

The Islamisation of Human Rights: Implications for Gender and Politics in the Middle East

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Abstract This article argues that dynamics of localising human rights, while internationalising Islam are being played out in the realm of gender politics in the Middle East. Donor interest in supporting reform initiatives directed at 'the Muslim world', with a focus on their 'religious identity', has greatly influenced the kind of signals being mediated to local organisations. Against this global trend, local human rights organisations are responding by incorporating religious clergymen in their initiatives as partners and stakeholders. This alliance between human rights actors and clergymen is leading to a re-invention of the mode of engagement with cultural issues, as the clergy play the role of mediators between the realm of the human rights and the religious. This article suggests that an Islamisation of human rights discourse and forms of engagement is occurring, but only in relation to women's rights issues, an arena conventionally mediated through religious law.

1 Introduction

Throughout the last three decades, the relationship between the local and the international has experienced structural changes. Civil society has emerged and is playing an increasing role representing the voice of the international community locally and the voice of the local community internationally. In return, religion is no longer regarded as purely a local faith-based and ideological system; it has increasingly become a firm expression of identity within a global paradigm, which simultaneously constricts and promotes identities. The ascendancy of international and local demands on promoting democracy and human rights is thus matched with a corresponding rise in the ideological calls for preserving identity and restoring the true self.

Historically, the encounter between human rights and religion came in a tense and changing arena in both political (changes in the role of the state and the emergence of civil society) and cultural senses (the heightened debate and conflict over identity). The relationship between the two parties became entrapped within the

politico-cultural debate between the foreign and the domestic or the alien and the traditional – a debate that has governed the structure of Muslim and Arab thought since the beginning of modernisation.

Traditionally, the local sphere was the arena for these kinds of cultural political disputes. Yet, under current circumstances, the scope of argument has broadened and the parties involved are more diverse: political actors, the media, rights groups, academic institutions and domestic and trans-national religious groups.

This article aims to shed light on this controversial issue – the relationship between religion, 'Islam' and human rights. It argues that the relation between Islam and human rights is a highly dynamic process. It consists of confrontations and compromises. To understand this dynamism, it is critical to address the historical and political contexts where Islam and human rights interact. The article presents the current debate on Muslim family law reforms as an example of the interaction between the two parties. This raises a critical question: is the

women's rights discourse being Islamised? This is discussed in the light of the Egyptian experience in the field of human rights in general and in the field of women's rights and the reform of personal status laws.

2 The dialectical relationship between Islam and human rights

Introducing human rights into the local reality coincided with the internationalisation of Islam within the framework of the dialogue of civilisations. This poses new dialectics of engagement between the foreign and the domestic. The 1980s, which witnessed the emergence of an indigenous movement by local non-governmental organisations (NGOs) to disseminate human rights, was the very decade that experienced the beginning of the rise of Islam as a political phenomenon transcending national borders. Interactions between religion (Islam) and human rights started to take place locally and abroad and on the borders of all nations as new non-state actors, such as the media and civil society, gained ground.

Since the 1980s, there have been significant developments internationally and locally: the withdrawal of socialism, the emergence of militant Islamic groups and of civil society. These represent a new context, where Islam and human rights met and interacted. In the same context, Islam became internationalised on one side of the equation of dialogue/clash of civilisations, which, in the mid-1990s, emerged as a new formula in the international arena before becoming pre-eminent after 9/11. Islam had been part of this equation since the beginning: the Islamic republic of Iran and other Islamic countries had played a central role in the international initiatives to make 2001 an international year of dialogue of civilisations. This dialogue clashed with the events of 9/11, instigated by militant Islamists. In this respect, culturally, politically and security-wise, Islam is now at the heart of the dialogue system.

