Research Article

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Islam and Human Rights: A 50 Year Retrospective

Abstract: The debate on Islam and human rights is roughly 50 years old. During this time a vast literature has been produced analyzing the relationship between the religion of Islam, Muslims societies and international human rights norms. What have we learned during this time that can further an understanding of this topic among students, scholars and members of the general public? What analytical framework is optimal? Is the crisis of human rights in Muslims societies a function of internal conditions, external factors or are they to be located within the framework of Islamic doctrine, traditions, the shariah in particular? This article grapples with these questions by looking back over the past five decades. The objective of this essay is to advance an objective framework of analysis for understanding the debate on Islam and human rights. A historical and comparative approach is adopted. Key moments that have shaped the debate on Islam and human rights are recalled. Significant political developments that have shaped the contours of the debate are examined such as the legacy of colonialism, the rise of political Islam, the role of Western policy and the failure of the post-colonial state in the Arab-Islamic world. The contributions of influential scholars and activists who have advanced the struggle for human rights in Muslims societies are also recognized in this article.

Keywords: Political Islam, colonialism, Western policy, state repression, human rights

When future intellectual historians look back on the late 20th and early 21st centuries, the debate on Islam and human rights will feature quite prominently. The reasons for this are not difficult to discern. This debate overlaps with several

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important themes, events and controversies that have shaped the political and moral landscape of the past 40 years.

A short list of these events would include: the 1979 Iranian Revolution, the mainstreaming of political Islam in the Middle East; the Israel-Palestine Conflict; the Salman Rushdie Affair; Turkey's quest for admission into the EU; the rise, fall and return of the Taliban; the Danish Cartoon Controversy; *l'affaire du foulard* (hejab) in France and Quebec and the debate on secularism, the question of multiculturalism, immigration, and debates on pluralism and reasonable accommodation. Also of critical importance are the Al Qaeda terror attacks on 9/11 and the subsequent American-British occupation of Iraq and Afghanistan, the emergence of ISIS, and finally, the global rise of authoritarian populism, a right-wing ideology for which anti-Muslim bigotry is a key component.[1] In all these cases, the question of Islam, Muslims and human rights has been front and center in the public, intellectual and policy debate.

The relationship between Islam and human rights matters for several additional reasons. According to the Pew Research Center, 25 percent of the global population today is Muslim. By 2050 almost one-third of the planet will be Muslim.[2] Islam is the second largest religion in the world, it produces the largest number of converts, and 49 countries have a Muslim majority population. Significant Muslim minority populations also exist in India, China, France, the United Kingdom and Germany, where their status is subject to debate, disagreement, discrimination and even genocide (in the case of the Rohingya in Myanmar and the Uyghurs in China).[3]

1 Adam Shatz, "The Zemmour Effect," *London Review of Books*, November 11, 2021, https://www.lrb.co.uk/blog/2021/november/the-zemmour-effect and Farid Hafez, "Shifting Borders: Islamophobia as Common Ground for Building Pan-European Right-Wing Unity," *Patterns of Prejudice* 48 (2014), 479–499.

2 Drew Silver and David Masci, "World's Muslim population more widespread than you think," Pew Research Center, January 31, 2017, https://www.pewresearch.org/fact-tank/2017/01/31/worlds-muslim-population-more-widespread-than-you-might-think/ and Pew Research Center, "The Future of World Religions: Population Growth Projections 2010–2050," April 2, 2015, https://www.pewforum.org/2015/04/02/religious-projections-2010-2050/.

3 "Statement by Mr. Marzuki Darusman, Chairperson of the United Nations Independent International Fact-Finding Mission on Myanmar, at the Security Council, October 24, 2018, https://www.ohchr.org/en/statements/2018/10/statement-mr-marzuki-darusman-chairperson-united-nations-independent and "The Uyghur Genocide: An Examination of China's Breaches of the 1948 Genocide Convention (News Lines Institute for Strategy and Policy and Raoul Wallenberg Center for Human Rights, 2021), https://newlinesinstitute.org/wp-content/uploads/Chinas-Breaches-of-the-GC3-2.pdf.

1 The Colonial and Post-Colonial Context

Islam and human rights are often discussed as a form of binary opposites in a Kiplingesque manner, with scant attention given to the lived historical reality: the long 20th century where Muslim women and men engaged with the ideals of human rights and democratization. It could be said these new intellectual formations occurred during the age of European empires and colonial conquest, decolonization, and the establishment of Muslim authoritarian states where human rights were observed more often in the breach. The age of European empires brought social and political changes to Muslim-majority societies. The old order and traditional hierarchies were displaced. New social and political formations and movements emerged. It is during this era that Muslim politico-religious movements emerged, which would later be called Islamist. They were largely reactive, reactionary and concerned with expelling the European colonizers and the dangerous ideals they had introduced in society.

To complicate matters further, there was a contestation of Islamic traditions taking place within the Muslim world. Much of nineteenth and twentieth-century Islamic intellectual thought was framed by the encounter with the colonizing West. Liberal Islamic thinkers believed that the West's strengths needed to be emulated or indigenized: whether in reference to the struggle for gender equality, human rights, or constitutionalism, as democracy was called in the early part of the twentieth century. The Islamists or fundamentalists felt that Western influences needed to be expelled along with the colonizer.

