and women as a universal value, so the rules which provided ‘inequality’ (e.g. marriage, inheritance, *etc*) must be

⁸³ See: Musdah Mulia, *Islam & Hak Asasi Manusia: Konsep Dan Implementasi* (Yogyakarta: Naufan Pustaka, 2010), 168; Musdah Mulia, *Muslimah Sejati: Menempuh Jalan Islami Meraih Ridha Illahi* (Bandung: Penerbit Maja, 2011), 98.

⁸⁴ For further reading under this subject, see: Adian Husaini and Abdurrahman Al-Baghdadi, *Hermeneutika & Tafsir Al-Qur'an* (Jakarta: Gema Insani Press, 2007); Fahmi Salim, *Kritik Terhadap Studi Al-Qur'an Kaum Liberal* (Jakarta: Perspektif, 2010); Adian Husaini, *Wajah Peradaban Barat: Dari Hegemoni Kristen Ke Dominasi Sekular-Liberal* (Jakarta: Gema Insani Pres, 2005).

replaced as time changes.⁸⁵ If the laws are not replaced, according to these scholars, there is a contradiction where on one hand Islam wants equality and on the other hand the laws impose inequality.⁸⁶

The problem with this view is that it automatically assumes that the concept of gender equality in Islam is exactly the same as the equality that feminists are promoting. As can be seen in CEDAW, the preamble and early articles mention ‘equal rights’ but down to Article 16 on family relations it mentions the term ‘same rights.’ The justice which Islam gives between the sexes, as it does to every other matter, is to give proportionate rights depending on the unique and special features of the different sexes.⁸⁷

Under Commitment V, two verses are cited to indicate equality between men and women which are Surah Ali ‘Imran (3) verse 195 and Surah Al-Hujarat (49) verse 13. However, at the same time, Allah says the following in Surah Al-Nisa’ (4) verse 34:

الرِّجَالُ قَوَّامُونَ عَلَى النِّسَاءِ بِمَا فَضَّلَ اللَّهُ بَعْضَهُمْ عَلَى بَعْضٍ وَبِمَا
أَنْفَقُوا مِنْ أَمْوَالِهِمْ

Men are in charge of women by [right of] what Allah has given one over the other and what they spend [for maintenance] from their wealth.

In various respects, men and women are equal. For example, as Surah al-Hujarat (49) verse 13 suggests, anyone (regardless of sex) is better than the other depending on their *taqwa*. However, there are certain characteristics between men and women which are naturally different which would have consequences as some scientific researches also suggest.⁸⁸ This includes leadership in households and

⁸⁵ See *inter alia*: Abdullahi Ahmed An-Na’im, *Toward an Islamic Reformation: Civil Liberties, Human Rights, and International Law* (New York: Syracuse University Press, 1996), 176–77.

⁸⁶ An-Na’im, 176–77.

⁸⁷ Saipudin, “Kritik Atas Pemikiran Abdullahi Ahmed An-Na’im Tentang Distorsi Syariat Terhadap HAM,” *Ahkam* 16, no. 1 (2016): 37–39. See also generally: Dinar Dewi Kania, ed., *Delusi Kesetaraan Gender: Tinjauan Kritis Konsep Gender* (Jakarta: Yayasan AILA Indonesia, 2018).

⁸⁸ See *inter alia* : Alan Feingold, “Gender Differences in Personality: A Meta-Analysis,” *Psychological Bulletin* 116, no. 3 (1994): 429–56; Günter Krampen et al., “Gender Differences in Personality: Biological

nations which, by natural inclination and justice in the family unit, should be held by men.⁸⁹

Allah says in Surah al-Rahman (55) verses 7-9:

وَالسَّمَاءَ رَفَعَهَا وَوَضَعَ الْمِيزَانَ (٧) أَلَّا تَطْغَوْا فِي الْمِيزَانِ (٨) وَأَقِيمُوا الْوَزْنَ بِالْقِسْطِ وَلَا تُخْسِرُوا الْمِيزَانَ (٩)

And the heaven He raised and imposed the balance. That you not transgress within the balance. And establish weight in justice and do not make deficient the balance.

