

**SOME OBSERVATIONS
ON ISLAM AND HUMAN RIGHTS**

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One of my favourite exam questions is: What is *the* Islamic approach to human rights? The correct answer is of course: There is no one Islamic approach to human rights. There are several. Islam takes many forms, as does Christianity and other world faiths. Islam's content is less certain and more ambiguous than the devout would normally be prepared to admit. There are many interpreters of contemporary Islam who believe they know what Islam means.

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Salman Rushdie was "convicted" (in a non-trial, without the benefit of a proper defense) of blasphemy and "sentenced" to death. Yet, Muslim jurists do not even share agreement on how to define blasphemy. Is it an affront to God and the Prophet Mohammed? Is it unbelief? Is it apostasy? The British author H.G. Wells described in his *A Short History of the World* (1922) the Prophet Mohammed as a man "of very considerable vanity, greed, cunning, self-deception and quite insincere religious passion". That created quite an uproar in the Muslim world, but it was nothing as compared to the reaction, some sixty years later, to Rushdie's *Satanic Verses* (1988). In the eyes of Muslim fundamentalists, Rushdie's case was worse, because his was the word of a person born into the faith, an apostate, a turn-coat.

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There is no authoritative single interpretation of Islam, which is different from the Roman Catholic Church, whose head — the Pope — can speak on behalf of the entire Church. The Tunisian writer Moncef Marzouki has argued: “Khomeini made his sentence in the name of Islam and Muslims, that is also in my name. I deny him this right for all sorts of reasons. First of all, there is no papacy in Islam and less is there infallibility (...) Moreover, even if Rushdie hadn’t apologized, Khomeini claims himself to be the spokesman of God. But this God is bereft of His two principal attributes (...): leniency and mercy.”

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Similarly, one can argue that there is no one Christian or western approach to human rights. On the whole, the debate in the West as to what is the correct approach to human rights is by no means exhausted, as the following examples will show:

- At what stage does the right to life begin? The American Convention on Human Rights is the only human rights treaty that deals explicitly with this question. It states (in article 4, clause 1): “Every person has the right to have his life respected. This right shall be protected by law, *from the moment of conception*. No one shall be arbitrarily deprived of his life [italics supplied].” In many western countries the right to abortion is a subject that is hotly debated. In other countries such a debate has not even started yet.
- Should human rights be extended to those who oppose human rights? Should, for example fascists or racists be accorded the full right to assembly, freedom of expression, and freedom to take part

in elections? The American political scientist Jack Donnelly has observed that such people are in favour of the notion of “one man one vote — once”. In other words: where and when do human rights end and does the proper defence of the public order begin?

- What are the limits of public decency? In the city of Groningen a public poster was recently displayed which many people felt transgressed at least minimum notions of good taste (which arguably is a matter of individual preference) or of public morality. Should it have been suppressed?

The cited examples serve to illustrate that, also in the West, there are limits to what is considered acceptable in the area of restrictions to the right to life, freedom of assembly and freedom of expression. These limits are (and should be!) the subject of public debate.

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Human rights are not a static concept. On the contrary: they are very much of a dynamic nature, worthy of discussion. Such discussions deal not with marginal notions, but with central concepts:

- The right to life is clearly one of the most important human rights. It is often mentioned as one of the “core” rights. Yet, even if one restricts one’s attention to western culture, one has to conclude that the debate about the acceptability of capital punishment is by no means exhausted. In the majority of the states of the United States the death penalty is accepted and practised as the ultimate form of punishment. Yet, in many other western as well as non-western societies, capital punishment is viewed as a principal violation of the right to life.
- Female circumcision is considered by many as a form of genital

mutilation, while male circumcision is not. The debate about this concept has only recently started and remains somewhat in a taboo area.

- Should freedom of religion be understood as giving Moslem women living in western countries the right to wear a headscarf in school or should this be seen as a contravention of the principle of the separation of Church and State? In public debates in France it has been pointed out that in the past, the wearing of a crucifix or a star of David was never seen in this light.
- Should polygamy, which is forbidden under Dutch law, be recognized in the case of foreign immigrants, including the extension of social security benefits to the partners and children of such marriages?

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Listing such questions as the above helps to illustrate some of the dilemmas a society faces that wants to apply international human rights standards. Moreover, the precise meaning and interpretation of such standards may change over time. Socrates was convicted to death for having committed the crime of corruption of the youths of Athens. He would not be today. Nor would Galileo be forced to recant his views about the earth circling the sun. Slavery and torture used to be accepted notions in most societies. They are not now.

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The Muslim scholar Abdullahi an-Na'im has pointed to the importance of the principle of reciprocity. In his words: "(...) one should treat other people as he or she wishes to be treated by them." That is a fine

and noble principle. It can, however, only work, if one accepts the basic equality of all human beings and the relativity of all concepts of philosophy and religion. Classical Marxist-Leninism used to claim that it had held the one and only correct answer to the way in which society should be handled. That was called "scientific socialism". In other words, people who rejected that view ("dissidents") must be out of their mind and should be submitted for treatment in mental hospitals. This actually happened both in the Soviet Union and in Romania under the dictatorship of Ceausescu. There was a certain, if perverse, logic to this approach. Similarly, a Muslim who rejects what is seen as the only true interpretation of Islamic law, is wrong and a danger to society and may therefore be killed (Salman Rushdie). Again, there is a certain perverse logic to this way of thinking. It can only be countered, if one is willing to accept the basic equality of all human beings, including their ways of thinking.

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From the perspective of human rights the notion of "Islamic states" is as confusing as the notion of "Christian states" used to be. It ranges from traditional Islamic states, such as Saudi Arabia, via revolutionary Islamic states such as Iran and Pakistan to the most populous Islamic state, Indonesia. Such a confusing notion should be rejected.

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A strong defence of international human rights law is needed, to be applied universally, in Muslim as well as non-Muslim countries alike. It should not be subordinated to notions of "cultural relativism". Such notions are often used by persons who themselves are guilty of violations of human rights.