Identity and Human Rights in the Muslim World:Negotiating Norms in the Age of Globalization

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Flaws in overly optimistic theories of globalization demonstrate that aside from its pure economic implications, globalization has generated profound social disruption and cultural resistance. The critics of globalization, who see it as a juggernaut of untrammeled capitalism, fear a world ruled by profit-seeking multinational and global corporations. They also question the imposition of cultural standards of one region of world, namely the West, on all other regions. No issue is more acute in the global debate than the issue of devaluation of local identities. Moreover, the same ethical questions that confront the human rights regime also confront the globalization process. Whom does the process of globalization serve? And who should shape its development?

Some Western scholars, such as Richard Falk, have noted that universalism has been used as a cover to obscure Western hegemony and that any genuine and universal attempt at constructing human rights must be based not on uniformity but rather on the coexistence of different cultures.[1] The codex of Enlightenment values must be re-examined in both context of time and space. Others, such as Michael Ignatieff, argue that the moral consensus, which sustained the Universal Declaration of Human Rights in 1948, has increasingly splintered and that there is no evidence that economic globalization entails moral globalization.[2]

As economies have integrated, a countervailing movement has developed to maintain the integrity of national cultures, communities, religions, and indigenous ways of life. Still others have noted that the

1. Richard A. Falk, *Human Rights Horizons: The Pursuit of Justice in a Globalizing World*, New York: Routledge, 2000.
2. Michael Ignatieff, *Human Rights as Politics and Idolatry*, Princeton: Princeton University Press, 2001.

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growth of supra-territorial spaces and interests has facilitated the development of many non-territorial communities based on class, gender, racial, and religious identities.[1] This rise in cosmopolitan bonds, however, should not mask the right to cultural preservation and continuity.

The issue of constructing identity (contextual or relational) in an evolving world of mass education and communications merits a particular attention. The right of Muslims to cultural specificity must arguably become an indispensable feature of universality. Claims of universality of human rights need to be negotiated and challenged within the internal discourse of contemporary Muslim societies. To create common values and norms through dialogue and debate appears to be the most sustainable form of enhancing human rights.

In many Muslim countries revolution is highly unlikely and outside intervention is widely regarded as illegitimate. Patriarchal structure of some Muslim societies—not Islam—account for some of the fundamental barriers to women's rights. The convergence between certain Islamic and internationally recognized norms in some Muslim countries (e.g., Iran) on matters relating to negotiating culture and human rights has gained more public appeal than focusing on distinct or profound differences between Western and Muslim worlds. This paper argues that without denying the value of universal rights, we must rethink *universalism* in an attempt to reach a common ground with other civilizations and cultures on what constitutes universality. In this basic sense, both Enlightenment laws and Islamic laws deserve equal respect and scrutiny.

Before assessing the validity of the proposition of moral equivalency, two general questions need to be raised. First, how identity is shaped and reconstructed within the context of globalization? Secondly, how would the Muslim world's cultural and epistemological pluralism affect the identity of Muslims?

Identity and Human Rights Discourse

Asserting and reconstructing one's identity in today's global community need not be construed as denying common or shared values; rather, identity must be seen as a form of recognition through

1. Jan Aart Scholte, *Globalization: A Critical Introduction*, New York: St. Martin's Press, 2000.

difference. This recognition is based on respect and concern for diversity and tolerance. The global era has presented both the individuals and communities with new challenges. The individual members of the national communities increasingly find themselves "living in an age of both harmonization and dissonance."[1] Under such circumstances, the real question is how to balance the need for identity with the desire for universality. The latter relates to the basic notion of what it means to be human in our modern times. There is the need to belong to a community that accepts and recognizes the individual and within which he/she may be easily understood.[2]

The dynamics of globalization and its impact on religious faith revolve around the issues of legitimacy, identity, cultural integrity, and psycho-cultural influences and disorientation. Arguably, the main threat to religious faith in a globalizing world is the commodification of everyday life.[3] What renders faith or religious commitment problematic in such a context is that everyday life has become part of a global system of exchange of commodities, one which is not easily influenced by political leaders, intellectuals, or religious leaders.[4] In fact, the impacts of globalization on daily life of people have become entirely unpredictable and uncertain.

Islamic resurgence has indeed become an issue of the reconstruction of the Muslim self in the context of globalization. This development has spurred a lively debate in the Muslim world over the relationship of Islam, human rights, and democracy. Pluralism and religious freedom are integral to Islamic values and lie at the heart of Muslim societies. The basis of this religious freedom in Islam is the categorical Qur'anic assertion (Sura 2:256), "there is no compulsion in religion (*la ikraha fi al-din*).[5] Islam has accommodated in its worldview the religious values and traditions that came before it.

1. Amin Maalouf, *In the Name of Identity: Violence and the Need to Belong*, New York: Arcade Publishing, 2000, p. 93.
2. Ibid., p. 96.
3. S. R. Ameli, "Cultural Globalization and Muslim Identity," in M.S. Bahmanpour and H. Bashir, eds., *Muslim Identity in the 21st Century: Challenges and Modernity*, London: Institute of Islamic Studies, 2000, pp. 151-170; see p. 160.
4. Ibid., p. 160.
5. Mahmoud M. Ayoub, "Islam and the Challenge of Religious Pluralism," *Global Dialogue*, Vol. 2, No. 1, Winter 2000, pp. 53-64; see p. 63.

Viewing Islam as a universal attitude, Mahmoud M. Ayoub writes that "Islam applies to any human beings or human communities that profess faith in the one God and seek to obey God in all they do and say. It is in this sense that the Qur'an speaks of Noah, Abraham, Moses and Jesus and his disciples as Muslims."[1]

Islam as such has inherited social justice, monotheism, and community from indigenous faiths such as Judaism, Christianity, and Zoroastrianism.[2] Islam has established equality before the law with absolute right to access to courts for all people regardless of their race, gender, and religion or creed. Islam has also recognized the right of local communities of different cultures to maintain their own courts and laws, thus safeguarding the rights of non-Muslims (*dhimmis*) living in Muslim countries. This policy, known as "Millat System," has been practiced for many centuries in the Muslim world.[3] Additionally, non-Muslims have the right of access to the Islamic courts.