Note how the term الْمِيزَانَ (the balance), as something set by Allah, is emphasized as it is repeated in three consecutive verses. Ibn Kathir comments on this word, explaining that Allah creates everything upon justice, balance, and truth, and is something that humankind must consider in their course of actions.⁹⁰ This order of balance and justice must be maintained in accordance with the capacities and capabilities of humankind, while transgressions and oppressions may cause to corruption upon the earth.⁹¹ When Allah has created men and women with their own characteristics, and set down rules and guidance regarding how they should be treated and how they should treat each other, there is no need to divert from it.

In addition to the aforementioned problem with this so called ‘gender equality’, there is something terribly wrong in how the UN

and/or Psychological?,” *European Journal of Personality* 4, no. 4 (1990): 303–17; Paul T Costa Jr, Antonio Terracciano, and Robert R McCrae, “Gender Differences in Personality Traits Across Cultures: Robust and Surprising Findings,” *Journal of Personality and Social Psychology* 81, no. 2 (2001): 322–31; Madhura Ingahlalikar et al., “Sex Differences in the Structural Connectome of the Human Brain,” *Proceedings of the National Academy of Sciences* 111, no. 2 (2014): 823–28. This just to provide some scientific findings relevant to the subject at hand, and not saying that Islam is basing its truth on scientific findings.

⁸⁹ ibn Katsir, *Shahih Tafsir Ibnu Katsir*, 2016, 2:500–501; Al-Maḥallī and Al-Suyūfī, *Tafsir Al-Jalālayn*, 90; Haji Abdulmalik Abdulkarim Amrullah, *Tafsir Al-Azhar*, vol. 2 (Singapore: Pustaka Nasional PTE Ltd, n.d.), 1195–96.

⁹⁰ ibn Katsir, *Shahih Tafsir Ibnu Katsir*, 2016, 8:664–65.

⁹¹ ‘Abd al-Raḥmān Al-Sa’dī, *Taysiru Al-Karīma Al-Raḥmān Fī Tafsīri Kalāmi Al-Mannān* (al-Qāhīrah: Dar al-Hadīth, 2002), 921. See also Surah Al-Rūm verse 41 as an example of verse indicating corruption in the lands and seas due to the acts of mankind.

bodies on human rights work and impose their alleged ‘universal human rights’. The “Analysis of Commitment II and VIII: Agreeing on a ‘Minimum Standard’” Sub-Section has provided an example on how the UN unilaterally and unfairly interferes in LGBT rights. The attitude of UN bodies regarding the CEDAW is equally problematic.

An easy example is the aforementioned case of Article 16 of CEDAW. However, numerous states including mostly (but not all) Muslim-majority nations have made partial or full reservations towards this article 16.⁹² The reserving states reach more than twenty, which is a minority but not quite a small one. The UN CEDAW Committee, responding to these states, issued a document mentioning how reservation towards Article 16 breaches the object and purpose of CEDAW.⁹³ It is obvious that the UN CEDAW Committee is not open to the idea that maybe some cases may require different but equal treatment. Even in context of CEDAW, a convention governed by international law, which is based heavily upon consent of states,⁹⁴ this UN CEDAW Committee chose to impose their worldview upon the states.⁹⁵

Although it may not be mentioned specifically, surely a UN-brokered Beirut Declaration and 18 Commitments would refer to its fellow UN-brokered convention. In the case of gender equality, surely CEDAW would be the reference. Islam has already set out rules and guidance as to how men and women are to be differentiated in terms of rights and obligations in some areas and not differentiated in other areas. To agree to change it is to go against the laws of Allah which,

⁹² “Reservations to CEDAW,” United Nations Entity for Gender Equality and the Empowerment of Women, accessed October 26, 2017, <http://www.un.org/womenwatch/daw/cedaw/reservations.htm>.

