

1: International Human Rights and Islamic Law : Professor Mashood A. Baderin :

One of the contemporary challenges faced by Islamic law today is the issue of compatibility between Islamic law and international human rights law. The debates about the compatibility of Islamic law with international human rights are taking on an increased significance in both the Muslim and the non-Muslim worlds.

History[edit] Various Muslim countries had criticized the Universal Declaration of Human Rights for its failure to take into account the cultural and religious context of non- Western countries. It has been signed by 45 states so far. Contents[edit] The Declaration starts[citation needed] by saying "All human beings form one family whose members are united by their subordination to Allah and descent from Adam. It goes on to proclaim the sanctity of life , and declares the "preservation of human life" to be "a duty prescribed by the Shariah ". The CDHRI also guarantees non-belligerentsâ€™such as old men, women and children , the wounded and sick, and prisoners of war â€™the right to food , shelter, and access to safety and medical treatment in times of war. The CDHRI affords women "equal human dignity", "own rights to enjoy", "duties to perform", "own civil entity", "financial independence", and the "right to retain her name and lineage". Both men and women are given the "right to marriage" regardless of their race, colour, or nationality. The Declaration makes it incumbent upon both parents to protect the child, both before and after birth, while stressing that the husband is responsible for the social and financial protection of his family, including any children and wives. The Declaration recognises the rights to property and privacy for the individuals. It is not permitted to spy on him, to place him under surveillance or to besmirch his good name. The State shall protect him from arbitrary interference". Article 10 of the Declaration states: It is prohibited to exercise any form of compulsion on man or to exploit his poverty or ignorance in order to convert him to another religion or to atheism. The Declaration protects each individual from arbitrary arrest , torture , maltreatment, or indignity. Furthermore, no individual is to be used for medical or scientific experiments without his consent or at the risk of his health or of his life. It also prohibits the taking of hostages of any individual "for any purpose whatsoever". Moreover, the CDHRI guarantees the presumption of innocence ; guilt is only to be proven through a trial in "which he [the defendant] shall be given all the guarantees of defence". The Declaration also forbids the promulgation of "emergency laws that would provide executive authority for such actions". Article 19 stipulates that there are no other crimes or punishments than those mentioned in the sharia. Sharia allows corporal punishment whipping, amputation and capital punishment by stoning or decapitation. The CDHRI declares the rule of law , establishing "equality and justice for all", with the limitations provided under Islamic law. It may not be exploited or misused in such a way as may violate sanctities and the dignity of Prophets, undermine moral and ethical values or disintegrate, corrupt or harm society, or weaken its faith. Article 22 d states that "It is not permitted to arouse nationalistic or doctrinal hatred or to do anything that may be an incitement to any form of racial discrimination. It also places the responsibility for defending those rights upon the entire Ummah. Criticism of Sharia law , Human rights in Islamic countries , Application of sharia law by country , and Islam and violence The CDHRI has been criticized for being implemented by a set of states with widely disparate religious policies and practices who had "a shared interest in disarming international criticism of their domestic human rights record. It can in no sense be seen as complementary to the Universal Declaration. He argued that the declaration gravely threatens the inter-cultural consensus on which the international human rights instruments are based; that it introduces intolerable discrimination against non-Muslims and women. He further argued that the CDHRI reveals a deliberately restrictive character in regard to certain fundamental rights and freedoms, to the point that certain essential provisions are below the legal standards in effect in a number of Muslim countries; it uses the cover of the "Islamic sharia Law " to justify the legitimacy of practices, such as corporal punishment, which attack the integrity and dignity of the human being. In view of the conditions inside the Islamic Republic of Iran, Egypt, Pakistan, Saudi Arabia, the Sudan, Bangdadesh, Iraq, and Afghanistan, we should expect that at the top of their human rights agenda would be to rectify the legal inequality of women, the suppression of political dissent, the curtailment of free expression, the persecution of ethnic minorities and religious dissentersâ€™in short, protecting their citizens

from egregious human rights violations. Instead, they are worrying about protecting Islam.

