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HUMAN RIGHTS, CULTURAL RELATIVISM AND ISLAM

Human rights have acquired an unprecedented importance in the modern world. They have become not only a yardstick for judging the socio-economic performance and situation of civil liberties and political freedom of the states and nations but also a tool of international diplomacy. However, focus on human rights has also inspired complex and heated debates on moral principles and cultural diversity. These debates have acquired a new significance after the end of cold war and particularly in the aftermath of the events of 9/11 and growing threat of terrorism. As the so-called terrorists, extremists and radical groups are continually invoking the ideological differences between the East and the West, there is a need to revisit these issues and debates.

The paper seeks to re-examine the debate on universal human rights and cultural relativism. It also discusses the compatibility of UN sponsored Universal Declaration of Human Rights with the principles of Islam. It is divided into three sections. The first discusses the concept of human rights and its evolution in the western liberal tradition. The second part focuses on the concept of cultural relativism and its relevance for the study of human rights. The third examines the Islamic critique of human rights and divergence of UN Covenants on Human Rights and Islamic traditions.

Human Rights: Its Concept and History

Human right, though a much used term, is quite difficult to define. However, defining the term is important as it makes us realise as to the moral, legal and international implications of the human rights. Jack Donnelly has defined them as “the rights that one has simply because one is human.”¹ The political philosopher, Maurice Cranston, has alluded to human rights as “something that pertains to all men at all times. Therefore, it cannot be justified in the way we justify rights that are earned or acquired by the enactment of special rules, human rights are not bought, nor does any other specific contractual undertaking create them. They belong to a man simply because he is man.”² Selby has pointed out that human rights are the “rights which apply to all people at all times in all situations.” They are “not earned, bought or inherited.” They are “possessed by everybody in the world because they are human. People are equally entitled to them regardless of their gender, race, colour, language, national origin, age, class or religion or political creed.”³ The Australian political scientist Hedley Bull has considered them “rights attaching to human beings as such, rather than to this or that class of human beings. They are thought to be enjoyed by all human beings, to be enjoyed by human beings only and to be enjoyed by them equally.”⁴ According to Hausermann, human rights are “those rights inherent in all persons by virtue of their birth and human dignity. They thus precede law. They are not granted by any authority or government, but are derived from the essential nature of mankind. Just as the law is not the source of the rights, neither can the law deprive humans of their fundamental human rights.”⁵ A comprehensive view of human rights thus states that

“The idea of human rights posits that human beings, regardless of extrinsic differences in circumstance (nationality, class, religion) or physical condition (race, gender, age), possess a basic and absolute dignity that must be respected by governments and other people.”⁶

Human rights are important for a number of reasons. They are important because they work as a brake on the abuse of power and save a person from mental and physical torture.⁷ Thus by ensuring human rights, a person acquires “a sense of security and dignity in his own person.”⁸ They are also important because they indicate mankind’s desire to rise above the level of animals. As man, unlike animals, has the capacity for reason and intellect, for understanding past, present and future, for comprehending the idea of progress and a consciousness of what is right and what is wrong, his “inherent human dignity” requires that he should have human rights “to preserve and promote that dignity.”⁹ Human rights are important because history testifies that there is a close relationship between respect for human rights and maintenance of peace among nations. Mrs. Franklin D. Roosevelt, the first Chairperson of the UN Commission on Human Rights which drafted the Universal Declaration and the subsequent instruments, noted that “lack of standards for human rights the world over was one of the greatest causes of friction among the nations.” She then hoped that “recognition of human rights might become one of the cornerstone on which peace could eventually be based.”¹⁰ The preamble to the Universal Declaration of Human Rights also refers to this fact when it says “recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world.”¹¹

Though all human rights should be respected, some are more important than others. The most important human rights are often referred to as basic human rights. The right to life is the most basic of all as all other rights become meaningless in its absence. Freedom of speech or the right to rest or leisure, for example, would have no value if the right to life were not ensured. Amongst other basic human rights are the right to equal protection before the law and freedom from arbitrary arrest and detention. Basic human rights essentially provide us with the foundations on which the observance of all other human rights rests. They are also completely inalienable as they cannot be restricted or suspended without injuring human dignity and which every society must protect for all times.¹²

