# HUMAN RIGHTS FROM AN ISLAMIC PERSPECTIVE: A RESPONSE TO THE CRISIS OF CHRISTIAN HUMANISM FROM MODERNISM THROUGH POST-MODERNISM

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## Introduction

Since the end of World War II—and specifically after the establishment of the United Nations—most of the literature on human rights claimed to be universal and secularly neutral. As mounting literature in philosophy and social sciences blur the distinction between the secular and the sacred, the deeply Christian—and more specifically Protestant—origins of many concepts often considered secular and universal emerge. The category of the "human" assumed a certain definition or essence of humanity that is inextricably rooted in modern philosophy with its assumptions about human nature and its original state of being which, in turn, are deeply rooted in the protestant re-formulation of Christian ethics and political worldview that was articulated in the modern theory of the state.

I will show that the discourse on human rights is deeply rooted in the Christian conception of the human and its metamorphosis from the Catholic reception of Greek cosmology and natural psychology through protestant humanism. This Christian conception reflects an idealistic commitment. In this vein, I will argue that the challenges of assimilating Muslims in the human rights discourse is not due to religious dogma but is rather deeply rooted in a troubled definition of the human uncritically adopted by the human rights discourse. I will indicate that this problem can be overcome through a new conception of the human inspired by what I will describe as an intermediate Islamic position that avoids extreme idealistic and materialistic positions.

For the sake of simplicity, this paper will exclusively focus on Sunni Islam and its position on the relationship between the ideality of reason and the particularity of material experience in its conceptualization of human nature.

## Greek Philosophy, Christianity, and the Challenge of the Divine Human

Are we abstract minds or material bodies? This is the essential challenge to any definition of the human-being or the human as a category from early reflections on human nature in Greek antiquity to our times. In the *Republic*, Plato identified three parts of the soul: the appetitive, the desiring, and the rational.[16] He then argued that the rational should reign over the other two parts; the image he depicted of the philosopher or the perfect human was of a male human being who completely identifies with reason and overcomes the misguidance of the body.[17] This led many commentators to argue that Plato's idealism, which has patriarchal tendencies, requires the human to eliminate parts of his humanity to become perfectly human.[18]

Aristotle's realism attempted to resolve this paradox by arguing for the inseparability of mind and body. However, Aristotle still argued that intellectual excellence is achieved through pure contemplative life of the mind. Aristotle's ethics, just like his philosophy of science and metaphysics, fell into the paradox of trying to show the inseparability of mind/spirit and the body/matter and at the same time arguing in an implicit agreement with Plato that reason is more essential than the body.[19]

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16  Plato, *Plato: Complete Works* (Indianapolis: Hackett Publishing Company, 1997), 435-441.

17  Ibid., 472-480. See also Plato, Books VI and VII, in T*he Republic*.

18  See for example, Julia Annas, *Platonic Ethics, Old and New* (Ithaca: Cornell University Press, 2000), 52-71.

19  Aristotle, Book III, in *De Anima* and Aristotle, Book X, in *Nicomachean Ethics*. For a brief exposition of the tension in Aristotle's theory of the self, see Richard Sorabji, Chapters I and II, in *Self: Ancient and Modern Insights about Individuality, Life, and Death* (New York:

With the advent of Christianity, the Platonic conundrum was perpetuated, if not radicalized. The towering examples of this Christian Platonism are Saint Augustine, and the leading figure of scholastic Christianity, Saint Thomas Aquinas. In the *Confessions*, Augustine devotes a considerable part of his personal narrative to his struggle with his bodily desires mostly manifested in his desire to get married. He identifies his discovery of Christianity with his discovery that the truth lies in the ideal nature of reason and its concepts without which there will be no knowledge of the world versus the material world that is unreal.[20]