2: Islamic Law and International Human Rights Law - Oxford Scholarship

The traditional arguments on this subject are examined and responded to from both international human rights and Islamic legal perspectives. The volume engages international human rights law in theoretical dialogue with Islamic law, facilitating an evaluation of the human rights policy of modern Muslim States.

The debates about the compatibility of Islamic law with international human rights are taking on an increased significance in both the Muslim and the non-Muslim worlds. The scholarship addressing the compatibility between the two legal traditions is particularly important in the current political environment of Islamophobia in the West whether it is the issue of hijab [veil], freedom of religion, serving halal meat in prisons and hospitals in France, Denmark, and Norway, to name a few, or linking Islam with terrorism in the United States, the United Kingdom, and other European countries. Unfortunately, Islam is being presented as inherently violent and incompatible with civility and peaceful coexistence. Contemporary issues of human rights are perceived as a threat to modern concepts of democracy and human dignity. Some Western scholarship persists in believing that Islamists oppose the implementation of human rights and democratization in Muslim countries, while conservative religious circles in Muslim communities suspect human rights as a Western and alien concept. The two legal traditions are not entirely irreconcilable. Since the s, cutting edge scholarship has been produced to address such misconceptions on both sides and to search for a nexus between the two systems. This bibliographical source covers literature that examines relevant theoretical and conceptual issues relating to the nature of international human rights law and Islamic law. The literature covered also examines whether there is a concept of human rights in Islamic law, if there is common ground between the two legal traditions, and if there are any areas of conceptual differences between the two systems. The objective of this bibliographical source is to identify literature that could be useful for developing an in-depth understanding of the concept of human rights in the Islamic legal tradition and to identify possible ways of how human rights can be best realized within the Islamic ethos of Muslim states. It will also be a useful contribution to the ongoing initiative of offering academic courses in Islamic law and human rights by a number of institutions around the world at both undergraduate and postgraduate levels. This online bibliographical source is an indicative input into what academics can use to develop such courses. An interdisciplinary approach has been followed while selecting literature, and works of political scientists, sociologists, and anthropologists as well as legal scholars have been included in the field of Islamic law and human rights. The resources and materials are useful for both English-speaking and non-English-speaking audiences. General Overviews A number of works that address the relationship between Islam and human rights have been published since the end of the Cold War. This general overview includes monographs, edited collections on Islamic law and human rights, and a few textbooks that discuss the relationship between Islamic law and human rights. Mayer and Bielefeldt conclude that application of Sharia law will lead to serious breaches of the protections provided specifically to women and religious minorities by the international human rights framework. However, unlike Mayer and Bielefeldt , this monograph realizes the possibility and importance of evolving a human rights tradition from within the Islamic normative system, and calls for an Islamic reformation aimed at overcoming contradictions between international human rights and Sharia rules. It also provides a nuanced approach to address the intellectual foundations for a total reinterpretation of the nature and meaning of Islamic public law. Similarly, Baderin is a significant contribution that focuses on the compatibility of the two systems by looking at the nature, sources, and methods of Islamic law in the context of criminal justice system. Edited by Joseph Runzo, Nancy M. Martin, and Arvind Sharma, " Toward an Islamic Reformation: Syracuse University Press, This book is a radical departure from both Islamic conservative fundamentalist and Islamic modernist approaches. What distinguishes this text from other literature in the field is its emphasis on transforming the understanding of various foundations of classical Islamic law rather than suggesting mere law reform. The book provides an alternative to both secular and fundamentalist discourses. International Human Rights and Islamic Law. Oxford University Press, It promotes the realization of human rights within the context of application of Islamic criminal and family law