The scholars have divided human rights into broad categories: first, civil and political rights, and the second, economic, social and cultural rights. Selby has classified the civil and political rights as “Liberty-oriented Rights” and economic, social and cultural rights as “Security-oriented Rights.”¹³ Chris Brown has called the first as “First Generation Rights” and the second as “Second Generation Rights.”¹⁴ The former are concerned with protecting a person’s freedom of action and choice and freedom to participate in the political life of his community and society, while the latter protect his physical, material, social and economic well-being. During the Cold War when the world was divided into Communist and non-Communist blocs, there was a lot of controversy as to which set of rights should have priority over the other. Given their ideological standpoint, the Soviets believed that civil and political rights are of secondary importance. In the Constitution of USSR, human rights were mentioned as privileges for furthering Communist ideology. The Constitution declared that various freedoms of speech, press, and assembly are granted “in accordance with the interests of the people and in order to strengthen and develop the

socialist system.”¹⁵ They argued that if a person is unemployed and living below poverty-line in slums of New York, London or Sydney, what difference does it make if he has the right to vote once every five years? What the freedom of movement means to him if he cannot afford to travel anywhere. Thus, according to the Communists, “liberty is illusory without equality.”¹⁶ At the time of the adoption of Universal Declaration, the conflict between the socialist and capitalist blocs also came to the fore. As the socialist states were unable to achieve their vision of an effective implementation of economic and social rights, they abstained from the vote on the Declaration.¹⁷ They believed that west’s rhetoric on human rights was just hypocrisy and a means to exploit the masses by a privileged few. On the other hand, the western scholars accorded more importance to civil and political rights. They used to ask where was the freedom when the critics of the government were put in labour camps, behind bars or in psychiatric clinics? Why the Communist system put strict restrictions on people’s thoughts and opinions? The west argued that liberty is needed for a healthy economy. The Communist system, they thought, was devoid of any reward for initiative or incentive for the ambitious. According to them, it had also failed to provide economic and social security to its citizens as their standard of living was much lower than that enjoyed by a majority in the west.¹⁸

A balanced approach may perhaps be that both categories of human rights are interdependent. If the very basis of human rights is justice and equality, then the issue of economic survival cannot be divorced from the concern of civil and political rights. The oft-quoted remarks of Leopold Senghor, former President of Senegal, are illuminating: “human rights begin with breakfast.”¹⁹ Those who think that the protection of civil and political rights would automatically result in economic equality and social

justice should be reminded of the ‘majestic’ equality of the law which forbids rich and poor alike to beg, to steal and to sleep under bridges at night.²⁰ The interdependence of the two set of rights can be gauged from the observation that a man who is hungry is not free but a slave with a full belly is still a slave.²¹

Though some have tried to trace the concept of human rights to the Code of Babylonian King Hammurabi (about 2130-2088 BC) or the Roman Civil Law, the expression “human rights” is of recent origin. In Middle Ages the idea originated as an “instrument of revolt” against tyrannical dictatorship.²² Rights of man became the rallying cry in the struggle against the cruelties and injustices committed by authoritarian kingships. The theory of rights in the middle ages rested on the idea of Natural Law. Modern age saw John Locke (1632-1704 AD) as the chief exponent of this theory. He was inspired by seventeenth century humanism and the political tussle between the king and the parliament and postulated that men existed in a state of nature. In that state, human beings enjoyed freedom of action and had complete equality in which no one was subjected to the will and authority of the others. He believed that to end certain inconveniences of this state of nature, men and women mutually agreed to enter into a contract by which they formed a community and set up a body politic. However, they retained their natural rights of life, liberty and property and the sole function of the political authority—the government—was to protect the natural rights of its subjects. Otherwise it would lose its authority to rule.²³

The seventeenth and eighteenth centuries also witnessed such landmarks as the English Petition of Rights (1627), the Habeas Corpus Act (1679), the American Declaration of Independence (1776), the United States

