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**Transnational Debates on Human Rights in the Muslim World:
Politics, Economic, and Society**

ANTHONY CHASE

**Human Rights Program at Harvard Law School
1563 Massachusetts Avenue – Pound Hall 401
Cambridge, MA 02138**

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Transnational Debates on Human Rights in the Muslim World: Politics, Economic, and Society

©Anthony Chase

Visiting Fellow, September 2006-December 2006
Human Rights Program at Harvard Law School

Assistant Professor of Diplomacy and World Affairs
Occidental College
Email: achase@oxy.edu

Anthony Chase is Assistant Professor of Diplomacy & World Affairs at Occidental College. His *Human Rights in the Arab World: Independent Voices* (co-edited with Amr Hamzawy, University of Pennsylvania Press, June 2006) focuses on the Arab world's internal articulations of human rights and their intersections with, respectively, Islam, globalization, transnational advocacy, and the politics of key states such as Egypt, Morocco, and Yemen. He is author of a range of peer-reviewed articles dealing with human rights in Muslim societies in the context of free expression, economic development, and public health.

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*My Visiting Fellowship at Harvard Law School's Human Rights Law Program in 2007 was a fruitful and, dare I say, fun time. In particular, beyond camaraderie with staff and Fellows and the intellectual stimulation of various workshops and visiting speakers, the Program's calm and supportive atmosphere was ideal as a foundation to actually begin writing a book about which I had been thinking for some time. I am, thus, grateful that I was able to complete a substantial portion of a book manuscript that I hope to have complete in 2008 entitled *Transnational Debates on Human Rights in the Muslim World: Politics, Economics, and Society*. What follows is the book's introductory chapter. This introductory chapter is, of course, subject to change as I continue working on the manuscript as a whole. It is, in that sense, a *Working Paper* in the true sense of the word, and in that spirit I am pleased to have it published as such by the Human Rights Law Program. Thanks go to all of the staff and Fellows at the Program and, in particular, to its Academic Director, Mindy Roseman, and Director, Ryan Goodman.*

Transnational Debates on Human Rights in the Muslim World: Politics, Economic, and Society

“Introduction”

This book's animating argument is that the international human rights regime is an insightful prism through which to understand debates crucial to the Muslim world's future. This is a startling argument to some. Indeed, in my experience, it has been met with more than a few guffawed comments such as 'human rights and Muslims, isn't that a contradiction in terms?' or, more plainly, 'aren't human rights something only Westerners care about?' Despite such skepticism, I hope to show that human rights play an important role in framing and informing key debates in the politics of the Muslim world. And, as the Muslim world isn't a distinct entity off in its own box, such debates almost inevitably end up having a global impact in our interconnected world. This human rights frame will lend a perspective that illuminates difficult issues that are the focal point of struggles in the transnational Muslim world – i.e., both in predominantly Muslim states and in the wider Muslim diaspora - - and that are, importantly, also among the central challenges facing the international human rights regime.

The debates investigated will include intersecting issues in the political, economic, and social spheres. In the political sphere, for example, the broad area of democratization is in a close relationship with specific controversies over free expression. These have exploded over issues such as Salman Rushdie's *The Satanic Verses*, the more recent Danish cartoon crisis, or numerous cases of repression of voices of dissent against the status quo. Such specific controversies are elements in debates over the wider question of whether or not democracy is possible in Muslim-majority states and whether or not Muslim minorities can coexist with predominantly non-Muslim societies in Europe and North America. In the economic sphere, debates over development take center stage. Is a lack of equitable development the basis for the sort of marginalization that leads to nihilistic violence, whether it be in the *banlieues* of Paris or rural areas of Pakistan? Rights-based approaches to economic development insist on the centrality of human rights not just to economic growth, but to positive economic outcomes – does this approach's challenge to economic orthodoxy have something positive to offer in rectifying the systemic disenfranchisement often identified with political and social instability? In the social sphere, lastly, the focus will be on discrimination against minorities -- be they ethnic, gender, or sexual. Human rights have called attention to the inequalities that flow out of such discrimination, but is discrimination inevitable due to cultural factors – making human rights, at best, irrelevant or, at worst, an imposition -- or is it political in the sense that minorities are targeted instrumentally in order to reinforce existing structures of power that are intimately connected to patriarchy? The status of women has always, of course, been a topic of controversy and discussion. Rising tensions among ethnic groups in countries such as Nigeria, Iraq, or Lebanon or the high-profile targeting of homosexuals in countries such as Iran or Egypt show just how acute polemics over broader minority issues have become. Such tremendously charged issues are

individually and collectively among the most fundamental challenges to Muslim world and global politics.

