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ISLAM AND HUMAN RIGHTS

As said in the previous papers: Islam has, maybe in particular, been the target of criticism from people claiming to be human rights 'fighters' and defenders. Though some of the critics can be classified as a sort of 'Islamophobes', this does not hold good for all of the critics. Several scholars also have pointed to problems, not just problems with human rights in Islamic or Muslim countries and states (there are also problems with human rights in states with other majority religions) but problems built into the very structure so to speak of, in particular, the so-called sharia as well as into those human rights declarations that have been issued by various Muslim organisations. Critics point to the principles in the sharia regarding the unequal rights of men and women in regard to e.g. inheritance (women in principle inherit only half as much as men), bearing witness in court (a woman's deposition carries only half of the weight of a man's), and the marrying a non-Muslim from one of the accepted religions (a man can marry e.g. a Christian or a Jewish woman but a woman does not have the same right).

As regards criticism of the Muslim human rights declarations (primarily the Universal Declaration of Islamic Human Rights, the Cairo Declaration, and the famous pamphlet by the Islamist Abul a'la Mawdudi) the many critics (see references to e.g. Mayer and An-Na'im as well as to the 2015 report by the Danish Institute of Human Rights) primarily stress that they always start and end up stressing that above everything is the sharia, or in some translations, the law of God (Allah), and that the human rights principles thus must always be subordinate to that even if the same declarations, of course, go to prove that the stereotypes saying that the core principles of Islam and the sharia leave no place for human rights are not quite in line with neither Muslim self-understanding nor the analyses of even the most critical scholars. Some scholars, e.g. Danish scholar of religion Skovgaard-Petersen (2005, 117), start out pointing out that Egypt, India, Iran, Iraq, Lebanon, Saudi Arabia, Syria and Turkey were among the 51 countries that founded the UN, whose charter speaks of "Promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language or religion."

He goes on (*ibid*, 117):

"The Universal Declaration of Human Rights was adopted with 48 votes for, and none against. But Saudi Arabia abstained in protest against art. 18, which guarantees the right to change religion, and art. 16 which gives women and men equal rights in marriage and in its dissolution. This initial support for the Universal Declaration on behalf of the Muslim states is sometimes dismissed as the work of the Westernized elites. Although it can probably be claimed of most countries that their citizens had little direct interest or impact on their ratification of the Universal Declaration, it should at least be noted that many Muslim countries at the time were led by governments formed by the independence movements who in many cases were democratically elected by a popular mandate rather more solid than most governments that have come to power ever after, at least in the Middle East.
The underlying assumption that anything pro-Western or secular can not command popular support seems to me to underestimate the universality of the human rights idea, and how well it fitted into the prevailing public understanding of politics and rights in the Muslim world. To many Muslims in the period, the overarching experience and problem was imperialism, and they saw themselves as defenders and upholders of universal political rights which the

colonial powers had been unwilling to bestow on their colonial subjects. To them, the issue of political rights was not a question of East or West. Political rights were theirs."

Skovgaard-Petersen, in the same article (119-120), with reference to Halliday (1996) describes and later discusses four different Muslim positions in regard to human rights:

1. *Assimilation* denies that there is a conflict. This position is based on a reading of the Islamic tradition which stresses the Quranic injunction against coercion in religion, and for mutual consultation and the pursuit of the common good. It will always look for the most liberal tendency in classical Islamic law and Quran interpretation, and consider it the most legitimate and correct. This is the position of the liberals in the Muslim world.

2. *Appropriation* considers Islamic states as especially keen upholders of human rights, and considers the West, in turn, as having an especially dark human rights record. This is the tendency behind the recent Islamic declarations of human rights. According to this position, human rights were given by God long ago, and all we have to do is to follow them.

3. *Particularism* asserts that Islamic states are based on a different culture and, consequently, cannot be criticized from without this culture. This is a more defensive position which does not take issue with the universal human rights as such, but only with their proclaimed universality. Or as King Fahd has put it: "The democratic system prevailing in the world does not suit us in the region."

4. *Confrontation* rejects secular law and all non-Islamic understandings of law and rights. Sharia must be adopted all over the world. This is the position of Islamism, according to Halliday. He finally mentions a fifth variant, incompatibility, but since this is a position of non-Muslim commentators, we will not go into it here.

So, the picture is as always neither black nor white when it comes to religions, Islam included, and human rights. As described elsewhere: not even Buddhism, stereotyped as almost the opposite to Islam, is as white as often claimed. The recent happenings in Myanmar must be a reminder that not only the classic texts and traditions of the religions are wide open for various interpretations; the facts on the ground and the acts of the adherents to the various religions are not always in line with either the stated ideals of the religions (or some of their texts and their interpreters) or with human rights ideals and principles.

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