Islamist and liberal Islamic thinkers are the flip side of the same coin: both were shaped by the twentieth-century engagement with the West and Western colonization of Muslim lands. Revivalists ironically borrowed liberally from illiberal Western traditions. Consider Sayyid Abul Ala Mawdudi (1903–1979) the enormously influential Islamist intellectual who argued, "I wanted to rid them [Westernized Muslim intellectuals] of the wrong notion that they needed to borrow from others in the matter of culture and civilization."[4] His definition of jihad, however, is worth examining: "In reality Islam is a revolutionary ideology and programme which seeks to alter the social order of the whole world and rebuild it in conformity with its own tenets and ideals. 'Muslim' is the title of that International Revolutionary Party organized by Islam to carry into effect its revolutionary programme. And 'Jihad' refers to that revolutionary struggle and utmost exertion

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4 Cited by Jan Slomp, "The 'Political Equation' in Al-Jihad Fi Al-Islam of Abdul Aʿla Mawdudi," in David Thomas and Claire Amos eds., *A Faithful Presence: Essays for Kenneth Cragg* (London, Melisende, 2003), 240.

which the Islamic party brings into play to achieve this objective."[5] Here Mawdudi borrows from a European vocabulary. In a very real sense Islam is redefined, and new meanings are poured into familiar words. Is it any wonder that traditionalist contemporaries of Mawdudi considered his understanding of Islam to be errant and akin to a new religion?

However, it is the "liberal" Muslim reformer who was derided as inauthentic, a phenomenon that the late Wilfred Cantwell Smith wrote about so presciently in the 1950s.[6] Islamists also defined much of contemporary Muslim society as being un-Islamic. We thus need to understand that the Islamist's claim to authenticity is at the very least suspect and that there has been and is a contestation of Islamic tradition taking place.

Scholarship to date on "Islam and human rights" has narrowly focused on opposition of Islamist ideologues and movements to global human rights norms. It also has tended to narrowly frame the question as the alleged incompatibility between Islam writ large with human rights. This narrow framing absolves state actors from responsibility for perpetrating grave human rights abuses. Consider the Syrian and Iraqi regimes which have acted with near genocidal impunity. The narrative framing of Baathist Iraq and Assadist Syria was one of modernizing states that were engaged in resisting radical Islamists, which made committing grave violations of human rights permissible as the lesser of two evils. It also diverted attention from authoritarianism, indeed despotic elites that refused to share power and resisted democracy by using a praetorian guard directed at its citizenry.

2 The Origins

It is difficult to locate the intellectual origins of the debate on Islam and human rights with precision. Until the late 1970s, the subject rarely came up. In the early years of the United Nations, there was little controversy. When the Universal Declaration of Human Rights (UDHR) was adopted in 1948, along with two subsequent covenants, the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR) in 1966, Muslim states and participants were largely supportive.

Muslims participated and played an important role in drafting and discussing the Universal Declaration of Human Rights. They discussed the primacy of individual rights versus the authority of the state, women's rights in marriage, and

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5 Syed Abul ʿAla Maudoodi, *Jihad in Islam*, 7th ed. (Lahore: Islamic Publications, 2001), 8. This is an address that was delivered on Iqbal Day, April 13, 1939, in Lahore.

6 Wilfred Cantwell Smith, *Islam in Modern History* (Princeton: Princeton University Press, 1957).

religious freedom. They not only played an important role in moving this nascent human rights project forward but also in universalizing these newly defined norms. Susan Waltz notes:

> Muhammad Zafrullah Khan, Foreign Minister of Pakistan and head of Pakistan's UN delegation in 1948, did not enter the debate on the UDHR until the final days of its review. However, he made a long lasting impression with strong words about freedom of religion, which he addressed to the UNGA in plenary session. In 1949, when the Commission began its work of drafting the covenants several other individuals rose to the fore, including Bedia Afnan from Iraq, Jawaat Mufti from Syria, and Abdul Rahman Pazhwak from Afghanistan. Pazhwak served as chair of the Commission in 1963, as did Egypt's Mahmoud Azmi in 1953.[7]

Shaista Ikramullah was a member of the Third Committee, a Pakistani delegate, and with Eleanor Roosevelt, was the only Muslim woman to have participated in the actual drafting of the Universal Declaration of Human Rights. She took a strong interest in the formulation of Article 16 which explicitly championed equal rights of women and men in marriage. Ambassador Ikramullah later said "it was imperative that the peoples of the world should recognize the existence of a code of civilized behaviour which would apply not only in international relations, but also in domestic affairs."[8] A pioneering female human rights thinker in an era of global male chauvinism, she later became a member of the committee on the "Convention on the Prevention and Punishment of the Crime of Genocide" and noted later with sorrow that states did not wish to have their sovereignty infringed upon, and expressed regret that the sections dealing with "cultural genocide"[9] were removed.

Ikramullah later observed there were Western nations that believed the draft declaration went too far. South Africa fell into this category. Western nations following the Anglo-American lead believed that the focus should be on individual rights and not with the responsibilities of the state. Ideological divisions between the Soviet Union and Western nations were starting to emerge. Few scholars of the Universal Declaration of Human Rights are familiar with her, and she has been largely relegated to the margins of history, including in Muslims societies.