The internationalisation of Islam coincided with an unprecedented international interest in culture and cultural diversity. This was met with a counter-movement deconstructing identity politics as a political and economic strategy of manipulation seeking to impose meaning rather than understand the reality from the ground – an opinion shared by Russell Jacoby:

The ongoing discussions on multiculturalism have the following characteristics: scarce economic and social analyses, inflated cultural approaches, an assumption that cultures have core disagreements, failure or inability to assess forces of similarities and homogeneity and lack of a vision or a political alternative. Accordingly, the relevant policies either overestimate familiar feelings (worthy of appreciation) in respect of all groups, or tend to be unjustifiably destructive.¹

For many international actors, 'human rights' was, in the main, preventive cultural political action against terror and radicalism. Teaching human rights aims to empower local groups to claim their rights and to disseminate a culture of tolerance, non-violence and acceptance of the other. The human rights mission is thus civilising in the face of oppressive authorities and radical Islam. The problem of the Islamic world appears to be mainly cultural.

It is well observed that when the international discourse addresses Islam, it does not deal with it as a religion *per se*, but as an integrated system combining history, geography and demography in one cauldron. The official discourse of President Bush's administration is the best example of this and which was, in essence, cultural racism. Nonetheless, reconciliation and dialogue were clearly visible in President Obama's speech in Cairo, at which his advisor, Ms Dalia Megahed (a veiled woman) was present. This was a symbolic gesture: engaging a veiled woman is commonly associated with cross-cultural interaction. Images of veiled girls are widely used in promotional materials circulated at conferences and other activities sponsored and supported by the international community to communicate with the Muslim 'world'. The process aims to illustrate the positive presence of Islamic communities in the international sphere, or positive outreach by the international community to local realities.

The post-9/11 phase had enormous influence on the vision and strategies of many international organisations concerned with supporting reform in 'Islamic communities' through dialogue, democratic reform and human rights. In this context, a new wave supporting research and intellectual and youth activities regarding Islam and dialogue between civilisations emerged. The

World Economic Forum's initiative on dialogue between Islam and the West with support from many institutions and agencies, is one example.² Institutions like the Carnegie Endowment for Peace and Freedom House have shown increased interest in Islam and democracy. There are also examples of dialogue between young people from Western and Muslim communities, for example activities and events concerning Islam and human rights, women's rights in Islam, reform of religious discourse, the use of *hijab* and *niqab* (head scarf and affixed face veil).

Donors are increasingly interested in funding initiatives that are more associated with Islam than was the case in the 1990s, when the focus was rather on supporting advocacy activities linked to civil and political rights. No wonder that many applications for funding incorporate today the participation of clergymen in their funding proposals, as partners or stakeholders. This is particularly observable in many projects dealing with culturally sensitive issues such as the reform of Personal Status Laws, female genital mutilation (FGM) and reproductive health. The idea of engaging through the religious is gaining currency and is also being widely promoted, based on the perception that what needs reforming is not the political or social reality but rather religious and cultural realities. The message is clear: sociopolitical reform can only be furthered through negotiating the religio-cultural. The role played by clergymen in awareness-raising and sensitisation activities by rights and development organisations has increased over the years. The ability of these kinds of projects to integrate clergymen has become an indicator of their success.³

At the political level, national authorities acted with a great deal of political pragmatism in the context of the ongoing debate on the dialogue/clash of civilisations, especially after 9/11. On the one hand, local governments saw the opportunity, in this cultural and political debate, to enact many freedom-restricting laws, under the pretext of anti-terrorism activities and to extend the enforcement of emergency (martial) laws – even adopting an Arab Anti-Terrorism Agreement, the most effective of Arab agreements to combat Islamist forces. On the other hand, governments have engaged in a negotiation process with the international community by trumping the 'cultural diversity' and 'specificity' cards to resist committing to

political and social reform that wants equal citizenship for all. The state is a partner to international agencies advocating for religious reform, as is evident from many Arab states' efforts to stimulate the rights discourse among the religious establishment.⁴

Furthermore, many Arab states have taken steps to show that they react positively to international obligations in the human rights field. For example, the Egyptian government has established specialist human rights institutions and works with international organisations to disseminate a human rights culture among police officers, judges and media professionals. It also promotes legal reforms in women and children's rights. However, the human rights records of all Arab states are still unsatisfactory. They all use cultural relativism to justify their failure to implement many rights and to attack or delegitimise local human rights groups. Paradoxically, the areas of significant religio-cultural sensitivities are those witnessing change backed by political support. Conspicuous examples include Egyptian laws on *Khol'* (divorce initiated by the woman) and the criminalisation of FGM and early marriage. Compare these to the ferocious resistance by the state to approve the right to association and most other economic and social rights – areas with no cultural or religious sensitivity. This has encouraged international organisations to support those areas in which the state shows a degree of political commitment to human rights.

