

INTRODUCTION



Promoting Islam as a defender of human rights is fraught with difficulties. Many advocates of human rights readily point out the numerous examples of humanitarian failures carried out in the name of Islam: the Taliban in Afghanistan, female genital mutilation in Africa, the penal code in Saudi Arabia, genocide in Darfur, and the September 11 attacks in the United States. As a result, human rights proponents are often tempted to blame Islam, if not religion generally, for human rights violations. The avoidance of Islam and religion in human rights dialogue presents a serious problem for the advancement of universal human rights, however.

Separating religious belief from human rights requires that we undertake the impossible task of distinguishing an important source of our ethical values from ethical norms themselves. For many people, the validity of human rights stems from a foundational belief in God and the dignity that God imparts to every human being. Although the foundations of human rights may be debated, human rights scholars cannot easily dismiss the potential that foundational beliefs, including Islam, hold in advancing human rights agendas. After all, approximately one billion inhabitants of this earth identify themselves as Muslim. To ignore the values of Islam would be to deny the voices of one-fifth of the world's population in determining what should be "universal" human rights.

Unfortunately, human rights theorists are frequently at odds when attempting to engage in discourse with religious thinkers. This discomfort with discussing religion arises not only as a result of religiously motivated violations of human rights but also because of structural differences among the modes of discourse relevant to human rights. These differences include the disciplinary dominance of human rights as legal or political discourse, Western liberal paradigms that assert the privatization of foundational belief, and the interdisciplinary boundaries between religion and human rights theory. Thomas Pogge observes, for example, that the shift away from religion to politics as the appropriate sphere for

human rights discourse can be attributed to the shift in conceptions of morality based in natural law and duties to that of rights.¹ Using the religious language of natural law and duties in human rights discussions appears antiquated and inappropriate in this day and age. John Rawls, although acknowledging that persons belonging to pluralistic societies often subscribe to foundational beliefs, asserts nonetheless that in public discourse on political values, religious language should be limited to that which “reasonable” persons may endorse.² Persons who use religious ideas in public debates on human rights may seem unreasonable to those who do not share those beliefs. Michael Ignatieff argues that the *prima facie* human capacity to empathize serves as a much better basis for human rights compared to the capricious nature of religious traditions. Such theoretical tensions hinder what should be fruitful exchanges between human rights theorists and religious thinkers.³

COMPARATIVE RELIGIOUS ETHICS

I propose comparative religious ethics as a method for bringing religious thought into the fold of human rights theory. A relatively new field in the academic study of religion, comparative religious ethics seeks to understand ethical values across religions and cultures. A comparative effort here is particularly fruitful because “Western” human rights theorists from North America and Western Europe struggle to understand the human rights violations found in “non-Western” Islamic societies of the Middle East and Southeast Asia.⁴ Comparative religious ethics provides a methodological structure for difficult but necessary interreligious and cross-cultural conversations about human rights and Islam.

Admittedly, the “pleasant trope of ‘conversation’” that often accompanies a comparative enterprise can appear oddly misplaced, given the harsh reality of human cruelty and suffering that characterizes much of human rights study. Conversation and “dialogue,” the latter of which, despite its more serious connotation, is used interchangeably with the former, are nonetheless necessary if one attempts to undertake the task of understanding another person, culture, or tradition.⁵

As Charles Taylor asserts, any “adequate account of human action must make the agents more understandable.” The dialogical model aids with understanding persons from different traditions and cultures than one’s own because it recognizes those persons as agents like oneself, “i.e., beings who act, have purposes, desires.”⁶ To understand others as agents requires that we view them as possessing self-understanding rather than unilaterally categorize them as mere objects of study. In acknowledging others as self-understanding humans, we need not neces-

sarily agree with them, but we avoid the danger of objectifying them and preventing genuine dialogue from taking place. We allow, if not expect, self-representation of all participants, which is essential for any meaningful conversation to develop. In dialogue that promotes understanding, others have voices, and we are required over the course of conversation to acknowledge and respond to those voices. Moreover, and just as important, we recognize through such dialogue our own assumptions, the limits of our knowledge, and the possibilities for understanding, and we therefore present human faces to our interlocutors.

