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Human Rights from an Islamic Perspective: A Critical Review of Arabic Peer-Reviewed Articles

Mohammed Almahfali ¹ and Helen Avery ^{2,3,*} ¹ Columbia Global Centers, Columbia University, Amman 11814, Jordan² Centre for Advanced Middle Eastern Studies, Lund University, 221 00 Lund, Sweden³ Department of Languages, Linnaeus University, 351 95 Växjö, Sweden

* Correspondence: helen.avery@cme.lu.se

Abstract: The relationship between human rights and Islam is important in countries of the Arab world where religion plays a significant role in public debates and daily life. The topic is particularly relevant at a time of sharpening conflicts and polarization, when forms of government in the region, the current world order, and the legitimacy of international organizations are increasingly contested. Much of the scholarly work published in English on this topic draws on sources available in English. This review, therefore, aims to make a contribution to the field through analysis and discussion of academic papers published in Arabic. A search was made in Google Scholar in April 2022 which yielded 12 publications published in 2020 and 2021, after inclusion and exclusion criteria had been applied. These publications were analyzed drawing on the four framing categories. A summary is also given of the definitions, sources, and premises on which the arguments of the publications draw. The reviewed papers contrast the universal and divine foundation of Islamic human rights with the limitations of modern conceptualizations based on the Universal Declaration of Human Rights (UDHR). The latter is described as emanating from Western hegemonistic aspirations and as detached from moral and spiritual values. The papers consequently argue that human rights would be guaranteed globally by generalizing a system of governance based on Shari'a law and the ideal of the Rightly Guided Caliphs. Little attention is given to human rights abuses observed in Muslim societies, diverse interpretations of Islamic source texts, or concrete measures to improve human rights protections in practice. Importantly, the arguments presented in these papers tend to reinforce a contemporary discourse that frames conflicting visions on human rights as a 'clash of civilisations' between 'Islam' and 'the West'.

Keywords: human rights research; human rights discourse; human rights and religion; publications in Arabic; Islam; framing



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1. Introduction

Human rights discourse in the Arab world takes many forms, including the press, scientific theses, seminars and conferences, reports, and writings on social media, as well as peer-reviewed research. These debates and discussions often concern relationships between human rights and Islam, which is understandable in an environment where religion controls the public domain. In connection with the drafting of the Universal Declaration of Human Rights (UDHR) ([United Nations General Assembly 1949](#)), debates were sparked among those Arab scholars who argued that Islam includes human rights concepts, which can serve to support developments in contemporary societies, and others who claimed that Islam contains absolute foundations of human rights, rendering further protections unnecessary. These discussions have continued to the present day, including in the academic literature.

The issue of human rights and Islam can be understood as an instance of the wider question of the relationships between religion and human rights. A part of this problem

lies in the human rights definition itself. Thus, Bielefeldt (1995) defines human rights as political and legal claims to equal freedom, in a universal perspective. Human rights in their modern sense are, in other words, tied to historically, socially, and geographically situated conditions at the same time that they aspire to universal applicability. Human rights constitute basic normative political and legal standards as embodied in the UDHR, and as political and legal standards, their scope is limited. Unlike religion, which claims to shape the whole lives of adherents, human rights do not represent an all-encompassing way of life (Carle 2005, p. 124). We believe that these tensions between universalism, cultural relativism, and historical circumstances are reflected in the various strands of the literature on human rights, regardless of whether references are made to past contexts of application or contested pathways toward desired futures.

The present review will focus on recent scientific papers in Arabic that have been published in peer-reviewed journals to shed light on contemporary scholarly discourse published in Arabic and make the arguments and premises of Arabic publications in the field more accessible to a wider range of researchers. The study further aims to point to some comparisons between discourse in Arabic language publications and literature in English treating human rights and Islam. Accordingly, we seek to answer the following research questions: How do recent peer-reviewed papers written in Arabic discuss the relationship between Islam and human rights? What arguments do they use? What are the characteristics of this discourse and how does it relate to international literature in the field?

Any attempt to write on academic literature treating human rights and Islam faces serious challenges connected to the choice of terminology and wording of key concepts in this literature, whether in English or Arabic. This is because the debates are not purely academic, but position authors and their arguments with respect to diverging and conflictive narratives about the past, present, and future of Muslim societies. The relationship between human rights and Islam is part of the wider debates on which role Islam should play in state institutions and legal systems, which interpretations of Islamic principles or foundational texts are made, or which values or practices are seen as positive or negative. Terminology situates arguments within these debates and has positive or negative connotations depending on the stance of authors as well as readers. A further issue is that terminology not only refers to a multitude of stances but also to events and situations from a very wide range of historical and geographical contexts. The primary aim of this study is to provide English-speaking readers with a clearer picture of how recent academic literature written in Arabic frames the issues, and on which foundations arguments draw. In this review, terms and translations—that may have positive or negative connotations within the debates—are, therefore, not used with the intention of implicitly endorsing or criticizing the stances that are described, but rather attempt to reflect terminology employed by the various authors. As far as possible, we have attempted to be explicit concerning our own conclusions or assessments of the literature referred to.