Saudi Arabia abstained in its vote on the UDHR at the UN General Assembly. According to research by Susan Walz, Muslim states made important and substantive contributions to all three foundational UN documents on human rights. While some objections were raised by Muslim delegates on the question of women's equality and the right to change religion, none of these objections

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7 Susan Waltz, "Universal Human Rights: The Contribution of Muslim States," *Human Rights Quarterly* 26 (November 2004), 810.
8 Cited by Susan Waltz, "Universal Human Rights: The Contribution of Muslim States," 839.
9 Shaista S. Ikramullah, "United Nations Discussions on Human Rights and Genocide," Pakistan Horizon 1 (December 1948), 234.

prevented Muslim states from formally endorsing international standards for human rights.

This was clearly reflected in the 1972 charter of the Organization of Islamic Cooperation (OIC) to which all Muslim states belong. The UN Charter and basic human rights are viewed as entirely compatible with Islamic values in this document. The preamble states:

> *Resolved* to preserve Islamic spiritual, ethical, social and economic values, which will remain one of the most important factors of achieving progress for mankind;

> *Reaffirming* their commitment to the U.N. Charter and fundamental Human Rights, the purposes and principles which provide the basis for fruitful cooperation amongst all people;[10]

The OIC Charter was ratified in 1974. In 1990, however, the OIC announced the publication of a new document – the Cairo Declaration on Human Rights in Islam. This document differed significantly from international human rights norms. Article 22 (a), for example, states that "everyone shall have the right to express his opinion freely in such manner as would not be contrary to the principles of the *shariah*." The content of *shariah* and who had authority to interpret it was left deliberately vague. This shift can be explained by two factors. At the level of the state, Muslim ruling elites sought to perpetuate their authoritarian rule by manipulating religion in the service of political power. At the level of society, Islamist opposition groups, used identity politics to demand a rewriting of laws to conform with a new understanding of Islamic authenticity.

These trends in Muslim politics have led to a corruption of Islam's ethical heritage and its human rights potential. According to Khaled Abou El Fadl, modern "Islamic thinking … has remained reactive … [in] that it defines its position vis-à-vis democracy … or human rights, always with an eye toward how the other defines himself."[11] The other, in this case, is the hegemonic West. Developing this thought further, Abou El Fadl observes:

> In the age of post-colonialism, Muslims have become preoccupied with the attempt to remedy a collective feeling of powerlessness and a frustrating sense of political defeat, often by engaging in sensational acts of power symbolism. The normative imperatives and intellectual subtleties of the Islamic moral tradition are not treated with the analytic and critical rigor they

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10 Charter of the Islamic Conference. Adopted by the Third Islamic Conference of Foreign Ministers in Djidda on March 4, 1972; https://treaties.un.org/doc/Publication/UNTS/Volume%20914/volume-914-I-13039-English.pdf.
11 "A Conversation on the theme, 'An Islamic Reformation,' between Bernard Lewis and Khaled Abou El Fadl," organized by the Global Policy Exchange, 18 October 2002, available online at: www.gpexchange.org/pages/details.html.

rightly deserve, but are rendered subservient to political expedience and symbolic displays of power.[12]

He describes this condition and the identity that is constructed around it as resulting from the predominance of a "theology of power."[13] Abou El Fadl also notes that this new way of constructing a Muslim identity marks a radical rupture with the Islamic past and is "thoroughly a by-product of colonialism and modernity." The Islamist groups that he is critiquing

> define Islam as an ideology of nationalistic defiance of the other, a rather vulgar form of obstructionism vis-à-vis the hegemony of the Western world. Therefore, instead of Islam being a moral vision given to humanity, it becomes constructed into the antithesis of the West. In the world constructed by these groups, there is no Islam; there is only opposition to the West.[14]

3 A Turning Point

The late 1970s was a turning point in the global debate on Islam and human rights. It is noteworthy that the interest in the subject arose in the West after Euro-American economic and political interests in the Middle East had begun to be threatened. The toppling of the pro-Western monarchy in Iran by Islamic revolutionaries in 1979 was a key moment in this context. In the decades before this event, there was little concern in the West (among intellectuals or government officials) about Islamic fundamentalism in Saudi Arabia, for example. Even after the revolution in Iran, the West openly supported Islamic fundamentalism in Afghanistan to counter the Soviet occupation, while simultaneously decrying it in Iran.[15]

The 1979 Iranian Revolution coincided with a new trend in Muslim politics. Religiously inspired protest movements were asserting themselves in a bid to obtain political power across the Middle East and North Africa. Their goal was a comprehensive religiously based transformation of state and society. The post-colonial secular state had failed, they argued, and the answer was a return to a new

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12 Khaled Abou El Fadl, "Orphans of Modernity and the Clash of Civilizations," *Global Dialogue* 4 (Spring 2002), 10. He makes a similar argument in "9/11 and the Muslim Transformation," in Mary L. Dudziak, *September 11 in History: A Watershed Moment?* (Duke University Press, 2003), 70–111.
13 Khaled Abou El Fadl, "Islam and the Theology of Power," *Middle East Report*, no. 221 (Winter 2001), 28–33.
14 Khaled Abou El Fadl, "Orphans of Modernity and the Clash of Civilizations," 11.
15 Ahmed Rashid, *Taliban: Militant Islam, Oil and Fundamentalism in Central Asia*, 2nd edition (New Haven: CT, Yale University Press, 2010).

politicized understanding of religion. In Pakistan and Malaysia, ruling parties sought to exploit this wave of Muslim identity politics to retain power, by passing laws based on a literalist reading of the Qur'an. Known as the Hudud Ordinances in Pakistan, these new laws sought to impose harsh penalties for theft, the consumption of alcohol, extra-marital sex, blasphemy and apostasy. In Malaysia, a similar process unfolded in the 1980s, albeit more gradually, based on an updating and expansion of the Syariah Courts (Criminal Jurisdiction) Act 1965.[16] These developments, which took place in other Muslim states to varying degrees, contributed to a new global debate on Islam, Muslims and human rights.