Because this reciprocative model of dialogue requires self-understanding, we must account for the political and historical conditions that influence our own perceptions.⁷ In the postcolonial context, which characterizes many Muslim societies, both the memory and the present reality of unequal power relations taint conversations between persons who, if only symbolically, represent the colonized and the colonizer. In the specific case of dialogue between Islamic thinkers from previously colonized societies and North American and European thinkers, the colonial experience exists as a subtext of human rights discourse. Although the colonial experience is prominent in writings on human rights by Islamic scholars, it is not explicitly acknowledged on the part of human rights theorists. The dialogical aspect of comparative religious ethics requires that this background be brought into the foreground so that we better understand the agents of human rights discourse. If Islamic thinkers from previously colonized societies enter into a dialogue about human rights with the self-understanding of persons who were previously colonized, then this experience suggests to Western human rights theorists, as interlocutors, that they, too, consider colonialism in understanding Islam and human rights.

Allowing others to define themselves, however, does not require that we adopt their perspectives as our own. Even if it were possible, one need not let go of one's own perspective in order to understand another. Understanding is not an either-or proposition that requires the adoption of polarities. One need neither lose the ability to critique another perspective nor fall into the abyss of moral relativism by entering into a conversation reflective of all possible views. Rather, through the process of dialogue, interlocutors come to understand better a shared subject matter.

Heavily indebted to Hans-Georg Gadamer's conception of the "fusion of horizons," my approach to comparative religious ethics incorporates a dialogical model of understanding to contemporary Islamic thought and human rights theory. Gadamer argues that dialogue based on a shared subject matter, in this case human rights, leads participants in conversation toward a shared vision even while standing in separate

places. The major adaptation I make to Gadamer's conception of fusion of horizons is to incorporate Jürgen Habermas's sensitivity to the distortion of language. Given that my work in comparative ethics deals with Islam and human rights, a field in which perceptions of political and economic inequalities are intrinsic to discussion, Habermas's insights heighten awareness of obstacles in the way of cross-cultural understanding.

In approaching Islamic human rights with this dialogical model of understanding, I both build on and depart from earlier works in comparative religious ethics. Because the idea of human rights finds acceptability across the globe, I begin this comparative project with an issue that has universal significance. Notable in this respect is that a spectrum of Islamic scholars embraces the concept of human rights, even as differences arise with regard to specific claims about human rights. My undertaking of a comparative project with a universal idea such as human rights shares some common ground with the path-breaking work of David Little and Sumner B. Twiss.⁸ Little and Twiss, who seek a universal account of moral concepts through empirical case studies, commence with the possibility of universal bases for comparison. Although they do not use human rights as one of their moral concepts, human rights would fit within the structure of their study. I differ from Little and Twiss as to the process by which moral concepts are defined, however. Little and Twiss themselves offer definitions of specific moral concepts as starting points for discussion. By contrast, universal human rights should be theoretically defined, or at least agreed on, by a collective group of persons representing different nations, traditions, and cultures. In my study, I do not define human rights as a moral concept but rather question whether the static identification of human rights with lists of specific rights, such as those found in the Universal Declaration of Human Rights (UDHR, adopted by the United Nations in 1948), makes sense given the cultural, historical, and religious diversity of the societies in which these rights are to be respected and implemented.

My examination of human rights borrows much from Lee Yearley's work in comparative ethics, which compares the virtue of courage in the writings of Mencius and Aquinas. Yearley's observation that ideas share genuine resemblances across cultures offers much for human rights discussions. As he eloquently states, comparative religious ethics charts "similarities within differences and differences within similarities."⁹ Yearley, although he narrows the scope of comparative ethics by examining one specific aspect of human flourishing, moves beyond Little and Twiss in allowing for the modification of terms and their meanings based on analogies uncovered through the comparative process. This openness to modification applies to the understanding of human rights as a concept

still subject to interpretation. Of equal import, Yearley views the effort of comparison itself as a moral exercise of increasing significance in our diverse world. Not a mere intellectual endeavor, the practice of comparative religious ethics carries profound moral implications for the times in which we live.

Similar to the dialogical method proposed by Gadamer and Taylor, Yearley's approach to comparative ethics requires movement between at least two interlocutors about a shared subject matter. Conscious of becoming too self-referential, participants in this dialogical process would find this approach especially appropriate for a subject matter of universal significance, such as human rights. Discussed globally with shared urgency, the topic of human rights brings to comparative religious ethics "a more persuasive rationale, agenda of ideas, and practical orientation than hitherto has been the case."¹⁰ Comparative religious ethics brings to human rights the tools and methods necessary for understanding religions in a pluralistic and troubled world.