⁹³ “Report of the Committee on the Elimination of Discrimination against Women (Eighteenth and Nineteenth Sessions),” 1998, para. 48, <http://www.un.org/womenwatch/daw/cedaw/reports/18report.pdf>.

⁹⁴ This is through either treaties which are only binding upon consent to be bound, or customary international law which is based on uniformity of state practice and *opinio juris*. See: Malcolm N Shaw, *International Law*, 6th ed. (New York: Cambridge University Press, 2008), 94, 72–93.

⁹⁵ Muhammadin, “Universalitas Hak Asasi Manusia Dalam Hukum Internasional: Sebuah Pendekatan Post-Kolonial,” 16–17. See also: Nurmaida and Anita, “Konsep Dan Implementasi Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW).”

as explained under Sub-Section “Analysis of Commitment II and VIII: Agreeing on a ‘Minimum Standard’”, is *kufr* and clearly something that no Muslim may tolerate.

ANALYSIS ON COMMITMENT XI: CRITICISING RELIGION, ANTI-BLASPHEMY LAWS, AND ANTI-APOSTASY LAWS

Commitment XI reads as follows: “*We equally commit not to oppress critical voices and views on matters of religion or belief, however wrong or offensive they may be perceived, in the name of the ‘sanctity’ of the subject matter and we urge States that still have anti-blasphemy or anti-apostasy laws to repeal them*”.

There are two limbs in this Commitment. The first is freedom of speech and blasphemy laws, and the second is regarding apostasy laws. Both of these are indeed very difficult issues, however this is one that even fellow Muslims tend to misunderstand.

With regards to the first issue, the oppression of the Church perhaps became a Western historical ‘trauma’ where the term ‘sanctity’ was more misused in the name of religion. This then created a strong anti-Church movement which then led to the advent of Protestantism and then eventually secularism.⁹⁶ Among the characteristics of secularism is the de-sacraliation and de-consecration of values.⁹⁷ Under such a worldview, certainly there is no room for ‘sanctity’.

The problem is that, in Islam, blasphemy when committed by a Muslim would result in *kufr*.⁹⁸ Allah says in the Qur’an, Surah al-Tawbah (9) verses 65-66:

وَلَئِنْ سَأَلْتَهُمْ لَيَقُولُنَّ إِنَّمَا كُنَّا نَخُوضُ وَنَلْعَبُ ۗ قُلْ أُولَٰئِكَ وَقَالَهُ بِرَأْسِهِ كُذَّبَتْ تَسْتَهْزِئُونَ (٦٥) لَا تَعْتَذِرُوا قَدْ كَفَرْتُمْ بَعْدَ إِيمَانِكُمْ ۗ إِنْ نَعَفُ عَنْ طَٰئِفَةٍ مِنْكُمْ نُعَذِّبْ طَٰئِفَةً بِأَنَّهُمْ كَانُوا مُجْرِمِينَ (٦٦)

And if you ask them, they will surely say, ‘We were only conversing and playing.’ Say, ‘Is it Allah and His verses and His Messenger that you were mocking?’ Make no excuse; you have disbelieved after

⁹⁶ Al-Attas, *Islam and Secularism*, chaps. 1–2.

⁹⁷ Al-Attas, 18.

⁹⁸ Al-Fauzan, *Syarah Nawaaqidhul Islam*, 164–83.

your belief. If We pardon one faction of you - We will punish another faction because they were criminals.

One of the basic foundations of Islam is to glorify Allah, His messenger, and His religion, while blasphemy is an act diametrically and blatantly opposed to it.⁹⁹

Note that it is Islam also prohibits Muslims from insulting other religions. Allah says in the Qur'an:

وَلَا تَسُدُّوْا اَلَّذِيْنَ يَدْعُوْنَ مِنْ دُوْنِ اللّٰهِ فَيَسُدُّوْا اللّٰهَ عَدُوًّا بِغَيْرِ عِلْمٍ

And do not insult those they invoke other than Allah, lest they insult Allah in enmity without knowledge.