The end of the Cold War was another critical moment. "There are a good many people who think the war between communism and the West is about to be replaced by a war between the West and Muslims," observed William Pfaff in *The New Yorker* in 1991.[17] A flurry of articles and books soon appeared that echoed and affirmed this sentiment, from Francis Fukuyama's thesis on "The End of History" and Bernard Lewis' essay on "The Roots of Muslim Rage," to Robert Kaplan's suggestion about "The Coming Anarchy" and most influentially, Samuel P. Huntington's essay on "The Clash of Civilizations." Collectively, these influential Western intellectuals reinforced the idea that the Islamic faith and Muslim civilization are incompatible with liberty, democracy, human rights, gender equality and other emancipatory principles.[18]

As early as 1991, Fukuyama suggested that after the Cold War "the world will henceforth be divided along different lines, with the Third World and Islamic world defining the main axis of conflict."[19] Huntington was more explicit. The "underlying problem for the West is not Islamic fundamentalism. It is Islam, a

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16 Martin Lau, "Twenty-Five Years of Hudood Ordinances – A Review," *Washington and Lee Law Review* 64 (Fall 2007), 1291–1314 and Helen Ting Mu Hung, "The Politics of Hudud Law Implementation in Malaysia," ISEAS Working Paper, Issue 2016, No. 4, https://www.iseas.edu.sg/images/pdf/ISEASWorkingPaper4.pdf.

17 William Pfaff, "Help Algeria's Fundamentalists," *The New Yorker*, January 28, 1991.

18 All the authors listed here wrote about Islam/Muslims. They first published their arguments in essay format which were subsequently turned into widely discussed books. Francis Fukuyama, *The End of History and the Last Man* (New York: The Free Press, 1992), 217, 235–237; Bernard Lewis, "The Roots of Muslim Rage," *Atlantic Monthly* 266 (September 1990), 47–60, "Islam and Liberal Democracy," *Atlantic Monthly* 271 (February 1993), 89–98 and *Islam and the West* (New York: Oxford University Press, 1993), 133–154. Robert Kaplan, *The Coming Anarchy: Shattering the Dreams of the Post Cold War* (New York: Vintage Books, 2000), 59–98 and *Eastward to Tartary: Travels to the Balkans, the Middle East and the Caucasus* (New York: Vintage Books, 2001), 96–99, 115–121; Samuel Huntington, *The Clash of Civilizations and the Remarking of World Order* (New York: Simon and Schuster, 1996), 56–78, 207–218.

19 Cited by Martin Walker, "American eagle cheated of its prey," *Guardian Weekly*, September 8, 1991.

different civilization, whose people are convinced of the superiority of their culture and are obsessed with the inferiority of their power."[20] Conor Cruise O'Brien, the famous Irish man of letters, took it a step further.

> "Muslim society looks profoundly repulsive … It looks repulsive because it is repulsive … A Westerner who claims to admire Muslim society, while still adhering to Western values, is either a hypocrite or an ignoramus or a bit of both. At the heart of the matter is the Muslim family, an abominable institution …. Arab and Muslim society is sick, and has been sick for a long time. In the last century, the Arab [sic] thinker Jamal al-Afghani wrote: 'Every Muslim is sick, and his only remedy is in the Koran.' Unfortunately the sickness gets worse the more the remedy is taken."[21]

The terrorist attacks of September 11, 2001, appeared to confirm this grim prognosis. For Robert Kaplan, Samuel Huntington's thesis on the clash of civilizations was vindicated by the actions of Osama Bin Laden, while Bernard Lewis observed that Al Qaeda "do not differ from the mainstream [of Muslims] on questions of theology and the interpretation of scripture."[22] With this critique, the floodgates opened, and an interest in all things related to Islam and Muslims, including human rights, developed at a dizzying rate. Largely forgotten in this debate, however, was the fact that on September 11th, Islam did not attack the United States, Al Qaeda did. Equating the two became a point of departure for widespread public, intellectual, policy debate, as well as grand theorizing about the Muslim world. Disaggregating Islam from Osama Bin Laden became increasingly difficult in this emotionally charged context. In the ensuing years, objective analysis was further complicated by a massive American and British military presence in Iraq that in turn produced an Iraqi insurgency led by Al Qaeda.

The hysteria resurfaced with the rise of ISIS in 2014. In a widely read cover story in *The Atlantic* (and later book), "What ISIS Really Wants," Graeme Wood argued that ISIS was not an aberration but rather an authentic reflection of Islamic civilizational values. He quoted the Princeton scholar Bernard Haykel in support of his view. Muslims who rejected the Islamic authenticity of ISIS, Haykel affirmed are "embarrassed and politically correct, with a cotton-candy view of their own religion … [that neglects] what their religion has historically and legally required."[23]

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20 Huntington, 217.

