

Human Rights and Contemporaneity of Islam: a Matter of Dialogue?

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“Je me place dans l'état entre le rêve et la veille, où ni logique, ni chronologie ne s'opposent aux attractions et aux combinaisons propres des éléments de notre mémoire, qui s'assemblent alors pour le plaisir de l'instant même, et l'effet immédiat, baroque, bizarre ou charmant s'étant produit, se dissocient aussitôt, disparaissent, bien avant que l'objection, la sensation de l'absurde ou de l'arbitraire aient pu se produire.”

(Paul Valéry.)

Three broad themes might be disengaged from the topic that I was asked to address by the organizers of this Conference, and from the overall theme that we are

discussing: universality (including the universality of human rights), dialogue and religion (specifically, contemporary Islam). I propose to discuss these separately and in their relationship to each other, and not necessarily in sequence. But, before I do so, I would like to reflect on the question of why issues of dialogue and of culture have, in recent years, been so much in currency, mainly with respect to Islam, and thereby contribute to the lucidity of such discussions; as well as to open up the question concerning their utility and existing measure, beyond the usual gestures of benign and peaceable intent, and the etiquette of significant exchanges, in which the respectful and patronizing stances are not always readily distinguishable.

I should add that, by Human Rights (henceforth: HR), I will perforce be referring to a universal notion of human rights, as understood today, and by this I mean HR—understood as part of the Enlightenment legacy, including the humanistic and secularist conceptions of human personality, society and polity that underpin them; a notion that was first expressed in 1789 and subsequently broadened by the Universal Declaration of the UN, of 1948, and its later elaborations, rather than as politically instrumentalized motifs and diffuse slogans. The notion of HR as understood here, therefore presupposes a specific notion of human personality and personal autonomy, in a context of citizenship, driven by a

presumption of rationality and a correlative capacity for progress.

DIALOGUE

This constellation of issues arises from modes of social, political and strategic conception and action, which crystallized after 1989. Most specifically, it arises from two matters. The first is the overdrawing of discourses on civil society and democracy, which accompanied the final resolution of the Cold War in Eastern Europe, and the imbrications of HR in their flow. The second is the near-eradication of notions and processes of systemic development worldwide, including cultural development, which had marked the period following the Second World War, and their almost entire replacement with respect to what is known as the “Muslim World,” by a doctrine of culturalism.

The resultant picture is one of a world fractured between developed parts, and parts whose incapacity for development, not least for civic development, whose undeclared congenital incapacities are benignly (and in these parts themselves, proudly) designated as cultural specificity, or civilization difference. I will use the terms interchangeably and will not go over the histories and complex relations between the notions, or rather these nominal entities, civilization and culture; except to say that overall, and particularly in recent years, the former

has taken on the features of the classical German Romantic notion of *Kultur*; the cleavages they subtended, as conceptually nominal, albeit ideologically and semiotically particularly dense categories of identification and exclusion, and the dissonances between them as pictures of society of history—being the former universalistic and evolutionist, and the latter marked by a culturalist determinism—were subject to long contestation, being some of it military. In other words, in place of a “historical consensus,” as in the title of this session, premised on a historicist view of developmental humanism and on the assumption of a unitary civilization of modernity, we witness the revival of a Romantic model of society and history, in which human collectivities are—in some measures—homeostatic, impermeable and incommensurable, and essentially homogeneous or indeed hypercoherent. The resultant model, in international relations, no less than in the internal arrangements of European and North American societies, is that of Anglo-Saxon (and more broadly, Protestant denominationalist) multiculturalism, whose *modus operandi*, locally and internationally, devolves to only one of two alternatives: tolerance and dialogue on the one hand, and war or socio-strategic prophylaxis on the other; being one mirroring the other in its views of identity and difference, as xenophile conceptually mirrors xenophobia. It is perhaps no accident that Professor Huntington was much celebrated—and well-feted—in places, such as Saudi Arabia, Malaysia and Iran, where he was prevailed upon to cross the porous border of his model between war and dialogical amity.

