The Clash of Universalisms: Religious and Secular in Human Rights[1]

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The Moral Foundations of Human Rights

In the last three decades, especially since the early 1970s—when the social and political upheavals in the Muslim world occurred and the rise of militant religiosity among some Muslim groups began—there has been sustained interest in the foundations of the Universal Declaration of Human Rights and its compatibility with Islam. A number of books and articles in Arabic and Persian, written by some prominent traditionalist interpreters of the Islamic revealed texts—like Muhammad al-Ghazali among Egyptians and Ayatollah Ja'far Subhani Tabrizi among Iranians, to mention only a few—underscore the attention and interest the international document has attracted among champions of Islamic tradition. The major thrust of Islamic critique of the Declaration, however, is its secularism and its implied hostility to divergent philosophical or religious ideas. The secular foundation of the Declaration is deemed epistemologically insufficient to account for the derivation of inherent and inalienable human rights. Perhaps the sore point in the secular human rights discourse, as far as Muslim theoreticians of rights

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language are concerned, is the total dismissal of anything religious as being an impediment to the modern development of human rights.[2]

It is a mistake to think that Muslim thinkers, even the most traditionalist among them, are against the need for universal human rights to protect human dignity and human agency in the context of a nation-state today. Even the staunchest opponents of the Universal Declaration of Human Rights, who regard the document as being morally imperialistic and culturally ethnocentric, concede the fact that human beings have rights that accrue to them as humans.[3]

Human rights language is modern, firmly rooted in a secular liberalism that safeguards and promotes citizens' rights and that demands privatization of religion from the public sphere to allow the development of a politics independent of religion. This secularization of the public sphere is absent in Islamic juridical and theological anthropology. Human beings are not conceived in terms of compartmentalized individuals who can separate the spiritual from the temporal in their persons and keep the former from interfering with their everyday lives. Consequently, the secularism that undergirds the Declaration does not translate into an Islamic idiom without raising serious questions about the relationship of religion to the state. More importantly, the overriding emphasis on the autonomy of the individual, with an independent moral standard that transcends religious and cultural differences, to claim rights without considering the bonds

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[2] It is worth reminding ourselves that Christian assessment of the Declaration is founded upon an entirely different set of concerns that arose from its reaction to the liberal paradigm, which was based on radical individualism and was derived from the historically situated political and social discourse of seventeenth-century philosophical thought. In his introduction to *Human Rights and the Image of God* (London: SCM, 2004), Roger Ruston traces the development of Christian-Catholic criticism of the liberal paradigm of human rights since the Universal Declaration in 1948. While there are some common themes that unite Muslim critics with their Christian counterparts, for Muslims the major problem with the liberal paradigm has been its hostile attitude to religion per se and its enormous confidence in secularism, which has failed time and again to deliver justice in Muslim countries that adopted its presuppositions for their reconstruction of modern Muslim societies. It is not only Turkey that institutionalized secularism through constitutional politics and is now faced with internal challenges posed by Islamic cultural revival; Algeria also stands out as another unmistakable example of secularism enforced from the top by a colonial power that failed to deliver a democratic political system, justice, and the fair distribution of national wealth to its citizens.

[3] In his book on human rights, the prominent traditionalist scholar of Egypt, Muhammad al-Ghazali lends qualified support to the international document as something that must be respected by Muslims because some of its "foundations" are also enunciated in the Qur'an. For Ghazali, like other traditionalist scholars in the Muslim world, Islam provides the norms that are culturally legitimate and applicable within the Islamic world. As such, an alternative declaration of Islamic human rights is appended to the translation and discussion of the international document. See *Huquq al-insan: Bayn ta'alim al-islam wa i'lan al-umam al-muttahida* (*Human Rights: Between the Teachings of Islam and the Declaration of the United Nations*) (Alexandria, Egypt: Dar al-Da'wa, 1422/2002). This trend in traditional human rights scholarship has undermined the legitimacy of the universal declaration in Muslim eyes. The only way to lessen the negative influence of this trend is to engage traditional scholars in exploring the metaphysical foundations of the human rights declaration and demonstrate the common moral ground that is shared by world religions in upholding the norms that undergird the international document. By denying any normative foundations for the human rights declaration and insisting upon its secular thrust, the opportunity to stimulate conversation with the actual representatives of Islamic tradition is lost.

of reciprocity runs contrary to the Islamic tradition's emphasis on the community and relational aspects of human existence.

