

Islām, the West & Human Rights Discourse: Towards a Mutually Prospective Engagement

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Abstract

The universality of human rights speaks not to ephemeral geopolitical hegemony but rather to immutable moral conscience in the hearts of people thinking and acting as moral agents. On this foundational premise, a viewpoint is put forth for a mutually prospective and people-centred engagement between Islām and the West on the concept and practice of human rights. This will entail each side to critically and creatively re-engage their respective traditions and heritage as they relate to the human rights discourse as part and parcel of a consensus building mutual engagement.

Keywords

Islām, the West, human rights, prospective engagement, consensus building.

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Brief Background

The current human rights¹ discourse (HRD) has emerged in the aftermath of World War II, the framework of which was initiated, drafted and ratified in the terms of the Universal Declaration of Human Rights (UDHR), mainly by representatives of the major victorious powers.² It has its intellectual and political roots in the European Enlightenment, particularly the political philosophy of liberalism as expounded, especially, by John Locke with his notion of the “natural rights” of man.³ This liberal political theory (as well as its various subsequent permutations) has since become the *de facto* (if not *de jure*)⁴ conceptual paradigm governing, even *monopolising*,⁵ the way different communities and polities around the world have measured progress or lack thereof in the securing of human dignity and overall wellbeing. Already

1. For the purpose of this discussion, we may endorse the following working definition of “human rights” as referring to the “moral and political entitlements that are due to all human beings equally by virtue of their humanity, and without any distinction on such grounds as race, sex, religion, or national origin.” See the discussion in Abdullahi Ahmed al-Na’im, “Islam and Human Rights,” *Religion and Human Rights: An Introduction*, ed. John Witte, Jr. and M. Christian Green (Oxford: Oxford University Press, 2012).
2. For a history, see Johannes Morsink, *The Universal Declaration of Human Rights: Origins, Drafting, and Intent* (Philadelphia: University of Pennsylvania Press, 1999).
3. For a good discussion, see Kate E. Tunstall, ed., *Self-Evident Truths?: Human Rights and the Enlightenment* (New York: Bloomsbury, 2012); see also Eva Piirimäe, “Human Rights, Imperialism and Peace among Nations: Herder’s Debate with Kant,” *Intellectual History Archive* 2 (2018).
4. An account of its global juridical impact is in John P. Humphrey, “The Universal Declaration of Human Rights: Its History, Impact and Juridical Character,” Bertrand G. Ramcharan, *Human Rights: Thirty Years After the Universal Declaration: Commemorative Volume on the Occasion of the Thirtieth Anniversary of the Universal Declaration of Human Rights* (The Hague: Nijhoff, 1979), 28–40.
5. Tom Zwart, “It’s time to break the Western monopoly on human rights interpretation,” *Daily FT* (30 January 2019); see also Jeanne Mayrand-Thibert, “Moving Past the Monopoly: Eurocentrism and Human Rights,” *McGill Journal of Political Studies* (29 June 2018).

while in its drafting stage, the largely Western provenance of the document has exposed it to compelling criticism. As the American Anthropological Association puts it: “How can the proposed Declaration be applicable to all human beings, and not be a statement of rights conceived only in terms of the values prevalent in the countries of Western Europe and America?”⁶

This geopolitical scenario has had also a significant impact on how Muslim communities around the world have engaged pressing issues of human rights in their own countries. In the socio-political process of that engagement, they (or the intellectuals leading them) inevitably find themselves obliged, sometimes despite themselves, to bring HRD and the Islamic intellectual tradition (specifically, the Shari‘ah or Revealed Law)⁷ into dialogue and possibly mutually fruitful collaboration.

That this should be the case is not at all surprising, given the fact that Islām has its own elaborate (and perhaps called, *transpolitical*)⁸ socio-legal heritage in defining the rights and responsibilities of individuals in relation to one another and to their communities, including non-Muslims.