21 "Sick Man of the World," *Times* (London), May11, 1989. Also see Conor Cruise O'Brien, *On the Eve of the Millennium: The Future of Democracy Through an Age of Unreason* (Concord: Anansi, 1994), 12–28, 139.

22 Robert Kaplan, "Looking the World in the Eye," *The Atlantic* 288 (December 2001); Bernard Lewis, *The Crisis of Islam: Holy War and Unholy Terror* (New York: Random House, 2003), 24.

23 Graeme Wood, "What ISIS Really Want," *The Atlantic* 315 (March 2015), 78–94.

Paraphrasing Haykel, Wood wrote that "the fighters of the Islamic State are authentic throwbacks to early Islam and are faithfully reproducing its norms of war. This behavior includes a number of practices that modern Muslims tend to prefer not to acknowledge as integral to their sacred texts. 'Slavery, crucifixion, and beheadings are not something that freakish [jihadists] are cherry-picking from the medieval tradition', Haykel said." American Muslims "cannot condemn slavery or crucifixion out-right without contradicting the Koran and the example of the Prophet." To do so would be "an act of apostasy." The worst part of the ISIS phenomenon, Wood concluded, was that "they live among us."[24]

4 Beyond Orientalism: A Critical Engagement

It would be insufficient to leave the conversation here. While media bias and an Orientalist construction of the debate on Islam and human rights has been analytically distorting, there are huge problems within Muslim societies that cannot be ignored. First, an obvious but often ignored point is that Muslims do not exist as a monolith. A range of views exist on Islam and human rights, from liberal to conservative, to many shades in between. Firm positions, however, have been adopted by influential Muslim organizations, Islamic scholars and political leaders that have produced an ethical chasm between these positions and international human rights standards.[25] In short, an interpretation of Islam premised on a literal reading of the Qur'an and a conservative application of the *shariah*, have contributed to a human rights crisis both normatively and practically in many Muslim societies. The key points of conflict are the following: legal equality for women, equal citizenship rights for non-Muslims, freedom of religion and the question of apostasy, freedom of speech versus attempts to limit free speech in the name of blasphemy.

The debate on these issues, however, has not been static. Contrary to the common Western view, considerable evolution, transformation and reinterpretation has taken place. Muslim reformers have led the way in a serious effort to reformulate Islamic norms in a modern context. Whether these new ethical readings of Islam will carry favor among the majority of Muslims, is open to debate. Significant shifts have already occurred, particularly in the realm of women's

24 Graeme Wood elaborated on these views in *The Way of Strangers: Encounters with the Islamic State* (New York: Penguin, 2017). He wrote this book while a visiting fellow at the Council on Foreign Relations. See the acknowledgements for the exposure these views have received among American foreign policy elites.
25 For a discussion and critique of Islamic human rights schemes see Ann Elizabeth Mayer, *Islam and Human Rights Tradition and Politics*, 5th edition (Boulder: Westview Press, 2013), 43–66.

equality and largely due to the work of organically connected Muslim women's rights activists.[26]

Furthermore, the dire socio-economic and political conditions afflicting Muslim majority societies cannot be ignored. This context fundamentally shapes the moral contours of the debate on Islam and human rights and informs ideas and attitudes within Muslim societies. One could argue that the late twentieth and early twenty-first centuries are the dark days of Muslim history, replete with torture states, corrupt ruling elites, repressed civil societies, and detention centers overflowing with political detainees. Authoritarian regimes are ascendent everywhere, while democratic opposition groups and social protest movements are severely repressed, especially in the Middle East and North Africa.

When judged by key indicators such as democratic development (civil and political rights), press freedom, censorship, women's representation, the status of minorities, and state-sanctioned executions, the countries of the Islamic world, the Arab world in particular, have some of the lowest scores in the world.[27] Adding to this grim picture is the expansion of mass poverty and economic destitution for hundreds of millions of Muslims. Data on global inequality reveals that the Middle East, despite an abundance of wealth, has some of the highest wealth inequality scores in the world. The World Inequality Lab (co-directed by Thomas Piketty) reports that "the Middle East [is] the world's most unequal region [where] the top 10% capture 61% of national income." Oxfam has confirmed this finding while observing that the coronavirus pandemic has significantly expanded the problem of mass pauperization across the region.[28]

The picture becomes bleaker still. According to the 2021 Global Peace Index (GPI), the "Middle East and North Africa (MENA) region remained the world's least peaceful region." Many of the most unstable countries in the world are located here. As a result, the Global Peace Index observes that conflict in the Middle East has been the key driver of the global deterioration in peacefulness since 2008."[29]

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26 John Esposito and Dalia Mogahed, *Who Speaks for Islam? What a Billion Muslims Really Think* (New York: Gallup Press, 2007), 99–134. Also see the work of Musawah.org.

27 See the annual country rankings by Freedom House, Reporters Without Borders World Press Freedom Index and regular reports Amnesty and Human Rights Watch.