1.1. Origins of the Debates on Human Rights and Islam

Since the approval of the UDHR, the question of human rights has been widely discussed in the Arab and Muslim world. These discussions have resulted in a large body of literature, both in Arabic and other languages. Among the broad topics covered by this literature, one of the central questions debated has been whether Islamic values are compatible with human rights. Given the number of Muslims worldwide and that Islam is a state religion in numerous countries, the question has significant implications for policy as well as tangible impacts on living conditions for wide areas of the world.

Standpoints taken by different authors on the question of compatibility diverge, which suggests that the relationship between Islam and human rights is largely a matter of interpretation. While some scholars contend that human rights are not compatible with Islamic values, pointing to verses in the Qur'an as evidence, others claim that Islam is indeed compatible with human rights, using the very same texts to support their arguments

(Andishan 2019, p. 461). Diverging interpretations were in fact voiced already at the time of the original UN vote on the UDHR. At that time, the government of Saudi Arabia abstained on the grounds that the Declaration did not acknowledge rights to be the gift of God and violated the Qur'an by asserting the right to change one's religion. Meanwhile, the foreign minister of Pakistan, Sir Muhammad Zafarullah Khan, defended his country's support for the Declaration on the grounds that the Qur'an permitted one to believe or disbelieve (Traer 1989, p. 117). This illustrates how the primary texts can be understood from totally opposite perspectives, and similar debates focusing on these basic questions continue today.

Within the scholarly literature treating the relationship between Islam and human rights, a considerable body of work focuses on the issue of the implementation of human rights in contemporary Muslim societies, proposing different explanations for the non-respect of human rights in specific areas. Several of the publications in the field directly or indirectly engage in a more general debate on the merits of values that are framed as 'Western' compared to 'non-Western' values, against the background of debates on the world order, political Islam (cf. Hashemi 2021; Hashemi and Qureshi 2022), and colonial legacies. Yet, another central topic in the literature concerns discussions on the foundations of human rights in religion and international or national law, respectively.

1.2. Research on Implementation of Human Rights in Muslim Countries

Despite the lack of a unified stance on human rights within the Arab world, certain legal frameworks have played a significant role in shaping the discourse. The Cairo Declaration on Human Rights in Islam (CDHRI) (Organization of the Islamic Conference 1990) and the Arab Charter on Human Rights (ACHR) (League of Arab States 2004) are particularly noteworthy, as they have had a direct impact on the discussion of human rights in the Arab world and have been particularly influential in human rights literature published in Arabic.

The CDHRI and the ACHR were preceded by the Universal Islamic Declaration of Human Rights (UIDHR) (Islamic Council of Europe 1981), which was drafted by Islamic Councils in Paris and London. Although the UIDHR is the first modern Islamic codified international legal instrument on human rights, the document was not sufficiently comprehensive and it does not represent the decision of the member states of the Organisation of Islamic Cooperation (OIC, formerly the Organization of the Islamic Conference), which is the global umbrella body of the Islamic countries (Olayemi et al. 2015). The discussion of human rights expressed in the UIDHR emphasizes that human beings are created in the image of God and are God's representatives on earth. It sees human rights as God-granted and the exercise of power reserved to God, with personal freedom lying in surrender to the will of the Divine (Mohammadi 2012). Similarly, the CDHRI concludes that Islamic law is the sole reference for the interpretation or clarification of any of the articles contained in the document (Corlăţean 2019).

The premises of the CDHRI and the UIDHR have been criticized for lacking compatibility with modern human rights principles, both at the time and later. For example, Resolution 2253 (2019) of the Parliamentary Assembly of the Council of Europe examines the compatibility of Shari'a law and the CDHRI with the European Convention on Human Rights. The European Court of Human Rights has stated that Shari'a is incompatible with the principles of democracy set forth in the Convention. Despite their significance, these documents are thus still subject to controversy at the international and local levels.

By contrast, the ACHR, which was adopted by the League of Arab States in 1994, amended in 2004, and came into force in 2008 (Ghormade 2012), is largely consistent with international law. Nevertheless, it can in certain respects be seen as a missed opportunity to fully align with current international standards for human rights and achieve the Arab League Council's aim of compliance (Rishmawi 2005). In addition to the great challenges faced by the non-application of the provisions of the ACHR by the member states of the League of Arab States (Almutawa and Magliveras 2021), there are significant legal

challenges in working to find compatibility between the ACHR and the international covenants and treaties related to the protection of human rights.