Notwithstanding his Aristotelianism,[21] Aquinas' theory of human nature and philosophy of law reflect a deeply Platonic commitment. Consider his philosophy of law. According to Aquinas there are four levels of law: the eternal, the natural, the divine, and the human (king's) law. The latter two conspire to maintain the dominion of the sacred or the ideal over the secular or the profane and material through an approximation of the natural law that only church fathers have access to through their spiritual and intellectual devotion. The rise of Protestantism maintained the same orientation but from a humanized perspective.[22]

## The Metamorphosis of Christianity from Medieval Catholicism to Modernity and Post-Modernity

Immanuel Kant's critical philosophy serves as an exemplary model of Protestant humanism. Kant was concerned with defining the legitimate limits of the different uses of reason by rational agents. He argued that our experience is constructed in the theoretical use of reason according to categories that synthesize sense intuitions represented in terms of spatial and temporal dimensions. Any possible, knowable object of experience is constructed according to the strict synthesis of the categories. Kant even argues that our consciousness of our own psychic states constructs us strictly as objects of experience and hence knowledge. Hence, Kant labels this sense or representation of the human being as the empirical ego.[23]

But Kant identified another use of reason, namely the moral. In this use, rational agents, humans included, can think of themselves as purely rational agents free of bodily (spatial and temporal) representations. This is both the essence of human freedom and morality according to Kant.[24] For Kant, all moral maxims should be purely intelligible and based strictly on their logical universalizability to every other rational agent. For example, a promise is binding because the concept of promise analytically implies that it is binding apart from any condition surrounding the fulfillment of such a promise. In respecting his rationality, the human rational agent is positively free and transcendent to the mechanical order of nature.

This is the holy/moral essence of the human being. However, Kant plunged himself into an unresolvable dichotomy. While the moral maxims of action determining social and political behavior should be determined in complete abstraction from bodily and material experience, the action based on such maxims will take place in this material world and will hence be represented just like any other phenomenon mechanically. The chasm between the two modes through which any human being can represent himself is almost unbridgeable. This unbridgeable chasm manifests itself perfectly in his theory of rational religion. In *Religion within the Boundaries of Mere Reason*, Kant argues that the image of Christ as the Son of God qualifies Christianity as a religion to be the system of faith most capable of being reconstructed according to the values of enlightenment. Humans strive to become divine as much as they try to freely follow the maxims of reason.[25] But humans, by Kant's admission, can be conscious of themselves both as moral agents and as objects in the world, or as he puts it in the *Metaphysics of Morals* as both a holy and natural being. The divine human is too abstract as a model for humanity.[26]

Oxford University Press, 2008).

20   Saint Augustine, Book II and IX-XII, in *Confessions* (New York: Oxford University Press, 2009).

21   Despite the Aristotelian turn in scholastic Christianity, which was partially inspired by Arabic and Muslim re-interpretations of Aristotelianism when they were translated and assimilated in the late 12th Century CE, the Platonic tendency continued to prevail over Christianity.

22   St. Thomas Aquinas, *Summa Theologica*, 94-97.

23   Immanuel Kant, Introduction and The Transcendental Deduction, in *Critique of Pure Reason* (New York: Cambridge University Press, 1999); see also Immanuel Kant, First and Second Introductions, in *Critique of the Power of Judgment* (New York: Cambridge University Press, 2001).

24   Immanuel Kant, Introduction to the *Critique of Practical Judgment*, in *Practical Philosophy* (New York: Cambridge University Press, 1999).

25   Immanuel Kant, Parts III and IV of *Religion Within the Boundaries of Mere Reason*, in *Religion and Rational Philosophy* (New York: Cambridge University Press: 2004).