UNDERSTANDING ISLAM

I am a scholar trained in religious ethics, initially in Western philosophical and Christian ethics and later in Islamic ethics, and am deeply concerned with a tradition that is not my own. Islam is important and relevant to me as a scholar, teacher, and citizen, but I am not a Muslim. Using human rights as the subject of cross-cultural inquiry, I believe that a core set of shared values exists universally and that the values peripheral to these basic rights must be respected in light of religious and cultural diversity. One of my objectives is to demonstrate that very human concerns cross religious and cultural boundaries.

The more one learns about a religious tradition, and the differences within the larger tradition, the more one understands that arguments for relative values can become almost a matter of course. Acknowledging these differences and observing particularities, as Clifford Geertz explains, are essential to understanding a subject.¹¹ In his call for "thick description," we are rightly forced not to objectify and stereotype and simplify the other. Instead, we see in the uniqueness of people, acts, and situations the complexity of humans and history.

The call to particularity, although it corrects many of the inaccurate assumptions that scholars may make about religious belief and practice, obscures the *prima facie* observation that, for all our differences, we are in many ways alike. On the most basic, biological level, we all require food, water, shelter, and other humans to survive from infancy to adulthood. Humans tend to live in social groups, engage in commerce, and

adopt cultural rituals. Moreover, we value many of the same things. Although exceptions always exist, people value freedom, peace, and health and find torture, terror, and tyranny wrong. Humans are capable of engaging with each other across cultures not because we are so different from one another but because we are so similar.

THREE THINKERS, THREE VISIONS

In the decades preceding and following the creation of the UDHR, Islamic religious scholars offered numerous commentaries on the concept of human rights that was slowly but surely entering into the world milieu. They wrote about human rights from numerous angles, often in praise, but also in highly critical and sometimes angry tones. Their ideas are important because of the tremendous influence they exerted, and continue to exert, among Muslims at large.

The value of religious scholarship, particularly in examining human rights issues of the contemporary Islamic world, cannot be overemphasized. For guidance on religious and political issues, Muslims have tended to look toward religious authorities rather than political leaders, who have acquired reputations either as puppets of foreign interests or as weak, ineffectual, and ultimately insignificant figureheads. Muslims have taken far more seriously the thoughts of religious leaders, whose commentaries were heard or read or were otherwise transmitted by local clerics. Political documents, such as the 1981 Universal Islamic Declaration of Human Rights (UIDHR), although certainly important in understanding human rights in Islamic thought, reveal but part of a much larger story.

The thinkers whose writings I analyze here provide the substance for dialogue on human rights. The topics they address and the methods they use to think about these topics can and should be used in conversations about religious diversity. Most important, these scholars offer ways of addressing social injustice that are alternatives to acts of violence. For instance, although Islamic scholars such as Abul A'la Maududi and Sayyid Qutb have been cited as the inspiration behind acts of religious violence, their writings leave much to interpretation.¹² Indeed, on close analysis the essence of their messages concerns the empowerment of Muslims in colonial and postcolonial contexts, not the destruction of non-Muslims.

This book shows how three of the most prominent religious scholars writing about human rights can contribute to a global understanding of human rights. The scholars I have selected to focus on are Maududi, Qutb, and 'Abdolkarim Soroush, each of whom offers a distinct

approach to Islam and human rights. They offer a representative range of views that challenge not only assumptions about the role of religion in human rights but also the idea of a monolithic Islam. Writing at a time when the concept of human rights unfolds across the international landscape, these thinkers demonstrate a perspicacious grasp of the potential significance of human rights. They sense that the novel, but extraordinarily powerful, language of human rights must somehow be molded into Islamic thought.

Although many scholars of Islam have written about human rights, Maududi, Qutb, and Soroush stand out for several reasons. First, Maududi and Qutb are scholars whose influence cannot be underestimated in Muslim-majority countries. Soroush, although not as well known in part because he is of a younger generation than Maududi and Qutb, has gained increasing prominence for both his intellectual and political roles in Iran and the larger Shi'ite community. Well-known American scholars, such as Abdullahi An-Na'im and Ann Mayer, have written extensively on human rights, but their influence is felt primarily in North American and Western European audiences.¹³ Because this book examines human rights from a cross-cultural perspective, specifically at the ways in which non-Western Islamic thinkers perceive of human rights, understanding the voices of scholars outside of North America or Western Europe is of utmost importance. Moreover, the influence of Maududi, Qutb, and Soroush within Muslim-majority societies suggests that their opinions on human rights carry more weight than those of scholars who are not as well known in those settings.