in Muslim states, and also covers some aspects of economic and social rights. *Die Philosophie der Menschenrechte: Grundlagen eines weltweiten Freiheitsethos*. The central focus is a normative idea of human dignity, as generally defined in the categorical imperative. It consists of several chapters covering a range of topics that look into the various facets of Islam, human rights, and the practice of human rights in the Islamic world. Emon, and Benjamin Glahn, eds. *Searching for Common Ground? Focusing on central areas of controversy, such as freedom of speech and religion, gender equality, and minority rights, the authors examine the contextual nature of how Islamic law and international human rights law are legitimately formed, interpreted, and applied within a community.* *Islam and Human Rights: The author cites the critiques by progressive Muslims, including Islamic feminists, to show that Muslim human rights activists are forceful proponents of universal human rights and denounce appeals to cultural particularisms.* *International Human Rights Law*. Harlow, UK, and New York: Chapter 11 provides an in-depth discussion on various aspects of the compatibility of Islamic law and human rights. *Islam and Human Rights. Human Rights Law Series*. Users without a subscription are not able to see the full content on this page. Please subscribe or login. *How to Subscribe Oxford Bibliographies Online* is available by subscription and perpetual access to institutions. For more information or to contact an Oxford Sales Representative [click here](#).

3: "International Human Rights and Islamic Law" by Mashood A. Baderin

*International Human Rights and Islamic Law (Oxford Monographs in International Law) [Mashood A. Baderin] on www.enganchecubano.com *FREE* shipping on qualifying offers. This volume is a comprehensive and authoritative comparative analysis which asks whether Muslim States can comply with international human rights law whilst adhering to Islamic law.*

Advanced Search Abstract There is a tension between Islamic Law and International human rights law in that many supporters of the latter hold that human rights are universal in nature such that where Islamic law and International human rights law conflict, the former must, empirically be wrong and justifiable only in the name of cultural relativism. Because Islamic law is seen by its followers as the law of God, however, it also has a claim to universal validity. An appreciation of this fact and of the normative underpinnings of the Islamic universalism enables Western observers better to understand aspects of Islamic law which clash with Western views of human rights. Introduction The relationship between what may broadly be termed mainstream international orthodoxy and what may again broadly be termed radical or fundamentalist Islamic orthodoxy is clearly a strained one. It also covers the approach of Islamic law to the question of whether men and women have separate defined roles within marriage which is seen as impinging upon universally correct standards of freedom and equality 10 and a great deal more beside. We will consider such issues later but it is worth noting that in such instances the Western reaction is not that the Islamic value merely conflicts with the Western value and hence seems wrong but that in as much as the Western value is sincerely believed to be universally right, therefore as a result the Islamic value must, by definition be objectively and universally wrong. Furthermore, in many such cases the clash is between mainstream international values and a comparatively orthodox albeit traditional interpretation of Islamic lawâ€”as distinct from that emerging from, for example Al-Qaeda. In other words, international and especially Western observers regard aspects of traditional or textual Islamic law as violating universally applicable principles. Many Islamic observers regard aspects of contemporary Western culture as being repugnant to universally applicable principles. Less obviously, however, as we shall see, there is also an Islamic view that the Western-led obsession with rights can lead to a dysfunctional society whose members are focused on their own interests rather than the common good and misunderstand the role and nature of authority, government and law. At a legal or quasi legal level, this clash of ideological visions occurs most dramatically where traditional interpretations of Islamic law and contemporary views of international human rights law seem to collide. Thus, international human rights law has a formative impact on the public moralities of many secularized Western states, and the vision which underpins it is presented as a universally applicable standard by which fundamental and universal questions of right and wrong can be answered in those societies. This is not of course to say that Islamic states or Muslims generally are inherently ill disposed towards the notion of rights 15 â€”nor indeed that there are not many Muslim commentators who would endorse a Western view of rights. Most of the 57 member states of the Organization of Islamic Cooperation are also signatories of the main International Human Rights Treaties, 16 including the ICCPR and CEDAW, 17 albeit often on the basis of reservations in respect of various clauses of these treaties, in particular where the treatment of women is concerned. It is further submitted that, for different reasons, the universal truth of both fundamentalisms is empirically unprovableâ€”an inevitable consequence of the fact that they are moral rather than factual propositions. Hence either or neither or possibly both of them may be consistent with universal truth, if such an elusive concept exists at all. Recognition of this fact is potentially hugely important in seeking to improve relations between Islam and the West in that a simplistic assumption that the other is wrong with no effort to appreciate his or her motivations or sincerity can only lead to antagonism. In the first and second parts of this article, we consider the nature of the two orthodoxies focusing inter alia on how the grounding norms on which they are based lead to divergent attitudes towards law and the priorities for law 22 and on the significance of the fact that the claim to universal validity made by supporters of both is susceptible neither to factual proof nor dis-proof. In the third part, and by use of three examples, I assess how an appreciation of this logic may enable a non-Islamic observer better