26   See Immanuel Kant, Introduction to the 'Doctrine of Virtue' in the Metaphysics of Morals, in Practical Philosophy (New York: Cambridge

This paradoxical dichotomy is precisely what Michel Foucault famously described in the *Order of Things* as the troubled birth of the modern human who paradoxically becomes the ground of all sciences because the world is constructed according to the categories of his reason; but precisely because of this reason he becomes the most the interesting object of knowledge and hence the rise of modern human and social sciences.[27] Circumventing this paradox, European romanticism constructed the modern human in terms of the purely free, enlightened subject. G.W.F. Hegel and the romantics escaped the Kantian paradox by reducing the human to pure, ideal freedom, recreating Christian idealism from a humanistic, historical perspective. This newly constructed human was the archetypal subject of the nineteenth century nation state.

The disbelief in metaphysics and the idealism of reason following World War II and the collapse of nineteenth century romantic nationalism made the protestant European subject redefine the way it wants to mask the unresolvable paradox of his humanity. The post-World War II Protestant European subject redefined himself in terms of bodily, material freedom not a lofty, rational freedom as that of Kant and Hegel did. The human as a category is redefined in terms of aspects and interests mostly related to the body, its desires, and, of course, sexuality. Emphasis on sexuality and bodily freedoms in contemporary human rights discourse and activism is an immediate result of the failure of the idealistic resolution of the crisis of protestant humanism from the late nineteenth through the mid-twentieth century. Ironically, bodily freedoms are treated with a form of sanctification very similar if not identical with the same idealism with which Protestantism presented and defended its nineteenth century idealism.

## Difficulties and Challenges in Assimilating Muslims and Non-Western European Protestants Based on Christian Humanism

The above paradox explains the contradictions in the colonial and post-colonial use of the discourse on human rights. In striving toward the rational ideal, the Protestant colonizing subject represents the colonized as mere objects who are not fully human because of their concern either with material things or due to their passionate belief compared to his civilized skepticism about any maxim of action or conviction not fully justifiable from the perspective of his abstract rationalism.

What the Protestant colonizing subject never questions is to what extent has their own paradoxical way of understanding humanity been resolved. Commitment to beliefs that do not square with the newly constructed essence of Protestant Christian humanism would be dismissed as savage, just like the pluralism of Islamic law was dismissed by European colonialists as anarchical. Moreover, it was considered as lacking the uniformity that qualifies Islamic law to merit "dignity" of the nation state and the constitutional foundation of the nation-state based on universal reason.[28]

Similarly, individual human rights were only recognized in so far as those humans were recognized citizens of a recognized nation state. In this vein, the sanctions imposed on certain nations cannot be deemed a case of human rights violations. Paradoxically, certain choices like a passionate belief in certain practices and sets of convictions can be seen as anti-human according to the yardstick of the skeptical secular human who fulfills the criterion of "citizen" in a liberal state. Further, there are certain rights and choices that may be deemed dispensable if they contradict with aligning a certain society with the values of the human-citizen who can serve as a recognized subject of a recognized nation state.[29]

## Islam's Intermediary Orientation and Muhammad the Everyday Human

One of the most understudied areas in Islamic intellectual history is its theory of human nature, not only as was produced by the class of philosophers (*falāsifa*) who wrote critical receptions of Greek philosophy but among philosophical theologians (*mutakallimūn*), and Sufis, especially philosophical Sufis (*sufīyya mutafalsifūn*) like Ibn al-'Arabī and legal scholars. More importantly no one questioned whether there are binding threads connecting their positions with each other. The binding thread among all these sciences was the commitment to find a solution to the question of whether or not the human is purely a mind or a body through subtle balance between the two natures. This radically contrasts with the Christian idealistic position on human agency that furnished the ground of the contemporary human discourse and informed its change from the modern through the post-modern era.

As per the famous philosopher, historian and sociologist 'Abd al-Rahmān Ibn Khaldūn (d. 1406), the philosophical theology of (*kalām*) is concerned with the

University Press, 1999).

27    Michel Foucault, Chapter 9 and 10, in *The Order of Things: An Archaeology of the Human Sciences* (New York: Vintage Book, 1994).