Second, Maududi, Qutb, and Soroush have produced significant works on human rights. Other prominent Islamic scholars have produced numerous essays and shorter pieces on human rights and related topics, but Maududi, Qutb, and Soroush are notable for their extensive and sustained writing on the subject.¹⁴ They explore multiple facets of human rights, their theological underpinnings and implications, and the differences between Western and Islamic views of human rights. Few major works from influential Islamic thinkers in Muslim-majority societies delve into such depth about human rights.

The writings I focus on in this book treat the topic of human rights at length. Maududi's *Human Rights in Islam*, Qutb's *Social Justice in Islam*, and Soroush's collected works in the aptly titled *Reason, Freedom, and Democracy in Islam* address directly the topic of human rights (*huquq al insaniyya*) as well as the many issues that relate to the subject indirectly. The three thinkers offer collectively a prolific number of published texts, many of which reinforce their ideas found in their writings dealing specifically with human rights. Qutb, for instance, echoes and

elaborates on several of his ideas from *Social Justice in Islam* in his lengthy Qur'anic commentary, *In the Shade of the Qur'an*.¹⁵ Their most relevant thoughts on human rights, however, are found in their treatises that concentrate on the topics of justice, politics, and religion. The main human rights texts from the three authors were also written after the drafting of the UDHR, which introduced the idea of human rights to the world in an official capacity. Although the language of human rights existed prior to 1948, the formal introduction of human rights through the United Nations, an internationally acknowledged institution, lent the term a gravity and context that previously did not exist. Hence, writings published after 1948 treat human rights with an awareness and sensitivity to this new setting that writings published before 1948 lack.

Maududi's and Qutb's book-length treatments of human rights express forcefully their views on how Islam promotes human rights. Moreover, they clearly situate their analyses within the context of the twentieth century and bring religious understanding to bear on modern times and modern problems. Also, these texts directly compare Islamic views on human rights to Western ones. Soroush's collection of essays, written several decades after Maududi's and Qutb's works, continues an intra-Islamic discussion on human rights. Like Maududi's and Qutb's writings, Soroush's essays display an awareness of the author's own historical context and also demonstrate how religious tradition applies to contemporary issues. Soroush brings Western thought into his writings on Islam, albeit with a very different attitude compared to Maududi and Qutb. All three authors highlight in their comprehensive scholarship similar aspects of human rights, namely, democracy, toleration, and freedom of conscience. Because these major works on human rights share structural and thematic similarities but offer different analyses within those similarities, they are ideal for initiating a conversation on human rights.

Third, and important to the practice of cross-cultural and interreligious dialogue, these thinkers' writings on human rights have attained a stature such that they are available in translation. The high quality of these translations, predominantly from Arabic into English, allows for more profound conversations on human rights because interlocutors who may not know Arabic are able to read for themselves what Islamic scholars have to offer to human rights discussions. I relied primarily on English translations of these writings on human rights, although I referred to the original Arabic texts when I wanted to ensure the accuracy of a certain translation or sought to determine nuances of specific theological or political terms.¹⁶ In those instances when I referred back to the original, I did not find the translated version to be so inaccurate as to mislead the English reader.

A fourth reason why I chose to focus on Maududi, Qutb, and Soroush was to cover the breadth of Islamic thought typically categorized as “fundamentalist” or “traditionalist” on the one hand and “reformist,” “liberal,” or “intellectual” on the other. These labels are often applied to Islamic thinkers as a cursory description of their attitudes toward the West and modernization. Fundamentalist or traditionalist thinkers, such as Maududi and Qutb, appear to be intolerant of the West and seem wary of modernization. Liberal or reformist intellectuals, such as Soroush, appear to embrace the West and view modernization as a positive trend. These descriptions, although they provide an initial orientation to a scholar’s thought, are not adequate to convey the complexities involved in each thinker’s arguments. These labels also betray the history within Islamic thought of reforms based in traditional texts and legal theory. Thus, although the terms “traditionalist” and “reform” appear to sit at opposite ends of the ideological spectrum, the terms can only be understood so at the most superficial level. This categorization of ideologies as ranging from traditionalist to reform thus provides a bereft, albeit convenient, overview of the Islamic scholars’ ideas.