Both broad surveys and specific examples will show at what levels the international human rights regime has mattered to these issues and debates. At a legal level, a regime of human rights declarations and treaties now formally bind states, structure the mandates and programming of international organizations, and inspire the growth (and funding!) of domestic and transnational civil society networks. Flowing out of (and informing) this, at a normative level human rights have had a dramatic effect on how issues are conceptualized. Palestinians, for example, have asserted their claim to statehood in the human rights language of self-determination (as embedded in article 1 of the two most fundamental human rights treaties) and used sympathy garnered due to Israeli human rights violations to further their political claims. Asserting such claims in this language would have been faintly ludicrous in previous eras (to paraphrase Hitler, forget about remember, who even noticed the Armenian genocide at the time?). Human rights violations, however, are now widely seen as issues of abstract concern that can lead to practical consequence. The normative level, thus, flows into the political: that it has served Palestinians well to press their claims in the language of human rights violations is evidenced by how important their claims have become to global politics. Previously the dispossession of a people would have been a matter of course, rather than a matter of centrality to global politics. This is no longer the case. This is not an argument that human rights claims are somehow magically uncontested – the Palestinian case makes that obvious. Rather it is to note, simply, that contemporary legal, political, and normative context gives human rights-grounded claims space to make an impact; the degree of that impact will vary according to particular context and circumstance.

These legal, normative, and political impacts are closely connected, in turn, to media and popular discourse. Persecution of a minority group like Kurds in Turkey, for example, receives press that, in another era, didn't exist for a group like Armenians under the Ottoman Empire (and, continuing this circularity, impacts on the political benchmarks for Turkish entrance into the European Union). This has its resonances at a popular level, as well. Human rights language has become part of the common language of politics, invoked in everyday argument and discussion and listed in surveys as among the most common demands of people around the globe. Lastly, at the level of intellectual diagnosis and international institutions, human rights are increasingly part-and-parcel of proposed solutions to thorny issues. Whether it is in peace plans, post-conflict reconstruction, or everyday economic development, human rights implementation is often conceptualized as fundamental to underpinning long-term success. These levels of legal, normative, political, media, popular, and intellectual discourse are not distinct, of course, but rather mutually inform each other. Together these currents have made human rights part of the language that defines global politics, in the Muslim world and elsewhere.

From my insular academic perspective, there is yet another level of relevance. A human rights frame is useful in moving us beyond the simplistic binaries that too commonly degrade discussion of the issues I have mentioned. To refer back to those debates I mentioned at the start of this introduction, the real debate isn't over whether or not the Muslim world is allergic to democracy and human rights, whether or not nihilistic violence is due to economic marginalization unique to Muslims, or whether or not social discriminations are particularly endemic in the Muslim world. Debates over democratic representation, economic inequality, or social discrimination are not the exclusive monopoly of any part of the world. To the contrary, for all the criticism we can direct at the human

rights regime, its globalization has had the merit of making clear that in all parts of the world the state – the primary object of the rights regime¹ – is at the center of contention over precisely these sorts of issues.

There are many variations and particularities, of course, in struggles over political, economic, and social matters – both globally and within the Muslim world. Such struggles, however, share a commonality in that their dynamics have more to do with structures of power than any cultural-religious essence. The human rights regime's focus on these structures of power helps us move beyond unhelpful finger pointing and demonization of Muslims or the Muslim world and toward a clear-eyed focus on the political and structural sources of rights violations, as will be the focus of chapter three.

In chapter two, I will lay out three arguments that support my assertion that human rights is a relevant frame to many debates in the Muslim world. The first of these arguments is that human rights is a topic that is much debated in Muslim world politics and that this currency is sustained, in part, by a history of engagement with the human rights regime from within the Muslim world. References to human rights in current debates, in short, do not come out of the blue and do not need to be externally imposed. To the contrary, human rights has real roots in the region.

