

Islam and Human Rights: Tradition and Politics, 2nd Ed.

By Ann Elizabeth Mayer. Boulder, CO: Westview Press, 1995.

Professor Mayer's second edition of her *Islam and Human Rights*, like the first edition, aims essentially to study comparatively "selected civil and political rights formulations in international law and in actual and proposed rights schemes purporting to embody Islamic principles, with a critical appraisal of the latter in terms of international law and Islamic jurisprudence" (p. xi). While acknowledging that the title of her book is misleading (because it is not only Islam that determines a Muslim's attitude), by the end of the book the reader finds that the different conservative interpretations of Islam that developed during the Middle Ages and are kept within authoritative books of jurisprudence are

made responsible for Muslims' dealing with human rights issues. However, the author does not elaborate much on the repression of secular regimes, which adhere neither to international human rights nor to medieval Islamic legal thinking. The question then relates not to Islam as such, but to the nature of politics that is being exercised, whether in the name of Islam or secularism.

Mayer is emphatic in not attributing repression to Islam and is very keen to recognize the multiplicity of ideas and trends within the Islamic world today toward the issues of human rights. But what unifies these different trends is their heavy reliance on religious principles of Islamic sources—meaning medieval books of jurisprudence and not the Qur'an or the Sunnah. For Islam, whatever that may mean to the author, is used for both political protest against undemocratic regimes and for repression by these regimes. In other words, Islam has not specified what is equivalent to international human rights and has no proper scheme for human rights. But had the author looked at the original texts of the Qur'an and the Sunnah, she could have developed a scheme of rights that then could be compared to the international human rights standards. Again, the medieval Islamic literature is not devoid of a scheme of rights, though they may not be exactly what she wants to label as a scheme of human rights.

She focuses on the use of Islamic law since World War II in order to formulate distinctive Islamic approaches to human rights. Here, too, she is very keen to direct her criticism to the application of human reason in deriving human rights and not to "Islamic sources and the core doctrines of Islam as a religious faith" (p. xii). She levels her critique on the misrepresentations of comparative legal history and failure to take into account the impact of the nation-state on the contemporary rights situation, ignoring the significance of the disintegration of the institutions of traditional societies, the insufficient grasp of international rights principles, imprecise legal methodologies, evasive and ambiguous formulations, and misleading terminology. All these flaws she attributes correctly to the failings of human authors, not to Islam.

Furthermore, she explains the problem of interpreting the Islamic sources. She argues that Islam has historically been decentralized and has included a wide range of views and attitudes because the Islamic legal tradition has been a culture of argument. However, the tradition of tolerance and argument about the meaning of the Islamic sources has been repudiated by many persons today. Moreover, she explains that the secondary literature available in the West on Islam and human rights is misinformed, and she delineates the following problems: inability to explain the criteria to pinpoint what Islamic law is, confusion between historical patterns and principles, the idea that human rights as a recent legal transplant requires adjustment, and comparisons between Islamic rights and the international ones as being mostly underdeveloped or superficial.

She is equally critical of governments that claim absolute Islamic authority, which allows them to justify their human rights violations. Prof. Mayer argues that some governments' claims of different schemes for Islamic human rights create major contradictions to international human rights and justify the discrimination against women and religious minorities, as happened with the new Islamization programs of the Sudan, Pakistan, and Iran.

Mayer builds her analysis on her belief "in the normative character of the human rights principles set forth in international law and in their universality" (p. xv). She has no hesitation in looking at these rights as universally valid. While in one way or another, different cultures have produced diverse rights, the

nonconformity of a particular culture to Western models of rights does not necessarily preclude the existence of different schemes of rights. But because Professor Mayer looks at the international human rights (which were in fact developed within the context of Western conflicts and wars) in a nonhistorical manner, then she is able to position them in an absolute manner. Mayer would have done better if she had looked at the categories of rights rather than at specific rights reflecting how one (i.e., Western) culture sees them. Thus, when dealing with the right of belief and while acknowledging that Islam provides that right, she nonetheless insists on the Western origin of that belief and refuses any allusion to any historical Islamic influence—though hundreds of studies now show the impact of Islam on the West generally. The Islamic right of belief cannot be treated like the Western or international right. The main Islamic texts, the Qur'an and the Sunnah, assert the freedom of people to believe or not to believe. However, apostasy is different from freedom of belief, since it indicates not only a different belief but treason against an Islamic state. The Prophet himself treated the hypocrites as Muslims insofar as they did not work against the state, while the first caliph, Abu Bakr, treated a group of Muslims who refused to pay their financial dues as apostates and fought them. Thus, belief and apostasy are treated differently in an Islamic context where an Islamic state exists. In this sense, one has to make a very sharp distinction between Islam as a belief system and Islam as a form of state. Islam as a belief system should be compared to other religions and not to the modern Western state. On the other hand, specific Islamic laws, like that of apostasy, should be treated in the context of the state and must be compared to treason in the Western state. This, however, is not to deny that many states have historically misused what Islam even considers as Qur'anic rights—the complete individuality of women, the right of minorities, and other important issues that the author raises.