to understand the reasoning behind certain aspects of Islamic law which might otherwise seem evil or tyrannical. One final point should be made by way of introduction. My focus, however, is on those situations where international standards and Islamic law are generally taken to collide, and hence inevitably my concern is with radical or fundamentalist Islam, which supports a traditional interpretation of the law and would entirely reject the proposition that it should be reinterpreted for the purposes of trying to allow it to elide with something flawed and man-made the international human rights consensus. Moreover, I do so while well aware that within the two orthodoxies there will be persons who simply do not or cannot subscribe even to these beliefs.

Universalism and International Orthodoxy

It is difficult of course to make any kind of claim that there is an orthodox view within the international community that international human rights are universal in nature. Thus, the proposition within the preambles to most international human rights treaties that the rights contained therein are universal must contend, with the claim of the positivist that law is law merely because it is prescribed as such in a particular jurisdiction²⁴ and with the claim of the cultural relativist that any transcendent force that rights may have in a jurisdiction must be local in nature and the product of the cultural and moral history of the relevant jurisdiction. Such a view integrates around three related normative propositions and leads to the conclusion that all human beings, as individuals are entitled to certain rights and that a state which does not recognize and protect such rights must, in consequence and as a matter of universal truth, be a morally bad one.

Rights as a Prize for Membership of the Human Rights

The first proposition is that, for whatever reason, rights are the possession of all individual humans, wherever they are born. These statements reflect an implicit view that human rights are not only enjoyed by humans whose governments protect them but by all humans, in all times and in all places. This is a highly popular view within the West. Thus when we read of a woman being sentenced to death by stoning for adultery in Nigeria,²⁷ we do not merely regard this as an unhappy event in a foreign country and are glad that we do not live there, we see it as something which should not happen irrespective of its lawfulness in Nigeria because it violates the rights of the woman in question. That this viewpoint is reflective of a broad international moral commonality is evidenced both by the fact that it is a proposition to which a vast number of commentators and people generally subscribe,²⁸ but also in the extent to which it is upheld by a global organization like the United Nations²⁹ and in a myriad of regional human rights treaties. In other words, whereas there is disagreement among Western or indeed international observers as to the precise content of the law which flows from the universal nature of rights whether for example a right to liberty or privacy or equality must translate into a principle that same sex couples should be allowed to marry, there is agreement that the denial of certain basic liberties to any human being is universally unacceptable.

The Individual as the Rights Possessor

The final related proposition is that it is the individual who is the possessor of these rights and that [s]he is an entity whose distinct individuality must be respected and vindicated by his or her state. Significantly, however, whereas any of them may ground the universality of rights none can be empirically proved to do so.

Rights and Religion

The first is the suggestion championed by, for example, Michael Perry that unless one factors God or religion into the equation for example by saying that, as entities created by God, humans are inherently worthy of status there is no basis for a universalist concept of rights. On the other hand, there are three obvious difficulties with this theory. First, it is of no value if one does not believe in such a God and of no argumentative value when dealing with a non-believer. Secondly, to the extent that the existence of God can neither be empirically proven nor disproven, this ground for claiming that rights are universal is itself also empirically unprovable. Finally, from a Judaeo-Christian standpoint though not, as we shall see, from an Islamic standpoint there is also the difficulty that even if God does exist, there is considerable uncertainty as to what is His will in a given area or whether particular rights or the concept of rights exist as a result.