Clearly, these tendencies have become far more acute since that fateful morning, on September 11. Culturalist relativism, either explicit or implicit, and culturalist differentialism, have come to occupy the center space in both discourse and socio-political practice. Untold resources are being allocated to fighting wars under civilization and religious titles, and to officiating dialogues; even the Syrian government has established a special instance for the latter purpose. And equally clearly, an international shock has been delivered by the realization that, though very few Muslims perpetrate terrorist outrages or have terrorist leanings, the vast majority of terrorists are Muslims acting in the name of their faith. Terrorism apart, the dialogical mode, and the correlative pedagogical model of HR, is driven by certain aspects of the Muslim experience in Europe, and most specifically by the tendency of some (I wish to emphasize the small size of this particular constituency, overdramatic in the media), towards self-stigmatization and exorbitant special pleading; including claims to a virtual extra-territoriality (with occasional calls for an extra-territorial, shar'ist legal status), expressed in an easy readiness to take offence, by sporting bizarre clothes, by taking exception to school curricula and school-wear, by ostentatious and, at times, exhibitionistic expressions of religiosity, by intemperate tonalities. In short, by dramatic manifestations of counter-racism.

In response, Europeans have generally left the serious and grim business of fighting to the US, where culturalism or "civilizationalism" takes on the pronounced

aspect of a meta-strategic disposition, and, apart from pirouetting reasonably, but not very effectively in the world of diplomacy, have turned to dialogue as a mode of engagement which, to my mind, is more apotropaic than efficacious in tackling the connected questions of: immigration, structural exclusion, socio-geographical segmentation, alienation, terrorism in Europe, and political reform added to all the above in Arab countries. Dialogue is, of course, always salutary, and might even be virtuous; the term carries a pleasing, mildly Platonic air (without the irony)—and, for the more ambitious parties, the air of a Ciceronian occasion not to be missed.

Yet, I characterize the dialogical approach in this instance as apotropaic because, in effacing the distinction between Islam and Muslims, and tending to reduce the latter to the former, it begs the question of the interlocutors—most often perceived abstractly and rather ethereally—, except, of course, for an inter-religious dialogue, which is the foundational paradigm. By the same stroke, it mystifies the elements conducive to conflict, by transposing and sublimating them to unreachable locations. After all, civilizations and cultures do not enter into dialogue, or do they go to war, and might not legitimately be understood anthropomorphically. What go to war are states, armies and social movements. Moreover, Islam is not a culture, though like other religions, it does contain elements that might or might not be integrated into an extremely wide variety of societies, politics and cultures in very complex, real or phantasmatic ways; and what might be termed Islamic civilization is a bookish memo-

ry, like the Greek or the Roman, and has no determinate existence, no matter what reveries, nostalgias or aesthetic recollections it might generate. In any case, “Islamic” civilization is a nominal category, which, in the way in which it is elicited today, concentrates on religious elements and excludes others, which were—arguably—of greater historical importance.

Civilization and culture in their current acceptation imply closure and glory in ancestralism, as well as in the aesthetic of ancestralism and hanker after a condition of historical chastity; the dialogical setting seems to do little, but encourages a defensive and unreflective self-stylization in the Gothic mode. It also reconstitutes the parties to the dialogue, as clichés that abbreviate both present reality and history, to the extent that one is at a loss to decide whether one is witnessing a dialogue or an exchange—and a hardening—of clichés. This is further encouraged by an institutional setting for dialogue, and its formation of vested interests, which lends credibility to an identitarian sublimation, that is, less a solution to problems than a symptom of them.

