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***Comparative Ethics, Islam, Human Rights:
Internal Pluralism and the Possible Development of Tradition***

David Hollenbach, S.J.¹

Irene Oh's *The Rights of God: Islam, Human Rights, and Comparative Ethics* has made a valuable contribution to the discussion of the relation between Islam and human rights from the standpoint of both religious thought and the study of human rights.

It is well known that there are significant tensions between the traditions of Islam and the contemporary human rights movement that was launched when the Universal Declaration of Human Rights was proclaimed by the UN General Assembly in 1948. Saudi Arabia was one of the eight nations that abstained from voting in support of the UDHR in 1948, with the others being South Africa and communist bloc countries. Article 1 (a) of the Cairo Declaration on Human Rights in Islam, issued by the Organization of the Islamic Conference on Aug. 5, 1990, states that

All human beings form one family whose members are united by their subordination to Allah and descent from Adam. All men are equal in terms of basic human dignity and basic obligations and responsibilities, without any discrimination on the basis of race, colour, language, belief, sex, religion, political affiliation, social status or other considerations. The true religion is the guarantee for enhancing such dignity along the path to human integrity.²

The tension between Islam and human rights is not due to a simple rejection of these rights. Rather, Islamic thinkers have distinctive understandings of the grounds of human rights and the way these rights are to be interpreted. Thus Articles 24 and 25 of

the Cairo Declaration on Human Rights in Islam add that “All the rights and freedoms stipulated in this Declaration are subject to the Islamic Shari‘ah” and that “The Islamic Shari‘ah is the only source of reference for the explanation or clarification of any of the articles of this Declaration.”³

Several contemporary human rights scholars have drawn on ideas such as these to argue that Islam in particular and religion more generally are in conflict with strong support for human rights. Michael Ignatieff argues that no agreement on human rights as universal norms will be possible unless we avoid appeals to religious or other metaphysical foundations and argue for human rights on the grounds of a consensus that is strictly practical and political. In some of his writings, Jack Donnelly rejects the possibility of attaining even such a practical consensus, holding that human rights are so embedded in Western culture that the notion of universality is illusory. Irene Oh’s study aims to refute claims by Ignatieff and Donnelly that would imply that religion and particularly Islam cannot support and may often threaten human rights.⁴

Because human rights have become so central to both the moral and legal framework of contemporary politics, Oh argues powerfully that judgments about the whether a particular religious or cultural tradition supports human rights must be made with great care. She affirms that judgments can only be reached in intellectual integrity if one reaches such judgments through sustained conversation and dialogue with persons who are participants in these traditions. Thus she says her undertaking is in fact “a book about conversation and dialogue”⁵—the conversation she has had with key Islamic thinkers, and the dialogue (and even argument) they have had with each other and with the human rights tradition that has emerged in recent Western thinking about politics and

law. Such dialogue must be truly reciprocal among the participants if it is to produce genuine understanding rather than the imposition of stereotypes. Thus before reaching judgments that Islam is in conflict with human rights, one must allow Muslims to define themselves, to express themselves as agents of their own self-understanding with histories, ideas, and reasons of their own. In other words, the participants in a genuine dialogue must recognize each others' human faces and avoid approaching their ideas in an impersonal, objectifying way.⁶

Oh's book is the result of a serious effort to allow three major Islamic thinkers to set forth in their own terms the way they understand human rights. Through a sustained and respectful dialogue about human rights in Islam with the Pakistani Abul A'la Maududi, the Egyptian Sayyid Qutb, and the Iranian 'Abdolkarim Soroush, Oh reaches three conclusions that are important for understanding the relation between Islam and human rights more generally.

Oh's conversation with these thinkers shows that all three in fact support human rights, but that they have differing interpretations of the meaning of human rights. Oh notes that all three thinkers reject the economic injustice that leads to poverty, and that this has implications for human rights in the economic sphere. The Islamic duty of *zakat* or almsgiving implies that persons have rights to at least basic subsistence goods such as minimally adequate nutrition, clean water, and perhaps such social goods as health care and basic education. Thus Maududi, Qutb, and Soroush's affirmation of a duty to alleviate unjust poverty can be correlated with the existence of second generation social and economic rights. The language of rights is not found in traditional Islam, as is it lacking in most Western premodern and religious traditions. Nonetheless, Oh argues that

in Maududi, Qutb, and Soroush's treatment of duties of justice toward the poor opens the way to affirming basic economic rights.