Constitution (1787), the American Bill of Rights (1791) and the French Declaration of the Rights of Man and Citizen (1789). Thus through the philosophic and legal writings of Hugo Grotius (1583-1645), John Locke, Montesquieu (1689-1755) Thomas Jefferson (1743-1826) and others, a new concept of popular sovereignty and individual rights was conceived. This concept was based on a new view of the nature of man and the relationship of each individual to others and to society. On these revolutionary ideas were laid the basic premises of the US Declaration of Independence: “all men are created equal . . . endowed . . . with certain inalienable rights . . . among these . . . life, liberty and the pursuit of happiness.”²⁴ Likewise, the French Declaration of the Rights of Man and Citizen stated: “Men are born and remain free and equal in rights, the aim of every political association is the preservation of the natural and imprescriptible rights of man. These rights are liberty, the ownership of property, security and the right to resist oppression.”²⁵ These radical ideas understood man as an independent being, possessing natural rights—rights that were not subject to a sovereign grant or legislative statute.

The twentieth century witnessed the extension of this concept of human rights and its institutionalization in regional and international organizations. The devastation of the World War II, the Jewish Holocaust and the violence inflicted on occupied populations by the German and the Japanese compelled the international community to reconsider the relationship between human rights and international peace. The motivation was the realization that there was a strong link between massive human rights violations and threats to international peace and security.²⁶ Thus the Universal Declaration of Human Rights, adopted by the United Nations General Assembly in 1948 stated: “recognition of the inherent dignity and of the equal and

inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world . . .”²⁷ By founding the United Nations, a new element to the international law was added. For the first time, a state’s treatment of its own citizens became a subject of international concern. It was recognized that the regimes which violated the rights of their citizens posed a threat to world peace.²⁸

It was hoped that with the setting up of United Nations a new era of peace, security and human rights observance would dawn in the world. But though the United Nations produced “a cornucopia of papers proclaiming principles and goals,”²⁹ in the sphere of implementation, it failed to deliver the goods. Writing after nearly fifty years, one observer notes: “Human rights have been treated as a dispensable luxury, not as a central element in the success of UN peacekeeping and humanitarian operations.”³⁰ The United Nations failed in its task because its founding coincided with the division of the world into capitalist and socialist blocs. With the beginning of the Cold War, it became nearly impossible to arrive at a consensus on any issue including human rights. Each bloc tried to use the United Nations for its own purposes and it became a stick to beat the opponents for their human rights violations while ignoring the human rights record of its own allies. Due to this East-West divide, the UN largely failed to prevent human rights violations taking place in the world. Nevertheless, it has done some ground breaking work in the sphere of standard-setting and many human rights instruments and document have been approved and ratified.

The end of the Cold War in 1989 raised the hopes that human rights would be more widely respected. One of the most dramatic expressions of the growing importance

of human rights was the 1993 World Human Rights Conference in Vienna which produced a wide ranging Declaration and Program of Action endorsed by 171 states.³¹ The post of the UN High Commissioner for Human Rights was also created in 1993 to streamline UN efforts in the sphere of human rights. Outside the United Nations hundreds of human rights NGOs have been formed for documenting and publicizing human rights abuses, working for legal changes, chastising governments, providing relief to victims and arousing public opinion. In 1977, when Amnesty International was awarded the Nobel Peace Prize, it was little known. Now it has more than one million members, it employs 300 staff at its London headquarters and it has offices in 55 countries.³² Such NGOs supplement the work of UN agencies and work side by side with them for promoting and implementing human rights standards.

However, amid these encouraging signs, much is there to lament. In 1988, all around the world 25 million men, women and even children were part of the regular armed forces, and over 100 million people were employed in defence-related activities; globally, military spending amounted to some US \$ 2 million per minute.³³ Naturally, in the post 9/11 world and with ever increasing threat of terrorism, the figure would have multiplied manifold. In this scenario, the cherished goals of human rights for everybody still remain a distant hope. But one cannot agree more with the former UN Secretary General Boutros Boutros-Ghali when he wrote:

“. . . today, more than ever in human history, the conditions are close to being met for translating a great hope into reality; to devote all of humanity's energy to attaining the highest and most valued goal of the rights and freedoms of the human person.”³⁴

Human Rights and Issue of Cultural Relativism

The concept of relativism assumes that “moral rules differ from society to society”³⁵ and “cultures are the moral sources for individual actions, so what is morally right is culturally context-dependent and one must act in accordance with her own cultural context and therefore, it is wrong to defend the universality of moral principles.”³⁶ As human rights have been hailed by some as universally applicable, the issue of cultural relativism in the modern world has assumed more significance.