The second of these arguments is that debates of global interest are increasingly defined in a transnational space in which human rights has an important presence. The Muslim world is very much a part of this transnational space. The common inclination to conceptualize the Muslim world as an insular backwater disconnected from global currents should be resisted. It has never been such and is not such. Its connections to transnational

¹ Andrew Clapham, *Human Rights Obligations of Non-State Actors* (Oxford: Oxford University Press, 2006). Clapham reminds us that the human rights are no longer solely about the state, but that does not contradict the centrality of state obligations.

currents explain the intensification of rights discourse in various parts of the region, and will impact on each of these debates.

The third of these arguments is that, through this combination of historical memory, current discourse, and being a part of transnational conversations, human rights norms have become a part of intense contemporary debates and are increasingly integrated into peoples' normative consciousness, including in the Muslim world. It is thus that human rights have come to frame identifiable issues in a way that can be empirically documented.

Together these three arguments justify using human rights, more broadly, as a way to contextualize a range of issues and debates in the transnational Muslim world. I should be clear. I will not be arguing that human rights have somehow become the basis of a mass popular movement in the Muslim world. This is far from the case as, in fact, the controversies on which I will focus indicate ideological points of resistances to human rights -- some specific to the Muslim world, others common to all parts of the world. These controversies indicate that human rights are being actively contested and are, therefore, relevant, but not a widespread foundation for political action. Nor am I arguing that human rights are widely respected by governments in the Muslim world -- that would be wildly optimistic! As in the rest of the world, there are differing human rights records among governments in the various parts of the Muslim world. Virtually all states violate human rights and this is as true for states in the Muslim world as for those anywhere else, but the particulars can vary dramatically depending on local context and global influences.

My underlying assumption is more modest: that human rights have come to frame, in part and in interesting ways, how significant issues in the transnational Muslim world are thought about, debated, and understood. They are, as such, part of the normative configurations that contextualize such issues. Focusing on these human rights-based

elements, therefore, can lend interesting insights to our understanding of debates over these issues.

I should add a caveat, however, before going further. I have so far referred to a generic Muslim world and will, as the book continues, make reference to specific cases within that ‘region’ (though, obviously, it is a ‘region’ in a conceptual sense, not geographic). Because of my own training and experiences, perhaps a disproportionate number of my references will be to the Arab world. References will also be made to other parts of the predominantly Muslim world and places in which Muslims are a minority, however, both because of the relevance of such cases and to make clear that I do not intend to conflate the Muslim and Arab worlds. The Muslim world is referred to, in other words, with full appreciation for its diversity – indeed, this book is meant, in part, to undermine the notion that Muslims or the Muslim world should be seen as a monolithic bloc. In the end, under a ‘Muslim world’ rubric it cannot be forgotten that we are talking about a range of states and societies with diverse political, economic, and social situations, and their own internal differentiations.

Throughout our discussions of various debates’ intersections with human rights, additional themes will emerge that will complicate and, I hope, deepen understanding of those debates as well as the three basic arguments I just began to sketch out. The first of these underlying themes, in fact, is a parallel to my argument that a transnational environment affects the Muslim world by embedding its controversies in frames at least partly defined by human rights. In turn, it should also become clear in the course of the book that human rights relevance depends on transnational dialogues on how to define and implement rights. In other words, this transnational highway runs in two directions.

Transnational dialogues have been key to the human rights regime’s global dynamism,

allowing it to be continuously rethought in ways that have been essential to advancing its resonance at local levels, including connections to sectors of the Muslim world.

Reconfigurations of human rights -- such as its increased emphasis on the interdependency of economic and political rights (pushed by human rights movements located in the global South) -- epitomize these transnational re-thinkings. The book's explorations of the broad areas of politics, economics, and society, and the case studies within those areas, show to what degree human rights have framed (or failed to frame) contemporary issues in the Muslim world out of the presence and resonance (or lack thereof) of these types of transnational dialogues and the political structures that facilitate them.