As a source of ethical teachings and moral codes of conduct, the *Shari'a* law has always been regarded as a comprehensive code of life. Yet the *Shari'a*-based legal system has evolved into dynamic patterns of jurisprudence and governance, largely because of the emergence of several equally credible schools of law within it. Under the repressive ruling elites, however, some of the *Shari'a* schools have been applied to construct a legal system conducive to the totalitarian political regimes.[4]

Today, some Muslim societies increasingly manifest pluralistic features, both ideologically and culturally. This pluralism has opened their communities to a noticeable degree of criticism and self-evaluation—a condition essential to any meaningful cross-cultural dialogue.

The internal debate over the relationship between Islam, the state,

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1. Ibid., p. 62.
2. Mustafa Malik, "Islam's Missing Link to the West," *Middle East Policy*, Vol. X, No. 1, Spring 2003, pp. 121-134; see p. 133.
3. Ali Mohammadi, "The Culture and Politics of Human Rights in the Context of Islam," in Ali Mohammadi, ed., *Islam Encountering Globalization*, New York: RoutledgeCurzon, 2002, pp. 111-130; see p. 118.
4. Maimul Ahsan Khan, *Human Rights in the Muslim World: Fundamentalism, Constitutionalism, and International Politics*, Durham, North Carolina: Carolina Academic Press, 2003, p. 97.

democracy, and human rights gets to the core of the identity issue within the Muslim world. Some Muslim scholars have noted that *Shari'a* is not the whole of Islam but instead it is an interpretation of its fundamental sources.[1] Others, such as Fatima Mernissi, a feminist and founding member of the Moroccan Organization for Human Rights, points out that Islamic ideas and traditions provide rich foundations for ideas of gender equality and the human rights of women.[2] Still others have written of the pragmatic humanitarianism of Islam, arguing that some reconciliation between the traditional *Shari'a* and the modern idea of human rights could be conceivably achieved based on such well established Islamic pragmatism.[3]

Since the Muslim world represents a multi-polar universe of Islamic as well as intellectual thinking and since no one center of Islamic thought dominates the entire Muslim world, it is essential to refer to several schools of thoughts. The democratization of information has generated as much interest in the issue of legitimacy and human rights as in local identities, values, and traditions. Demographic and social dynamics, as illustrated by the rise of youth and women's movements, have expanded political participation and the demand for democracy. The growth of Islamism at the same time has led to the revival of traditional values and institutions. An examination of the internal power struggle among four groups (conservatives, neoconservatives, reformists, and secular Muslims) helps illuminate the prospects for adoption of human rights in the Muslim world.[4]

Islamic conservatives. Islamic conservatives look to both the classical and medieval periods of Islam for their worldviews. They see Islam as an immutable religion that transcends time and space. Conservatives adopt a communitarian outlook that regards the

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1. Abdullahi Ahmed An-Na'im, *Toward an Islamic Reformation: Civil Liberties, Human Rights and International Law*, Syracuse: Syracuse University Press, 1990.
2. Fatima Mernissi, *Islam and Democracy: Fear of the Modern World*, London: Virago, 1992.
3. Louay Safi, "Human Rights and Islamic Legal Reform," http://home.att.net/~1.safi/articles/.
4. The classification of this group is based on the study by Mir Zohair Husain, *Global Islamic Politics*, 2nd edition, New York: Longman, 2003. This section is also drawn from my recent essay entitled, "The Politics and Practice of Human Rights in the Muslim World," *Global Dialogue*, Vol. 6, No. 1, Winter/Spring 2004, pp. 67-78.

individual as part of the community or a group, to which he or she owes certain obligations. The conservatives' emphasis on drawing boundaries around the community is expressed not only in dress code and veiling (*hijab*) and the repression of women's sexuality, but also in the proclamation of a different way of life and of a transformation of mind by bringing the faithful back to the proper practice of the faith and tradition. For Islamic conservatives, *hijab* is a symbol for the defense of the faith, family integrity, Islamic and communal identity, and solidarity.

They view the Western world's advocacy of human rights as a modern agenda by which the West hopes to establish its complete hegemony over the Muslim world. They have vehemently objected to several articles of the Universal Declaration of Human Rights (UDHR), including Articles 16 and 18, which deal with equality of marriage rights and freedom to change one's religion or belief, respectively. Conservatives object to the provisions on women's rights, questioning the equality of gender roles, obligations, and judgments. Islam, they argue, prohibits the marriage of a Muslim woman to a non-Muslim man. Apostasy (*ridda*) is forbidden, and it is punishable by death.

Conservatives call into question the idea of natural reason as an independent source of ethical knowledge. According to conservatives, following past traditions (*taqlid*) and returning to established norms in times of crisis are two cardinal rules of Islamic orthodoxy.[1] This group included Qayam-ud-Din Muhammad Abulbari (1878-1926), Ahmad Raza Khan Barelvi (1856-1921), Haji Imdadullah (1815-1899), Mahmud al-Hasan (1850-1921), and Sayyid Kazem Shariatmadari (1905-1986).[2]

Islamic Neoconservatives. Within the Islamic thought and context, the traditions of Salafism (*al-Salafiyya*) and Wahhabism have urged believers to return to the pristine, pure, and unadulterated form of Islam practiced by Muhammad and his companions. These traditions are

1. John L. Esposito, *Islam: The Straight Path*, New York: Oxford University Press, 1988, pp. 179-180.
2. Mir Zohair Husain, *Global Islamic Politics*, Second Edition, New York: Longman, 2003, pp. 129-130.

known for their "intolerance toward any perceived deviation from the dogmatic interpretation of Islam that [they] preach."[1]

The proponents of these traditions, who may be characterized as radical as well as ultra-orthodox Islamic groups, are critical of modern, secular Western ideas, practices, and institutions that are contrary to Islam. They are also opposed to the doctrine of *taqlid*—whereby legal rulings of one or more schools of Islamic jurisprudence are unconditionally followed. These groups advocate *ijtihad*—that is, Islamic reasoning in matters relating to Islamic law.