Rights and the Human Condition

An alternative view³⁰ more popular in contemporary times and reflected in the International Bill of Rights³¹ is that the universalist source of human rights is the inherent and equal status, dignity and value of each human being, such that simply by virtue of being a human and with no further metaphysical grounding one is possessed of certain rights. This is not to say that the human condition is not the basis of rights as a matter of universal truth³² it may very well be so. But to the extent that it cannot be tested against such truth because, once again, that truth is undiscoverable it cannot be proved to be so to the

satisfaction of people who subscribe to a conflicting ideology, 35 and hence for such people the Western claim to the universal applicability of its understanding of human rights may appear both arrogant and hollow. Rights, Commonality and Global Application A third and more concrete proposition is that there are certain core moral principles or rules in respect of which there is virtual global agreement, such that these principles thereby become de facto universal or at least global. This approach sees the universality of rights as being a fundamentally positivist or statistical thingâ€”stemming not from any metaphysical source but simply reflecting the reality of the situation in so far as rights are concerned. Whereas this theory arguably most convincingly explains the concept of universal human rights in the 21st century, equally it does throw up a number of difficulties. First, presumably if one locates the universality of such principles in the fact of their global application, they lose this universality if they do not have such global support. In other words on this basis, the enslavement of people with black skins in previous centuries did not offend against any universal principles because of the widespread fact of slavery and quasi humanization of such persons at the time. Hence, there is something unsatisfying about the fact that the universalism is located in the support that exists for the principle rather than in the principle itself. Secondly, it must be accepted that there will be relatively few rights-based principles commanding such global support and certainly that the very detailed nature of the myriad of human rights treaties cannot be explained in this way. In particular, if the universalism of a principle derives merely from the extent of its applicability then the fact that many Muslims do not support the grounding ideology of the International Bill of Rights would strongly suggest that the concept of individual rights is not universal in this sense. Thirdly, whether or not the proposition that certain norms are universal because of global consensus is true, it certainly was not the understanding of universality on which the founders of the international human rights movement operated in that the Universal Declaration of Human Rights proclaimed the universality of its principles prior to being globally accepted. Furthermore, it must be remembered that at the time of the original UN San Francisco Conference and the coming into being of the United Nations as well as at the time of the drafting of the UDHR, there was no genuine effort to include minority ethnic and religious groups with competing ideologies in the ongoing process of globalization. In other words, the concept of global commonality if it was relevant at all in the early days of the international human rights movement can only have been relevant in an unrealistic and idealized fashion. It was the cart of the human rights movement which went before the horse of commonality, albeit that any emerging commonality in this area influenced and influences the development of International human rights law. Finally, and most importantly, whether or not any basic moral norms exist which genuinely command global endorsement, 38 it is far more difficult to conclude that there is a global consensus that these norms should be translated into law or, in particular, that they should be translated into law using the language of rights. Indeed the Muslim approach to the issueâ€”to give effect to such principles more through the language of duties than the language of rights or indeed to protect rights subject to the overarching authority of the lawâ€”is demonstrative of this fact. So for example, it is argued that where an Islamic state prohibits apostasy riddah or suggests that men and women have different roles within marriage, this is universally unacceptableâ€”in the first case because it constitutes an impermissible restriction on religious freedom and in the second because it goes against the Western understanding of the nature of the right to equality. It claims to cover a great dealâ€”not merely the basic concept of human rights with which, as we shall see, Islamic states are broadly in agreement but also a particular view as to the nature of individual rights and a view that to the extent that Islam does not support these rights it must be wrong. But it grounds this claim on remarkably shaky foundations and aside from amorphous references to the concept of humanity which are presented as but are not self-explanatory, it simply guarantees its own universality in the face of concerted opposition to its terms from different culturesâ€”and most tellingly in the 21st century, from Islamic culture. It is to this claim that we now turn. Equally, as was mentioned earlier, it is completely fallacious to speak of an Islamic orthodoxy 42 as if all Muslims thought the same on all issuesâ€”both issues of principle 43 and issues of detail. In fact, the nature of Islamic law means that it is open to a variety of different interpretationsâ€”and some of these Interpretations will render Islamic law far more compatible with international human rights law than others. Rather it is on the approach of those who endorse a more traditionalist not to say fundamentalist view of the