There is a general assumption amongst human rights advocates that human rights are “commonly” shared by all the people and there is a universal, standard agreement across cultures and nations. They often believe that that the question of “culture” is relevant to human rights discourse in a negative way, that is, “either how cultural barriers to the implementation of human rights standards might be removed, or to what extent concessions might legitimately be made to cultural diversity from the standpoint of universality.” They fail to realize that most of the world’s cultures, particularly those associated with the great religious and philosophical traditions like Confucianism, Buddhism, Judaism, Christianity, and Islam are “ancient, widespread, and deeply rooted in the lives, beliefs, and values of billions of people.” And sometimes, human rights norms of the modern world come into conflict with the requirements of these cultures, religions and philosophies.³⁷ From the very beginning when the Universal Declaration of Human Rights was debated in the UN, conflicts and differences arose on a number of issues. While the Universal Declaration was being drafted, United Nations Economic, Scientific and Cultural Organization (UNESCO) also carried an investigation into the theoretical problems of such an undertaking. Jacques Maritain, who wrote the introduction of the report, opined that it would be

nearly an impossibility to develop a consensus on the justification of human rights because of the diversity of philosophies around the world.³⁸

The West dominated the San Francisco Conference which established the United Nations in 1945 and the Universal Declaration of Human Rights was also adopted at a time when most third world countries were still under colonial rule. Even then two states objected to the contents of the Universal Declaration. One was Saudi Arabia which argued that some of its provisions were against the injunctions of the Quran while the other state was the Soviet Union which raised the objections that its contents supported the capitalist ideals and lacked the social responsibility of the state to provide basic amenities of life to all its citizens. These objections by the two states were brushed aside and the Universal Declaration of Human Rights was adopted. However, it may be pointed out that if the ideal and the ultimate objective of the state policy is to free its citizens from deprivation, then there may be more than one way of achieving that goal. The pursuit of the idea of God for the Saudis and the ideal of classless society for the Soviets appear as equally valid alternatives.³⁹ The adherents of cultural relativism have often listed three forms (besides the West) of cultural contexts for the study of human rights: African, Chinese and Islamic.⁴⁰ This arrangement looks quite haphazard as among the three, one is a continent (Africa), the other a country (China) and the third a religion (Islam), but the point is that some countries or group of countries identify themselves as the defender of one particular set of rights. And the classification has been made according to that standard.

The African concept of human rights can be differentiated from the Western concept in three important ways. The first characteristic of African approach is that the rights of the peoples or the groups should enjoy at least

equal dignity with those of the individuals. This is evident from the fact that the most important African human rights document signed in June 1981 by the heads of states and governments of the Organization of African Unity is entitled “African Charter of Human *and Peoples* Rights” (emphasis added).⁴¹ If priority is to be assigned between individual rights and collective rights, the traditional African culture favours the latter. This pervasiveness of the notion of ‘group’ rather than the ‘individual’ is evident in the concept of property ownership. The Universal Declaration of Human Rights maintains in Article 17 that “everyone has the right to own property . . .” But in many parts of Africa, land is owned communally and there is no ‘right’ to individual ownership of land holdings. Likewise, the nuclear family may not be the fundamental group of every society. The kinship group and the clan may have been more ‘natural’ unit of society.⁴² Thus African societies stressed the rights of groups within their social, economic and cultural dimensions. The Preamble recognized that “it is henceforth essential to pay particular attention to the right to development and that civil and political rights cannot be dissociated from economic, social and cultural rights in their conception as well as universality and that the satisfaction of economic, social and cultural rights is a guarantee for the enjoyment of civil and political rights.”⁴³