28    Wael Hallaq, Chapters 7 and 8, *Introduction to Islamic Law* (New York: Cambridge University Press, 2009).

29    Talal Asad, Chapters 4-6, in *Formations of the Secular: Christianity, Islam, Modernity* (Stanford: Stanford University Press, 2003).

duties of the heart/reason or the six articles of faith in Islam (the belief in God, His Angels, His Scriptures, His Prophets, Judgment Day, and destiny).[30] Historically, a spectrum of schools developed to address the intricacies of these six metaphysical concepts; however, three main trends among these schools prevailed: (1) the rationalists who tend towards idealism, (2) the traditionalists who tend towards literalism and empiricism, and (3) the dominant school, which took an intermediate path between rationalism and traditionalism. The intermediate position was represented by Ash'arī and Māturīdī schools of Sunni Islam.

In describing the Ash'arī school the leading intellectual historian and theologian 'Abd al-Qāhir al-Baghdādī (d. 1037) interestingly wrote that while the rationalist schools and the philosophers following the Greek tradition gave precedence to reason, the Ash'arī school gave precedence to the senses.[31] Al-Baghdādī did not mean that Sunni Ash'arī thinkers were radical materialists. To the contrary, most of the leading figures of this school took a highly critical attitude toward the materialism of the traditionalist. What he meant is that they took the balance between reason and senses very seriously toppling the bias of philosophy toward the ideality of formal rationality inherited from classical antiquity and early Christian theology. This is rather clear in the psychology of Abū Hāmid al-Ghazālī (d. 1111). Despite agreeing with Aristotle that reason is the light and that it is higher than the senses, al-Ghazālī argued that the balance between reason and the senses—or the world of light and that of darkness—is what is required for a perfect human. In radical contrast with Augustine's confession, al-Ghazālī does not call for a flight from the world of materiality. Rather human perfection exists through a balance between materiality and rationality.[32]

Islamic law takes this balanced view of human nature and its perfection more seriously *in concreto.* The encyclopedic legal scholar and prolific theologian Abū al-Ma'ālī al-Juwaynī (d. 1085) argued in his massive *Gyāth al-Ummam fī Iltiyāth az-Zulam* that defending the pluralism of legal schools, which correspond to different rational tendencies among people, is the main task that defines the essence of the sovereignty of the ruler of the society. For instance, he criticized the famous Abbasid Caliph al-Ma'mūn (d. 833), not for persecuting the Sunni theologians even though al-Juwaynī was one of them; rather his criticism of al-Ma'mūn was for his insistence on imposing a particular school of thought on the public.[33]

According to al-Juwaynī, Islamic law (*fiqh*) is the body of rulings that represent the attempt of interpreting the rational universal maxims delineated in the Quran in the historical context. The rational hermeneutical spectrum represented by the four schools of Islamic law represent different attempts at striking a balance between the universal validity of these maxims and the specificity of the historical context in which such maxims are applied. It is this *balance* that kept, as Hallaq recently pointed out in agreement with al-Juwaynī, the Caliph for assuming any divine authority vis-à-vis the divinity of the King in medieval Christianity. The caliph is meant to protect and guard the legal and judicial pluralism rather than align with the institution incarnating God's power to ensure the execution of God's providence.

## III. Conclusion: Recommendations

The history of Christianity and its metamorphosis from the Catholic reception of Greek cosmology and natural psychology through protestant humanism explains many of the paradoxes of human rights discourse. It explains the radical dichotomy between idealism and materialism with a tendency toward pure idealism. Taking the Islamic intermediate position seriously can offer a fresh perspective on the conception of human rights. Upon thorough scrutiny it may be revealed that Islam has a completely different set of priorities. The following is recommended to start developing a Muslim-based human rights discourse:

1.  Training offered by human rights organizations to human rights activists cannot only focus on social criticisms in the last few decades. Most of the theories of social and cultural criticism produced post-World War II reflect the crisis mentioned above without examining its roots and more importantly its western historical and religious specificity. This should be radically changed. Activists and specialists should be briefly trained on the problems embedded in such theories that supposedly ground the concepts of rights and freedom they advocate and the challenges they face. This

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30   'Abd al-Rahmān Ibn Khaldūn, Al-Muqaddima, ed. 'Abd as-Salām ash-Shadādī (Casablanca: Dar al-Funūn wa al-Adāb, 2005), VII, 23-37.