Despite the influence of comprehensive frameworks, such as the CDHRI and the ACHR, on Arab human rights discourse, it should be noted that these documents do not represent the sole Islamic perspective on human rights. In Shi'a Islam, for instance, human rights discourse has evolved and was crystallized in the juridical school of Ayatollah Muntaziri, who recognized the secular nature of human rights, differing from his peers, such as Shani'i, who believed that Islam nurtures the seed of human rights (Chamankhah 2021). Additionally, although the frameworks mentioned above to a considerable extent serve as points of reference for debates, a wider range of viewpoints—on the overarching premises of human rights as well as on specific points—has been expressed by individual scholars and legal experts in both Sunni and Shi'a Islam. A number of scholars thus point to a contradiction between the stance of those Muslim advocates who strongly claim that Islam protects human rights, on the one hand, and non-respect of human rights observed in the Muslim world, on the other (cf. Moosa 1998), including in countries where Islam assumes a central position in state institutions and legal systems. Among the arguments advanced in this body of literature, it is highlighted that since the adoption of the UDHR, documents proposing regional alternatives to international law almost always entail the weakening of international standards. What were once informal, regional obstacles to implementing the protections guaranteed by the UDHR become formal, regional norms that legitimate restrictions on rights that are based on certain interpretations of Islamic law.

A core element of these debates concerns the application of Shari'a law and its consequences for human rights. According to scholars defending so-called 'Islamist' stances on this question, Muslims do not face God as individuals, but rather as a community (Ummah), and a Muslim can best lead a life respecting his or her religious obligations in a state governed by Islamic law, Shari'a. However, neo-traditionalist interpretations of Shari'a—notably regarding the status of women and the rights of non-Muslims—are incompatible with certain articles of the UDHR. Inequality concerns, for instance, matters of marriage and family rights between men and women. Shari'a values a woman's testimony at half the worth of a man's; allots a sister half the inheritance of her brother, as well as permitting polygamy and the beating of disobedient wives (Carle 2005).

Critics of the application of such interpretations of Islamic law also attempt to elucidate the social, political, and historical developments that have led, over the past forty years, to the emergence of so-called 'Islamist' movements. Among other factors, they highlight that the wave of 'Islamization' of some Arab states in the 1980s put pressure on governments to prove how Islamic they were since political opposition in the 1980s came mostly from religious parties in those countries. Another factor that may have played a role in these dynamics is that the UDHR aims to protect individuals from arbitrary decisions by state authorities that would infringe on their liberties and basic needs. Religious principles may, therefore, in some cases have served as a pretext for political leaders to oppose human rights perceived as a threat to their own position, such as the freedom of expression (Johnston 2015).

1.3. Research on Foundations of Human Rights in Religious Texts

Alongside such criticisms, other scholars contend that Islam protects human rights, and is compatible with international legislation, the UDHR, as well as with the international agreements that derive from it. This literature largely follows Muslim scholars such as Abu'l A'la Mawdudi, who in his influential book *Human Rights in Islam* (1976) stressed that Muslims find the human rights foundations in Islam while the West tries to attribute human rights to themselves. Scholars in this tradition discuss the human rights that are implied by fundamental Islamic sources, such as the Qur'an and Hadith. Based on the Qur'an and Hadith, ten fundamental rights are listed: "(1) The Right to Life, (2) The Right to Live in Dignity, (3) The Right to Justice, (4) The Right to Equal Protection of the Law, (5) The Right of Choice, (6) The Right of Free Expression, (7) The Right to Privacy, (8) The Right of

Property, (9) The Right to Basic Necessities of Life and (10) The Right to Revolt” (Between 2002, p. 61). Most of the publications in this line of scholarship further confirm that “The Qur’an and the Sunnah declare all human beings as the progeny of Adam. Therefore, all humans, irrespective of their gender and color, are declared essentially equal” (Ahmad 2006, p. 104; see also Muhammed 2021). However, these discussions tend to focus on the overarching principle that Islam protects these rights, including freedom of expression, and rarely examine details and concrete cases within Islamic texts or practices.

Another important strand of literature discusses the difficulties in finding either immediate compatibility or permanent contradictions between human rights and any religion. These scholars observe that the moral and philosophical foundation of human rights as defined by the UDHR can be found in different religious and cultural traditions (An-Na’im and Henkin 2000). They also underline that human rights issues have been discussed extensively by prophets, sages, and philosophers who left codes or manifestos that lay out the importance and necessity of ethical conduct (Sofi 2016). The issue raised in these debates is the disconnection of human rights from their historical background. It is argued that human rights discourse should be recognized as a human creation, shaped by a gradual development of knowledge and laws. While it may build upon prior knowledge, it has its own unique characteristics. Moosa (1998) concludes that for Islam, like other religions, it is, therefore, not easy to confirm or deny conflicts between its teaching and human rights. Political factors play a role, such as employing religion to achieve political ends, but also diverging interpretations of the religious texts themselves in various contexts or historical periods.