3 The reform of the personal status law: new terms of engagement

It could also be claimed that the localisation of human rights and internationalisation of Islam are linked to broader processes that promote and trigger identity discourses. The spaces for negotiating human rights have opened up for 'enlightened' men of religion, Muslim 'feminists' and male and female academicians establishing local approaches that are more objective from their own points of view. The relationships have thus become more dynamic and politicised.

Consequently, in the majority of human rights organisations' training and education activities on human rights, these groups refer to Sharia and human rights approaches. Some, given the international situation after 9/11, became involved in limited, *ad hoc* intellectual activities

on Islam and human rights – including, for example reforming religious discourses, human rights in Islam, etc. Similarly, women’s rights groups have been cautious in approaching Sharia issues. Undoubtedly, focusing on gender equality issues has always positioned them within a highly-contested arena, forcing these groups, more than others, to engage with the discourse of religion. Nonetheless, many women’s organisations are reluctant to incorporate sensitive issues, such as sexual rights, into their agendas. What is clear here is that those issues that were originally dealt with by development groups rather than rights-based groups, made no clear reference to the rights approach and were supported by male religious figures and state representatives. These issues include reproductive health, sexual education and FGM, where there are clear links with discourses of religion, politics and development.

The centrality of religion in the debate on reforming personal status law is significant. The issue relates to influencing the rights discourse, as well as forming the rights groups themselves. Unlike other issues – civil, political or economic – discussed from a rights perspective, with regard to personal status, the religious discourses are relatively rigid, while women’s rights discourses are relatively flexible. Therefore, confrontation exists but compromise is also likely. It is no wonder that this is happening, as personal status law is the only law based on religious and sectarian rules. Given the specificity of this field, the two sides encounter each other and the religious discourse is wearing the rights cloak (mostly the case when the religious discourse responds to the rights principles) and religion is incorporated into the rights discourse (more the case in personal status than for all other fields of rights). This kind of dialectical relationship between religion and human rights is influencing the work of women’s rights groups in Egypt as well as other Arab and Islamic countries.

The experiences of rights groups in Morocco, Malaysia and Egypt reforming personal status laws are linked to the effective and sustainable role played by Muslim clergymen who seek to reconcile the rights and religion frames of reference. These men play a leading role in formulating the vision of the rights groups, in religious (Sharia) terms. The ‘enlightened’ men of religion play a key role, sometimes at the

forefront, symbolising the rights-related demands of the group as it appropriates more progressive interpretations of the Sharia.⁵ Moreover, throughout the long-term processes of family law reform, the spaces will be there for new generations who accept and disseminate a hybrid language articulating Islamic and human rights. This language may be unconsciously entrenched, especially among the new generations and new actors – meaning that the rights movement will have to regulate relations between citizens and religious subjects at the same time.

The same applies to the nature of alliances built and entered into by the rights groups concerned with reforming personal status laws. These alliances take place beyond the local communities, although they mostly operate within a geographical ideological plane – the ‘Islamic world’ and the international community. In this context, international agencies show an interest in supporting communication and dialogue among the groups demanding the reform of personal status laws in Muslim communities through conferences and field studies. Here, a new structure is being formed, where rights groups are no longer the main players, but are accompanied by religious jurists, men and women from academic circles, and women representing Islamic feminist trends. This brings about a new structure of traditional rights groups and the nature of their alliances.