28 *World Inequality Report 2018* (Berlin: World Inequality Lab, 2018) 5; https://static1.squarespace. com/static/57a3c0fcd482e9189b09e101/t/5a396adae4966bf8af60aac9/1513712348005/wir2018-summary-english.pdf. Oxfam International, "MENA Billionaire's wealth increased by $10 Billion, enough to pay Beirut blast repair bill," August 27, 2020; https://www.oxfam.org/en/press-releases/mena-billionaires-wealth-increased-10-billion-enough-pay-beirut-blast-repair-bill.

29 G*lobal Peace Index 2021* (Sydney: Institute for Economics and Peace, 2021), 4.

In their annual report on "10 Conflicts to Watch in 2021," the International Crisis Group confirmed that seven out of 10 of the most destabilizing world conflicts were in the Arab-Islamic world.[30] This overlaps with another key statistic. Among the world's refugee population, Muslims constitute the clear majority. The top seven countries of origin that account for the most refugees in the world today, involve Muslim populations. Among the top 10 refugee hosting countries, seven are Muslim majority.[31]

This is the socio-economic and political backdrop that informs the debate on Islam and human rights today within Muslim societies. The playing field is far from level. Two points need emphasizing. First, the greatest violators of human rights in the Muslim world are not militant groups but states. Witness Syria, where since 2011, more than half a million people have been killed. According to Human Rights Watch, 90% of these deaths are directly attributable to the policies of the Assad regime (backed by Russia and Iran), including the repeated use of chemical weapons.[32]

State violators of human rights can be found throughout the Muslim world with few exceptions. One key reason that determines this is state capacity. Using the power that modern technology provides in terms of surveillance and monitoring, the lives of citizens can be controlled and repressed. Non-state actors cannot compete with authoritarian states in this area, as the state has a near monopoly on the means of violence.

Consider the 10 most populous states in the Middle East: Egypt, Turkey, Iran, Iraq, Saudi Arabia, Yemen, Syria, Jordan, the UAE and Israel. In all these cases, with the possible exception of Iraq, it is the state that is responsible for the vast majority of human rights violations. In the past decade alone, several cases stand out. In 2013, after a military coup in Egypt, more than a thousand peaceful protesters were killed by the Egyptian regime, in Raba'a al-Adawiya massacre in Cairo. Human Rights Watch described this as a "likely crime against humanity", and "what may have been the worst single-day killing of protesters in modern history."[33]

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30 International Crisis Group, "10 Conflicts to Watch in 2021," December 30, 2020, https://www.crisisgroup.org/global/10-conflicts-watch-2021.

31 UNHCR Refugee Finder, https://www.unhcr.org/refugee-statistics/ and World Population Review 2022, "Refugees by Country 2022," https://worldpopulationreview.com/country-rankings/refugees-by-country.

32 Kenneth Roth, "Opening Remarks at Dahrendorf Symposium 2016," *Global Policy* 8 (July 2017), 72.

33 Human Rights Watch, "Egypt: Establish International Inquiry into Raba'a Massacre," August 14, 2015, https://www.hrw.org/news/2015/08/14/egypt-establish-international-inquiry-raba-massacre and "Egypt: Rab'a Killings Likely Crimes against Humanity," August 12, 2014, https://www.hrw.org/news/2014/08/12/egypt-raba-killings-likely-crimes-against-humanity.

Another massacre took place in Iran in November 2019. Rising fuel prices triggered nationwide street protests that were ruthlessly suppressed. The Internet was shut down and within the span of a few days, 1500 people were killed by security forces in various Iranian towns and cities in what Amnesty International called "a killing spree."[34] While the Turkish government has not been as brutal in terms of repression, under President Erdoğan, Turkey has held the distinction of being the "biggest jailer of journalists in the world".[35] Thousands of academics, judges and government employees have been fired and prosecuted on baseless charges in the post 2016 crackdown.[36]

And then there is Saudi Arabia. Crown Prince Mohammed Bin Salman has distinguished himself in several ways. He masterminded the murder and dismemberment of the dissident Saudi journalist Jamal Khashoggi. As Minister of Defense, he oversees the war in Yemen, which has been characterized by well-documented war crimes, and an ongoing famine that has produced "the worst humanitarian crisis in the world" according to the United Nations. Internally, Mohammed Bin Salman presides over a brutal police state that arrests women's rights activists, dissident theologians, intellectuals, and even members of his own family. In March 2022, Saudi Arabia undertook the largest mass execution in its history. Eighty-one people were killed in one day. Forty-one of them were from Saudi Arabia's shia minority.

The Israel-Palestine conflict continues to produce mass violence, especially against Palestinians. During the past 12 years there have been five major eruptions of violence, nearly all in Gaza: Operation Cast Lead (2008–2009); Operation Pillar of Defense (2012), Operation Protective Edge (2014), The Great March of Return (2018) and Sheikh Jarrah/Gaza war (2021). The dead have been mostly Palestinian. For example, during the 2008–2009 war, human rights groups documented nearly 1400 Palestinians deaths, of which four-fifths were civilians, including 350 children. Ten Israeli soldiers were killed, four of them by friendly fire, as well as three