Some members of neoconservatives, also know as neofundamentalists, place greater stress on mores and purity; they are less concerned with the immediate capture of political power than with grass-roots activism aimed at the moral reconstruction of the individual and the gradual transformation of society into a more "Islamic" one. These groups have consistently attempted to penetrate or to takeover the institutions of civil society; they have shown more conservative approaches toward the issue of women's role in society. [2]

Other members, in contrast, tend to pursue an ultimate goal: "to establish an Islamic state based on the comprehensive and rigorous application of the *Shari'a*."[3] The members of this group are not drawn exclusively from the ranks of the *ulama* (Islamic scholars). They regard the conservative approach, as represented by the orthodox *ulama*, as unrealistic, and they oppose modernist Islamic groups that emulate Western ideas, practices, institutions that neoconservatives regard as alien to Islam.[4] Neoconservatives see human rights as a hegemonic instrument of the Western world that, if adopted, would lead to moral decay of Islamic societies. With some reservations, the Taliban movement in Afghanistan may arguably be seen as an extreme manifestation of neofundamentalism of a sort.[5]

1. Guilain Denoeux, "The Forgotten Swamp: Navigating Political Islam," *Middle East Policy*, Vol. IX, No. 2, June 2002, pp. 56-81; see p. 60.
2. Ibid., pp. 66-67.
3. Mir Zohair Husain, op. cit., pp. 125-130.
4. Ibid., p. 93.
5. Guilain Denoeux, op. cit., p. 67.

Islamic neoconservatives see the principal reasons for the Muslim world's decline in colonialism, neocolonialism, and disunity within the Muslim world. They emphasize a constitution that is Islamic. Most of them have come to accept Western parliamentary democracy and its corollary "popular sovereignty."[1] The neoconservative leadership generally consists of Islamic scholars and activists. Examples include, among others, Sayyid Abul A'la Maududi (1903-1979), Hassan al-Banna (1906-1949), and Sayyid Qutb (1906-1966).

Islamic Reformists**:** Islamic reformists, in contrast, are receptive to non-Islamic ideas, practices, and institutions. They stress the continuity of basic Islamic traditions along with the material progress that they deem necessary for human and economic transformation within an Islamic framework. Reformists believe that *Shari'a* is historically conditioned and needs to be reinterpreted in light of the changing needs of modern society. Reformists refer to the 1990 Cairo Islamic Human Rights Declaration as a document that brings the Muslim world closer to certain articles of the Universal Declaration of Human Rights, making it possible to promote intercultural dialogue with the West over the general themes of human rights.[2]

Some reform-minded observers even see in Islamic mystical belief system a type of ideology in sync with universal values. Within the context of the Islamic ecosystem, Ali Paya argues, there exists a certain type of belief system, known as mysticism, which emphasizes such basic values as freedom, tolerance, equity, responsibility, love, and respect for all earthly manifestations of God.[3]

To advance the idea that Western and Muslim traditions share commonalities in their thinking related to freedom of conscience and religious liberty, Abdulaziz A. Sachedina demonstrates that "the Western notions of natural law and conscience are present in the spiritual and ethical utterances and presuppositions of the Qur'an …

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1. Mir Zohair Husain, op. cit., p. 128.
2. Ali Mohammadi, "The Culture and Politics of Human Rights in the Context of Islam," in Ali Mohammadi, ed., *Islam Encountering Globalization*, op. cit., pp. 111-130; see p. 114.
3. Ali Paya, "Muslim Identity and Civil Society: Whose Islam? Which Society?," in M.S. Bahmanpour and H. Bashir, eds., *Muslim Identity in the 21st Century: Challenges and Modernity*, London: Institute of Islamic Studies, 2000, pp. 105-124; see pp. 119-120.

that in the notion of *fitra* (innate disposition) and *qalb* (the heart) we have the constitutive elements of Western notion of synderesis and conscience…."[1]

On the position of women within Islamic societies, reformists argue that *hijab* empowers women, allows them increased physical mobility and, therefore, more access to power and space, and, more significantly, protects them within their own socio-cultural milieus. To the extent that Muslim women have actively chosen to veil as an expression of their own sexual, religious, and national identity, viewing *hijab* as a symbol of their subjugation is fundamentally flawed.[2] In the androcentric societies, where cultural control by male elites has significantly restricted such mobility, the problem of suppressing women's freedom of movement and speech has much to do with the patriarchal institutions.

In recent years, Iranian women have negotiated concrete gains from the Islamic Republic in such matters as divorce, marriage, alimony, and child support. They have seen little reason to regard the system as inherently opposed to their interests.[3] Ziba Mir-Hosseini demonstrates how women's struggles in the course of these negotiations have produced a modicum of legitimacy and satisfaction. She argues that "one neglected and paradoxical outcome of the rise of political Islam in the 1970s has been to help create a space within which Muslim women can reconcile their faith with their feminism."[4] Within the context of Iranian politics, Mir-Hosseini insists, feminist readings of the *Shari'a* have become both possible and inescapable given that Islamic sources have presented no oppositional discourse in national politics.[5]

Reformist concept of the Islamic state asserts that consultation (*shura*) by Muslim rulers with their citizenry is a requirement. They

1. Abdulaziz A. Sachedina, "Freedom of Conscience and Religion in the Qur'an," in David Little, John Kelsay, and Abdulaziz A. Sachedina, *Human Rights and the Conflict of Cultures: Western and Islamic Perspectives on Religious Liberty*, Columbia, SC: University of South Carolina Press, 1988, pp. 53-90; see p. 57.
2. For a broader view of this topic, see Daphne Grace, *The Woman in the Muslim Mask: Veiling and Identity in Postcolonial Literature*, London: Pluto Press, 2004, p. 206.
3. Salwa Ismail, *Rethinking Islamist Politics: Culture, the State and Islamism*, London: I.B. Tauris, 2003, pp. 175-176.
4. Quoted in Salwa Ismail, *Rethinking Islamist Politics*, p. 176.
5. Ibid., p. 176.

invoke other democratic concepts and ethical constructs within the Islamic traditions, including *ijtihad* (independent reasoning), *ijma* (consensus of the religious scholars), and *baya* (holding the leaders to certain standards of accountability). These socio-ethical constructs demand democratic accountability and respect for social justice on the part of the authorities.