Ongoing Muslim criticisms of the Declaration as being prejudicially anti-religious and politically hegemonic are founded upon a rejection of the universal claim of secular morality. These criticisms can be best tackled by looking at the philosophical and metaphysical issues undergirding the international document that can find resonance in Islamic philosophical theology. However controversial, I believe that a frank exchange about the universal moral foundation of human rights will provide a corrective to Muslim perceptions about the intended secularist bias of the Declaration. Engaging traditional Muslim scholars in rethinking their anti-Declaration stance and challenging them on their own terms to recognize that Islamic revelation and the Declaration share a common moral terrain to protect individuals from oppression will aid the overall goal of the universality of the secular document in garnering support for its implementation in the Muslim world.

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Without engaging those who disagree with these universal principles and their cross-cultural application, universal human rights will lack the necessary legitimacy and enforcement in the Muslim world. As long as the moral and metaphysical foundations of human rights norms remain unarticulated, they will be easily dismissed as yet another ploy to dominate Muslim societies by undermining their religiously based culture and value system. Moreover, since the rise of Islamic political consciousness in the post-colonial age, Muslim authorities, for various reasons, have found it legitimate to dismiss compliance with some articles in the Universal Declaration of Human Rights by labeling them as "imperialistic" or "culturally Eurocentric." As it stands, the Declaration is viewed as being insensitive to particular Muslim cultural values, especially when it comes to speaking about individual rights in the context of collective and family values in Muslim society.

Foundationless Human Rights?

There is a context to every text. Human rights declarations provide a good example of this observation. The language that was constructed at the height of European colonialism over the ruins of the two World Wars and atrocities committed by humans against humans (under various pretexts of racial or religious claims of superiority of one people over another) could not have evolved without some kind of soul-searching into the moral and spiritual heritage of the colonizers (the power wielders and political brokers of the 1940s). The historical backdrop of the period should make it possible for researchers of the human rights debates and deliberations to indicate the moral and

philosophical foundations that ultimately provided a language of international justice across cultures and peoples of the world. However modern the human rights idiom might be, it could not have emerged in a philosophical-theological vacuum without serious search into the ideas that lent themselves to the universal language that was needed to bind the peoples of the world together in their commitment to redress the wrongs that were committed against civilians and innocent bystanders. The drafters of the Declaration were fully aware of the traditional communities and their ability to live together with some kind of overlapping consensus that dictated the pragmatic need to avoid endless conflicts and destruction of human life and environment. The post-World War II nations were in search of even more exact universal language to propose ways of protecting humans from indiscriminate violence and oppression resembling the anti-Semitism that led to the horrors of the Holocaust.

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I will examine two studies in order to make a case for an urgently needed dialogue between secularist and religious claimants of universal norms that attach to humans solely as humans. The first is Johannes Morsink's *The Universal Declaration of Human Rights: Origins, Drafting, and Intent* (1999), and the second is Michael Ignatieff's *Human Rights as Politics and Idolatry* (2001), both written around the fiftieth anniversary of the Declaration. They have raised the most intriguing question that continues to be debated even today, namely, whether there is a single moral foundation for human rights that spans many cultures, many culturally specific moral foundations, or no moral foundation at all.

My working assumption is that without a universal morality that speaks to each and every person on this earth, the Declaration will lack moral enforcement in the world community. To ensure that the Declaration will continue to protect an individual's inalienable human rights, its advocates need to state time and again the unshakeable universal moral foundation of the Declaration and its ability to speak to peoples of different traditions and cultures, without denying them an opportunity to affirm or deny that universalism in the name of some comprehensive religious doctrine. The ultimate support for the Declaration cannot simply come from its pragmatic purpose of protecting human agency; rather, it must come from the reasons as to why that personhood deserves to be protected from the unjust conduct of those in power.