4 Conclusion

The debate on personal status brings into play the notion of the ‘Islamisation’ of the rights-based discourse. As already mentioned, confrontation and compromise is an ongoing process that affects the formation and language of the women’s rights groups. To what extent will this process create a new equation? What impact will debate on family law reform have on the overall human discourse in Muslim communities? These questions are valid, especially among activists observing the ongoing changes to human rights language, particularly among new generations in the human rights field. To answer these questions, we need to realise that Islamisation is an ongoing process. Since the 1980s, there have been intellectual attempts to Islamise human rights by showing how some concepts of human rights are compatible with Islam and its political thought.

Such attempts, however, came from outside the human rights domain and competed for political visibility with the secular human rights movements,⁶ and thus did not have a significant religious impact on the human rights discourse. Generally, human rights activists used to refer to religion infrequently and rarely adopted religious language. However, with the family laws reform, the bargaining and negotiation currently going on between the rights groups and the members of religious communities is collaborative. In addition, there is clear evidence that religious language has been incorporated into the rights language. This begs the question whether the current contexts would lead to the Islamisation of the rights discourse, or at least, some elements of it.

The complete Islamisation of the rights-based discourse will be difficult to achieve. The type of interaction mentioned confirms the fact that religious discourse is only activated in limited fields of rights where it is an independent variable. In most fields of human rights, religious discourse only appears as a follower and is left with nothing other than adapting as an enlightening discourse, or isolating itself as a conservative one.

Notes

- 1 Arabic translation of Russell Jacoby (2001) *The End of Utopia, Politics and Culture in an Age of Apathy*, translated by Farouk Abdel-Qader, Alam El-Maa'rafa, Kuwait: National Council for Culture, Arts and literature; p. 73.
- 2 This initiative is supported by the following agencies: Center for Middle East Peace and Economic Cooperation, Gallup Organisation, IBM, Kingdom Foundation, Norwegian Ministry of Foreign Affairs, Rockefeller Brothers Foundation, H.R.H. Prince Hussam bin Saud bin Abdulaziz al Saud, Shamil Bank of Bahrain, Xenel/Saudi Cable Company, www.weforum.org/en/Communities/FaithCommunities/c100/index.htm
- 3 Reference could be made here to the role played by clergymen in reform of personal status laws' activities in Morocco and Egypt, as well as anti-FGM activities in Egypt.
- 4 It is not only related to the fact that the religious institutions have issued a number of

There is no doubt that the growing role played by religion in our societies influences political, social and cultural issues. That Islam is engaging with human rights in particular is due to the rights-based discourse touching on areas traditionally considered religious territory – supported politically by family law and personal rights, for example. Understanding is thus needed of the historical and political contexts in which religion and human rights interact. The hegemony of cultural politics, internationally and locally, no doubt leads to the misconception that the relationship between religion and human rights is static and cultural. In reality, it is dynamic. Religion intersects with human rights in ideologically intense areas, which are mostly related to personal and family rights – otherwise religion would either adapt or be silent. Accordingly, there is an undeniable religious impact on the discourse and possibly the structure of the rights groups. But this would not necessarily lead to the Islamisation of the rights discourse. The current international and local contexts may place the Islamisation ideology in a high position, but it would remain, as has been the case in modern history, a mere ideology politically beneficial to frame the internal situation or to negotiate with the international community.

- books explaining the religious perception of human and women rights in Islam and development – but it went beyond that, to issue *fatwas* (legal opinions) prohibiting FGM.
- 5 Reference here is made to the contributions of Dr Abdel-Moti Bayoumi, former Dean of Al-Azhar University in bridging the gap between the current demands of the women's rights groups and the Islamic Sharia. For further information, see *Of Women Issues*, CEWLA/NWRO.
- 6 Reference can be made here to an early work by Dr Mohamed Emara on Islam and human rights and the opinions of Dr Mohamed Selim El-Awa, which can be viewed on his website: www.el-awa.com/new/index.php?op=categories&cid=14, and the publications of *Dar Al-Ifta Al-Masriyyah* (Egyptian House of Islamic Law Opinion), and many more.