Some reformists have argued that divine law does not reflect the general consent of the people. Abdolkarim Soroush, an Iranian philosopher, argues that "divine legislation in Islam is said to have been discovered by a few and those discoverers think that they have privileged access to the interpretation of this law."[1] Having questioned the monopoly over interpretation by one group or class, Soroush argues the need for a dialogical pluralism between inside and outside religious intellectual fields.[2] Human rights, according to Soroush, lies outside religion and is not a solely legal (*fiq'hi*) intrareligious argument; rather, it belongs to the domain of philosophical theology (*kalam*) and philosophy in general.[3] Some values, he argues, cannot be derived from religion. Human rights are the case in point. The language of religion and religious law (*fiq'h*) is essentially the language of duties, not rights. Rights enjoy a modern primacy over duties in our times.[4]

By contrast, Sheikh Rached al-Ghannouchi, the leader of the Tunisian *An-Nahda* political party, represents a different view of reform. For Ghannouchi, the central question is how to free the Muslim community from backwardness and dependence on "the other." Reconciling Islam and modernity, according to Ghannouchi, involves introduction of democracy and freedom, both of which are not opposed to Islamic principles. For Ghannouchi, the community, not the individual, remains the ultimate reality and objective.[5]

1. See a summary of remarks by Abdolkarim Soroush and Charles Butterworth at the Middle East Institute, November 21, 2000, "Islamic Democracy and Islamic Governance," available at: http://www.mideasti.org/html/b-soroush.html.
2. Forough Jahanbaksh, "Abdolkarim Soroush New Revival of Religious Sciences," available at: http://www.isim.nl/newsletter/8/jahanbaksh.htm.
3. Mahmoud Sadri and Ahmad Sadri, eds., *Reason, Freedom, and Democracy in Islam: Essential Writings of Abdolkarim Soroush*, New York: Oxford University Press, 2000, p. 128.
4. Ibid., p. 129.
5. Abdou Filali-Ansary, Islam and Liberal Democracy: The Challenge of Secularization," *Journal of Democracy*, Vol. 7, No. 2, 1996, pp. 76-80; see p. 78.

Democracy and freedom of thought are tools that Muslims should use to achieve their community's goals and defend its interests.

The ranks of Islamic modernists include Rifa'ah al-Tahtawi (1801-1873), Sayyid Jamal al-Din al-Afghani (1838-1897), Muhammad Rashid Rida (1865-1935), Muhammad Iqbal (1873-1938), and Ali Shariati (1933-1977).[1] Among the contemporaries, one can refer to the President Mohammad Khatami (1997-2005—Iran), Chandra Muzafffar (Malaysia) and Nurcholish Madjid (Indonesia).

***The Muslim Secularists*:** Secular Muslims look to the experiences of the secular West as guiding models in an effort to promote their country's development. Secularists often support policies and programs that are grounded in pragmatic foundations. Muslim secularists are reluctant to replace secular laws with *shari'a*. To secularists, Islamic practices, such as *shura* and *baya* have failed to uphold individual political participation and to constitute democratic accountability on the part of the governments.

In recent years, we have seen the convergence of some elements of the religious and secular women on matters relating to divorce law, child custody rights, and alimony. These reformist women, both religious and secular, have worked together to build a consensus on at least some issues, including the prevention of domestic violence and the promotion of gender equality. Since the late 1990s, these groups have participated in elections, have been active as legal staff in the Islamic courts, and have significantly contributed to the literature on women's rights in Iran. The result has been a vibrant intellectual setting imbued with flourishing ideas about universal human rights and women's rights.[2]

Iranian feminists—Islamic and secular—have argued that the global movements for democracy and women's rights are inextricably intertwined and that women's quest for equality and emancipation is universal rather than Western.[3] In opposition to the early years of the

1. Mir Zohair Husain, op. cit. p.129.
2. Mehranguiz Kar, "Women's Strategies in Iran from the 1979 Revolution to 1999," in Jane H. Bayes and Nayereh Tohidi, eds., *Globalization, Gender, and Religion: The Politics of Women's Rights in Catholic and Muslim Contexts*, New York: Palgrave, 2001, pp. 177-201; see pp. 198-199.
3. Nayereh Tohidi, "The Global-Local Intersection of Feminism in Muslim Societies: The Cases of Iran and Azerbaijan," *Social Research*, Vol. 69, No. 3, Fall 2003, pp. 851-887; see p. 860.

Islamic Republic that emphasized a restrictive and homogeneous gender identity, Iranian women have, since the 1990s, successfully constructed more inclusive, multiple, and fluid identities based on the creative synthesis of Iran's local traditions, Islamic influences, modern aspects, and Western/global pressures.[1]

A new configuration of Islam, revolution, and feminisms is emerging in Iran.[2] Women's press in Iran has become a primary vehicle to demonstrate how secular and Islamically oriented women have reconstructed and redefined the status and role of women. A coalition of secular and Islamic feminists, some of whom became members of Majlis (parliament), has begun to work with "reformist parliamentarians to contest the codified and institutionalized privileges of men over women."[3]

After winning the 2003 Nobel Peace Prize, Shirin Ebadi, who is known as a secular Muslim feminist, noted that "the Qur'an does not contradict human rights. It is not Islam that is responsible for the failure to honor human rights, but the corrupt regimes in Muslim countries, which to my regret use religion as a justification for their illegitimate governments."[4] Supporting reformed Islam, Ebadi has argued that human rights abuses throughout the Muslim world are politically contingent acts perpetrated by state elites, facilitated by a patriarchal culture, and reinforced by Islamic extremists—all in the name of Islam.[5]

As ardent exponents of modernization, secularists have at times appeared as effective populist politicians (Mohammad Ali Jinnah and Zulfiqar Ali Bhutto of Pakistan, Anwar Sadat of Egypt, and Saddam Hussein of Iraq). Current secular leaders of the Middle East and North Africa, including King Abullah (Jordan), King Hussein II

1. Ibid., p. 862.
2. Afsaneh Najmabadi, "Feminism in an Islamic Republic: Years of Hardship, Years of Growth," in Yvonne Yazbeck Haddad and John L. Esposito, eds., *Islam, Gender, and Social Change*, New York: Oxford University Press, 1998, pp. 59-84; see p. 60.
3. Valentine M. Moghadam, *Modernizing Women: Gender and Social Change in the Middle East*, second edition, Boulder, CO: Lynne Rienner Publishers, 2003, p. 218.
4. Quoted in *International Iran Times*, October 17, 2003, pp. 1 and 3.
5. For further discussion on this subject, see Mahmood Monshipouri, "The Road to Globalization Runs Through women's Struggle: Iran and the Impact of the Nobel Peace Prize," *World Affairs*, Vol. 167, No. 1, Summer 2004, pp. 3-14; see p. 6.