In *The Universal Declaration of Human Rights*, Morsink meticulously and sensitively traces the drafting of the Declaration, stage by stage, showing in clear contours the thought process and the universal language that emerged to capture and express international concern for the oppressed, the poor, and the politically powerless of the world. Religious and humanitarian traditions had already established a vocabulary that could be appropriated for the Declaration. Morsink responds to the charge of ethnocentrism leveled against the Declaration by tracing the complex and complicated

negotiations that took place to avoid any ethnocentric or particularistic language that would have defeated the very purpose of the Declaration. He examines the language of the Declaration to investigate the presumption that there was a connection between the Declaration and Enlightenment ways of thinking about morality that was universal and at the same time secular. But this secularism was not totally non-religious in the sense that nature

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and reason—"the two secular components of the triad—were still kept in close proximity to the God from which they flowed."[4] The Enlightenment view of humanity was derived from natural rights philosophies, which located human equality and inalienable rights in human beings simply by virtue of their own humanity and not because of some extraneous reason. However, in pursuit of a universal morality to support human rights across traditions, the drafters pursued thorough-going secularism and kept the language of the Declaration free from any religious idiom. Most strikingly they severed God from nature and reason. Paradoxically, while the search for universality through the secularization of human rights norms paved the way for pluralistic sources of morality, it also led to their inevitable relativity.

The problem of relativism in the context of human rights standards and values is an old one. Practical experience of life in societies with very different cultures has been at the root of relativism in international debates about standards of justice across state boundaries. It is accurate to say that despite all of the intellectual efforts at a thorough secularization of universal morality, it has been difficult, if not impossible, to build consensus over the common standards for the entire human race in international conventions. Moreover, detaching universal morality from any foundational consideration in order to accommodate diverse cultures and national communities has, unfortunately, served as a pretext for ignoring the universal thrust of the human rights document across different Muslim countries where, time and again, political authorities have used cultural relativity to justify their lack of commitment to promote certain freedoms for their Muslim, as well as non-Muslim, citizens.

An immediate corrective to this persisting problem depends upon articulating the link between the secular values expressed in the document and the philosophies of the eighteenth-century Enlightenment. These philosophies influenced the conceptualization of the inherent attributes of the human person. It is significant to note that such topics are also the focus of Muslim theological ethics (and not necessarily juridical studies) and acceptable to the traditionalist Muslim authorities. To be sure, those who participated in the drafting of the Declaration were looking at the issue of protecting human rights from their particular historical experience and cultural context. They were responding

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4   Johannes Morsink, *The Universal Declaration of Human Rights: Origins, Drafting, and Intent* (Philadelphia: University of Pennsylvania Press, 1999) 282.

to the carnage inflicted upon the victims of World War II and the Holocaust in the early 1940s. As Morsink shows in admirable detail, each article of the Declaration was responding to the urgent need to protect human personhood in all its manifestations in the social and political contexts of nation-states.

It is quite revealing that there was minimal Muslim participation in the process. There was no real effort to expound comprehensive Islamic doctrines to get the sense of the tradition's stance on different articles. Further, as the profiles of the different representatives from participant Muslim countries like Saudi Arabia, Pakistan, and Syria reveal, the representatives from Muslim countries were secularly educated individuals, who had little or no human rights training in the foundational sources of Islamic tradition and could not adequately articulate the universal impulse of Islamic comprehensive doctrines that would have enriched the debates. In fact, Jamil Baroody, the Saudi representative in the drafting committee, was a Lebanese Christian and lacked even the basic Islamic credentials to speak on any theological aspects of Islam authoritatively.

The deliberations were not inclusive of all the diverse trends in traditionalist interpretations of religious notions, including even those of Western Christian theology. The exclusion of Muslim traditionalist representation in the human rights deliberations at this early stage could have been a political decision since most of the Muslim countries were dominated by Western colonial authorities who had a negative view of the Muslim seminarians, whose opposition to the colonial political and cultural domination could have derailed the secular and anti-tradition tone of the human rights deliberations. This lack of serious Muslim participation, however, has continued to cast a long shadow of doubt over the cultural and political contours of the Declaration that reveal an indubitable secular-Western bias.[5]

This bias is evident in the second study that deals with Islamic encounters with Western human rights. In Ignatieff's treatment of the Islamic challenge in *Human Rights as Politics and Idolatry*, he argues for a pragmatic approach to human rights. His liberal secular stance relies on a presupposition that there is a common denominator of rationality that remains when the particularities of one's religious convictions are bracketed or suppressed. He treats human rights as "pragmatic political instruments" that should aspire to be effective before they aspire to be more comprehensive in their pronouncements. Religious reasons, in Ignatieff's secular evaluation, do not count as properly contributing to a human rights discourse. Protections against cruel, inhuman, and degrading treatment should constitute the purpose of human rights. Moreover, according to Ignatieff, to believe in human rights does not entail believing that they exist independently of human purpose. All we need to believe is that human rights are important instruments for protecting human beings against cruelty, oppression, and

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[5] Khaled Abu El Fadl and Abdullahi Ahmed An-Na'im are among the few serious discussants of human rights in the context of Islamic tradition.

degradation. Hence, there is no need to believe and insist on a divine or natural source for human rights. Ignatieff understandably denies human rights any creedal status, lest they become the source of a new humanist idolatry.