As explained in the previous sub-sections, unless in state of war, there is no reason not to act in kindness and justice towards non-Muslims. There is no purpose of insulting each other's religion other than to stir up unnecessary enmity.

It is possible to engage in objective academic discussions without needing to slander other faiths. While one cannot deny that there is always a possibility of misuse, but nobody denies the necessity of most other laws regardless of their potential of misuse.¹⁰⁰ When a law is necessary, then the approach should be to make sure to draft the law as careful as possible and monitor its implementation to minimize its abuse.

For a Muslim, *ghirah* is a sense of protective jealousy and honor from which a human soul will be naturally insulted when something they revere most (in this case, its religion) is disrespected.¹⁰¹ In fact,

⁹⁹ Al-Sa'di, *Taysiru Al-Karīma Al-Rahmān Fī Tafsīri Kalāmi Al-Mannān*, 357.

¹⁰⁰ An example is anti-terrorism laws, which is well known to be prone to abuse. See: Widati Wulandari, "'Public Emergency' Sebagai Alasan Mengenyampingkan Kewajiban Negara Di Bawah ICCPR: Reaksi Terhadap Terorisme," *Jurnal Hukum Internasional* 1, no. 1 (2013): 19–41; Michal Buchhandler-Raphael, "What's Terrorism Got to Do with It-The Perils of Prosecutorial Misuse of Terrorism Offenses," *Fla. St. UL Rev.* 39 (2011): 807. However, it is difficult to find any denial towards the necessity to have anti-terrorism laws merely because it is prone to abuse.

¹⁰¹ Sayyid Quthb, *Tafsir Fi Zhilalil-Qur'an Di Bawah Naungan Al-Qur'an*, vol. 4 (Jakarta: Gema Insani Press, 2002), 132.

one cannot have faith without *ghirah*.¹⁰² Some may say that ‘even Prophet Muhammad s.a.w forgave those who insulted him’.¹⁰³ However, the reality is that Prophet Muhammad s.a.w did not punish his companions who have attacked or killed someone who slandered the Prophet or Islam.¹⁰⁴ The Prophet s.a.w is in the position to forgive those who have slandered him, but when other Muslims who have *ghirah* hears him or Islam being slandered then this is a different matter entirely. This is why there is a consensus (*ijma’*) among the *fuqaha* that the penalty for blasphemy is death.¹⁰⁵ Note that an *ijma’* is a source of Islamic law ranked just below the Qur’an and Sunnah, and going against it –alike going against the Qur’an and Sunnah—can be an act of *kufr*.¹⁰⁶

The UN OHCHR once cited the Special Rapporteurs on freedom of religion or belief in a statement regarding the blasphemy laws in Indonesia. They said that, “Blasphemy Law Has No Place in a Tolerant Nation Like Indonesia”.¹⁰⁷ The line makes very little sense. A simple rhetorical retort would show that if a nation is indeed tolerant then it is blasphemy that has no place in it and laws must be in place to make sure of that. In fact, even the European Court of Human Rights very recently in 2018 issued a ruling that insulting

¹⁰² Ibn Al-Qayyim Al-Jawziyah, *Al-Jawāb Al-Kāfī* (Al-Maghrib: Dar al-Ma’rifah, 1997), 68.

¹⁰³ Shafiyyurrahman Al-Mubarakfuri, *Al-Rohik Al-Makhtum (Sejarah Hidup Nabi Muhammad)* (Jakarta: Penerbit Ummul Qura, 2017), 243.

¹⁰⁴ Muḥammad ibn Jarīr Al-Ṭabari, *Tafsir Al-Ṭabari*, vol. 7 (al-Qāhirah: Dar al-Ma’arif, n.d.), 442; Abu Dawud Sulaymān ibn al-Ash’ath Al-Sijistānī, *Sunan Abu Dawud*, vol. 3 (Riyadh: Darussalam, 2008), hadith no.4361-4362; Aḥmad ibn `Abd al-Ḥalīm Ibn Taymiyyah, *Al-Šārim Al-Maslūl ‘Ala Shātim Al-Rasūl* (Saudi Arabia: Al-Haras Al-Waṭāni Al-Su‘ūdi, n.d.), 65.