Thus, in tandem with the growth of fundamentalist identitarianism in Arab countries and elsewhere; with the tendency in “the Arab street” in the past two decades, and increasingly to identify nationalism with Islam and of many forward-looking members of the intelligentsia to embrace a sentimentalist identitarianism by default; with the tendency to regard politics in a sub-political perspective as catharsis and resentment, the dialogical stance tends to add encouragement and international

credibility to the long conservative revolution that we now witness. One which is ideologically not much dissimilar to that witnessed Germany until 1945—a country which also had, like the Arab World, an ambiguous and ambivalent relation to the Enlightenment, to its notion of HR and to the humanism and secularism that underlie it. The defensive and apologetic, and sometimes distinctly aggressive modes of this identitarianism is perhaps unsurprising, given an Arab World in deep crisis; and has witnessed one Versailles after another, all the more so in a world subjected to a State of Exception. Savage identitarianism is unsurprising given extra-legal Israeli politics, which devolve to an almost biological register of Darwinist predation with the outside world seemingly content with powdering over this with the use of terms, such as “disproportion” and “targeted assassinations.” It is also unsurprising in Iraq, where deliberate state collapse is accompanied by re-tribalization and by sectarian socio-political engineering—in the name of HR—, which gathers historical debris that renders society—somehow—infrahistorical, along with lines reminiscent of the Morgenthau plan for the de-industrialization of Germany after the Second World War. With the country bereft of state, a functioning economy, and educated elements, people turns into one pre-civic *foule* juxtaposed to another, yielding what is perhaps the most accomplished and dramatic experiment in the possibilities of the multiculturalist model and of “consociation democracy.”

It needs little emphasis that a universal notion of HR might be a precondition for a dialogue of cultures, whenever—and if—interlocutors were found, as in the title of this Conference. But, it is equally clear that the very notion that dialogue—rather than other social and political processes—is the way forward, and is a notion that cannot bear unreflective employment. Such a process must start in Europe, and must seek to stem the ancestralist identitarian drift there, quite apart from Islamophobia. One might recall that President Chirac called for a “cultural revolution” in Turkey—perhaps the most resolutely secularist state of all—as a pre-condition to enter into the European Union. He might have spared a thought to Poland, or indeed to the roles played by Archbishop Christodoulos and Cardinal Baldini in the politics of their respective countries; or to the appearance of Sr. Aznar in the crusading guise of El Cid in an election rally in Valencia. And he might have spared a thought to the re-enchantment of the world overall—closer home, to the calls from France (as in Italy, Germany and Britain), a decade after Mgr. Lefebvre, for the reinstatement of the Tridentine Mass, made a move favored by Pope Benedict XVI. In short, a start must be made in stemming the growing salience of anti-Enlightenment (now called post-Enlightenment) ideologies. I cite these examples among a myriad of others, in order to indicate that in the culturalist drift, Islam is functioning as a grid of misrecognition, and that this grid is having the effect, in Europe and elsewhere, by mediatic extension and a variety of political organizations, of over-Islamising Muslims, and creating putative and

involuntary Muslims, presumed to be pious of necessity, where they existed merely as sociological Muslims; or, as European citizens who happen to have Moroccan, Turkish or Bengali origins.

ISLAM AND HR

It is now time to ask if Islam—as frozen in the apologetic, formulaic image, adequate to the dialogic mould—might yield any conception of HR that is appropriate for the present age. Correlatively, one might also ask whether Islam is compatible with HR. Such Islam reduced to an *initial condition*, prior to and transcending the profound transformations of the last two centuries and, with its disengagement from the fabric of daily life leading it to solidify (and to be so solidified by its dialogical partners) within the formulaic form of a shari`a; being much impoverished in relation to the medieval paradigm, and rendered into a slogan at variance with social and legal facts in place and in effect, and without exaggeration, into a pastiche of its old self, now dead.