However, as pointed out by Nyazee, to what extent they have succeeded in critically integrating HRD into the framework of the Shari‘ah is quite another matter.⁹ He says:

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6. Executive Board, American Anthropological Association, “Statement on Human Rights,” *American Anthropologist*, 49:4 (Oct-Dec., 1947): 539.
 7. That is in terms of *fiqh* and *usūl al-fiqh*.
 8. By transpolitical, it means that the Shari‘ah as formalised in terms of *fiqh* and *usūl al-fiqh* (jurisprudence and principles of jurisprudence) has always been what is called jurists’ law which expresses the will of God rather than the will of the state, and thus independent of state legislation enacted by politicians. The authority to formulate the rules of the Shari‘ah is intellectual not political in nature and thus lies exclusively with qualified jurists or *fuqahā*²; see the discussion in Rudolph Peters, “From Jurists’ Law to Statute Law or What Happens when the Shari‘a is Codified,” in B. A. Roberson, ed., *Shaping the Current Islamic Reformation* (London: Frank Cass, 2003).
 9. Imran Ahsan Nyazee, “Islamic Law and Human Rights,” *Islamabad Law Review* (Spring/Summer, 2003): 16–18.

Islamic law is no longer a municipal law; it is an international force with the power to shape world events. It is destined to play a positive role in shaping the norms of the future world order. To enable it to do so in a positive and constructive way, Muslims must understand the nature of human rights as they are implemented by the United Nations and as they will be implemented by Muslim states in accordance with Islamic law. In reality, Muslims need to wake up from their slumber and make the principles of their law compete with those of natural law and other systems so that their norms and values also become part of international law. Mere complaining, without the necessary foundational work, about the domination of Western principles is not going to work for long. If Islamic principles are not solving problems, Western principles will.¹⁰

A Mutually Prospective Engagement with Human Rights

For this unavoidable even desirable engagement to be more prospective and collaborative in nature and thereby less reactive and antagonistic, as is largely the case currently, both advocates of secular humanist HRD and of the Islamic tradition of human rights may need to climb down somewhat, *as a matter of dialectical strategy*, from their respective public high horses of universalising human rights regime.¹¹ There is a real pressing need for both sides to come to the dialogue table afresh with no preconditions with a clear view towards seeking *practical* common ground for the common good, while allowing for the fact that they may need to agree to disagree (theoretically or practically) on some issues (big or small)

10. Ibid., 15.

11. Abdullahi al-Na'im, "Islam and Human Rights: Beyond the Universality Debate," *Proceedings of the American Society of International Law* (ASIL) Annual Meeting 94, no. 5–8 (2000): 95–103.

considered non-negotiable for both camps.¹² In this process of cross-cultural dialogue on the “concept, content and context” of human rights, the role of communities and civil society rather than the state has to take centre stage.¹³

The same can be said for the necessity of HRD engaging in dialogue with no pre-conditions with the other great religious traditions, including quasi-religious cultural ones like Confucianism.¹⁴ This author has good reasons to believe, as a Muslim with some experience in cross-cultural dialogue,¹⁵ that such a people-centric rather than state-centric common ground, when reached, will not be trivial, but of significance enough to salvage HRD as a viable proposition that can continue to have at least a largely consensual universal appeal for the great majority of the world’s peoples.¹⁶ This is not the least because such a common ground will be seen to be at once common and shared, yet organically rooted in, rather than artificially imposed on, the intellectual and cultural traditions of the respective parties to and stakeholders in the HRD.¹⁷ To cite Abdullahi al-Na’im:

The essential quality of the universality of human rights may be explained in terms of what I call