¹⁰⁵ Ibn Taymiyyah, *Al-Šārim Al-Maslūl ‘Ala Shātim Al-Rasūl*, 3; Imam ibn Al-Mundzir Al-Naysaburi, *Al-Ijma* (Saudi Arabia: Maktabah Al-Furqan, 1999), 174.

¹⁰⁶ ‘Uthmān bin ‘Alī Hasan, *Manhaj Al-Istidlal ‘Alā Al-I’tiqād ‘Inda Ahl Al-Sunnah Wa Al-Jamā‘Ah* (al-Riyāḍ: Maktabah Ar-Rushd, 1415), 149–50.

¹⁰⁷ OHCHR, “Blasphemy Law Has No Place in a Tolerant Nation like Indonesia – UN Rights Experts,” Office of the High Commissioner of Human Rights, accessed April 21, 2020, <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=21646&LangID=E>.

religion (they were particularly discussing a case involving blasphemy towards Islam) is not part of freedom of expression.¹⁰⁸

As for the case of apostasy, this is definitely something that is very difficult to understand from a perspective of human rights. Even some Muslims struggle to understand why it is a right for a non-Muslim convert to Islam but it is not a right for a Muslim to leave Islam.

However, one must first bear in mind that to accept and follow Islam is not a right but an obligation as explained earlier in this article. Therefore, to say that leaving Islam is a right is incorrect. The prohibition to coerce non-Muslims into Islam is something that applies to non-Muslims. The case of apostasy, on the other hand, is a different case. Ikrima narrated from Ibn ‘Abbas that Prophet Muhammad s.a.w said, “*If somebody (a Muslim) discards his religion, kill him.*”¹⁰⁹

Abdullah ibn Mas‘ud narrates that Prophet Muhammad ﷺ said:

The blood of a Muslim who confesses that none has the right to be worshipped but Allah and that I am His Apostle, cannot be shed except in three cases: In Qisas for murder, a married person who commits illegal sexual intercourse and the one who reverts from Islam (apostate) and leaves the Muslims.¹¹⁰

To execute apostates is an *ijma’* among the *fuqaha*,¹¹¹ although the apostate is given some time (three days) to repent to cancel the

¹⁰⁸ European Court of Human Rights, “Case of E.S. v. Austria (Application N° 38450/12)” (European Court of Human Rights, 2018), <http://hudoc.echr.coe.int/eng?i=001-187188>.

¹⁰⁹ Muḥammad ibn Ismā‘īl Al-Bukhārī, *Sahih Al-Bukhari*, vol. 4 (Riyadh: Darussalam, 1997), hadith no.3016-3017; Muḥammad ibn Ismā‘īl Al-Bukhārī, *Sahih Al-Bukhari*, vol. 9 (Riyadh: Darussalam, 1997), hadith no.6922.

¹¹⁰ Al-Bukhārī, *Sahih Al-Bukhari*, 1997, 9:hadith no. 6878.

¹¹¹ There is a difference opinion regarding women apostates, where the minority (i.e. the Hanafi madhhab) hold that they are not to be executed but only confined to their home. See: Al-Naysaburi, *Al-Ijma*, 175; Ahmad Kamarudin Haji Hamzah, “Jenayah Riddah: Antara Had Dan Takzir,” in *Syariah Dan Undang-Undang: Suatu Perbandingan*, ed. Zaini Nasohah (Kuala Lumpur: Utusan Publications, 2004), 111–12.

execution.¹¹² Some modern jurists such as Hashim Kamali reject that apostasy *per se* is given death penalty, arguing *inter alia* that it is based on a mere *hadith ahad* (transmitted by only one chain).¹¹³ Kamali also argued that apostasy is only punishable if committed together with waging war against the Muslims.¹¹⁴ The problem with Kamali's *hadith* argument is that the aforementioned *hadith* is not only authentic, but is not *per se ahad* because it is narrated by a variety of companions and is instead a *mashhur hadith*.¹¹⁵ Further, the claim that only apostates who wage war are executed does not have basis from past *fuqaha* while the *dalil* prescribing execution do not provide qualifications. Note that general *dalil* containing legal rulings are taken in its generality until an exception (also from the *dalil*) is found.¹¹⁶

Having all that said, Commitment XI demands something that is unacceptable to Islam. No Muslim should accept this.