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34 Amnesty International, "Iran: Details released of 304 deaths during protests six months after security forces' killing spree," May 20, 2020, https://www.amnesty.org/en/latest/news/2020/05/iran-details-released-of-304-deaths-during-protests-six-months-after-security-forces-killing-spree/. "Special Report: Iran's leader ordered crackdown on unrest - 'Do whatever it takes to end it'," *Reuters*, December 23, 2019, https://www.reuters.com/article/us-iran-protests-specialreport/special-report-irans-leader-ordered-crackdown-on-unrest-do-whatever-it-takes-to-end-it-idUSKBN1YR0QR. The most up to date human rights documentation on this event has been produced by the Iran Atrocities (Aban) Tribunal in London: https://abantribunal.com/.
35 Amnesty International, "Turkey: Journalism is not a crime," February 2017; https://www.amnesty.org/en/latest/campaigns/2017/02/free-turkey-media/. China has recently surpassed Turkey in this area.
36 Human Rights Watch, "Turkey: Government Targeting Academics," May 14, 2018, https://www.hrw.org/news/2018/05/14/turkey-government-targeting-academics#.

civilians. The ratio of Palestinians to Israelis killed was more than 100:1 and the ratio of Palestinian civilians to Israeli civilians killed was 400:1.[37] This ratio roughly holds true during moments of mass deaths between Palestinians and Israelis.

The question of Palestine or, to be precise, the newly dispossessed Palestinians also figured in discussions by the framers of the UDHR. The distinguished French jurist René Cassin who played a prominent role in the framing of the UDHR and was subsequently awarded the Nobel Peace Prize, came to view the Palestinian refugee issue as one that would be solved by population transfer. Cassin, by the 1973 Arab-Israeli war, described his relationship with Israel as one of "complete admiration" viewing the Palestinians as a mere refugee problem requiring "a humane solution" but critically, not based on the right to return, which he supported for Jews.[38] This view is not based on a universal set of human rights norms but one that derives from illiberal ethnocentric chauvinism and bias.

In many of the cases of mass violence in the Middle East, a complicating factor that shapes Muslim attitudes toward human rights, are the double standards of Western liberal democracies. Several of the biggest violators of human rights in the Arab world, are strong allies of the United States, the United Kingdom and the European Union. These liberal democracies frequently invoke the values of the European Enlightenment, yet their foreign policies toward the Muslim world are often at odds with their vocal support for human rights and democracy. Reflecting on this problem, Eqbal Ahmad, the late Pakistani dissident intellectual observed:

> Our first encounter with democracy was oppressive. Democracy came to us as oppressors, as colonizers, as violators. As violators, they spoke in the language of the Enlightenment and engaged in the activities of barbarians …. Secondly, after decolonization our experience was again with the democratic power centers, the United States, France [and] Britain. Our experience, even in [the] second stage of our post-colonial history, was one of these big Western powers calling themselves the 'Free World' and … actively promoting neo-fascism and neo-fascist governments in one Muslim country and Third World country after another. Historically the United States has spoken of democracy and has supported Somozas, Trujillos, Mobutu Sese Seko, Suharto of Indonesia, the Shah of Iran, Zia ul Haq of Pakistan ….Therefore, our first experience with democracy was one of outright oppression, and our second experience with democracy was one in which [the West] promoted fascism, global fascism in some cases.[39]

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37 See Norman Finkelstein, *Gaza: An Inquest into its Martyrdom* (Oakland, CA: University of California Press, 2018), 68–69.

38 Moria Paz, "A Most Inglorious Right: René Cassin, Freedom of Movement, Jews, and Palestinians," in James Loeffler and Moria Paz eds., *The Law of Strangers: Jewish Lawyers and International Law in the Twentieth Century* (Cambridge: Cambridge University Press, 2019), 177–203.

39 Eqbal Ahmad, "The Obstacles to Democracy in the Muslim World," lecture at Carleton University, Ottawa, April 5, 1996.

These double standards have consequences. They further complicate the moral and ethical debate on Islam and human rights within Muslim societies. Many Muslims are perplexed as to whether the West is a model or a menace? They wonder how to differentiate between the *ideals* of human rights, first articulated and codified by Western governments and applied to their own citizens, versus the actual *practice* of Western policy that often negates these ideals when it comes to relations with the Islamic world. Western support for Israel at the expense of the human and national rights of the Palestinians perfectly illustrates this point. The Iraq war, the Abu Ghraib prison, Guantánamo Bay and ongoing Euro-American support for brutal dictators in the Middle East all complicate internal Muslim debates on Islam and human rights.

Given this context, there is a case to be made for Muslim exceptionalism. The Princeton scholar, L. Carl Brown, has noted that decades after the end of colonialism, "the Middle East remains the most penetrated international relations subsystem in today's world."[40] When other religious communities were grappling with how to reconcile tradition with modernity in the context of an emerging debate on human rights, they did not face the distorting effects produced by ongoing Western intervention and imperialism. Arguably, this fact is unique to the Arab-Islamic world. It deeply effects the moral context in which Muslims engage with the question of human rights. As a result, it cannot be ignored.

5 Conclusion

In seeking analytical clarity, posing the right question matters. Instead of asking whether Islam is compatible with human rights, the better question to pursue is under what social conditions can human rights be advanced in Muslim societies? There are several benefits to this approach.