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12. Here we can agree with the live and let live approach of Jacques Maritain in his, “On the Philosophy of Human Rights,” in *Human Rights: Comments and Interpretations*, ed., UNESCO (New York: Columbia University Press, 1949).
 13. Abdullahi Ahmed An-Na’im, ed., *Human Rights in Cross-Cultural Perspectives: A Quest for Consensus* (Philadelphia: University of Pennsylvania Press, 1995).
 14. See John Witte and M. Christian Green, *Religion and Human Rights: An Introduction* (Oxford: Oxford University Press, 2012); see also, for instance, the work of the Cross-Cultural Human Rights Centre. <https://crossculturalhumanrightscentre.com/>.
 15. Wan Aimran, Adi Setia, and Aliff Basri, “Engaging Structural Greed Today: Christians and Muslims in Dialogue,” *Islam & Science* (Summer, 2014).
 16. On this quest for consensus, see An-Na’im, *Human Rights in Cross-Cultural Perspectives*.
 17. This author has in mind the revisioning of HRD by Abdullahi Ahmed An-Na’im, “The Spirit of Laws is Not Universal: Alternatives to the Enforcement Paradigm for Human Rights,” *Tilburg Law Review* 21 (2016): 255–274.

the three “Cs”, namely, the concept, content and context of these rights. As the rights of all human beings everywhere, human rights are necessarily universal as a matter of *concept*, but the universality of the *content*, i.e. the rights, should be defined and realized through a globally inclusive consensus-building process. All human beings everywhere must therefore contribute to determining the content of the concept of human rights for themselves, and apply them in their own context. This tripartite dynamic is essential for the individual and collective self-determination of the human, the subjects of human rights.¹⁸

The basic idea that is being proposed here is that civilisations and nations past and present have their own skeletons in their closets and elephants in their rooms when it comes to horrendous abuse of human rights. In the process of recognising, acknowledging and thereby coming to terms with those skeletons and elephants, they have found enlightened, creative ways in drawing from their own internal intellectual and moral resources with some degree of *actual* success.¹⁹ In the course of that, by all measure, noble endeavour, they have also largely avoided the self-righteous hubris²⁰ of declaring to the world that their own ways of protecting and promoting (much less *defining*) human rights are universal and of universal applicability, and hence, imposable on others.²¹ *Universality*

18. Ibid., on 255–256.

19. Paul Gordon Lauren, “The Foundations of Justice and Human Rights in Early Legal Texts and Thought,” *The Oxford Handbook of International Human Rights Law* (Oxford: Oxford University Press, 2013), 163–193.

20. Euphemised by Rudyard Kipling as the “white men’s burden,” in his hymn to American imperialism, “The White Man’s Burden,” *McClure’s Magazine* 12 (1899): 290–291.

21. See Jean Bricmont, *Humanitarian Imperialism: Using Human Rights to Sell War* (New York: Monthly Review Press, 2007); see also, Carlos Martínez, “Democracy, Human Rights and the White Man’s Burden,” *Agent of Change*, <http://theagentofchange.tumblr.com/post/16004778490/democracy-human-rights-and-the-white-mans-burden#me> (accessed 30 January 2019).

speaks not to ephemeral geopolitical hegemony but to immutable moral conscience that transcends the ages.

This is simply because universality is not established by some historically contingent, geopolitical declarations of the victorious Great Powers (or by cultures or nations currently hegemonic on the globe), but by largely silent, uncoerced affirmation in the hearts of people (religious or otherwise) of foundational moral truths. So, while truth as such is absolute and hence universal, its formal and informal expression in the world is very much contextualised in the landscape of history, which is still unfolding with unforeseen and often surprising outcomes, despite the *End of History*.²² Just as the world is one but not flat, likewise, truth is one but not flat. In this regard, it is best for all parties, no less for the West, to view the Universal Declaration of Human Rights (UDHR) as a historically *contingent* “universality” of a largely Western liberal political provenance that is very much an ongoing intellectual-moral *work in progress*,²³ rather than a set of quasi-religious, a historical normative givens to be imposed on the rest of the world through the diplomatic manoeuvrings and lobbying efforts of some organisations of the United Nations.²⁴ To truly democratise the HRD and render it less state-than people-centric, it has to cease to be abused as a geopolitical tool of coercion by the powerful over the less powerful or powerless.²⁵ To cite al-Na‘im again:

