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ISLAM & HUMAN RIGHTS:
A POSSIBLE WAY OF RECONCILIATION

Abstract

Religion resurgence and the theory of human rights are two of the most discussed issues in contemporary political and philosophical debates. The assertion of special communal identities and the demand for increased protection for some basic rights occur in a complex world in which technology reinforces global relationships at the same time that local and national cultural identities remain remarkably strong. In this framework, societies and politics change and, during this transformation, religious issues and claims for the implementation of human rights can conflict.

This is particularly evident in the Islamic context I want to deal with in my essay. Here we have strong resistances to the application of human rights' standards, usually justified on the base of the presumed incompatibility of Islamic doctrine with these standards.

In reality, In the Muslim religion we do not have neither a church nor a unique doctrinal mastery, or a centralizing authority guarantor of the orthodoxy. Therefore, It is not possible to consider reliable the existence of a single, authoritative, identifiably "Islamic" cultural position on rights issues, because of the existence of different schools of thought and of the fact that the possible interpretations of the sacred texts of Islam are various.

In Islam, as in all major religions, we can find a wide range of concepts and believes that can be used to support both human rights and their denial. "It is not Islam that prevents Muslims from accepting human rights - maintains Nasr Abu Zaid - but rather a religious and political

dogmatic trend of thought, ever prevalent, which claims that Islam and modernity contradict one another"[1].

Many Islamic scholars are convinced that thought a liberal interpretation of the Qur'an is possible to adopt international human rights' standards even in respect of these issues.

After demonstrating, the feasibility of finding out a human rights' justification in the same Islam, through a liberal interpretation of its key concepts, I will try to demonstrate that it is possible to reach an acceptance for the rights reasons of human rights through a sort of Rawlsian "overlapping consensus" considering human rights as a freestanding political conception.

Of course, the possibility to justify human rights' standards from an Islamic point of view cannot be realized without creating the necessary conditions for debate and re-interpretation to transform traditional interpretations of Shari'a.[2]

Actually, Islamic movements against modernity and laicism are well organized, have schools, media access and, above all, funds. On the contrary, liberal Islam is fragmentary, persecuted by Islamic regimes and not supported by the West.[3]

The burden of sustaining a new moral course of Islam, stressing the Quranic message of tolerance and respect for the other, of course falls on the shoulders of contemporary Muslim interpreters of the tradition,[4] but I am persuaded that many things can be done by the West to improve dialogue an contribute to an Islamic way to democracy.

The international community has to be awaken about the drama that many Muslim scholars are experiencing in those countries. They dedicate their studies to the liberal interpretation of the Qur'an and the promotion of democracy, at the risk of their same lives and, in my opinion, the international community has to be conscious of the danger those scholars experience and react to protect them.

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[1] Nasr Abu Zaid, "The Nexus of Theory & Practice" in *The New Voices of Islam*, Ed. Mehran Kamrava, I.B. Tauris, London - New York 2006, p. 174-175.
[2] See An-Na'im project on *The Future* cit., http://sharia.law.emory.edu/fr/universality.
[3] Mohammed Talbi, "La shari'a ha ancora un futuro tra laicità e ateismo?" *Filosofia e questioni pubbliche*, vol.VII n. 2/2002, p. 7.
[4] Khaled Abou El Fadl, "The Place of Tolerance in Islam", *Boston Review*, 26, December 2001/January 2002.