(Morocco), Ben Ali (Tunisia), Qaddafi (Libya), Mubarak (Egypt), and Musharraf (Pakistan), are similar in some ways and different in others. With the exception of Iran (since the 1979 Islamic Revolution), Sudan (under the Bashir/Turabi alliance), and Afghanistan (under the Taliban), the Muslim world is ruled by secular regimes.

Muslims in the West

During the long process of modernization and secularization since the sixteenth and seventeenth centuries, Europe defined Islam as "the other," with the latter having a reputation for embracing fanatic and militant ideologies. The image of Islam has been distorted in the Western world: "The view of Islam as a faith that made no separation between religion and politics deepened its image as fundamentalist, dangerous and backward."[1] Furthermore, as one observer reminds us, "most European countries do not officially recognize Islam as the second largest religion in Europe. It follows that Islamic communities cannot enjoy many of their civil and religious rights."[2]

Much has been made of the issue of women's dress in Europe. In both England and France, headscarves were seen as posing a threat to these countries' cultural pluralism and multiculturalism. In England, the negative responses to the female Islamic headscarves in the schools have been justified in the name of maintaining a homogeneous social image, while at the same time claiming that *hijab* emphasized women's inferior status in Islam and was antithetical to the idea of gender equality.[3] In France, where the expression of Muslim or Arab identity was deemed a regressive tendency and thus inhospitable to the continuing process of national integration, such resistance finally culminated in the passage of a new law banning the veil in public schools in February 2004.[4]

Furthermore, Muslim immigrants in European countries are seen in a wide variety of ways. Terrorist attacks by radical Muslims are

1. Ghada Hashem Talhami, "European, Muslim and Female," *Middle East Policy*, Vol. XI, No.2, Summer 2004, pp. 152-168; see p. 154.
2. Sami Al-Khazendar, "The Political Obstacles Encountering the Euro-Muslim Coexistence," *Alternatives: Turkish Journal of International Relations*, Vol. 3, No. 2 and 3, Summer and Fall 2004, pp. 67-97; see p. 81.
3. Ghada Hashem Talhami, "European Muslim and Female," op. cit., p. 163.
4. Ibid., pp. 163-167.

taken as substantiating negative stereotypes about Islam and all Muslims. The coming of family members to join their relatives in France is viewed as a drain on public resources and social services.[1] Human rights are not fully observed in some parts of Europe, given persistent racial violence against those identified as foreign and continuous discriminatory policy action against them. The differences in the treatment of "natives" and "migrants," to the extent that they relate to gaining access to and enjoying a full range of civil rights, represent yet another hurdle to achieving equal rights.[2] Under such circumstances, the transnational flow of labor in the globalizing economy is bound to generate discourses that further substantiate the proposition that "one's identity and position matter to one's proper claims to rights."[3]

Some observers provide a contrasting view of the West's expanding Muslim population. They argue that the increasing presence of Islam in the West may accelerate a process similar to the Christian Reformation. Western Islam is likely to become more "secularized." Over time, Muslim communities in the West may develop a substantial influence on secularization and minority rights in the Middle East itself.[4] Muslims in the West may promote certain socially conservative Islamic values that are not necessarily inconsistent with mainstream, conservative values of Westerners, such as promoting family values, restricting abortion rights, castigating sex and violence in the movie industry, and maintaining drug-free communities.[5]

As Islam becomes domesticated in the West, especially in North America, it will inexorably take on many aspects of Western culture and society in the process. Islam's inherent capacity to invent and

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1. Abdullahi An-Na'im, "Human Rights and Islamic Identity in France and Uzbekistan: Mediation of the Local and Global," Occasional Paper, Claus M. Halle Institute for Global Learning, Emory Law School, Atlanta, Georgia, pp. 3-44; see p. 15.
2. Kristen Hill Maher, "Who Has a Right to Rights? Citizenship's Exclusion in an Age of Migration," in Alison Brysk, *Globalization and Human Rights*, Berkeley: University of California Press, 2002, pp. 19-43; see p. 25.
3. Ibid., pp. 37-38.
4. Graham E. Fuller and Ian O. Lesser, *A Sense of Siege: The Geopolitics of Islam and the West*, Boulder, CO: Westview Press, 1995, pp. 88-95.
5. Mahmood Monshipouri, "The West's Modern Encounter with Islam: From Discourse to Reality," *Journal of Church and State*, Vol. 40, No. 1, Winter 1998, pp. 25-56; see p. 38.

reinvent its traditions as well as to alter and be changed by various cultures and societies cannot be underestimated.[1] This is, in Frederick M. Denny's words, "a great advantage in parts of the world that are highly secularized and lukewarm if not indifferent or even hostile to religion. Muslims can freely call their fellow humans to Islam in a great variety of ways…, especially in the West."[2]

Still another view holds that an Islamic presence in the Western world on a significant scale may begin to reverse the wheels of the perceived cultural homogenization: "Values will begin to mix, tastes compete, and perspectives intermingle, as a new moral calculus evolves on the world scene."[3] In the fluid postmodern age, individuals can no longer escape multiple and overlapping identities. One can be both a devout Muslim and a loyal citizen of a non-Muslim country. Such eclecticism, which reinforces tolerance of others, lessens the likelihood of cultural confrontation. Islamic doctrine has always encouraged global participation.