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22. Francis Fukuyama, *The End of History and the Last Man* (New York: Free Press, 1992).
 23. James Tully calls this humbler attitude the “democratic Enlightenment,” in his “Rethinking Human Rights and Enlightenment,” in Kate E. Tunstall, ed., *Self-Evident Truths?: Human Rights and the Enlightenment* (New York: Bloomsbury, 2012); see also Mary Ann Glendon, “Foundations of Human Rights: The Unfinished Business,” *American Journal of Jurisprudence* 44, no. 1 (1999).
 24. Geoff Simons, *UN Malaise: Power, Problems and Realpolitik* (New York: Palgrave, 1995).
 25. Richard Falk, “The power of rights and the rights of power: What future for human rights?” *Ethics & Global Politics* 1, no. 1–2 (2008): 81–96.

The idea that a group of (Western) states/ societies would define human rights for other states/societies (of the Global South) and then supervise their education in and practice of those rights until they are ready to be trusted with implementing those predetermined norms is precisely ‘the civilizing mission’ that was alleged to legitimize European colonialism in the 19th century. Since this is the exact antithesis of the universality of human rights, it must be categorically repudiated. The present human rights initiative may succeed or fail, and humanity will continue to strive for life with dignity and justice regardless of the fate of this initiative, but the human rights paradigm cannot exist at all except in terms of the dynamics of globally inclusive concept and content, as realized in local context.²⁶

Questioning the Universality of UDHR

As a case in point, let us revisit Ignatieff’s well-thought out, comprehensive two-part lecture on human rights he delivered almost two decades ago at Princeton University as part of the Tanner Lectures on Human Values.²⁷ Its remarkable, overall incisiveness notwithstanding, one cannot help but get the feeling that deep down it projects a highly selective, narrow Eurocentric view of political history, one that is decidedly Nazio-Holocaustocentric.²⁸ It was as if that, in general, the victorious major powers of WWII did not have holocaustic skeletons (as well as elephants) of their own before and after the advent and defeat of the Nazis, and hence, of fascism that can

26. An-Na’im, “The Spirit of Laws is Not Universal,” 255–274, on 256.

27. Michael Ignatieff, *Human Rights as Politics and Idolatry* (Princeton: Princeton University Press, 2001), 3–52.

28. Sebastian Bonnet, “Overcoming Eurocentrism in Human Rights: Postcolonial Critiques—Islamic Answers?,” *Muslim World Journal of Human Rights* 12, no. 1 (2015); see also Makau Mutua, “Savages, Victims, and Saviors: The Metaphor of Human Rights,” *Harvard International Law Journal* 42, no.1 (Winter, 2001): 201–245.

or should be cited as impetus and justification for the UDHR, its plethora of related sister declarations and covenants, and the current continuance and intensification of HRD.

On the contrary, it is a self-evident fact of modern history that “the expansion of the western world has been marked by demoralization of human personality and the disintegration of human rights among the peoples over whom hegemony has been established.”²⁹ Hence, one would think that these victorious, founding Western powers of the UN (in particular the US, Britain and France) would have earnestly seen the UDHR, the drafting of which they effectively commissioned and approved, as their *civilisational transformative rite of atonement*, first and foremost, for their own cardinal sins of mass murder perpetrated before and during WWII in order that such horrors and abuses might never be repeated.³⁰ That they have largely failed to do so, even through the 70 or so years hence, has effectively hollowed out in the eyes of many the universality of the UDHR of any effective substance, and reduced it into a thinly veiled “universal” tool of the West for imposing their geopolitical agenda on the Rest.³¹

Drafting and declaring are one thing, atoning and desisting are quite another. Until they have really atoned and desisted, they lack any moral high ground from which to

29. Executive Board, American Anthropological Association, “Statement on Human Rights,” *American Anthropologist* 49, no. 4 (Oct.–Dec. 1947): 539; see also Serge Latouche, *The Westernization of the World: Significance, Scope and Limits of the Drive towards Global Uniformity* (Cambridge: Polity Press, 2007).