However, this denial of a single moral foundation or multiple moral foundations that span many cultures and traditions for human rights has led to the prevailing suspicion in traditionalist Muslim circles that the Declaration is nothing more than the continuation of a colonialist, hegemonic discourse that imposes its will through a human rights regime.[6] There is no doubt that human rights can serve a multitude of purposes, and those purposes can be expressed in many ways, not only across different societies and cultures, but within them as expressions of a plurality of moral assessments of human agency. In order to defend human rights in traditional and religious societies, it is imperative to establish the reason why human beings have rights in the first place. In Muslim culture the emphasis is on responsibilities, without any mention of rights. Although there is a purpose to human life, the purposive agent simply fulfills his or her duties in society to make sure that justice prevails in all human undertakings. Claims about human dignity or respect owed to human beings are viewed strictly within the larger social good and not independent of it. At the same time, Islamic doctrines speak about the creation of human beings as equal, sharing parentage, and endowed with honor and dignity as "children of Adam."

Ignatieff's prescription to forgo foundational arguments rooted in human dignity, divine purposes, natural law, and related philosophical and moral ideas would function as a conversation stopper in Muslim societies where human rights can be more readily defended by claims about human dignity and the equal creation of human beings by God. Human beings are created with intuitive reason and an innate capacity to know right from wrong. Yet, they are in need of constant guidance from God to fulfill their true roles in society. The relationship between human agency and human dignity is the result of the purposive creation of humanity, with a goal to guide it to create a just public order. By avoiding such foundational arguments because they are unimportant to "pragmatic political instruments" to further human rights, the Declaration exposes itself to an unintended relativism that suggests that ultimately each culture and people will determine the valuation of human agency and protect what *they* believe to be in accord with *their* moral judgment.

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[6] Muhammad 'Amara, *al-Islam wa huquq al-insan: Darurat…la huquq* (*Islam and Human Rights: Necessities…not Rights*) (Kuwait: 'Alam al-Ma'rifa, 1405/1985) criticizes both Muslim fundamentalist and Muslim secular scholarship for having failed to demonstrate human rights within the parameters of Islamic comprehensive doctrines. The secularist scholarship that was produced under the Orientalist masters and that followed Western cultural and civilizational domination of Muslim minds was guilty of not examining Islamic sources carefully before agreeing with the Western thesis about the inadequacy of Islam and its juridical tradition to issue anything similar to the international declaration of human rights. The Muslim secularists' prescription that one must derive human rights from Western civilization instead of searching for these in Islamic sources, according to 'Amara, must be totally rejected because it smacks of new Western hegemony over Muslim societies (9–10).

The drafting of the Declaration clearly shows that there were several key sources for the writing of the articles that are now enshrined in the document. What made it possible for this *lingua franca* of human rights to emerge was their convergence, rather than the upholding of a single cultural or philosophical tradition, even though, as some Muslims have argued, modern, secular values formed the core of the norms that informed human rights. It is common to assume that arguments about human agency, dignity, and natural law tend to be quite philosophical and abstract, and it may therefore be tempting to assume that not much of practical importance is at stake. But such an assumption would be rash. What is at stake in determining the foundations of human rights is often the very legitimacy of human rights talk among Muslim religious scholars. A human rights regime that takes into consideration and promotes an overlapping consensus is more compatible with respect for many cultural and philosophical traditions that converge in support of a similar set of human rights. This convergence between, for instance, Islamic and secular humanist traditions is not complete or perfect, but neither is the convergence on human rights from within a modern, secular cultural or philosophical tradition.