Aside from the phenomenon of multiple identities, a new style of assimilationism has, since the early 1990s, emerged among many Muslim minority communities: integration without full assimilation.[4] The alarm caused by extremism, such as the bombing of the World Trade Center in New York and the September 11, 2001 attacks in the New York and Washington, D.C., has obscured the fact that most Muslim communities in the West are strongly adaptationist in style.[5]

Furthermore, the networks of associations among Muslims in some European countries, such as France and Germany, have helped maintain and strengthen cross border feelings. Such overarching solidarity does not point necessarily to the existence of a unified and homogenous

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1. Dale F. Eickelman and James Piscatori, *Muslim Politics*, Princeton, N.J.: Princeton University Press, 1996.
2. Frederick M. Denny, "Islam and the Muslim Community," in H. Byron Earhart, ed., *Religious Traditions of the World: A Journey Through Africa, Mesoamerida, North America, Judaism, Christianity, Islam, Hinduism, Buddhism, China, and Japan*, New York: Harper Collins, 1993, pp. 603-712; see p. 703.
3. Ali A. Mazrui, "Pretender to Universalism: Western Culture in a Globalizing Age," *Global Dialogue*, Vol. 3, No. 1, Winter 2001, pp. 33-45; see p. 38.
4. John Obert Voll, *Islam: Continuity and Change in the Muslim World*, Syracuse, New York: Syracuse University Press, 1994, p. 366.
5. Ibid.

Muslim network in Europe. "Islam in Europe," Valeri Amiraux notes, "is a complex series of entities, not a community. September 11, 2001, should prevent any temptation to confuse believers and activists."[1]

Undoubtedly Islam provides a unique locus of identity for Muslim immigrants by giving them a basic sense of meaning and selfhood.[2] The growth of pluralism in the West has facilitated the building of a Muslim distinctive religious and socio-cultural space. Caught between Islamic and Western cultures, that space is not eroded by pluralist social environments.[3] In short, while assimilation is resisted, integration is conceded by Western Muslims who wish to preclude the risk of losing their sense of identity.

The difficulties that Muslims face in terms of integration without the loss of identity are not unique to the Muslim minorities in the West; they are typical among minorities throughout the world. Today, at least one-third of Muslims live in minority situations and represent a broad range of understandings of Islam.[4] This situation demands intra-Muslim ecumenism and the necessity of promoting inter-religious ties with other faith communities.

The key here is the principle of reciprocity in the freedom of religious expression and movement. It is just as important to note that Christians and Muslims collaborate on many global problems such as international trade, poverty, hunger, starvation, migration, refugees, ecological and environmental issues, and the dangers of spread of weapons of mass destruction and deadly diseases like AIDS. It is no longer plausible to perceive of Christian-Muslim relations in terms of relations between Islam and the West, because today the centers of Christianity and Islam have shifted to Africa, Asia, and the Americas, and the fluid nature of modern society has led to a retreat from geographic separation.[5]

1. Valerie Amiraux, "Restructuring Political Islam: Transnational Belonging and Muslims in France and Germany," in Azza Karam, ed., *Transnational Political Islam: Religion, Ideology and Power*, London: Pluto Press, 2004, pp. 28-58; see p. 49.
2. Mustafa Malik, "Muslims Pluralize the West, Resist Assimilation," *Middle East Policy*, Vol. XI, No. 1, Spring 2004, pp. 70-83; see p. 72.
3. Ibid., pp. 79-81.
4. Khurshid Ahmad, "Islam and the West: Confrontation or Cooperation?" *The Muslim World*, Vol. 85, No. 1-2, January-April 1995, pp. 63-81; see pp. 74-81.
5. Bert F. Breiner and Christen W. Troll, "Christianity and Islam," in John L. Esposito, ed., *The Oxford Encyclopedia of the Modern Islamic World*, Oxford: Oxford University Press, 1995, Vol. 1, pp. 280-286.

Cyber Communications and Muslim Communities

The unprecedented access of Muslims to sources of information and knowledge in the global age has contributed to a wide variety of debates and exchanges about civil society, the rule of law, and democratization. This has created a religious public sphere in which all Muslims could participate. At the same time, many Islamic groups and parties have set up websites, like the *Ikwan al-Muslimeen* (Muslim Brotherhood) in Egypt, the *Jama'at-e Islami* in Pakistan, the Islamic Movement in Palestine (*Hamas*), and the *Hizbollah* in Lebanon, illustrating how Muslims are using technology for creating a virtual pluralistic community.

This so-called *ummah* that Islamists are promoting is a transnational one, or even a virtual one, through the *Internet*. Islamists who once pushed for the creation of an Islamic state—so the argument runs—have given way to neofundamentalists who tend to concentrate on individuals and shun purely political issues.[1]

The claim that the increased information and knowledge about Islam on the Net has resulted in the formation of a virtual community of Muslims is well documented. This claim nevertheless fails to address how would such a global electronic web of people, ideas, and interaction on the Internet, which is unrestricted by the borders of the geopolitical world, lead to or undermine the moral convergence with the rest of the world. Cyberspace could simultaneously intensify identity issues and those related to transnational ties and interests among varying individuals, groups, and communities.

Similarly, the central theoretical problem for the populist Islam is the absence of a clear link between cyberspace and consolidation and growth of Islam.[2] Although the Internet has accelerated pluralism in the Islamic community, largely in terms of the availability of information, its impact on the believers' minds is as yet unclear.[3] What is clear is that these cyber communications are affecting processes of identity formation,

1. Olivier Roy, *Globalized Islam: A Search for a New Ummanh*, New York: Columbia University Press, 2004.
2. Bahman Baktiar, "Cybermuslim and the Internet: Searching for Spiritual Harmony in Digital World," in M.S. Bahmanpour and H. Bashir, eds., *Muslim Identity in the 21st Century: Challenges and Modernity*, London: Institute of Islamic Studies, 2000, pp. 219-231; p. 221.
3. Ibid., p. 221.

demonstrating less coherence and correspondence with established institutionalized sources of information in the community.[1]

Reshaping of the Human Rights Framework

In the 1980s and early 1990s, Muslims attempted to define their own *Codex Islamicus* for human rights by drafting the Cairo Declaration on Human Rights in Islam. Those efforts illustrate that Muslim states are in fact responding to intellectual pressures to modernize their human rights codex. But it does not suggest that Islam is transforming from a trans-statist to a sub-statist doctrine. For many Muslims, however, Islamic personal ethics represent a code of conduct they willingly undertake as an act of private worship.