30. For the case of the U.S., see William Blum, *Rouge State: A Guide to the World’s Only Superpower*, 3rd. ed. (Monroe, ME: Common Courage Press, 2005); idem, *Killing Hope: U.S. Military and C.I.A. Interventions Since World War II* (Monroe, ME: Common Courage Press, 2008); idem, *Freeing the World to Death: Essays on the American Empire* (Monroe, ME: Common Courage Press, 2004); and idem, *America’s Deadliest Export: Democracy—the Truth about US Foreign Policy and Everything Else* (London: Zed Books, 2013).

31. As a case in point, see F. Schulz, *Tainted Legacy: 9/11 and the Ruin of Human Rights* (New York: Nation Books, 2003).

demand lesser nations to atone for or desist from human rights abuses. Atonement is realised in works not words. The thing is that one needs to be seen to walk the talk and demonstrate it in no uncertain terms on oneself before universalising that talk on others. It is simply self-defeating for the West to explicitly or implicitly focus on the historical uniqueness of the Nazi monstrosity while largely ignoring the plethora of monstrosities they themselves have directly or indirectly perpetrated before the advent and after the demise of the Nazis. Such blatant hypocrisy breeds cynicism and simply will not work, and to his credit, Ignatieff candidly elaborated at length on that fact in the second part of his lecture,³² and this author finds that much-welcomed candidness to have more than compensated for his narrow Nazio-holocaustocentric selectivity.

Indeed, that is one aspect of the HRD engagement one has in mind, that as thinking Muslims, we need to be unabashed, well-informed critics of the West, a clear mirror for the West to look back at its own face, and thereby go beyond submitting to demeaning, insincere and coerced post 9/11 apologetics, as if Islām (or Muslims in general for that matter) was or should be blamed for that and subsequent acts of wanton terror and abuse of human rights. “Muslims have no duty to celebrate a general hypocrisy that singles them out for ill-treatment.”³³ For, if we play the blame game too far, it tends to cut both ways, and we can easily end up blaming John Locke and his fellow intellectual elites and their powerful political supporters for failing to actually translate good political theories into good public policies for the common folk, black, brown or white,³⁴ and then this engagement will become rather unproductive.

32. Ignatieff, *Human Rights*, 53–100.

33. Caner K. Dagli, “Should Muslims Really Apologize for Terror Attacks?,” *CNN* (6 February 2015).

34. Michael Perelman, *The Invention of Capitalism: Classical Political Economy and the Secret History of Primitive Accumulation* (London: Duke University, 2000).

One can even go as far as to argue that if such unabashed hypocrisy or disparity between principles and practice is restricted to the personal failings of self-interested, populist politicians, then that is only to be expected. However, if it is shown to be actually rooted in the very thinking of Enlightenment intellectuals and philosophers whom they claim to have drawn inspiration from, such as even John Locke or Jeremy Bentham himself, then Ignatieff's basic thesis in the conceptual coherence of HRD—based as it were in his defence of the Enlightenment project³⁵—falls to pieces on the ground. If that happens, then no amount of constructive critique will ever salvage it or the UDHR, and hence, his further argument for its essential cross-cultural validity, and hence, universality, in the final analysis, will be in vain.

Yet, there is a real need for both sides to take the high sounding principles of HRD at face value for whatever they are worth, see what common ground they can reach on them, and then, as decent human beings, put them to work as best as possible on *the ground* in a manner that finds accord with their respective cultures. If people are active creators of history or intend to recreate it rather than continue to be passive victims of real or perceived historical wrongs, then, if anything, they need to put their act together and take personal and communal responsibility in the company of others for securing their collective future.