Certain studies concerned with the more general issue of how religion, politics, and law approach human rights suggest that there is no absolute answer with respect to compatibility and that Islam and human rights do sometimes conflict in discrete areas (Morgan-Foster 2003; Ernada 2007). The argument has also been advanced that certain contradictions can be reconciled either through fresh interpretations of Islamic law or sensitive readings of human rights norms that emphasize their common ground. In a similar conciliatory vein, suggestions have been made to work on reconciling universalism and cultural relativism. Thus, O’Sullivan (2000) contends that these can exist together as a basis for making moral choices in today’s multicultural global environment. Despite this work on conciliatory methodologies and perspectives, little progress has been made in achieving practical solutions based on such approaches. According to Chase (2000), religion and law most often function on fundamentally distinct religious–cultural and political–legal planes. There are, however, several problems with the philosophical viewpoint advanced by Chase on the relationship between religion and law. On the one hand, secular laws in societies across the world have historically developed from various religious legal frameworks that derived their legitimacy from religious faith and beliefs. On the other, both religion and law contain norms that distinguish between permissible and unacceptable behaviour, and thus function on the same plane from the perspective of practice.

1.4. Human Rights and Debates on Western Hegemony

Yet other contemporary scholarly work places the debate on human rights and Islam within the context of debates on the current world order, and the differences in ‘Western’ and non-Western perspectives linked to various discourses. For instance, English language media often display crimes committed by militant Islamist groups, leading the average Westerner to assume that there exists a basic incompatibility between ‘Islam’ and human rights norms (see Johnston 2015, pp. 113–14). The focus on opposition between Islam and human rights found in many Western scholarly approaches has been criticized, as has the tendency to narrowly frame the question as incompatibility with Islam in absolute terms. Hashemi and Qureshi (2022) argue that this framing diverts attention away from issues of authoritarianism and absolves state actors from responsibility for perpetrating grave human rights abuses by presenting such abuses as the lesser of two evils.

Despite the assertion of certain scholars that posit a dichotomy between a supposed ‘Muslim perspective’ on human rights and efforts to enhance protections grounded in the UDHR, it is thus evident that discourses exist within the Muslim community that view Islam not only as compatible with human rights but as a source of inspiration for further advancements.

2. Materials and Methods

The empirical material for this literature review consists of 12 academic peer-reviewed articles published in Arabic in the period 2020–2021 dealing with the relationship between human rights and Islam. We selected this time frame for our analysis of recent literature, with a starting point of 2020, as it is our belief that human rights discourse is situated in specific historical contexts and is influenced by geopolitics, as well as by economic, social, and cultural developments. We are currently experiencing a period of major shifts in the world order, combined with a number of crises affecting Arab states. We, therefore, believe that it is useful to rapidly make trends that may be reflected in recent publications in Arabic available to international scholars. The study examines the content of the reviewed publications, the definitions, and references they use, as well as the assumptions that underlie the arguments presented by the various authors. The analysis explores how the issues and recommendations are framed, drawing on [Entman’s \(1993\)](#) four framing functions. The discussion then attempts to situate the reviewed texts in the wider larger social, cultural, historical, and geopolitical contexts in which they were produced, as well as with respect to certain strands of the wider human rights literature.

2.1. Framing Theory as a Methodology for Analysis of Texts on Human Rights

The choice of methodology for this study is based on the belief that the connection between human rights and Islam is heavily influenced by the social, cultural, and political environments in which they are discussed and implemented ([Mayer 2018](#); [Zakerian 2021](#)). Critical discourse analysis (CDA) is a highly context-sensitive approach that takes an ethical stance on social issues with the aim of improving society. One of its main tools is framing, which refers to how the content of a text is presented and what sort of perspective (angle, slant) the writer is taking toward an issue ([Huckin 1997](#)). This issue could be the commercialization of genetically modified crops ([Attar and Genus 2014](#)), media discourse ([Giles and Shaw 2009](#)), political discourse ([Azpiroz 2013](#)), metaphoric discourse ([Semino et al. 2018](#)), or human rights discourse ([Charman 2018](#)). Frame analysis is, therefore, widely used in various fields, including social movement studies, communication studies, management, organizational studies, and political psychology (see, e.g., [Della Porta and Diani 2014](#); [Lindekilde 2014](#)). Framing theory can be applied to big data ([Mendes 2011](#)), as well as to limited materials (see, e.g., [Tucker 1998](#); [Polson and Kahle 2010](#); [Afzal 2016](#)). From a theoretical perspective, frames are a central part of a culture and are institutionalized in various ways ([Goffman 1981](#), p. 63). They refer to how content is presented and what kind of perspective the writer is taking, positioning arguments within a wider frame of reference that readers are expected to be familiar with. [Van Gorp and Vercruysse \(2012, p. 1275\)](#) underline that “When authors frame a message, they connect a topic to notions that are part of this ‘common ground’ within a given culture, such as values, archetypes and shared narratives.” We posit that utilizing this methodology will aid in identifying recurrent themes that manifest as frames when examining samples. Approaches used in research on social movements and framing are particularly relevant for the questions explored in this study because they focus on the relationship between movement “texts” and their broader contexts.