law which is at odds on occasion with the Western or international orthodoxy. Even among such persons there will be widespread differences in interpretation of the law, hence in speaking of an orthodox and traditional Islamic view, I am operating very much at a lowest common denominator level and with five basic propositions in mind. Any temporal power exercised by humans including secular power is ultimately as a matter of what God has authorized Tauheed. The Perfect Law Secondly, there is the proposition that as a result, the law must unshakably be true, even where it seems in the eyes of individual observers to be cruel or unjust. After all, fallible humans cannot be expected to understand the mind of God, and hence if an aspect of His law appears unjust, that is simply because the human has an infantile or incomplete understanding of universal justice or has been corrupted by the world. Thus rather than presume to criticize the law, the human should simply study it more deeply in order that his or her finite mind may more accurately pinpoint and comprehend in so far as this is possible the mind of God. The Relationship between God and Individual Thirdly, there is the proposition that for Muslims, the relationship between individual and state is merely a context in which a far greater and more important relationship operates—namely the relationship between individual and God and to a lesser extent, between the individual and the Islamic community. The Importance of Submission The fact that the law comes directly from God has another pivotal consequence which goes to the heart of rights language. After all the religious devotee is properly to be found on his or her knees submitting to what God ordains rather than asserting his or her individual importance and Islam literally means submission. Moreover in doing so, [s]he should derive her significance and will be cherished as a member of the community umma and a child of God. Logically this means that the priorities for Islamic law will differ from the priorities for the kind of law which operates within a secularized Western system. What is key for the traditionalist Muslim is that the law should be obeyed rather than challenged. First because, inasmuch as the law comes from God who has granted temporal authority to the state, an over emphasis on the entitlements of the individual as against the law has the unacceptable consequence of pitting the individual directly against God 48 and is therefore irreverent in the extreme. Secondly, it is counter-productive for the individual to assert himself against the law in that it represents the way of God, which is the way to peace and fulfilment. This is not surprising of course. After all, something is not simply rational or irrational; rather its rationality depends on the intuitive starting point from which the actor proceeds, and actions which appear rational to persons who come from a particular intuitive starting point will appear profoundly irrational to persons who do not. The intuitive starting point for a devout Muslim is that the law is perfect, and hence it is perfectly rational to conclude that humans should be in the business of obeying rather than improving it. This fact explains a good deal about the difference between the approach of traditional Islamic thought and that of the West to a range of different issues. Thus we can say as a generalization that the intuitive view within Western culture is that the role of law is not to claim some sort of inherent immutable perfectness, but rather to fit the needs of society and, in doing so, to serve to bring about an accepted view of justice in which the individual is, ultimately, paramount. Rationally, thus, the law should be just and modern and should respond to the needs of society, and if it fails to do so, it should be amended or repealed. Rational analysis from legal scholars in the West therefore tests the law by reference to these normative values, points out where the law is deficient and suggests reform. On the other hand, as we have seen, within Islamic law, the intuitive starting point is that the law is perfect, entirely comprehensive and unchanging and, being the product of Divine revelation, deserves reverence and submission from humans, who should regard themselves as being part of a collective that is far greater than they are. In particular, within this traditionalist view of Islam it would be irrational to critique a law because the results appeared to be unfair having regard to individual and societal views of justice because this would strike at the intuitive starting point that the law is perfect and something to which humans should submit without question and with humility and would instead promote the illogical proposition that a human might know better than God what constitutes justice. This proposition will, however, be questioned by those Islamic fundamentalists whose approach is the focus of this article and who will see it as the fruit of a mind beguiled by Western normative ideals. It would be like saying to Western observers who subscribe to the morality contained within the Universal Declaration of Human Rights that it is possible and desirable to give it a fresh interpretation which would change its traditional meaning radically but would