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Ignatieff's doubts about the need for a metaphysical foundation for human rights arise in response to abstract claims about human beings having an innate or natural dignity, or having been endowed with natural and intrinsic self-worth, and hence, being inviolable. These abstract claims, Ignatieff argues, are controversial and detrimental to advancing human rights. In his words, such propositions may weaken the reinforcement of human rights. "Far better," he argues, "to forgo these kinds of foundational arguments altogether and seek to build support for human rights on the basis of what such rights actually *do* for human beings."[7]

This is a fundamentally flawed argument at the international level when attempts must be made to resolve the controversial aspects of the Declaration's moral foundations in order to build an overlapping consensus among different cultures and metaphysical positions to enlist the full cooperation of various peoples and governments to do something more than just paying lip service to human rights. Moreover, one of the major problems confronting the secular document from an Islamic point of view is the charge of relativity against the Eurocentric sources of the Declaration. This charge of relativism cannot be taken lightly, and the only way it can be overcome is by recognizing the need for dialogue with other claimants of comprehensive doctrines, whether religious or secular. The ultimate goal of this conversation is to reach a consensus about

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7   Michael Ignatieff, *Human Rights as Politics and Idolatry* (Princeton: Princeton University Press, 2001) 54.

human agency linked to human dignity as a special mark of humanness that is entitled to inalienable human rights.

Ignatieff fails to understand that different cultures and a wide variety of civilizations, despite their fundamental disagreements about such matters as what constitutes a good human life, have never denied the existence of injustices that are committed by the powerful against fellow humans. More importantly, as Jeffrey Stout has shown in his *Democracy and Tradition*, conflicting religious conceptions of the good in the public sphere, however problematic, do not in any way diminish the role of public reason in building overlapping consensus in pluralistic societies.[8] An appeal to a metaphysical foundation for human nature that leads to recognizing common moral terrain among divergent cultural groups may actually enhance the validity of a minimum dignity to which all humans are entitled by the simple fact of being created equal. Hence, diverse and sometimes divisive religious validation of what is good is not detrimental or obstructive to the search for a shared belief in what it is to be a human being and what norms can be identified in different faith communities that are compatible with the protection of human dignity and agency. However, Ignatieff maintains that the universal commitments implied in human rights can be compatible with other comprehensive doctrines only if the universalism implied in the Declaration is self-consciously "minimalist."

This is problematic in the international communities where there is no agreement about the "thin" and "minimalist" commitments, which are dependent upon "thick" and "maximalist" descriptions of the comprehensive doctrines held by different communities. As a world community with much to converse about its achievements (and failures), Muslims have a lot to contribute to the Eurocentric discussions of human rights. They can become full participants in the development of human rights and put their forces behind the "minimalist" universalism if they can demonstrate both to their faith communities around the world and the international community that it is unhelpful to dismiss Islamic or any other comprehensive religious doctrine as parochial or relativist with no impact whatsoever in the development of human rights.

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[8] Jeffrey Stout, *Democracy and Tradition* (Princeton: Princeton University Press, 2004) 2. Stout points to two prominent American thinkers on American democracy, namely, John Rawls and Richard Rorty, who want to severely restrict the use of religious reasons in public discussions about politics. Stout takes seriously the concerns of these thinkers and the claims of their opponents. In response to their prescription that leads to the virtual hiding of one's religious reasons lest they are rendered unreasonable by not accepting a free-standing notion of justice as a universal point of reference in political discussion in pluralistic societies, Stout defends the "reasonableness" of religious reasons by focusing on the sharing and hearing of particular reasons in public discourse and by pointing out that "a person can be a reasonable (socially cooperative) citizen without believing in or appealing to a free-standing conception of justice" (68). He notes that Rawls's definition of reasonable as being willing to govern their conduct according to a universally applicable principle "implicitly imputes *unreasonableness* to everyone who opts out of the contractarian project, regardless of the reasons they might have for doing so" (67).

The foundational sources of Islamic doctrines in the Qur'an and the tradition share the universal language of morality and human agency, including human dignity. In the Muslim world, the legitimacy of the Declaration is being challenged as an affront to the God-centered worldview about the ends of human agency and dignity. Even if the bias of human rights advocacy can be directed toward the victim, and the test of legitimacy—and hence universality—is what might be termed the "victim's consent," the West's selective advocacy of human rights in certain regions of the world to the exclusion of others, and the endless, institutionalized violence against certain groups, has ended up devouring the minimal legitimacy that human rights had among Muslims and has not resulted in furthering the rights of minorities or women in the Muslim world. People cannot help themselves or protect their agency without the support of the traditional authorities that provide legitimacy to the state authorities who have constantly trampled upon the rights of their own people, while dismissing the universal claim of the international conventions. If it can be shown that Islamic doctrines share the universalism of human rights, however minimalist, then we will have opened a door for real conversation about secularist and Islamic notions of human agency and human dignity for the protection of abused individuals. Without this fundamental theoretical breakthrough in the foundational aspects of human rights, the credibility gap between the international document and the Muslim world will continue to widen, making it farfetched to believe that individuals in traditional societies with strong communitarian ties could ever exercise the minimum understanding of their capacity to protect their rights against autocratic states and their agencies.