ANALYSIS OF COMMITMENTS XIV AND XV: HUMANITARIAN ASSISTANCE WITHOUT DISCRIMINATION

Commitment XIV reads, "...ensuring respect in all humanitarian assistance activities of the Principles of Conduct for the International Red Cross and Red Crescent Movement and NGOs in Disaster

¹¹² Ibn Taymiyyah, *Al-Şārim Al-Maslūl 'Ala Shātim Al-Rasūl*, 328; Al-Naysaburi, *Al-Ijma*, 175.

¹¹³ Mohammad Hashim Kamali, *Freedom of Expression in Islam* (Kuala Lumpur: Ilmiah Publishers, 1998), 93.

¹¹⁴ Kamali, 96.

¹¹⁵ Yusuf Al-Qardhawy, *Jarimah Al-Riddah Wa 'Uqubat Al-Murtad Fi Daw' Al-Qur'an Wa Al-Sunnah* (Beirut: Mu'assasah al-Risalah, 2001), 44. Note that even *ahad hadith*, if they are authentic, can be a basis for legal rulings.

¹¹⁶ Muhammad bin Shalih Al-Utsaimin, *Ushul Fiqih* (Yogyakarta: Media Hidayah, 2008), 58–59. For other refutation towards similar misconceptions regarding apostasy and its punishment, see: Mohd Hisham Mohd Kamal, "Kebebasan Beragama Dan Isu Riddah Dari Perspektif Syariah," in *Isu-Isu Kebebasan Beragama & Penguatkuasaan Undang-Undang Moral*, ed. Mohd Hisham Mohd Kamal and Shamrahayu A. Aziz (Selangor Darul Ehsan: Department of Islamic Law IIUM & Harun M. Hashim Law Centre, 2009).

Response Programmes, 6 especially that aid is given regardless of the recipients' creed and without adverse distinction of any kind and that aid will not be used to further a particular religious standpoint." Commitment XV reads, "We pledge neither to coerce people nor to exploit persons in vulnerable situations into converting from their religion or belief, while fully respecting everyone's freedom to have, adopt or change a religion or belief and the right to manifest it through teaching, practice, worship and observance, either individually or in community with others and in public or private."

Commitment XIV is easily one that could be accepted with only minor reservations. Allah says in Surah Al-Ma'idah (5) verse 32:

مِنْ أَجْلِ ذَلِكَ كَتَبْنَا عَلَىٰ بَنِي إِسْرَائِيلَ أَنَّهُ مَن قَتَلَ نَفْسًا بِغَيْرِ نَفْسٍ أُوْ
فَسَادَ فِي الْأَرْضِ فَكَأَنَّمَا قَتَلَ النَّاسَ جَمِيعًا وَمَنْ أَحْيَاهَا فَكَأَنَّمَا أَحْيَا
النَّاسَ جَمِيعًا

Because of that, We decreed upon the Children of Israel that whoever kills a soul unless for a soul or for corruption [done] in the land - it is as if he had slain mankind entirely. And whoever saves one - it is as if he had saved mankind entirely.