Muslim Self-Questioning

The other aspect of the engagement has to do with Muslims looking back at themselves and taking stock of their undeniable success as well as their undeniable failure to translate their principles into practice is respect of honouring human rights and duties as expounded in the Islamic intellectual, ethical and

35. Michael Ignatieff, "Ascent of Man," *Prospect Magazine* (October, 1999).

legal tradition.³⁶ Again, they need to avoid the blame game here. Blaming current Western geopolitical hegemony or its past colonialism for their failure to take stock will only go so far, for in the final (theological) analysis, they have only themselves to blame for their current civilisational malady. Needless to say, touting their principles as holier than the others', or kneejerk reactive declarations of this or that Islamic version of the UDHR and its sister documents³⁷ also will not cut it if they continue to be lax in translating them into actual, prevalent practice. Muslims have already been long overdue in putting many of their houses back in order, long before Christopher Columbus sailed beyond the Canaries and Bartholomeus Diaz rounded the southernmost tip of Africa, leading to the re-centring of the World System from the Indian Ocean to the North Atlantic and the subsequent, long drawn geopolitical decline of the Muslim world.

To illustrate an aspect this author has in this regard, one may refer to the noted law professor, Imran Ahsan Nyazee, who argued that the UDHR can and should be systematically recast in terms of traditional Islamic Law in order to render easier its implementation in Muslim countries. However, the fact of the matter is that, "There is not a single serious study that deals with the analysis of human rights, as advocated by the United Nations, in terms of traditional Islamic Law."³⁸ Without this deep-level intellectual and legal engagement with the UDHR resulting in its systemic re-articulation in the ethico-legal terms of the Shari'ah, the HRD will continue to

36. For a recent global discussion, see Hisham Hellyer, ed., *The Islamic Tradition and the Human Rights Discourse* (Washington D.C.: Atlantic Council, 2018).

37. For example, Salem Azzam. "Universal Islamic declaration of human rights," *The International Journal of Human Rights* 2, no. 3 (Autumn, 1998): 102–112;

38. Nyazee, "Islamic Law and Human Rights," 17; however, see the recent work of Abdullahi al-Na'im, *Islam and the Secular State: Negotiating the Future of Shari'a* (Cambridge, MA and London: Harvard University Press, 2008).

be seen as a trojan horse to smuggle in hegemonic alien value system on the Muslim world, eliciting “religious reactions of increasing intensity laying waste the effort of decades.”³⁹

So, on the one hand, largely unilateral declaration of universality by the West by using or manipulating the global platform of the United Nations⁴⁰ is not going to work, while on the other hand, intellectual, legal and policy failure on the part of Muslims to elaborate and thereby implement human rights in their respective countries in terms of traditional Islamic law is not going to improve matters either. One may venture as far as to say that this general failure of serious and systemic *prospective engagement* with HRD and its roots in the Enlightenment project on the part of Muslim religious scholars and legal theorists is one big factor contributing to the current deplorable human rights situation in many Muslim countries, especially in the Arab world. In this regard the well-informed and rigorous deep-critique of Enlightenment ethical thinking and theories by Taha Abdurrahman is exceptional and deserves serious study.⁴¹

Socio-Economic Rights

Yet another aspect of HDR pertains to the need to recognise the fact that there is a close interplay between political and socio-economic rights.⁴² However, current HRD is overly focused on, even obsessed with, political rights (such as free and fair elections), with too little attention paid to socio-economic rights, even though much erosion of political rights stems from

39. Nyazee, “Islamic Law,” 17.

40. Especially the so-called Security Council, see Justin S. Gruenberg, “An Analysis of United Nations Security Council Resolutions: Are All Countries Treated Equally?,” *Case Western Reserve Journal of International Law* 41, no. 2 (2009): 469–511.

41. See Mohammed Hashas, “Taha Abderrahmane’s Trusteeship Paradigm,” *Oriente Moderno* 95 (2015): 67–105.

42. UNDP, *Human Development Report*, 2000.

the systemic undermining of socio-economic rights of people to pursue decent and dignified livelihood for themselves, their families and their communities in a manner that is in harmony with their cultural values.⁴³

Hence, there is a real need for the current global economic and financial system to be made more in accord with those provisions of the UDHR that pertain to securing the social, economic and cultural rights for individuals and communities.⁴⁴

Universality and Consensuality

Indeed, the question that arises is: Where does all this lead us to in relation to the future of the HRD? The UDHR and its various sister declarations and covenants are more or less established in the regime of the United Nations Organization, and hence they make explicit or implicit claims to universality. If this universality is to be truly consensual rather than controversial, then both the West and the Muslim world need to work together in *prospective* engagement with the various provisions of those declarations, and thereby transcend the rather unproductive reactive stance of one party against the other. The one reacting to the perceived recalcitrance of Sharī'ah law, while the other to the perceived imposition of the value system and even geopolitical agenda of the West.