Oh notes, however, that Donnelly is suspicious of arguments that ground rights in duties, especially when these duties are seen as grounded in obligations to God. In Donnelly's view, duties to Allah and rights of human beings have different subjects and cannot be identified with each other without incoherence. Oh points out, however, that Islam, like Judaism and Christianity, affirms that there is an imprint or image of God in every human being. Thus vertical obligations to God are linked with horizontal obligations to human beings, and vertical reverence to God calls for horizontal reverence for humans.⁷ Drawing on this theology, the rights of God referred to in the title of Oh's book can be correlated with the rights of human persons. Such a theological stance opens the way for Maududi, Qutb, and Soroush each to approach human rights positively within a solidly Islamic perspective. This includes the right to basic economic goods needed for subsistence as well as the right to participate in government and to freedom of conscience and belief. Muslims may ground such rights in their understanding of their duties to God, while secular Westerners appeal to human dignity as the basis of rights. Western secularists, however, should be remember that their understanding of human dignity is not self-evident and that the conditions required for dignity to be respected in practice are very difficult to specify.⁸ Thus Western secular thinkers such as Ignatieff and Donnelly need to approach Islam with more intellectual and epistemological humility. Approaching three major Muslim thinkers with such humility and letting them speak for themselves enables Oh to show how human rights can be a central concern to major Muslim thinkers.

At the same time Oh's attentive reading of the works of the three authors shows that the Islamic tradition's approach to the meaning of human rights is marked by what Scott Appleby has called "internal pluralism."⁹ This pluralism is most evident in the contrast between the way Maududi and Qutb argue that limits may need to be placed on the expression of religious and cultural convictions in order to protect the most basic requirements of justice, and Soroush's more permissive, even liberal, stance toward religious freedom. Oh devotes full chapters to the approaches of Maududi, Qutb, and Soroush both to freedom of conscience and to tolerance for those with other beliefs. She traces the divergence between Maududi and Qutb on the one hand and Soroush on the other to two chief sources: their divergent interpretations of the experience of colonialism, and their differing understandings of the appropriate relation between Qur'anic faith and human reason.

One of Oh's most important contributions is the way she locates each author's discussion of the relation of Islam and human rights within the context of the experience of colonial domination by the West. Oh is concerned to avoid a kind of neo-colonial imposition of human rights standards that are not indigenous to the Islamic traditions she is exploring. Her respectful attention to the expressed self-understanding of the authors leads her to recognize how the experience of colonialism has particularly powerful influence on how Maududi and Qutb approach human rights. To be sure, both of these authors are aware that the contemporary human rights movement draws heavily on intellectual resources that are distinctively Western. These resources include both the liberal concepts of autonomy and individual freedom that have been so formative of the civil and political rights associated with the American and French revolutions, and the

nineteenth century socialist ideas that helped generate concepts of social and economic rights.

Oh notes, however, that Maududi's and Qutb's sensitivity to the dangers of human rights discourse is not due simply to the fact that human rights have a particularly Western etiology. It is even more the result of the fact that Maududi and Qutb believe that Western understandings of rights lead to a culture that is far too permissive toward unjust and immoral behavior. Islam, on the other hand, encourages the virtue and upright behavior that will lead to a just and good society. Therefore, even as they affirm the rights to freedom of conscience, freedom of religion, and freedom of belief, Maududi and Qutb also want to set limits to these freedoms. Such limits will come first and foremost from the exercise of virtue by citizens whose lives are deeply formed by their submission to Allah and their adherence to the norms of behavior set forth in the Qur'an, the *sunna*, and the *hadith*. It may also be necessary in some circumstances for the political authority to set limits on departures from virtuous behavior. This, I take it, would be through the adoption of some unspecified degree of legal enforcement for acceptable behavior.

This approach has a ring of familiarity to me as a Roman Catholic, for it is not too different from the official stance of the Catholic church on the necessary limits to freedom of religion that prevailed up to the time of the Second Vatican Council's issuance of its *Declaration on Religious Freedom* in 1965. Similar approaches can be found in a number of branches of Protestantism in the early periods of their history. In addition, the call for a recovery of virtue as a necessary counterweight to the dangers of utilitarian and expressivist understandings of individual freedom has been recently voiced in the United States by authors as progressive in their politics as Robert Bellah and the

other authors of *Habits of the Heart*. Oh seeks to listen carefully to Maududi and Qutb in an effort to understand why they have problems with the understanding of freedom they see operative in the West. An alternative approach to Oh's respectful attentiveness to these critiques of the West would be one that concludes that for some reason Muslims simply do not want freedom, or even, as President George W. Bush has said, that "they hate our freedoms—our freedom of religion, our freedom of speech, our freedom to vote and assemble and disagree with each other."¹⁰ In my judgment, the consequences of President Bush's approach point to the value Oh's greater readiness to listen carefully to why authors like Maududi and Qutb have problems with aspects of Western freedom even if one is not ready to agree with them, as I am not.