Paying attention to framing in text analysis thus makes it possible to situate a publication within the context it has appeared. It also provides a means to connect isolated statements within the text and discuss them as part of the author(s) arguments in relation to other texts or arguments that are referred to. To be coherent, text analysis cannot simply be a collection of details; rather, it must try to pull these details together into some sort

of unified whole (Huckin 1997). Reese (2008, p. 9) stresses that framing is “an inherently qualitative construct. In this case, one must capture the meanings embedded in the internal relations within texts, which collapsing into reductive measures would obscure.”

According to Entman (1993, p. 52), framing serves to (a) define problems, (b) identify the forces creating the problem, (c) make moral judgments, evaluate causal agents and their effects, and (d) suggest remedies and justify treatments for the problems and predict their likely effects. By drawing on Entman’s four framing functions, the analysis in our study allows for a comparison based on how the current situation is problematized, which issues are identified, and what type of changes are proposed to address the selected issues (Cuesta-Claros et al. 2021, p. 2). These mechanisms allow us to analyze the texts and explore how the relationship between human rights and Islam is addressed by the authors of the reviewed publications, including which aspects are focused on or neglected, as well as how religious texts are viewed according to these four mechanisms. Findings from the analysis have then been interpreted and discussed against the background of some of the conclusions or standpoints that are highlighted in the wider literature.

Framing theory as applied in social studies departs from the assumption that issues can be seen from different perspectives and affect multiple values (Chong and Druckman 2007). Hart (2008) further argues that for a social movement organization to mobilize support, it must successfully complete three core framing tasks: defining social problems (diagnostic frames), proposing solutions (prognostic frames), and providing compelling reasons for collective action (motivational frames). The core framing tasks identified by Hart in relation to social movements largely align with Entman’s (1993) categorization of framing functions. Nevertheless, the concept of framing that informs our study is limited to a critical analysis of discourse, rather than constituting an application of framing theory as practiced in social analysis. Although the discourse of the reviewed authors may serve to legitimize social movements, for the purposes of this study, we are in fact dealing with written and published texts and, therefore, what we are analyzing is not the social transformation but rather the content of these scholarly texts in a framework that can shed light on their relationship to the wider cultural and social contexts, according to the foundations of CDA.

2.2. Search Procedure and Criteria for Selection of Publications

A search was first made in Google Scholar on 30 April 2022 for papers published in Arabic since 1 January 2020, using the search term “human rights” (huquq al-insan) in Arabic. Google Scholar was used for the search since Scopus primarily comprises publications in English, while specialized databases for publications in Arabic tend to be limited to specific disciplines (such as law, theology, or linguistics), or specific academic institutions. The initial search yielded a total of 979 publications (415 for 2020, 375 for 2021, and 189 for 2022). These included peer-reviewed articles, theses, books, book chapters, reports, newspaper articles indexed in scholarly databases, and book reviews. Some of these publications were on human rights topics and others just mentioned the word in passing. The following inclusion criteria and exclusion criteria were then applied: (1) the publisher should be an academic institution or journal. After applying this criterion, 120 scholarly papers were found that address human rights in the Arab world. These were then scanned, applying the following additional criteria: (2) the focus of the paper is human rights and Islam, (3) the paper is written in Arabic but additionally has an English title and abstract¹, (4) the full paper is open access and has been published on the journal website or other related platform and is indexed in Google Scholar. Titles and abstracts were used for the scanning, but full texts were read when the abstract was not sufficient to determine the focus of the article. The search resulted in a total of 12 papers selected for review (Tables 1 and 2).

Table 1. Data collection of HR Arabic peer-reviewed articles indexed in Google Scholar, 2020–2022.

Year	Search Results	Arabic Peer-Reviewed Articles on HR	After Applying Inclusion and Exclusion Criteria
2020	415	40	5
2021	375	56	7
2022	189	24	0
Total	979	120	12

Table 2. List of reviewed articles.