To elaborate on this point just a bit, if human rights are to resonate in diverse local contexts, they cannot simply be applied from the top down as this creates political resistance rather than engaging people in human rights-based processes. To the degree that human rights have come to be seen as relevant in many diverse parts of the globe, it is because its principles have shown themselves to be, in some sense, globally pertinent: states around the globe violate rights by torturing, undermining the ability of the disenfranchised to obtain economic equity, and denying equal status to minorities. Those who are victims of such rights violations reach out -- in plain self-interest -- to international standards that delegitimize such violations. In this process, human rights relevance has been consistently renewed in the context of the pushbacks and redefinitions that have occurred in its interactions in various parts of the world. If human rights is to sustain the sort of global spread we have seen in recent decades, however, it must continue to expand beyond legal texts monitored by Geneva-based treaty bodies in this sort of give and take. This does not mean that the human rights regime is without a foundation -- globally negotiated treaties articulate that foundation -- but rather that the definition and implementation of human

rights is dependent on a dynamic interaction between the global and the local. The underpinnings of human rights institutionalization depends on foundation, therefore, that are shifting and pluralistic.

The second of the complementary themes that run through the book is a focus not just on how both the Muslim world and human rights are defined in transnational spaces, but that Islam, too, is transnationally defined. The focus in this book on human rights is maintained in full awareness of the increasing ideological centrality of Islam in Muslim societies over recent years. As with human rights, the question regarding Islam is not so much if but when, how, and why it has mattered to the debates the book addresses. Islam is not a static theological entity. To the contrary, the relevance of Islamic constructs – reformist, reactionary, and variations thereof -- in the political realm is a result of changes that arise from transnational interaction and hybridized integration with any number of other discourses (including human rights). It will become clear, therefore, that what is being tracked is not a singular conception of either Islam or of human rights, but rather the dynamism of both human rights and Islamic norms and the various ways in which constructs of Islam and human rights intersect in the Muslim world's political, economic and social spheres. These Islamic and rights frames are multi-leveled: sometimes mutually reinforcing, sometimes dealing with distinct spheres, and sometimes in conflict. At all these levels, however, human rights and Islam are internally differentiated. Their coexistence or conflict depends on how they are instrumentalized in regard to political, economic, and social issues, not some unchanging essence.

The book's third complementary theme flows out human rights dynamism and its coexistence with other normative currents such as Islam. In that context, a fascinating trend in the contemporary Muslim world is the increasing interplay between human rights and

Islamic discourse. A shared transnational space makes it inevitable that various normative currents will brush against and impact on one another. Indeed, the contemporary political scene in the Muslim world shows this borrowing and hybridization regarding Islam and human rights going full force, as can be seen from two different starting points. One, intellectuals associated with the human rights movement in the Muslim world are increasingly trying to justify themselves in Islamic terms. From various articulations of Islamic feminisms² to the more full-bodied theories of a theorist like Abdullahi an-Naim, the basic idea in this discourse is that human rights can and should be expressed in Islamic language in order to be legitimate.³ I am somewhat skeptical about this claim,⁴ but nonetheless there is no doubt that it is changing how human rights is conceptualized in the Muslim world and, therefore, globally.

Two, Islamist movements have increasingly joined with liberal, human rights movements in on-the-ground political coalitions. In Egypt, for example, the Kafiya movement included both Islamist and liberal elements, while in Yemen the Islamist Islah party entered into an electoral coalition with the Yemeni socialist party – the Joint Meeting Parties (JMP). Similar interactions are taking place in Morocco, Jordan, and Tunisia. This underlying theme is important in itself, and also indicative of how human rights have become an inescapable part of the region’s political fabric.

² See, for example, Niaz A. Shah, “Women’s Human Rights in the Koran: An Interpretive Approach,” *Human Rights Quarterly*, vol 28, 2006.

³ Abdullahi an-Naim, *Toward an Islamic Reformation: Civil Liberties, Human Rights and International Law* (Syracuse, NY: Syracuse University Press, 1990).

⁴ Anthony Chase, “Liberal Islam and ‘Islam and Human Rights’: A Sceptic’s View,” *Religion and Human Rights*, 1, 2, 2006.