This verse speaks of humanity in general and does not mention 'except for non-Muslims', meaning that there is no discrimination between Muslims and non-Muslims in this regard. In addition, Abu Hurayra narrated that Prophet Muhammad s.aw said:

Faith has over seventy branches or over sixty branches, the most excellent of which is the declaration that there is no god but Allah, and the humblest of which is the, removal of a thorn from the path: and modesty is the branch of faith.¹¹⁷

If removing something painful from the street is a branch of faith, and if one must do good towards non-Muslims as explained in previous sub-sections, surely helping others in dire need would have great virtues. Allah says in Surah al-Baqarah (2) verse 261:

مَثَلُ الَّذِينَ يُنْفِقُونَ أَمْوَالَهُمْ فِي سَبِيلِ اللَّهِ كَمَثَلِ حَبَّةٍ أَدْبَتَتْ سَبْعَ سَنَابِلٍ
فِي كُلِّ سَنَابِلَةٍ مِائَةٌ حَبَّةٌ ۗ وَاللَّهُ يُضَاعِفُ لِمَن يَشَاءُ ۗ وَاللَّهُ وَاسِعٌ عَلِيمٌ

The example of those who spend their wealth in the way of Allah is like a seed [of grain] which grows seven spikes; in each spike is a

¹¹⁷ Muslim ibn al-Ḥajjāj Al-Naysābūrī, *Sahih Muslim*, vol. 1 (Riyadh: Darussalam, 2007), hadith no.152-153.

hundred grains. And Allah multiplies [His reward] for whom He wills. And Allah is all-Encompassing and Knowing.

There are endless verses regarding the importance of charity without disqualifying non-Muslims as object of charity. Only selectively giving aid to fellow Muslims, or giving it under condition of conversion, not only is baseless in Islam but also may fall under 'coercion' which is prohibited in Islam and breaches Commitment XV too. At the very least, such an act would be counterproductive towards the efforts of *da'wah*.

The only reservation regarding Commitment XIV concerns, "*not be used to further a particular religious standpoint.*" As mentioned much earlier, good behavior is a part of *da'wah*. One cannot prohibit a Muslim from inviting others to also become Muslim. When Muslims provide aid –whether in form of wealth, counseling, or others, they will want to do so in the most Islamic way possible:¹¹⁸ which is *da'wah*. So Commitment XIV can be accepted as long as it only prohibits coercion (whether directly or otherwise), but not prohibiting non-coercive methods of *da'wah*. As for Commitment XV, it can be accepted partially. As explained in the previous subsection, Islam cannot accept the right to leave Islam.

CONCLUSION

One may wonder who represented Muslims at the Expert Workshop from which the Beirut Declaration and 18 Commitments were made. The mistakes and violations towards Islamic teachings in this Document are so massive and blatant so that to pledge to it may amount to *kufir* due to their gravity.

Indeed, it is truly a difficult task to make a document agreeable to all faiths. If all faiths were to honestly write about what are the rights and obligations of humanity in a way acceptable to all of their faiths, they would perhaps end up with very little agreements and mostly 'agreeing to disagree'. However, that is with an 'if' with an emphasis on the 'honestly'.

¹¹⁸ Giving halal food, making efforts as much as possible, giving good advises from Islamic teachings, etc.

Does the UN honestly have an intention of collecting the views of different religions and come up with a set of rules truly reflecting them all? Or do they already have the set of rules in mind and wish to find ‘religious legitimacy’ to further impose their narrow worldview to the Islamic world (and other dissenters who are outside the ‘magic circle’¹¹⁹)? Considering the precedence of LGBT funding and CEDAW reservations, and now this Beirut Declaration and 18 Commitments, it is hard not to suspect the second possibility.

There may be some virtue in reflecting on what Allah says regarding the hypocrites in Surah Al-Baqarah (2) verse 11:

وَإِذَا قِيلَ لَهُمْ لَا تُفْسِدُوا فِي الْأَرْضِ قَالُوا إِنَّمَا نَحْنُ مُصْلِحُونَ (١١) أَلَا
إِنَّهُمْ هُمُ الْمُفْسِدُونَ وَلَكِنْ لَا يَشْعُرُونَ (١٢)

And when it is said to them, "Do not cause corruption on the earth," they say, ‘We are but reformers/peace-makers.’ Unquestionably, it is they who are the corrupters, but they perceive [it] not.

¹¹⁹ Borrowing the term used by Eleanor Sharpston See: Mayer, “The ‘Magic Circle’ of Rights Holders: Human Rights’ Outsiders,” 198–200.