Religions may have been—in different measures and at different times, in the age of modernity—receptive to HR and other imperatives of modernity. But, this receptivity has often been *à contre coeur*, and has in general been rhetorical and political, rather than doctrinal or theological. When in evidence, such receptivity has generally betokened or involved less doctrinal or doxological development, than an accommodation to social and

political realities, whose development is autonomous of religion. For after all, monotheistic religions are reluctant to accept the humanistic and secular premises of HR, if not always reluctant to accommodate their social, political, cognitive and cultural consequences. Vatican II was not so much a doctrinal development, as a rhetoric-political strategy. And, when HR—in the sense here intended—was seen as admissible to some Protestant tendencies, such an admission was accompanied by the imposition of limitations on the public remit of religion; by the bracketing out of elements that had previously been essential, and by succumbing to a secular logic. Thus, the Hellenization of the New Testament and its relative disengagement from the Old Testament by von Harnack, or the procedure of demythologization by Bultmann, had the combined effect of leading to an intellectualization of theology; to its removal from the marketplace, and to the privatization of belief, irrespective of the social nature of ritual practice.

This combined effect, of course, carries in a relatively liberal *milieu*— subtending what one might call a republicanist notion of citizenship, not defined by communal appurtenance; what in the typically tortured and furtive way of post-war German (West German) political vocabulary of citizenship might be designated as *Verfassungspatriotismus*. The recent discovery, by Benedict XVI, of the broader salience of Hellenism for Christianity (thus, ironically following a Protestant lead), which was announced in Regensburg last autumn, is directed

elsewhere, contrary to the spirit and arguably to the letter of *Nostra aetate*, towards a restrictive and contrastive conception of Europe, and of Europe's identity, towards a more communalist conception of that small continent and of the world at large. But, this is another story.

As for Islam, it is well known that this religion has witnessed a once-strong and central current of Reformism, perhaps best exemplified by Muhammad 'Abduh (d. 1905). This reformist current is, in many ways, reminiscent of Jesuit and Pietist apologetics of the 18th century. It started with an attempt to reconcile the Koran with Darwinism, representative government, historical knowledge and positivist scientism. The assumption was that the Koranic text might be seen as a repository of modernity, when properly understood and interpreted; and that statements entirely at variance with science might be regarded as symbolical or allegorical—the mysterious birds entering a battle on the side Mecca in the ostensible year of the Prophet's birth, for instance—, being interpreted as invisible pathogens. Muslim Reformism made quite a career in the course of the 20th century; it was adopted as official state Islam in most Arab states, and interpreted the Koran to yield socialism, for instance, and later, under Sadat, to yield neo-liberalism.

Yet, for all the latitudinarianism it allowed, Reformist Islam has—in the past three decades—found itself besieged, and in good measure contested and marginalized. Not only because it was largely rhetorical and pragmatic, or because it was, in attempting to square so many

circles, intellectually unsatisfying and unconvincing. It desisted from employing rigorous historical methods in studying its sources, and maintained, not unreasonably, an apologetic view of Muslim history. It finds itself under siege, from a demotic Islamic koiné that is far more stringent; informed (and institutionalized worldwide) by an extremely conservative, and indeed retrogressive current—with origins in the Arabian Peninsula and in Pakistan—rendered all the more intense by diasporic locations, whose abstraction, in part by continuous reference to texts, exclusively heightens senses of unreality and renders them all the more imperative and the more conducive to commitment, concretized by the ritualization of daily life, gestures, dress and speech; this is a shar`ified koiné, obscurantist in outlook and sealed in the past, in a supposedly initial condition which, against the grain of modern developments, sustains reveries of a “return”; and, of the shar`ification of life dramatized worldwide. Under these conditions, it would indeed be legitimate to ask if Islam—as described above, as broadly perceived today, and as practiced by increasing numbers—is reformable.

It is unsurprising, with this Levitical koiné in view, that Muslim organizations have sought to opt out of various universal declarations of HR, and on many occasions to produce an Islamic charter of HR. Islam is, of course, not alone in this; and, Muslim countries—such as Saudi Arabia—are not the only ones not to sign; Israel is not a signatory to the universal declaration of HR. The

reticence of the Vatican only came to an end in 1975, with the encyclical *justitia et pax*, when it accepted the inalienable rights of individuals. But, still does not accept birth control or abortion—the latter was the occasion for an alliance with Muslim organizations in Beijing. The Orthodox churches regard the Declaration to be much too rationalistic and anthropocentric to merit acceptance. Protestant churches are divided on the issue.