My own view, like that of most other Westerners, is more like that of Soroush. As Oh points out, the Iranian Soroush has not been exposed to some of the harsher aspects of colonial domination seen in the Pakistan of Maududi and the Egypt of Qutb. Also, Soroush's attitude to the consequences of Western-style freedom is more positive. He believes that the free exchange of ideas is likely to lead to a deeper discovery of truth and in turn to a more virtuous and just society. Indeed Oh points out that Soroush values religious pluralism positively. He sees religious diversity as an occasion for learning more about God rather than as a threat to the truth about God.¹¹ Truth is one, and all religious traditions are needed if we are to come closer to this truth. Soroush distinguishes Islamic religion from Islamic law, however, so submission to Allah (faith in God) is not the same as obedience to *shari'ah*. Soroush disagrees with conservative followers of the Islamic revolution of the Ayatollah Khomeini in Iran, as well as with the followers of Maududi in Pakistan and Qutb in Egypt and the broader Middle East, who

saw the institutionalization of *shari'ah* as the path to a more faithful and just society.

Soroush understands both faith and virtue as interior realities, and thus as distinguishable from the external observance of *shari'ah*. So he believes that the freedoms guaranteed by basic human rights are not only compatible with Islam but can even be seen as necessary conditions for an authentically religious life.

Thus the internal pluralism of Islamic approaches to human rights becomes clear through Oh's study of the three authors. Appleby has argued that the internal pluralism of religious traditions is one of the conditions that enable these traditions to develop positive stances toward human rights. In Appleby's view, internal pluralism means that most religious traditions are rich enough in their inner resources that they can find grounds within themselves for responding in positive ways to members of other communities, rather than allowing their religious differences to become causes of conflict, oppression, or even war. Discovering resources internal to Islam for affirming human rights has been accomplished to lesser degrees by Maududi and Qutb and to a greater degree by Soroush. Oh describes this diversity among her three authors extremely well. Her stance of respectful listening leads her largely to avoid making judgments about which of the three authors provides a better or more adequate Islamic approach to human rights. The task Oh has set for herself is primarily to present a descriptive account of what she has learned about Islam and human rights from each of the three authors.

There are occasions, however, when Oh makes carefully nuanced normative judgments about the three authors. These occasions occur within the context of her discussion of how the authors understand the relation between the Qur'an, *sunna*, and *hadith* as norms for Islamic thought and action and the role of reason and human

understanding that is mediated by culture. She argues, effectively I think, that Maududi and Qutb in fact contradict themselves in their approaches to tolerance. Maududi and Qutb argue that Islam is a tolerant religion, both in its approach to diversity within Islam itself, and in its relation to non-Muslims. Both often cite the Qur'an's injunction that "there is no compulsion in religion" (2:256). However, Maududi rejects *ijtihad* or independent reasoning about the meaning of the Qur'an, the *sunna* of the Prophet and the *hadith*. This rejection of *ijtihad* is not coherent with his openness to pluralism within Islam itself, for it necessarily leads to rejection of those schools within Islam that hold for the legitimacy of *ijtihad*.¹² In a similar way, while Qutb argues for Islam's respect for diversity, including respect of Jews and Christians, he strongly rejects the corrupting influence of the West, including the influence of Judaism and Christianity. Jews and Christian are misguided in their thinking because it is *jahili* (in a state of pre-Islamic ignorance) and Western, so it should be resisted. This leads Qutb into a self-contradictory argument both for and against toleration.¹³

On one level, Oh's critique of Maududi and Qutb is limited to pointing out these internal conflicts between different aspects of what they say about toleration. But her objection to the thought of Maududi and Qutb also goes beyond descriptively noting tensions or even contradictions within what they have written. Oh clearly rejects the way Maududi and Qutb understand the relation between faith and reason—between religious adherence to the Qur'an, *sunna*, and *hadith* as norms of Muslim thought and life, and commitment to the full and free exercise of human reason as also normative in Islamic religious thought. Oh points out that Soroush's greater openness to the use of reason puts him in line with the Mut'azilite tradition of al-Ghazali with its strong commitment to the

positive relation between faith and reason. On the other hand, Maududi and Qutb adopt an Ash‘arite approach that sees faith and reason as often in conflict with each other.¹⁴ On this point, I believe, Oh goes beyond simply giving a description of where the three authors stand in relation to these two subtraditions within Islamic thought. She clearly stands with Soroush and opposed to Maududi and Qutb on the faith-reason issue.