There has also emerged an inward-looking view among some segments of the Muslim societies, including the media pundits, intellectuals, and business elite.[2] Muslim societies' internal preoccupations are arguably far more significant in the long run than anti-Westernism.[3] Increasingly, Muslims have come to realize that the nature of state-society relations would have to undergo a drastic change were they to enjoy democratic rights and basic freedoms. All Muslim states have ratified at least one international human rights treaty. Over seventy percent of the members of the Organization of the Islamic Conference (OIC)—that is, forty of its fifty-six member states—have ratified both the International Covenant on Civil and Political Rights and the International Covenant on Economic and Social Rights.[4] With the exception of Somalia, all OIC member states

1. Ibid., p. 225.
2. Neil MacFarquhar, "Muslim Scholars Increasingly Debate Unholy War," *The New York Times*, December 10, 2004, pp. A1 and A12.
3. James Piscatori, "The Turmoil Within: The Struggle for the Future of the Islamic World," *Foreign Affairs*, Vol. 81, No. 3, May/June 2002, pp. 145-150; see p. 150.
4. The Organization of Islamic Conference includes: Afghanistan, Albania, Algeria, Azerbaijan, Bahrain, Bangladesh, Benin, Brunei-Darusalaam, Burkina Faso, Cameroon, Chad, Comoros, Cote d'Ivoire, Djibouti, Egypt. Gabon, Gambia, Guinea, Guinea-Bissau, Guyana, Indonesia, Iran, Iraq, Jordan, Kazakhstan, Kuwait, Kyrgyzstan, Lebanon, Libya, Malaysia, Maldives, Mali, Mauritania, Morocco, Mozambique, Niger, Nigeria, Oman, Pakistan, Palestine, Qatar, Saudi Arabia, Senegal, Sierra Leone, Somalia, Sudan, Surinam, Syria, Tajikistan, Togo, Tunisia, Turkey, Turkmenistan, Uganda, United Arab Emirates, Uzbekistan, and Yemen. Of these the following countries have yet to ratify CEDAW: Afghanistan, Bahrain, Iran, Mauritania, Qatar, Saudi Arabia, Somalia, Sudan, Syria, United Arab Emirates, and Palestine. For more details, see UNDP, *Human Development Report 2000*, New York: Oxford University Press, 2000, pp. 48-51.

have ratified the Convention on the Rights of the Child. The United States remains the only Western country that has refused to ratify the Convention on the Rights of the Child.

The Muslim world has, in defense of the downtrodden and the underprivileged, taken on the challenge of addressing structural causes of injustice by acknowledging that human rights are not solely confined to civil-political rights. The achievement of economic, social, and cultural rights (especially "the right to development") must be regarded as an important component of safeguarding human rights. The Muslim world has rightfully pointed to the fact those economic rights proclaimed in the Universal Declaration of Human Rights, especially Articles 25-1 ("everyone has the right to a standard of living adequate for the health and well-being of himself and his family, including food, clothing, housing, and medical care") and Article 28 ("everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realized") cannot be fulfilled for the vast majority of inhabitants of the Third World living in abject poverty in view of the current unjust international economic order.

To avoid abstract and false universalism and Western hegemony under the globalization rubric, the Muslim world's participation in the rights-creation process is imperative. The articulation of a "right of civilizational participation" is integral to the normative reconstruction of a legitimate world order based on cultural identity, difference, and self-definition.[1] This reconstruction can and should be achieved not at the expense of fundamental freedoms, including civil-political rights as well as economic and social rights. Rather, what is needed is a rethinking of the Western human rights framework that recognizes diversity of cultures while conferring and protecting individual and collective identity. The right to one's identity must be safeguarded within the framework of the right to cultural self-determination.

Claims of universality of human rights need to be negotiated within the international discourse with a view toward building a consensus among different civilizations. The neglect of civilizational participation for Islam has produced a series of partially deformed institutions,

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1. Richard A. Falk, *Human Rights Horizons: The Pursuit of Justice in a Globalizing World*, op. cit., pp. 152 -163.

practices, and perceptions. There is also a wide range of intracivilizational differences in Islam that need to be democratically and nonviolently negotiated as part of constructing a human rights paradigm.[1]

The participation of different civilizations in the formation of human rights norms is both desirable and necessary. Cultural differences must be negotiated "as part of an effort to create a world in which all people should be free to deliberate, develop, and choose values to help them live more equitable and fulfilling lives."[2] The present mentality that sets the universal against culture must be discarded. Andrew J. Nathan questions the universal forms of rationality and the manner in which such notion of rationality tends to undermine culturally particular values. Nathan argues that it is a fallacy to argue that whatever is culturally valued cannot be conceived of as universal. It is important to realize, Nathan continues, that all social facts and all values are culturally situated. Such recognition would dissolve the dilemma between the universal and culture and "might open new prospects not only for the human rights debate but for the study of culture more generally."[3]

While Western scholars view human rights as liberating ideas and tools, some Muslim analysts regard the human rights movement as a post-colonial tool of cultural imperialism. Enlightenment philosophers began with the individual and his/her sense of experience as a core value, thus privileging the individual over the community. Muslim philosophers, in contrast, began with the nature of community as a core unit of analysis. The Islamic principles, which emphasize a communitarian view of human rights, accord priorities to the rights of state, society, and collective identities/interests over individual rights.[4] Given these cultural and contextual differences, and given the existing inequality of power, wealth, and levels of economic development in the world, the real question becomes: how are we to foster a global consensus on international human rights? One viewpoint holds that a cross-cultural dialogue may indeed be essential for "mitigating differentials in power

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1. Ibid., p. 149.
2. Lynda S. Bell, Andrew J. Nathan, and Ilan Peleg, "Culture and Human Rights," in Lynda S. Bell, Andrew J. Nathan, and Ilan Peleg, *Negotiating Culture and Human Rights*, New York: Columbia University Press, 2001, pp. 3-20; see p. 12.
3. Ibid., p. 19
4. Maimul Ahsan Khan, op. cit., p. 117.

relations in the present context of economic and technological globalization."[1] This observation, however, admits that until such differentials in the global power structure and levels of economic development are properly redressed, it is hard to imagine how meaningful progress toward building such a consensus is practical and sustainable.