No.	Author/s	Title	Journal	Date
1	Abdullah Abobakr Ahamed Al-Naigiri	The brief comparison between human rights in Islam and what came in the Universal Declaration of Human Rights issued by the United Nations in 1948	<i>International Academic Journal for Islamic Studies</i>	2020
2	Bader M Sh S Alrashidi, Mohd Fauzi Bin Hamat, and Ali Ali Gobaili Saged	Freedoms and human rights between Islam and Heavenly religions: A comparative descriptive study	<i>International Islamic Sciences Journal</i>	2021
3	Fadhah Saalem Ubaid Alenzi	Human rights in Islam in the time of the outbreak of the epidemic “The emerging corona virus,” COVID-19, as a mode	<i>Mağallaī Al-Drāsāt Al-‘arābiyyaī</i>	2021
4	Farah Abbas Sherhan,	Human rights in the Umayyad and Abbasid eras	<i>Journal of University of Babylon for Humanities</i>	2021
5	Khamail Sami Al-Saray	Human rights between Sharia and law	<i>Journal of Literature, Humanities, and Social Sciences</i>	2020
6	Laila Al-Aqeel,	Human rights in the Noble Quran	<i>International Islamic Science Journal</i>	2020
7	Moataz Shehatah Alyanbawi	The Corona pandemic and its impact on human rights in Saudi law: an empirical study in comparison with international law and Islamic Sharia	<i>Arab Journal for Security Studies</i>	2020
8	Mohammad Assaf and Jum’a Hamdan	Human rights related to the Objectives of Islamic law	<i>Al-Qasemi Journal of Islamic Studies</i>	2021
9	Moustafa Abdelal Salem	The human rights in the heavenly legislation: A comparative study	<i>Mağallaī Kullīyyaī Al-Banāt Al-Azhariyyaī Bi Al-‘āšir min Ramaḍān</i>	2021
10	Saleh Zaid Qusailah	Human rights in the Islamic perception and the human reality A comparative study	<i>Mağallaī al-‘ustād al-bāḥiṭ li-l-dirāsāt al-qānūniyyaī wa al-siyāsiyyaī</i>	2020
11	Salma Dawood Salman	Human rights in the curriculum of the People of the House (peace be upon them) “Imam Ali Bin Al-Hussein Al-Sajjad (peace be upon him) as a model” Comparative study	<i>Arab Science Heritage Journal</i>	2021
12	Yaseen Khudhaeer Mujbel	The theory of human rights between Islamic thought and international covenants	<i>Middle East Research Journal</i>	2021

2.3. Transliteration and Translation of Arabic Sources

In the referencing, the articles’ titles and the journal names are given as they appear in English or Latin characters on the websites or, if not provided on the websites, according to their ISSN. We have additionally provided links to facilitate access to the reviewed

publications. For all Arabic sources, we transliterated the titles and terminology using Arabic Romanization ALA-LC², which is a transliteration tool following the American Library Association—Library of Congress tables and guidelines. Article excerpts and quotes given as illustrations for the analysis below have all been translated by the authors. The translation attempts to render the Arabic original texts as closely as possible, rather than using English idiomatic equivalents.

3. Results

Reviewing the selected publications revealed a set of common characteristics in the scholarly Arabic human rights discourse that uses an Islamic perspective. In the following, we first examine the fundamental references and human rights definitions used by these scholars. We then summarise the main arguments presented in the publications, grouped according to the four framing functions of [Entman \(1993\)](#): (a) define problems, (b) identify the forces creating the problem, (c) make moral judgments, evaluate causal agents and their effects, and (d) suggest remedies and justify treatments for the problems and predict their likely effects.

3.1. Human Rights Definition and Its Foundations

Human rights discourse from an Islamic perspective draws on discussions that go back to the eleventh century. One of the main sources is Abu Hamid Al-Ghazali (1058–1111), who put forward what he called “the foundations of Shari’a” (*Maqasid Al-Shari’a*) or “the five fundamental values” (*Al-kulliyat Al-khams*), namely:

- (1) protection of religion (*al-din*)
- (2) protection of life (*al-nafs*)
- (3) protection of intellect (*al-’aql*)
- (4) protection of lineage (*al-’ird*)
- (5) protection of property (*al-mal*) ([Alghazali 1992](#)).

These five values became the foundations on which Muslim human rights scholars tend to interpret Islamic legislation, to demonstrate that preserving these values protects human beings (see, e.g., [Purnomo 2020](#); [Abou El Fadl 2003](#); [Alghazali 1992](#)).

While most of the reviewed writings revolve around these pillars, the definitions by which scholars try to present the concept of human rights from an Islamic perspective differ somewhat. Despite minor differences in wording, the writings nevertheless use similar religious references [Qur’an and Sunnah] and share the premise that observant Muslims are required to follow these rules as part of religious practice. The following definition can serve as an illustration of how these concepts are formulated and understood. According to [Mujbel \(2021, p. 166\)](#), human rights in Islam are:

Those benefits that derive their originality from Divine Revelation and Islamic thought. Those benefits that derive their originality from Divine Revelation and Islamic thought since the advent of the Messenger (God’s blessings and peace be upon him) and the rising sun of Islam, apart from man-made laws, social norms, and international agreements. These rights are closely related to the human being, that creature whom God has honoured above all other creatures.

Additionally, [Qusailah \(2020, pp. 282–88\)](#) lists the following foundations for human rights in Islam: (1) belief in God, since faith protects the believer from following others, and thus gives greater freedom to man so that he is not subservient to another person, (2) the unity of the human race, human beings share the same origin and the same destiny, (3) commitment to moral values, and (4) divine honour for all human beings.