The question of the relation between faith and reason within a religious tradition will often be crucial for the stance of that tradition toward human rights. This is so because the language and concepts of human rights are not explicitly found in the foundational texts of any major world religion. This is true of Islam and of Judaism and Christianity as well. Though religious warrants for human rights can be powerfully presented, the language of human rights has been developed through reasoned reflection on the demands of human dignity. Thus a religiously suspicious stance toward reason can lead to a religiously suspicious stance toward human rights. Despite her admirable effort to allow Maududi and Qutb to give their own account of how and why they take the stands they do toward human rights, Oh is clearly concerned that their stance on the relation of faith and reason puts them in an adversarial relation with key aspects of the contemporary human rights movement. In other words, Oh is finally led to make a normative judgment about the inadequacy of the approach of Maududi and Qutb.

I am in agreement with this hesitantly reached though final conclusion by Oh. In fact, I would argue that the admirable commitment that Oh makes to conversation and dialogue across religious traditions contains within itself a commitment to a kind of respect for others that makes inevitable her rejection of Maududi and Qutb’s stance of suspicion toward all thinking not grounded in the Qur’an, *sunna*, and *hadith*. In other

words, there is a sort of implicit human rights ethic at the heart of the commitment to conversation and dialogue across traditions that set the framework for Oh's study. This raises a very provocative question for the enterprise of comparative religious ethics: does the commitment to understand other traditions and to relate to persons of other traditions with respect lead necessarily to negative normative judgments about the adequacy of traditions that reject such efforts at trans-traditional dialogue and understanding? This seems to be what has happened in Oh's study. It raises the interesting question of whether comparative religious ethics and an ethic of human rights are always and even necessarily linked. I am inclined to answer that question positively, though defending such a position is a task for another occasion.

NOTES

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² Organization of the Islamic Conference, *Cairo Declaration on Human Rights in Islam*, Aug. 5, 1990, art. 1 (a). Available on the website of the University of Minnesota Human Rights Library, at: <http://www1.umn.edu/humanrts/instree/cairodeclaration.html> (accessed August 1, 2008).

³ Organization of the Islamic Conference, *Cairo Declaration on Human Rights in Islam*, nos. 24 and 25.

⁴ Irene Oh, *The Rights of God: Islam, Human Rights, and Comparative Ethics* (Washington, D.C.: Georgetown University press, 2007), esp. 10, 21-22; 29. See Michael Ignatieff, *Human Rights as Politics and Idolatry* (Princeton: Princeton University Press, 2001; Jack Donnelly, *Universal Human Rights in Theory and Practice*, second edition. (Ithaca: Cornell University Press, 2003). For a reflection on the relation between human rights and religion by one of today's major human rights organizations, Human Rights Watch, that does not go as far as Ignatieff and Donnelly but that shows considerable suspicion toward religious communities in the human rights field, see Jean-Paul Marthoz

and Joseph Saunders, "Religion and the Human Rights Movement," in *Human Rights Watch World Report 2005*, available online at: <http://hrw.org/wr2k5/>

⁵ Oh, *The Rights of God*, vii.

⁶ See Oh, *The Rights of God*, 3, 34, 36.

⁷ Oh, *The Rights of God*, 27-28.

⁸ Oh, *The Rights of God*, 31.

⁹ R. Scott Appleby, *the Ambivalence of the Sacred: Religion, Violence, and Reconciliation* (Lanham, MD: Rowman and Littlefield, 2000), chap. 7, "The Promise of Internal Pluralism: Human Rights and Religious Mission."

¹⁰ President George W. Bush, Address to a Joint Session of Congress and the American People, September 20, 2001. Available online at: <http://www.whitehouse.gov/news/releases/2001/09/20010920-8.html> (accessed August 1, 2008).

¹¹ Oh, *The Rights of God*, 104, citing Soroush.

¹² Oh, *The Rights of God*, 98.

¹³ Oh, *The Rights of God*, 103.

¹⁴ See Oh, *The Rights of God*, 73, 126, 132.