Some argue that these sorts of coalitions are limited – a sort of ad-hoc opportunism that will dissipate once political context shifts⁵ – while others suggest they reflect fertile interconnections that are the basis for new ideological formations.⁶ Whatever the case, these coalitions arise in the first instance out of three commonalities that exist between Islamist and human rights-oriented groups in many countries. This begins with a coalition of interests against the status quo. Second, it extends into the ability of these seemingly disparate groups to find a low level of common ground in issues such as self-determination (opposition to foreign projections of power that violate domestic sovereignty), a demand for political space to articulate political opposition and, increasingly, democracy. Lastly, these coalitions reflect the political reality that both human rights and Islamist currents have decided limits in terms of their popular resonance, so co-opting the language of the other can be mutually beneficial. The human rights movement may perceive benefit from Islamicizing its language in an attempt to counteract the claim that it is inauthentic to local traditions. Islamists, for their part, may see the opportunity to co-opt the language of human rights and democracy as a means to extend their electoral popularity, which in most cases is bound more by opposition to the status quo than any indicators of mass popular support for the Islamicization of society.

While this reflects, again, the underappreciated resonance of human rights in many Muslim societies, these intersections shouldn't be exaggerated. There clearly is more than a little opportunism on all sides. Nonetheless, this phenomenon shouldn't be neglected, either. As Schwedler demonstrates, in the context of a more open public sphere Jordanian Islamists

⁵ Jillian Schwedler, *Faith in Moderation* (Cambridge: Cambridge University Press, 2006).

⁶ Amr Hamzawy, "Modernity, Authenticity and Globalisation: On the Current Debate among Arab Intellectuals" in Chase & Hamzawy (eds), *Human Rights in the Arab World: Independent Voices* (Philadelphia: University of Pennsylvania Press, 2006).

have re-oriented themselves to a worldview that is more pluralistic and democratic. This is further evidence of the ideological dynamism in the Muslim world around the debates this book addresses. Intersections of varied theories and practices of human rights and Islam mitigate against monolithic conceptualizations of their interrelationship as necessarily conflictual (or, for that matter, as necessarily complementary).

So, the background argument of the book, simply put, is that both currently and historically human rights have had an important place in the Muslim world, they have a prominent place in transnational dialogues in which the Muslim world has been an active participant, and they have had a definable impact on how specific issues are conceptualized in the region. This makes human rights a relevant frame for looking at debates of global importance. These debates can be looked at broadly – in terms of categories of political democracy, economic development, or social equality. Within those intersecting categories, this frame can also give insight into specific and quite charged debates. These will include the freedom of expression controversies that have erupted in various parts of the world, struggles to empower marginalized populations such that they are less vulnerable to the patterns of exclusion that drag down overall levels of both economic growth and equity, and the taboo topics of social discrimination, be it of ethnic minorities, women, or sexual minorities. And, lastly, delving into those debates will lead us into exploring the themes I have just described of the Muslim world's transnationalism, but also the transnationalism of human rights, Islam, and their cross-fertilizations.

I'll end this brief introduction by referring back to how I began it: with a reference to the guffaws that sometimes meet the notion of human rights in the Muslim world. I respond, somewhat defensively it must be admitted, to such skepticism by emphasizing that I am no optimist when it comes to the implementation of human rights. My claim is more

modest in that I think human rights have come to frame in important ways many issues, not that they are an unstoppably powerful legal-political force. That said, blanket pessimism about human rights' future in the region is also worth a skeptical look. It is a mistake to see the Muslim world as historically determined, any more than any other part of the world. It is worth recalling that most academics look back on the era of modernization theory – the 1950s and 1960s -- with unrestrained scorn for its naïve historic determinism. The notion that all parts of the world, including the Muslim world, were progressively setting aside primordial loyalties based in religion or ethnicity and 'progressing' along the same path as Western countries is, indeed, somewhat silly in retrospect. Along those same lines, however, many of those who would scoff at modernization theory partake of a similar sort of historic determinism when they implicitly sneer at the notion that human rights can be relevant to the Muslim world.

While offering no optimistic prognosis, it is worth remembering that our global societies will likely develop in ways that will seem as shocking to us a few decades hence as current events would be shocking to a modernization theorist in 1960. If nothing else, therefore, it is worth maintaining the humility to recognize that we really have little idea how the politics, economics, and societies of the Muslim world will change – only that they will change. We do know, however, that human rights are an important part of the discursive framework of global and Muslim world politics. This book will content itself with documenting the importance of how that impacts on some crucial contemporary debates. Beyond that, however, there are a world of future possibilities – including those impacted by human rights -- and I will steadfastly refuse to claim seer-like knowledge as to how these will play out.