The reviewed publications conceptualize human rights in Islam as a divine gift and not a product of enlightenment philosophies and later liberal discourse of post-WWII Euro–American politics. From the perspective of these scholars, this entails a number of characteristics. [Al-Aqeel \(2020, pp. 108–9\)](#) thus summarises significant characteristics of human rights in Islam as (1) being high standing, (2) based on divine honour, (3) with

the goal of achieving devotion to God, (4) characterized by steadfastness and stability, (5) conducive to self-observation in human beings, (6) expressing justice, and (7) being complete. Moreover, their divine origin establishes human rights as legitimate duties, so they are rights that are binding on all and are characterized by comprehensiveness. By the same token, however, these rights are unquestionable and unreviewable, and their advancement cannot be discussed.

Overwhelmingly, the reviewed studies agree with the fundamental principle which was asserted in the CDHRI, that human rights in Islam precede all human rights concepts in the world ([Organization of the Islamic Conference 1990](#)). Some of the reviewed publications additionally claim that Islam is the source of modern human rights. [Qusailah \(2020\)](#) goes further, contending that the foundations of the UDHR, as well as the agreements and charters that emerged from it, were originally the result of the efforts of Western thinkers and philosophers who fell victim to a distortion of the facts, although some had studied and were influenced by Islamic jurisprudence:

The general view of human rights and their Western sources did not come from a vacuum. Rather, they came from suffering, and most of them were Western philosophers and scholars who suffered from barbarism and falsifying the facts. Some of these philosophers studied Islamic jurisprudence and history. ([Qusailah 2020](#), p. 676)

Almost all the studies that have been reviewed here state that human rights in Islam are part of the foundations of religion. From this perspective, they are not laws and legislations isolated from worship. This entails the obligation to work with human rights in religious life, as well as punishment in the hereafter if human rights are disregarded:

Human rights in Islam are from the core of belief and Shari'a. They are not a favour by people toward each other. They are related to the legal costs and duties that result in reward or punishment. ([Alrashid et al. 2021](#), p. 134)

Based on the arguments made in the reviewed publications, it appears that these scholars unanimously agree that religious instructions related to human rights are an integral part of faith and must be practiced as part of compulsory religious duties (fard). At the same time, these authors do not discuss the concepts from the angle of how human rights relate to actual practices in societies that believe in the values highlighted in their arguments. Their discussions are limited to the textual aspect, and more specifically to a particular understanding of a set of religious source texts and commentaries. It should also be noted that on some points, statements are made by the authors without providing references to religious sources or other supporting evidence, as illustrated in the following excerpt:

The position of Islam toward individual intellectual freedom is not different from its position toward general intellectualism. Islam has never attempted to impose on the minds a specific scientific theory regarding any phenomenon. ([Alrashid et al. 2021](#), p. 134)

Overall, the publications rarely use explicit, precise definitions of the concepts they employ, which leads to some ambiguity, both concerning legal and theological implications and with respect to how theoretical understandings of human rights relate to human rights practice or applications. An overview of the definitions employed in the reviewed publications and the foundations on which they draw is found in Table 3.

Table 3. Human rights definition and foundations in the reviewed literature.

Article	Definition	Foundations
(Al-Aqeel 2020)	Rights guaranteed by the Qur'an as mandatory rights	The Qur'an
(Alenzi 2021)	The set of rights of an individual or society established by Shari'a	The Qur'an and Hadith
(Al-Naigiri 2020)	Shari'a preceded all human rights legislation that includes equality and justice	The Qur'an, Hadith, and the Qur'an Interpreters and Salaf Scholars
(Alrashid et al. 2021)	They are innate rights from God, brought by the prophets, and include freedom of belief, work, and equality	The Qur'an, Hadith, and the Qur'an Interpreters
(Al-Saray 2020)	Divine rights imposed by God such as dignity, equality, and protection of religion, life, intellect, lineage, and property	The Qur'an, Hadith, and Islamic intellectuals
(Alyanbawi 2020)	The rights arising from the five Shari'a pillars: protection of religion, life, intellect, lineage, and property	The Qur'an and Hadith
(Assaf and Hamdan 2021)	Rights arising from the Maqasid Al-Shari'a [purposes of Shari'a] such as the right to life, the right to think, and the right to form a family	The Qur'an and Hadith
(Mujbel 2021)	The sum of all rights that come from divine revelation, such as the right to own property, to move around, and to help the poor	The Qur'an, Hadith, and the interpretations of the Sahabah and their followers, Al-Khulafa, and Ahl Al-Bayt
(Qusailah 2020)	Rights entailed Islamic foundations, such as human dignity and freedom, with a commitment to worshiping God, and commitment to moral values.	The Qur'an and Sunnah
(Salem 2021)	The rights enshrined in the primary Islamic sources, such as the right to life, liberty, justice, and equality	The Qur'an, Hadith, and Al-Sahaba heritage
(Salman 2021)	The rights emanating from Islamic teachings, especially the teachings of imams and Ahl Al-Bayt	The Qur'an, Imam Ali, Ahl Al-Bayt, and Imam Zain al-Abidin
(Sherhan 2021)	The rights guaranteed by Islam such as freedom, protection of dignity, justice, and the right to life	The Qur'an and the nine Sunnah books