The second characteristic of the African Charter is the emphasis on duties and obligations, rather than on rights and liberties, of the individuals to the community. This is also reflected in the African Charter which includes one chapter each on duties as well as on rights. The obligations consist of such substantive goals as the harmonious development of the family, national solidarity and independence and African cultural values and unity. As one observer notes: “Although there is a necessary

theoretical acceptance that rights always entail correlated duties, it is rare for the duty aspect of human rights to be so clearly emphasized, in part because the bearer of the duties is normally the state, and the rights recognized are negative rights, so that the duties amount to forbearance on the part of the state from doing something against freedom.”⁴⁴ The third characteristic is the view that society’s main role is to meet basic human needs rather than to promote individual acquisitiveness and thus more attention is paid to the concept of equity in the distribution of social goods. In the preamble to African Charter, the right to development has been mentioned and the satisfaction of economic, social and cultural rights viewed as a guarantee for the enjoyment of civil and political rights.⁴⁵ As to the hierarchy of human rights, the African view is totally opposite to the Western priority and it has rather turned it upside down. In the African context, collective rights are first in importance, second come economic, social and cultural rights and lastly civil and political rights.⁴⁶

In 1949, with the establishment of socialist government, China has repeatedly emphasized the collective rights of anti-discrimination, anti-colonialism, the right to self-determination, the right to development, and the economic and social rights as envisaged in socialist thought.⁴⁷ The Chinese approach to human rights is inspired by two sources—the traditional Confucian teachings⁴⁸ and the Communist ideology. In the traditional Confucian thought—the view still prevalent in contemporary China—community and obligation, as in Africa, come before individual and right. Traditionally, the Chinese conception of law is fulfilling the function of maintaining social harmony and this view has also penetrated into the Chinese concept of human rights which aims to maintain the social harmony in society rather than promote individual rights and freedoms. A Chinese

observer has noted that traditionally political and civil rights have never been “systematically formulated and defended in political thought nor has their protection been institutionalized.”⁴⁹

The Chinese policy is also based on Communist ideology. The Marxist theory of human rights is that ‘natural rights of man’ had been a powerful ideological weapon of the rising bourgeoisie. Thus human rights once fulfilled a progressive function and the human rights provisions in the UN Charter have still an anti-fascist significance. China prefers to see the campaign for human rights as part of the wider campaign against imperialism, hegemonism, colonialism and racism and speaks of the rights of nations to independence, of races to equal treatment and of states to development. This view has thus imposed obligations on the privileged towards the deprived and human rights are used as struggle for equality among nations. As this concept of human rights has failed to get international recognition, China has been very careful in its attitude towards human rights at the international level. It has showed reluctance to participate in the work of UN Commission of Human Rights and has not ratified majority of human rights instruments, drafted and sponsored by the United Nations.⁵⁰ The Chinese believe that the realization of socialist goals is more important than to talk about human rights. Individuals cannot be given the right and freedom to interfere in state policy and thus there is more emphasis on socialist discipline. Mao Tsetung once said: “Both democracy and freedom are relative, not absolute, and they come into being and develop in specific circumstances . . . Our democratic centralism means the unity of democracy and centralism and the unity of freedom and discipline. Under this system, the people enjoy a wide measure of democracy and freedom, but at the same time they have to keep themselves within the bound of

socialist discipline.”⁵¹ The individual freedom has been similarly restricted by the article of the Chinese Constitution which reads: “The fundamental rights and duties of citizens are to support the leadership of the Communist Party of China, support the Socialist system and abide by the Constitution and the laws of the Peoples Republic of China.”⁵²

The end of Cold War has not significantly changed the policy of China towards human rights. In June 1993, Mr. Liu Huaqiu, head of the Chinese delegation, made the following statement in the course of his remarks to the United Nations World Conference on Human Rights in Vienna:

“The concept of human rights is a product of historical development. It is closely associated with specific social, political, and economic conditions and the specific history, culture, and values of a particular country. Different historical development stages have different human rights requirements. Countries at different development stages or with different historical traditions and cultural backgrounds also have different understanding and practice of human rights. Thus, one should not and cannot think of the human rights standard and model of certain countries as the only proper ones and demand all countries to comply with them.”⁵³