Finally, the differences in geographical and historical contexts among the three thinkers make impossible the portrayal of Islam as a monolithic tradition. Distinct colonial experiences color Maududi’s, Qutb’s, and Soroush’s ways of thinking about Islam and its applicability in political settings. Maududi, for example, shares with Qutb many similar views of Islam; however, the situation of the Muslim minority in India and the creation of the state of Pakistan result in the liberalizing of certain aspects of Maududi’s thought, especially toward non-Muslims and women. When placed in historical contexts, these scholars’ different views of Islam become clearer.

To understand these nuances of Islamic thought, one needs to examine how religious scholars make their arguments. Only through such analyses can one grasp fully the coherence and inconsistencies of religious arguments. An overview of many thinkers may provide a bird’s-eye view of the landscape of contemporary Islamic thought, but it denies close examination of the texture of their arguments. From a practical perspective, deep analyses convey accurate depictions of their ideas, as opposed to noncontextual glosses that enable the exploitation of genuine religious scholarship for unjustifiable, even violent, purposes. Crucial to the task of cross-cultural conversation, providing a sustained discussion about these three men and their thoughts gives cross-cultural debate a human face. Without constant reminders, we are prone to forget that our conversation partners are, as Taylor reminds us, agents of self-understanding. For these reasons, I have chosen to concentrate on three

thinkers whose scholarship best represents variations in Islamic thought on human rights.

DIALOGUE AND HUMAN RIGHTS

On one level, this book tells the story of how three revered scholars from three different countries grapple intellectually with the notion of human rights. These scholars interpret not only religious text and scripture but also the political events surrounding them. The differences among the thinkers represent the ways in which religion works through changing historical, geographical, and intellectual contexts. The variances in setting, culture, and background of these thinkers emerge in their writings. When the concept of human rights developed into a global idea, Islamic thinkers embraced it primarily because they embraced the religious principles they saw in it. The commentaries they provided on the topic of human rights reveal their ways of incorporating human rights into religious worldviews.

On another level, and of most importance, this book offers ways of engaging critically with others about human rights and Islam. Some of the most prominent theories of human rights in the West today dismiss Islam altogether with claims that religion generally presents obstacles to human rights progress.¹⁷ In analyzing the commentaries of Islamic thinkers, however, we can perceive distinctions between *religious* arguments concerning human rights and *political* ones regarding the struggle for power. The most disturbing claims about human rights made by Islamic scholars result not from religious ideals but from strategies developed out of an intense fear and hatred of Western colonialists. Those who dismiss religious contributions to human rights fail to separate religious arguments from political and cultural tactics intended to undo the perceived damages wrought by imperialism. This is not to say that disentangling politics and culture from religion is an easy, or even possible, task; however, the attempt must be undertaken in order to understand and overcome the crippling history of colonialism that prevents genuine dialogue from taking place across religious and cultural boundaries. The living memory of cultural, economic, and political exploitation must be taken seriously in human rights discussions, but the experience of colonialism should never become an excuse to curtail basic human rights on religious grounds.

A dialogical approach to comparative religious ethics provides a foundation for discussing the difficult but important subject of Islam and human rights. The presence of the language of human rights, which is alien to traditional Islamic sources such as the Qur'an, *sunna*, and

hadith, and consensus on the importance of human rights among such otherwise diverse thinkers as Maududi, Qutb, and Soroush suggest that a degree of universalism concerning human rights is achievable. With the understanding that religion contributes in important and complementary ways to human rights debates, religious thought should enter into existing legal, political, and economic discourses on human rights.

The broader project of human rights and religion touches all citizens who live in diverse societies where people claim religious reasons for decisions that affect others. Although I began my study of Islam years prior to the attacks of September 11, 2001, that day and the events that continue to follow have lent an unanticipated urgency to the study of this religious tradition. In learning about Islam, as well as about any other religion that affects politics on a global level, we open up the possibility for respectful and informed dialogues. In demonstrating how Islamic scholars think about human rights, I hope to spark mutual understanding across religious, political, and cultural lines.