Toward an Intercultural Dialogue

Globalization has reinforced different, and sometimes contradictory, processes and trends. Globalization has given rise to the global flows of information, trade, and ideas on the one hand and it has revitalized religious and cultural identity (both individually and collectively) on the other. As a process, however, it has left unanswered the extent to which people living in a globalizing world would empathize with the culture of "the other."

The permeation of rights discourse in the Muslim world, made possible largely by increasing international communications and mass education, has opened up an enormous rhetorical as well as institutional space for many Muslims who hope to reconcile their cultures and faith with universalism.[2] At the same time, the expansion of self-awareness and civilizational identity has reinforced a return to Islamist rights talk. That is, Islamic identity has been reasserted through activities aimed at protecting and promoting human rights within the Muslim world.

As globalization has intensified, concerns have been raised over whether Muslim countries will lose the ability to control their own economies, their status in the global distribution of power, and, most importantly, their cultural assets. The ways in which identity and rights intersect will become increasingly crucial to the discourse of universal human rights in coming years. Our fourfold typology of Muslim viewpoints might provide some answers, albeit tentative, to the question of whether or not the human rights paradigm has gained in legitimacy throughout the Muslim world.

1. Abdullahi An-Na'im, "Human Rights and Islamic Identity in France and Uzbekistan: Mediation of the Local and Global," Occasional Paper, Claus M. Halle Institute for Global Learning, Emory Law School, Atlanta, Georgia, pp. 3-44; see pp. 6-7.
2. Charles Kurzman, "The Globalization of Rights in Islamic Discourse," in Ali Mohammadi, ed., *Islam Encountering Globalization*, pp. 131-155.

This study has also argued that the exclusion of the Muslim world from participating in the human rights discourse is untenable. It is possible and imperative to develop a set of non-ethnocentric universal values through argumentation.[1] It is also the case that participants in the intercultural dialogue must be open to internal and external legitimate criticisms. The willingness to critically reflect on one's own local culture and practices is of great importance to maintaining any sustainable intercultural dialogue. To accord the Muslim world a right of participation based on civilizational identity is equally central to constructing universally valid human rights.

Establishing a human rights framework, which is not only visible in the actual practices of the states but also is reflective of cultural/moral diversity, is a good place to start the intercultural dialogue. The diversity of Muslim countries and Islamism must also be appreciated in any discussion of Islam's role in world affairs. The common good both of humanity as a whole and of the planet itself requires the renegotiation of principles and procedures between and among cultures and civilizations that constitute the global civil society. This renegotiation is premised on the idea that global inclusiveness recognizes universal norms while allowing for cultural distinctiveness.[2]

The task of expanding the dialogue between the Muslim and Western worlds must be a mutual one. The Muslim world's archaic and unfit traditions and laws (such as stoning to death in the case of adultery, amputation for theft, and proscribing apostasy in situations of voluntary renunciations of one's religious faith) must be discarded. Similarly, the Western world's normative hegemony and cultural intrusions into Muslim countries' local circumstances must be discontinued. Western countries have failed to demonstrate consistent acceptance of collective/group rights as well as economic, social, and cultural rights (e.g., the right to education, employment, adequate standard of living, etc.). Their policymakers have thus far shied away from providing any concrete definition and implementation processes by which such human

1. Bhikhu Parekh, "Non-Ethnocentric Universalism," in Tim Dunne and Nicholas J. Wheeler, *Human Rights in Global Politics*, Cambridge: Cambridge University Press, 1999, pp. 128-159; see p. 158.
2. R. Dean Peterson, Delores F. Wunder, and Harlan L. Mueller, *Social Problems: Globalization in the Twenty-First Century*, Upper Saddle River, NJ: The Prentice Hall, 1999, p. 69.

rights are taken seriously.[1] Western countries must become full parties to the UN Covenant on Economic, Social, and Cultural Rights if a general consensus on universal human rights is to emerge (the United States has yet to endorse the socioeconomic and cultural rights presented therein).

Both civilizations must engage in the cultural mediation of the local and global.[2] As John O. Voll has so aptly reminded us, as scholars "we cannot accept the differences between cultures as being so great as to be unbridgeable."[3] There has emerged a global consensus on certain rights that are so fundamental and non-derogative that no form of cultural diversity can justify their absence. These include, among others, free elections, political participation, free press, peaceful protest, individual and organized dissent, and the rule of law. To this list, one must add freedom from torture, freedom from hunger, freedom from discrimination, and freedom from extra-judicial killing. To argue that these rights are context sensitive and culturally contingent is politically self-serving and morally suspect.

To conclude, the West may find it prudent to support moderate and reform-minded Islamists, who seek cooperation and dialogue as a way of rapprochement between the people of different faiths. Although living in the West has had a moderating influence on Islamic identity of some Muslim immigrants, it has intensified the cultural and ritual activities of others. Of the false tenets of globalization that remain today, the most pernicious one is the idea that global communications and market forces are certain to create a global community and identity. On the contrary, the defining emergent reality of our times is not "the global village," but a world of cultural diversity and multiple/overlapping identities.

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1. Abdullahi An-Na'im, "Area Expressions and the Universality of Human Rights: Mediating a Contingent Relationship," in David P. Forsythe and Patrice C. McMahon, eds., *Human Rights and Diversity: Area Studies Revisited*, Lincoln, Nebraska: University of Nebraska Press, 2003, pp. 1-21; see pp. 6-7.
2. Abdullahi An-Nai'm, *Human Rights and Islamic Identity in France and Uzbeckistan*, op. cit., p. 37.
3. John O. Voll, "For Scholars of Islam, Interpretation Need Not Be Advocacy," *Chronicle of Higher Education*, March 22, 1989, p. 48.