First, keep in mind an obvious but often ignored fact. There is no uniform entity called Islam, just as there is no monolithic Christianity or Judaism. There are only Muslims living in specific social and cultural contexts, and at specific moments in time, responding to the world around them. Islamic history matters profoundly, but it does not determine the future. More significant is the local, regional and international environment in which this Islamic history and heritage is understood and interpreted. As Anthony Chase observes, "it is the political,

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40 L. Carl Brown, *International Politics and the Middle East: Old Rules, Dangerous Game* (Princeton: Princeton University Press, 1984), 4.

social, and economic context that explains the status of human rights, for better or for worse; Islam is neither responsible for rights violations nor the core basis for advancing rights."[41]

A word about political context, violence and scriptural hermeneutics. Qur'anic interpretation undertaken in contexts where there is political freedom, a social safety net and the rule of law, will look very different than an interpretation by someone living in poverty, in a closed society, under a torture state. In other words, violent interpretations of Islam that we have witnessed over the past 45 years, often mirror the state-sanctioned violence Muslims have struggled against during the same period.

Many of the most prominent advocates of violent revolution in the Arab-Islamic world, from Sayyid Qutb to Abu Musab al-Zarkawi to Ayman al-Zawahiri, are products of prison systems where they have spent years in prison, subjected to unspeakable cruelty. It is unsurprising, therefore, that people exposed to prolonged torture and extreme interrogation conclude that violence is a legitimate political tool. According to the Palestinian Islamist, Khaled Abu Hilal, "prison is my university," a point that was also eloquently made a hundred years ago by the Russian author and Marxist revolutionary, Maxim Gorky.

> A people brought up in a school that reminds one of the torments of hell on a small scale; a people accustomed to the clenched-fist, prison, and the whip, will not be blest with a tender heart. A people that the police agents have ridden over will be capable in their turn of walking over the bodies of others. In a country where unrest has reigned so long it is difficult for the people to realize from one day to the next the power of right. One cannot demand from a man who has never known justice that he should be just.[42]

This draws our attention to the structural conditions in Arab-Islamic world that produce radical and violent interpretations of Islam. Changing these structural conditions will help advance the struggle for human rights in Muslim societies.

This article has taken a broad historical approach by identifying evolving, cyclical, and reactive patterns of human rights discourses during the 20th century. It has asserted that Muslim thinkers and activists have contributed to the evolution of global human rights and they have championing these norms in their host societies. We have emphasized the necessary task of identifying those prominent thinkers and voices both female and male that have championed human rights as

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41 Anthony Chase, "The Tail and the Dog: Constructing Islam and Human Rights in Political Context," in Human Rights in the Arab World (Philadelphia: University of Pennsylvania Press, 2006), 21.

42 Roxanne Euben and Muhammad Qasim Zaman eds., *Princeton Readings in Islamist Thought: Texts and Contexts from al-Banna to Bin Laden* (Princeton: Princeton University Press, 2009), 44.

authentic and congruent with historical antecedents of Islamic traditions of pluralism and tolerance. At one time, they were the norm, ascendant, and not the exception.

It is therefore no surprise that the Nobel Peace Prize has been awarded to three Muslim women in the past two decades. These women have championed human rights: Shirin Ebadi (2003), Tawakkol Karman (2011), and Malala Youfsafzai (2017), and to this list Mohamad Yunus (2009) should be added. Shirin Ebadi was the first Muslim woman to receive the Nobel Peace Prize for her efforts to secure the human rights of women and children in Iran. Tawakkol Karman was the first Arab and Yemeni to receive the prize for her contributions during the Arab Spring. Malala Yousafzai as a child activist supported the rights of girls to an education in Swat, Pakistan and was the target of a Taliban assassination attempt, narrowly escaping death. She is also the first ethnic Pashtun to be awarded the Nobel Prize and the second Pakistani to receive one. She identifies herself as a "feminist and Muslim." These standard bearers for human rights illustrate a simple truism: Muslim women's movements are the locomotive for human rights advancement in Muslim societies whether it be Muslim girls in Afghanistan bravely resisting Taliban denial of access to education or Sisters in Islam, a Malaysian NGO that advances women's and minority rights in Malaysia.

We see at this moment of history, neo-traditional, populist, and reactive authoritarian forces ascendant globally. Islamist movements (scholars in the 1960s described them more accurately as religious nationalists) bear more than a passing resemblance to newly ascendant Western and Asian nationalists and populists. Both are reactive forces to profound societal dislocations: demographic, economic, and political.

Michael Sells, a professor of Islamic studies at the University of Chicago Divinity School, has defined fundamentalism in the following manner: "A stubborn belief in an unchanging, essentialist, monotonic identity for both self and other that refuses to acknowledge any counter evidence, an irrational inability to see the diversity of identity in each of us. Fanaticism might be defined as the collapsing of identities into a single association."[43] This definition is sufficiently broad to allow scrutiny of both religious and nationalist exclusionary ideologies. Moreover, it helps us to understand how the nationalist ideologue and the fundamentalist share the same construction of identity—one that is reactive, resistant to pluralism, and visceral in rejecting the larger currents of societal change (for example,

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43 Emran Qureshi and Michael Sells, "Introduction: Constructing the Muslim Enemy," in Emran Qureshi and Michael Sells eds., *The New Crusades: Constructing the Muslim Enemy* (New York: Columbia University Press, 2003), 28.

demographic shifts in Europe, and the development of a middle class and educated women in Muslim-majority societies). Moving forward, these movements will be a significant, but not the only obstacle, to the realization of human rights in Muslim societies.