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I agree with Ignatieff's statement that human rights matter because they help people to help themselves. Nevertheless, this statement is based on Western liberal confidence in the empowered individual who, having been brought up in a liberal political system, understands and undertakes to protect him- or herself. Without a constitutional democratic system in place, no individual has the minimalist understanding of what it means to fight for one's civil rights. While it is true that human rights is a language of individual empowerment, an empowerment by means of which individuals can protect themselves against injustices, Ignatieff is speaking in the context of the political development of individuals in a liberal democratic society, where injustice is understood relative to one's experience in a democratic system that guarantees certain basic rights to its citizens. How can people in Darfur, for instance, protect themselves with this kind of empowerment when they have had no experience of seeing their agency or their rational capacity as important instruments to assert their human rights and defend themselves?

Ignatieff's prescriptive avoidance of any foundational consideration at the international level, in my opinion, leads to an imposition of a Western conception of individualism,

even if one were to take it in the sense of a "moral individualism" that protects cultural diversity. Moral individualism claims to respect the diverse ways individuals choose to live their lives. According to Ignatieff, in this way of thinking, human rights is only a systematic agenda of "negative liberty," a toolkit against oppression, a toolkit that individual agents must be free to use as they see fit within the broader frame of cultural and religious beliefs by which they live. But in Muslim societies where people have traditionally conceived their individuality within the context of their communal and collective life, human rights will have to protect individuals as members of collective groups and require collective groups to work towards a just balance between individual and collective concerns.

Conclusion

In the post-colonial age, and more particularly, in the age of economic and cultural globalization, it is important to dispel doubts about the universality of human rights by seriously engaging metaphysical and epistemic foundations of human rights norms to demonstrate that these norms can be essentially grounded in religious notions about human dignity and divinely ordained human freedom of will. Religious doctrines have the potential of working towards an overlapping consensus on important articles in the Declaration—a consensus that secular human rights theoreticians can ill-afford to ignore. The Declaration's normative discourse must be critically reinvestigated for its universal presumptions about human inherency in light of the theological discourse whose universal language continues to guide ethical and jurisprudential values of the common life.

Whereas I do not share Alasdair MacIntyre's rejection of universal rights as fictitious, I agree with him in insisting that traditional societies had universal notions of justice and had worked towards principles of coexistence among themselves and others long before the secular modernist spoke about the contractarian theory of corporate life that shaped modern politics.[9] The founder of Islam, for instance, not only recognized the temporal existence as part and parcel of one's faith commitment; he also created stable and universal institutional structures to further the vision of a just public order under God's guidance. Islam's experience with the temporal world was sociologically and linguistically inclusive and universalistic. As a world-embracing tradition, Islam's ethical and jurisprudential guidance set out to provide fixed norms for building a multi-faith, multi-ethnic, and multi-cultural society that spoke to the vision of a universal community founded upon justice. Since this moral context was potentially inclusive, the

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[9] For his rejection of humans rights as fictitious, see Alasdair MacIntyre, "Community, Law, and the Idiom and Rhetoric of Rights," *Listening: Journal of Religion and Culture* 26 (1991): 96–110. For his argument concerning traditional universal notions of justice, see Alasdair MacIntyre, *After Virtue: A Study in Moral Theory* (London: Duckworth, 1981) 64–7.

need to compromise its faith-based vision of the public order to accommodate other communities actually never arose. As a matter of fact, it had no problem in endorsing a common moral stance that was founded upon a universally recognizable account of individual autonomy, the common good, and a divinely endowed self-subsisting moral standard that transcends religious and cultural differences.[10]

Human rights is in origin a Western concept that needs to become Islamic in all its ramifications.

Having argued for the inclusion of conversation about the foundations that undergird the Declaration, let me also hasten to add that in principle I agree with the secularist theoreticians of human rights who actively advocate avoiding entanglement with metaphysical and religious notions like human dignity, natural law, and divine purposes for humanity so that the true purpose of the international document, namely, protection of human beings from abuse, oppression, and cruelty, is not in any way diminished. It is a truism to reiterate the secularist concern that when human dignity itself is in danger, academic controversy about the foundations of universal morality intensifies moral complacency rather than protecting individual human rights. Nonetheless, ignoring Muslim criticisms about the ethnocentric and hegemonic goals of the Declaration, however unfounded, has the danger of further marginalizing human rights in the Muslim world.