The stumbling block for Muslim organizations was the shar'ist koiné: the Universal Declaration of 1948 was passed after a brief discussion (in which Syria, Lebanon, Egypt and Saudi Arabia participated). It decided to remove all references to the Divinity. But, the world has moved on since then. Repeatedly, most especially in the 1980s (at UNESCO, Organization of the Islamic Conference, Council of Europe, among other venues and bodies), Muslim groups have insisted that the limit to the universality of HR is the shari`a, which supposedly guaranteed HR adequately 15 centuries ago.

Yet, what is proffered here is a doctrine of duties and not of rights, and the prime parameter is collective and communitarian, not individual. Freedom of conscience in matters of religion is limited by the insistence on the imperative and involuntary adherence of Muslims to their religion, expressed in the impermissibility of opting out of religion altogether, or of conversion—one must say—against a Koranic verse, by interpretation usually confined to the impermissibility of forcible conversion to Islam in all but certain conditions of conquest. In the

same spirit, HR of women are limited by the shari`a in the form in which the koiné presents it; and disallows their marriage to non-Muslims (a year ago, some Italian churchmen, including a bishop, warned Italians against marrying Muslims). For the rest, the content of the shari`a is not always predictable, and can be expanded or contracted by states and legislative authorities. But in all, the heart of the matter—archaic and spectacular punishments apart—is that appeal to the limits of the shari`a is an appeal to a doctrine of differential rights and not a universal doctrine of HR: differential rights, common in all pre-modern legal systems, allocating different prerogatives to the free and the bonded, to believers and non-believers, to men and women. Clearly, discourse of citizenship is difficult to reconcile with this. Although it is true that some currents of Islam seek to remove this differentialist aspect. But, the procedure is invariably apologetic, in the tradition of Muslim Reformism.

CONCLUDING REMARKS

Clearly, then, and in brief conclusion, the very notion of an initial condition—supposed by some Muslims and actively imagined by outsiders—might be at the heart of any discussions of this matter: an initial condition as a rhetorical trope that effaces history, but which has a difficult relation to historical reality; the reality of history long past, and the history still with us, that has seen most Arab states institute civil codes and modify codes

of personal status; and, in undeclared fashion secularize societies and polities, in a manner that makes these novelties of the past few generations, the existing conditions from which a start might be made. If recourse must be made to “dialogue,” and if appropriate interlocutors be located, it would seem unwise to regard the Arab world (or the “Islamic World”) as a homogenous reservation of this Islamic initial condition, and enter into dialogue with it from outside—such as the dialogue of Islam and the West, of Latinity and Arabity, of Europe and the Middle East. The terms are far too much abstracted from social, political and cultural processes to be helpful, for none of these nominal categories is bereft of social, political, institutional, state, and other carriers, who invoke them—sometimes magically; and these need to be specifically identified. All possible interlocutors—be they Finkelkraut or Zapatero representing “the West,” Khatami or Al-Azmeh representing some other nominal units—are geographically transversal, as well as global; and, cleavages to be thereby “negotiated” have far from simple geographies, and no readily identifiable collective pronoun—one might say, as a mediatic one-liner, that Islam is in the West and the West is in Islam. Both terms are complex, internally heterogeneous and not necessarily stable, wherever they may be: the one inhabiting and, the other, in a variety of modes. And, in any case, the best socio-cultural model to be hoped for on such assumptions would be that of tolerance, which is inherently unstable under modern conditions, when not

transcended by one of citizenship and privatized religion, which does not disallow piety.

The etiquette of dialogue needs to be calibrated, and brought into connection with the etiquette of critique, including self-critique beyond the apologetic requirements, and with the universality of HR proposed as a pre-condition for dialogue. And, it would seem advisable to note that the dialogue, or rather the debate, cannot countenance an “inside” and an “outside”; it is—and has been for two centuries—internal to the Arab world, and involves not only deliberative interlocutors, but social forces, cultures, political structures and entities, in contestations that are not entirely dialogical.