31   'Abd al-Qāhir al-Baghdādī, *Usūl al-Dīn* (Istanbul: Matba'at al-Dawla, 1928), p.10-12.

32   Abū Hāmid al-Ghazālī, *The Niche of Lights*, trans. David Buchman (Provo: Brigham Young University Press, 1998), 32.

33   Ahmed Abdel Meguid, "Reversing Schmitt: The sovereign as a functional guardian and the peculiarity of the Islamic state of exception of in al-Juwaynī's dialectical theology," *European Journal of Political Theory*, http://journals.sagepub.com/doi/abs/10.1177/1474885117730672.

could be easily arranged in collaboration with experts in philosophy and other fields of humanities.

2.  There should be more training not only in Islamic sciences per se—given their vastness and complexity let alone the mastery of the Arabic required for approaching them. Rather, training for activists in the field of human rights working in Muslim countries should consider the general characteristics of the Islamic perspective on the human and how it contrasts with the Protestant Christian perspective. This should also reset the priorities of such activism and its working agenda.

3.  More emphasis should be placed on reviving Sunni *kalām* with a special focus on its intermediary orientation. This will be a rather challenging task. The traditionalist and rather dogmatic way of teaching *kalām* in most of the leading Sunni institutions like al-Azhar in Cairo precludes such a creative revival. Hence, I recommend using civil society organizations and independent educational centers in collaboration with qualified academics to undertake this task. Human rights activists, Muslim scholars, and journalists could all benefit from learning the fundamentals of *kalām* and how to use it creatively to address contemporary problems.

4.  In the wake of the mounting criticism against the centralism and despotism of the modern state, one way to challenge restrictions on civil society and activism from an Islamic perspective is to revive the culture of pluralism in resolving domestic conflicts. Through proper training on Islamic law and its pluralistic structure, civil society organizations can promote training on and reviving already present methods for resolving civil conflicts. This can start by encouraging members of local communities to choose a legal school based on their personal orientation and then revive the methods of managing differences among different followers of the legal schools. This can be achieved without any conflict with state laws as long as it remains restricted to personal and civil rather than criminal conflicts.

5.  Another legal and cultural convention that human rights activist should be educated on and strive to educate and promote in Muslim countries is the limited role of the sovereign. The sovereign, usually known as the Imam in Islamic literature, restricted himself to the defense and maintenance of the pluralism of the Sharia-governed society. The sovereign power and executive power of the state should have minimal roles in resolving domestic conflicts. In contradistinction from the modern liberal framework where the state may legally intervene in every aspect of the private life of the citizen, the Islamic frame of legal pluralism with its deeply decentralized orientation protects the intellectual and physical freedom of the individual through independent judiciary practices and schools that functions independent of the state and accommodate the different thinking orientations of individuals in the society.

6.  Finally, another important cultural point inextricably related to the practice of *kalām* legal pluralism is the ethics of difference and debate. A whole genre exists in the Islamic tradition under the title the ethics of research and debate (*adāb al-bahth wa al-munāzara*). This genre should be revived as a basis for social dialogue and debate. Promoting, through civil society organizations, the idea embedded in Islamic history that all legal and theological opinions are rational judgments and not sacred impositions should serve as solid basis for accepting the culture of debate and accepting difference in society. Such promotion should be facilitated through reference to this well-established literature in the Islamic tradition instead of introducing the culture of debate and accepting difference and critical thinking as a western discovery.