However, the Chinese government has strived to guarantee human rights to its people and in 1988, 1993, 1999 and 2004, amendments in the Constitution were made to ensure protection of human rights. In 2004, China wrote ‘the state respects and guarantees human rights’ into the Constitution as a guiding principle, which is called ‘human rights into the Constitution’ and has been hailed as “a new milestone in the history of China’s human rights system.”⁵⁴

In the past, a distinction was made between 'East and 'West', meaning the socialist as opposed to the capitalist states. Since the demise of socialism, the major division remains between 'South' and 'North'—the distinction between the poor, underdeveloped, mainly Asian and African states and the industrialized West European and North American states. In the context of human rights, the differences between the South and the North relate mainly to the importance that is attached to the right of self-determination, right to development, people's rights in general and the emphasis that is put on duties toward society as well as individual rights.

For the South—the poor, underdeveloped countries of the Third world—the economic rights and the rights to development are the most important. They condemn the international economic system, which robs them of their capital and is the strongest obstacle in the way of their development. The *New Internationalist* magazine wrote in its editorial: "The greatest offender against human rights in global terms is undoubtedly the world's economy itself. This is the great 'free market' which makes the poor world pay back more than it receives in loans or aid; which has allowed the commodity prices that developing countries depend on to sink to their lowest level for 30 years; and which insists, through its agents the International Monetary Fund (IMF), on third world governments pursuing economic policies that will mean destitution and even death for the poorest members of society."⁵⁵ The economists of the South argue that the economic adjustments sometimes imposed by the IMF require the governments to cut spending on such programmes as food subsidies and the provision of health care, education and other welfare services. This inevitably results in a severe effect on the living conditions of the poorest members of the society.

There have been put forward many alternative development strategies which give priority to meeting the basic needs of the people, instead of grand schemes of industrialization which require massive external financing and thus enhance the foreign debt of these poor countries. These alternative development strategies have not been adopted—or rather opposed—by the international financial bodies, such as IMF or World Bank. These institutions working as hand-maiden of the Western powers adopt only such policies which favour the North. They are little concerned with the growing poverty in the third world. The economists and political thinkers of the developing world argue that human rights ideals cannot be achieved unless there develops an international economic system for the equitable distribution of the wealth and the economic development is carried out even-handedly.

Those western observers who choose to measure the human rights record of third world societies by the Western yardstick of individual liberty may be accused of judging another culture by the standards of their own. Some critics have called this as “a form of imperialism.”⁵⁶ On the other hand this notion of ‘cultural relativism’ can have far-reaching consequences for the validity of international human rights norms. If all depends on the local cultural context, then there is no room left for the framing and implementing of international human rights standards. Therefore it is not surprising that cultural relativism has been bitterly criticized and opposed. Rhoda Howard, a Canadian political scientist has called it “an ideological tool to serve the interests of powerful emergent groups.”⁵⁷ There was a hope that with the demise of the Soviet Union and end of Cold War, this idea of cultural relativism would lose its vigour. But this debate has acquired more prominence and energy. One of the most eloquent has been Samuel Huntington, a professor of international politics at

Harvard University. In 1993, he published the famous article predicting that culture, not ideology, would in future account for most major conflicts. He wrote: "Western ideas of individualism, liberalism, constitutionalism, human rights, equality, liberty, the rule of law, democracy, free markets, the separation of church and state, often have little resonance in Islamic, Confucian, Japanese, Hindu, Buddhist or Orthodox cultures. Western efforts to propagate such ideas produce instead a reaction against 'human-rights imperialism' and a reaffirmation of indigenous values."⁵⁸

At the international level, different leaders have also voiced their concern over the Eurocentric bias of the Universal Declaration. Malaysian Prime Minister Mahathir bin Mohamad, in 1997, urged the U.N. to mark the fiftieth anniversary of the Declaration of Human Rights by revising or repealing it, as its human rights norms focus on individual rights only while neglecting the rights of society and the common good. Australia's former Prime Minister, Malcolm Fraser, also dismissed the declaration as reflecting only the views of the Northern and Eurocentric states. Former German Chancellor, Helmut Schmidt, too, believed that the Declaration was a reflection of "the philosophical and cultural back ground of its Western drafters" and advocated a new "balance" between "the notions of freedom and of responsibility" because the "concept of rights can itself be abused and lead to anarchy."⁵⁹