The problem that faces Muslim supporters of the Declaration is that without due consideration of religious or philosophical sources, it will be difficult to garner the support of Muslim communities to work towards improving human rights instruments to effect the necessary implementation of the Declaration. Evidently, emphasis on the secular-religious dichotomy will necessarily lead to a foundationless model, which actually stifles critical dialogue between the secular and traditionalist theorists. In addition, Western-Islamic polarization in terms of liberal-non-liberal societies is also detrimental to the need for international consensus on protecting a number of basic freedoms, including freedom of conscience and religion. The Islamic model for democratic pluralism is not inherently antithetical to a central concept of human dignity and the individual's inalienable right to determine her spiritual destiny without interference. In Muslim societies enforcement of human rights will be taken even more seriously if, using the foundational model, one can derive the inherent worth of the individual and argue for freedom of religion. Human rights is in origin a Western concept that needs to become Islamic in all its ramifications.

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[10] I have examined Islamic ethical and theological notions to demonstrate the Qur'anic principles of social coexistence and civil cooperation founded on a common morality that touches all humans, independent of one's faith affiliation, in *The Islamic Roots of Democratic Pluralism* (New York: Oxford University Press, 2000).

The secular liberal thesis that liberty can survive only outside religion and through secularization of a religious tradition was founded upon the historical experience of Christianity, and, hence, had little resonance in Islam. The liberal solution was clearly to separate the public and the private in order to guarantee that the public square would remain inclusive and tolerant of differences. The value of freedom had to be raised over and against Christian religious exclusivity. In other words, privatization through the secularization of Christianity helped in reducing the hold of religious law and the church over society, thus making pluralism in the public square possible.

Hence, the Western experience of separation of religion and politics by default remains alien to Muslim political experience.

The religious experience of those who argue for foundationless theories of human rights is worth keeping in mind, particularly when such a negative evaluation of religion is extended to the different historical experience of Muslim societies. Foundationless theories are concerned with guaranteeing basic human rights and reconciling basic freedoms with the moral worth of all humans as humans. To be sure, in light of the tragic unfolding of exclusive religiosity and moral absolutism, that concern was and remains real even today.

Was Muslim historical experience any different? Evidently it was, and this is what seems to be the source of an alternative human rights paradigm presented by Muslim apologists. What is missing in this alternative paradigm is the discussion of any foundational capacity in Islamic tradition to sit in dialogue with the secular human rights theorists to make a case for inclusive notions of human entitlements, tampered with human responsibilities in maintaining the overall well-being of humanity in all its areas and spheres of existence. What is needed is a substantial theoretical discussion of an inclusive foundational conception of human rights that would appeal to the suspicious traditional authorities in the Muslim world, apparently threatened by secular ideologies that they believe are determined to destroy the spiritual and moral foundations of a global community to make room for liberal secular ideas of inalienable human rights.

A foundational theory of human rights could be articulated based on some of the pluralistic features of Islam and its culture that are totally ignored by Muslim traditionalist and fundamentalist discourse. True to its internal juridical plurality, the Islamic tradition was concerned with the preservation of freedom against any kind of legal or political authoritarianism, especially in view of its refusal to afford any human institution like the "church" the right to represent divine interests on earth. Moreover, this default plurality was instrumental in preserving relatively peaceful coexistence among peoples of diverse faiths and cultures under Muslim political domination. Functional recognition of separate jurisdictions for spiritual and temporal was also instrumental in affording fundamental agreement on public values and in meeting the demands of multi-faith and multi-cultural societies of the Islamic world to regulate human relationships among peoples of different faiths and culture. Hence, the Western experience of separation of religion and politics by default remains alien to Muslim political experience.

It is this difference in the historical experience of the West and Islam that calls into question whether the foundationless secular model can on its own provide universal standards that can be applied across cultures. It needs to look at the foundational religious model with its own universal claim to offer a more comprehensive understanding of what it means to be a defender of human rights today. Religion cannot and will not confine itself to the private domain where it will eventually lose its influence in nurturing human conscience. It needs a public space in the development of an international sense of a world community with a vision for creating an ideal society that cares and shares.