render it acceptable for a totalitarian and tyrannical theocratic order. The Source of the Universalist Claim of Islam Analysis of the universalist claim of Islam is rather simpler than analysis of the equivalent claim of international human rights law, in that it is grounded perfectly within the existence and self-expression of God albeit that its universal legitimacy is still objectively unprovable in that it is not possible to prove the existence of God. Hence in order to understand the universalist claim within Islam it is necessary simply to consider the connection between God and the various sources of Islamic law 52 “something which is utterly elementary for any student of Islamic law” though in reality the law has only one source and that is God. In addition, and to the extent that the meaning of the law is given life through its practical application, the role of Islamic jurisprudence fiqh is also relevant “in particular the role of legal scholars ulama in determining the meaning of law on a consensus basis ijma and the role of judges qadiz in determining how the law should be applied in particular cases by analogy with what had happened in previous cases qiyas. Finally, in as much as it derives from the creator of the universe it must, by definition be universal. Thus God revealed his law, God inspired the Prophet and his followers to know and understand, act and speak his will, and God also inspired and possibly inspires the work of scholars such that they can achieve consensus on the meaning of a particular aspect of the law. In other words, the law must be universal because its source is universal even if the existence of this source is not empirically provable as long as the existence of God remains uncertain. What this means, in so far as clashes between international human rights law and traditional Islamic law is concerned, therefore, is that proponents of each will see the approach of the other as wrong and false because and to the extent that it does not correlate with their view of right and wrong as laid down in their grounding moral vision “yet whether or not either viewpoint is actually true, supporters of neither will be able to offer proof confirming that what they are proposing does actually represent universal truth. These aspects of the Islamic law may, however, be entirely comprehensible when viewed in the context of the purportedly universal normative principles on which they are based. Moreover, whereas the Western observer may rail against this central proposition that the individual is required completely to submit to God, [s]he must accept that this is the most fundamental moral principle laid down by a law which is claimed to be and cannot be proved not to be universally true. For persons who are not simply interested in unthinkingly asserting the moral correctness of their own views, the benefit of analysing Islamic rules and, on occasion, traditionalist understandings thereof in this more holistic and thoughtful way is that it may enhance Western understanding of the mindset which endorses such rules and may enable the Western observer more fully to understand and appreciate their possible rationality and legitimacy and to dispel some of the sensationalist and pejorative attitudes to Islamic law which are often heard in the Western world. By way of example, we now consider three different situations where the Islamic approach to particular issues connected with rights is criticized by the West but where this criticism may in fact be based on the fact that the Western analysis occurs through the prism of the normative principles which underpin and are seen as universal by Western society rather than through the prism of the equivalent purportedly universal principles within Islamic law. The Approach of the Cairo Declaration on Human Rights There has long been a view among governments of Muslim Countries that the current International Bill of Rights as well as other international human rights treaties such as, most obviously, CEDAW , while claiming the mantle of universalism do not in fact represent universal values in any meaningful way in the sense that they do not make any attempt to reflect the Islamic approach on issues such as polygamy, treatment of women and children generally, religious freedom, 62 freedom of expression, 63 due process in criminal trials and criminal punishments. This document which has little significance in practice outlines an Islamic approach to the whole deep ethical question of how the relationships between human and human and human and the state should operate 66 and its answers to these questions, albeit using the language of rights, have a distinctively Islamic view.

4: International Human Rights and Islamic Law - Oxford Scholarship

Research Handbook on International Human Rights Law Edited by Sarah Joseph Professor of Law and Director, Castan Centre for Human Rights Law, Monash University, Australia Human rights in Muslim-majority countries - Wikipedia.

5: Islamic Law and Human Rights - International Law - Oxford Bibliographies

This volume examines the important question of whether or not international human rights and Islamic law are compatible. It asks whether Muslim States can comply with international human rights.

6: International Human Rights and Islamic Law by Mashood A. Baderin

A clear and readable examination of whether international human rights law and Islamic law are compatible Careful presentation of this highly topical and difficult area Provides persuasive and thoroughly documented definitions, historical analysis, and discussion.

7: Cairo Declaration on Human Rights in Islam - Wikipedia

** This Article was presented at a symposium on Human Rights and International Relations in Islamic Law co-sponsored by the School of Law and the Center for Near Eastern Studies, UCLA, March ,*

8: International Human Rights and Islamic Law - Mashood A. Baderin - Google Books

International Human Rights and Islamic Law formulates a synthesis between these two extremes, and argues that although there are differences of scope and application, there is no fundamental incompatibility between these two bodies of law.

9: Islamic Law and International Human Rights Law - Google Books

The relationship between Islamic law and international human rights law has been the subject of considerable, and heated, debate in recent years. The usual starting point has been to test one system by the standards of the other, asking is Islamic law 'compatible' with international human rights standards, or vice versa.

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