Islam and Human Rights

It has often been asserted that human rights are not in any way alien to Islam. Even different scholars have claimed that human rights have an important place in Islam. Abul A'la Mawdudi, founder of Jamat-i-Islami in Pakistan and one of the important exponents of Islamic revivalism in

modern times, also argues that "Islam has laid down some universal fundamental rights for humanity as a whole, which are to be observed and respected under all circumstances . . . fundamental rights for every man by virtue of his status as a human being."⁶⁰ Others go on to claim that contemporary human rights principles just reinforce what Islam had presented fourteen centuries earlier.⁶¹ Some believe that Islam is not "inherently illiberal" and it can be "reconciled, at an abstract level of ideas, with the principles of human rights."⁶² However, there is also a strong group who have categorically denied such claims and opines that there are fundamental differences between Western concept of human rights and Islamic principles.

One of the major Islamic critique of the Universal Declaration is its secularism and its inherent hostility to religion.⁶³ As one scholar opined that "the very secular foundation of the Declaration is deemed epistemologically insufficient to account for the derivation of inherent and inalienable human rights."⁶⁴ From the very beginning, the Muslim viewpoint remained opposed to the Declaration. The participation of the Muslims in the drafting of the Declaration was also minor. Only representatives of three Muslim countries, Saudi Arabia, Pakistan and Syria, were involved in the deliberations. All of them were, according to one writer, "secularly educated individuals" having no training in the "foundational sources of Islamic tradition."⁶⁵ The Saudi representative on the drafting committee was a Lebanese Christian. Even then Saudi Arabia refused to ratify the Universal Declaration on the plea that it violated Islamic law.⁶⁶

In Islamic concept of human rights, it is the faith that occupies the central place and makes the whole difference. As Islam recognizes no distinction between

Caesar and God, the faith encompasses the entire life of the individual as well as the society; hence the concept of human rights is also derived from the Islamic teachings. The idea of obedience to God is so fundamental in Islam that the whole discussion on human rights seems to be directed towards duties and obligations. The language of duty and obligations in Islam are more natural than that of rights. Individuals possess certain obligations towards God, fellow humans, his own self and nature—all of which are defined by *Shariah*. When individuals meet these obligations they acquire certain rights and freedoms which are again prescribed by *Shariah*. Those who do not accept these obligations have no rights, and any claims of freedom that they make upon society lack justification.⁶⁷ Thus Islam stresses people's obligations to society rather than their rights against government.⁶⁸ In Islam the community comes before the individual. The Muslim community is 'a compact wall whose bricks support each other.' The part of the individual in this community is not merely to act so as to ensure its preservation but rather it is the community in Islam that provides for the integration of human personality realized through self-abnegation and action for the good of the collectivity.⁶⁹ Though Islam believes in the unity of mankind and recognizes no difference between an Arab and a non-Arab, a white man or a black man but this brotherhood of man is the privilege of every believer in Islam. Some arrangements may be made for the non-believers living in Muslim lands, on the condition that they pay poll tax in exchange to security of life and property and freedom of worship. But these rights are not based on the notion that all humans have rights by virtue of their humanity but they are merely practical arrangements for non-believer again devised from *Shariah*. Religious liberty for minority means the freedom of non-Muslims to practise their religion unobtrusively in Muslim lands or to abandon

it in favour of Islam. There could be no traffic the other way as Islam has transcended other religions.⁷⁰ Islam also shows an egalitarian outlook when it lays down that the state has the prime responsibility to provide the basic necessities of life. In the public treasury there must be a fixed portion for the poor, needy and distressed. The poor must not be reduced to begging; they should be maintained by the state.⁷¹

To conclude, one can only say that the issues of cultural relativism and compatibility of UN human rights instruments with Islam are quite complex. There is no singled handed and short cut solution to these problems. The only way forward is to admit that the world is multicultural and the guarantee of world peace lies in the co-existence of differences. Any attempt to impose one hegemonic ideology would seriously hamper world peace and would result in further disintegration. This recognition of internal complexity of cultures and traditions should be realised and cross-cultural dialogue should be promoted.

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