Mayer shows that the Middle East is undergoing basic changes and that new formulations of Islamic doctrines are developing. There is popular support for democratization and human rights. The international version of human rights is used to curb the authoritarianism of the regimes. However, there is no single authoritative Islamic model for human rights. Some Muslims accept the compatibility of Islam with international human rights, some reject it as un-Islamic, yet others compromise Islamic human rights with international human rights. Thus, she uses what she refers to as the "middle-ground position" that is best reflected in the Islamization programs of Iran, Pakistan, and the Sudan—but why not Egypt?

Then she compares this "middle-ground position" with international human rights in order to delineate the differences. Her belief in the absolutism of human rights make her dismissive of obstacles to comparison. For instance, while the Western critique of human rights in the Middle East is seen as the outcome of Western hypocrisy and double standard, because of the Western history of colonialism, and because of its own history of genocide, racism or sexism, she dismisses this problem as being employed by regimes like Iran to maintain its grip on society. She further argues that if the West is hypocritical, this should not threaten the validity of human rights standards.

While it is true that violations by Western regimes do not deny the validity of human rights in principle, it still denies those regimes and their institutions the right to judge the moral standing of other non-Western regimes. The West created this philosophy of international or Western human rights against Western

genocides and world wars and not against the background of the West's relations with the colonized. Furthermore, it is not only the regimes that accuse the West of double standards, but also the peoples of the Middle East, both Christians and Muslims. While Middle Eastern regimes misuse this feeling, it is nonetheless a glaring fact for the people who have just seen what has been happening to Muslims in Europe's Bosnia, in France, or elsewhere. On the other hand, it does not mean that the people of the area are generally happy with their own regimes.

Mayer argues that the use of international rights standards does not reflect a racist assumption of Western superiority; rather, it reflects that the West and the East share a common humanity, which means equally deserving of rights and freedom. While it is true that many Western scholars look at the issue in this fashion, this still raises a very important philosophical question about the theoretical roots, which are not treated in the book but asserted as a belief. In the main Islamic sources, rights and freedom are religious duties and therefore their normativeness is categorical. However, most of the problems have been related to interpretations of the meanings of these texts in specific contexts: like the issues of minorities and women. On the other hand, international or Western human rights are human duties, and their normativeness is not categorical unless all people of the world accept them as such—which is not the case. However, most of the problems have been related to interpretation of the meanings of these texts within different cultures.

Put differently, while the Islamic texts have been loaded with rights, Muslims regard these rights as going beyond mere agreement of human groups. This is why Muslims have historically been more tolerant than other religions, and this is why Islamic states generally have not witnessed what the West have done on a large scale: genocides, religious persecution, racism, divine rights of kings, feudalism, and the like.

However, Mayer is correct in her description of the Islamization programs, and she provides valuable remarks and insights into the programs. Her focus on the conservative programs is a reflection of her interest in highlighting the violations of human rights committed in the name of Islam. On this she is right. The points raised above are made, however, in order to alert thinkers working in the field of human rights that the validity of international rights schemes could be questioned culturally and that broader categories of rights are needed. That modern Islamic thought must reflect the human concerns about rights and freedoms is a must, and many Muslim thinkers are currently trying to oppose the authoritarian nature of governments by resorting to both the Qur'an and international human rights, not as two separate entities but by developing certain schemes from the former in line with the latter.

The book is a very important, especially for people with an interest in and knowledge of Islamic politics, jurisprudence, and history. This is true because it highlights the problems with conservative Islamic legal thinking and state Islamization programs. Its focus is not on Islam as such, but on the conservative readings of Islam and the conservative attempts to bring together Islamic jurisprudence and international human rights. In fact, it brings together a vast knowledge of medieval Islamic jurisprudence with modern Western traditions of human rights to deal with very sensitive religious, political, and cultural concerns.

Ahmad Moussalli
Associate Professor of Political Science
American University of Beirut
Beirut, Lebanon

Women's Movements in the Arab World: A Comparative Study

By J. J. Gerschewski. Syracuse, NY: Syracuse University Press, 1984.

For the past decade or so, the Arab world has been the focus of a new wave of scholarly attention. This attention has been directed towards the study of the Arab world's political, social, and economic development. In the process, the role of women in the Arab world has become a subject of increasing interest. J. J. Gerschewski's *Women's Movements in the Arab World: A Comparative Study* is a book that contributes to this growing body of knowledge.

The book is a comparative study of women's movements in the Arab world. It is divided into three parts. The first part, "Introduction," discusses the importance of women's movements in the Arab world. The second part, "The Arab World," discusses the role of women in the Arab world's political, social, and economic development. The third part, "Conclusion," discusses the future of women's movements in the Arab world.

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