By *prospective*, it means that they mutually and proactively look at this universality and its provisions less as a normative fiat than a work in progress and consider how these can be critically realised within the socio-legal context of their

43. This is in spite of the provisions of the International Covenant on Economic, Social and Cultural Rights (ICESCR); see Giorgio Baruchello and Rachael Lorna Johnstone, "Rights and Value: Construing the International Covenant on Economic, Social and Cultural Rights as Civil Commons," *Studies in Social Justice* 5, no. 1 (2011): 91–125.

44. Polly Vizard, "Economic Theory, Freedom and Human Rights: The Work of Amartya Sen," *ODI Briefing Paper* (November, 2001).

respective human rights traditions, given that there is an undeniable shared core, conceptual understanding of rights and duties governing relationships among human beings to ensure the overall flourishing of the human potential for realising the good life and the common good.⁴⁵

All in all, one believes that it is important for the West, Muslims and the rest of the world to transcend the current use and abuse of the HRD to facilitate trade-offs between conflicting political and geopolitical agenda, and come closer to a more foundational, shared notion of rights in terms of what it means to be a human being, individually and communally. To the extent that progress is made in that direction through continuing dialogue and learning from one another's experiences, achievements and even failures, we make progress in realising the *prima facie* intent of the UDHR. As one astute observer has put it, "What matters is the purpose of human rights—not their origins—and their ability to protect the individual interests of the powerless, in all cultures."⁴⁶ By extension, individual rights would and should include the rights of currently marginal and marginalised religious and ethnic communities in order to free them from the democratic oppression and tyranny of the majority.⁴⁷

45. See, for instance, the argument for consensual universality in George Cristian Maior, "Human Rights: Political Tool or Universal Ethics," *Journal for the Studies of Religions and Ideologies* (Winter, 2013): 3–21.

46. Tom O'Connor, "Debating Human Rights: Universal or Relative to Culture?" *Development Education* (11 February 2014) <https://developmenteducation.ie/blog/2014/02/debating-human-rights-universal-or-relative-to-culture/> (accessed 30 January 2019).

47. For instance, the plight of the Orang Asli in Malaysia; see Rusalina Idrus, "The Discourse of Protection and the Orang Asli in Malaysia," *Kajian Malaysia* 29, supp. 1 (2011): 53–74; see also in general the work of Colin Nicholas at the Center for Orang Asli Concerns, www.coac.org.my (accessed 1 February 2019).

Conclusion

To conclude, Islām and the West need to candidly do more *prospective* talking with one another in order to collaborate more effectively in talking back to the UDHR and all its subsequent sister declarations, covenants and documents. This will entail them to critically and creatively re-engage their respective traditions and heritage as they relate to the human rights discourse. To the extent they are able to achieve success in that dialogue and engagement, they succeed in making progress towards elevating HRD from political tool to universal ethics,⁴⁸ or from neoliberal dream to universal goal,⁴⁹ and thereby go on to something much better than the rather abstract, pedantic, and hence, unproductive universalism versus relativism debate.⁵⁰

48. Maior, “Human Rights”.

49. Mikayla Bean, “Human Rights: A Universal Goal or Neoliberal Dream,” (28 February 2016) <https://www.fandm.edu/uploads/files/963267715903977530-mikayla-bean-junto-paper.pdf>.

50. See Taha Abdurrahman, *A Global Ethics: Its Scope and Limits* (Abu Dhabi: Tabah, 2008).

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