3.2. Defining the Problem

The first element of framing to be examined here is how the authors of the reviewed publications define the 'problem'. Underlying the various arguments presented in these publications is that the modern term 'human rights', and the philosophy that underpins it, is a 'Western' idea, situated within Western culture. From the perspective of these authors, the concept, therefore, lacks a fixed base and clear intended goals, as well as a universal or absolute controlling and guiding standard. Qusailah (2020, pp. 279–94) argues that this, in turn, leads to four basic problems with the modern concept. First, it uses humans as the reference point, so that forces in the material world are those that govern in the event of a dispute. Second, modern human rights are imbued with a particular bias, whereby they prioritize democratic societies over others. Third, the modern concept of human rights allows for flexibility of legislation, where the legislators work to set virtual limits to freedom that can be crossed at any time. Fourth, the goals do not address human reality in general, but only with the intent of serving Western goals.

To illustrate how perceived 'Western' origins of the modern human rights concept underlie the critical stance of these authors, another example is given by Al-Aqeel (2020). Al-Aqeel argues that Western authoritarianism and tyranny, with the use of the media machine to impose intellectual and political domination over many countries—especially Arab and Islamic ones—led to the loss of the Islamic concept of the issue. This established in the hearts of many Muslims the impression that to obtain rights, there is no other way than subordination to the West by a voluntary or coerced alliance. According to Al-Aqeel,

Muslims thus feel compelled to endure various forms of humiliation in order to obtain those rights. Al-Aqeel and the other reviewed authors conclude that the world instead needs to consider human rights from an Islamic perspective, which would solve all these problems. Al-Aqeel (2020, p. 101) thus expressed the problem in the following terms:

Western domination and tyranny, coupled with media manipulation to assert control and intellectual dominance over numerous nations, particularly Arab and Islamic ones, has resulted in the erosion of the Islamic perspective on the matter and related issues. This has instilled in many Muslims the belief that the only path to securing their rights is through submission to the West, either voluntarily or unwillingly, and tolerating all forms of degradation and insult.

Another framing found in the reviewed material consists of pointing to difficulties in enforcing the UDHR. Thus, Alrashid et al. (2021, p. 167) contrasted these difficulties with freedoms enjoyed under an Islamic state:

The Universal Declaration of Human Rights cannot carry out its work in preserving human rights due to the failure of some countries to respond to and implement this declaration, as its application is subject to the criteria of various forces in this world, while under the Islamic state, man enjoys the freedom of belief and religion, and he has absolute freedom to choose any religion.

Failure to enforce in practice the protections of the abstract principles of the UDHR is juxtaposed with the absolute protections afforded by an ideal Islamic state, as conceived by Alrashid et al. (2021), through which concrete models these absolute freedoms are to be guaranteed in practice is not explicitly expressed in the excerpt, nor further developed elsewhere in their article.

All the reviewed articles understand divine revelation and Islamic source texts as the foundation of human rights from an Islamic perspective. Their arguments are primarily theological. Consequently, these scholars view the detachment of modern human rights concepts from a foundation in any particular religion as a fundamental problem. From the point of view presented in the articles, Islam offers sufficient guarantees for the protection of human rights in order to guarantee people a dignified life in which truth and justice prevail. For instance, Sherhan (2021, p. 126) argues that humanity has not known throughout the stages of its history a religion like Islam, while Alenzi (2021, p. 137) states that Islam, more than one thousand and four hundred years ago, demonstrated human rights through divine revelation. Similarly, Al-Aqeel (2020, p. 100) stresses that the Qur'an, as the foundation of Islam, has fully provided human rights guarantees. From this perspective, whatever is compatible with Shari'a is a human right, and what differs with it is not a human right (Assaf and Hamdan 2021, p. 163). These premises govern the arguments and determine the type of evidence that is presented or omitted. All the authors express a firm conviction that Islam is a complete and comprehensive religion, that it protects the rights of human beings, and that no further discussion is required on this matter. It follows that their studies intend to clarify and illustrate the conclusions of which they are already convinced, rather than to critically examine these premises or their implications.

Based on the fundamental assumptions on which the authors base their arguments, the problem of human rights becomes that the world is not governed by Islamic principles. Assaf and Hamdan (2021, p. 165) accordingly argue that it is incumbent upon Muslims to "convey the call of Islam to all people, in compliance with the command of God" and to "contribute to the salvation of the world from the errors that have fallen into it", and to save to the peoples of the world from the types of suffering this has caused. However, the authors do not provide concrete details concerning how religious instructions can be transformed into actual guarantees that a person can benefit from to ensure and develop human rights. An overview of how the problem is defined in the reviewed publications is provided in Table 4.

Table 4. Defining the problem in the reviewed literature.

The Problem	Article
Western human rights concepts lack a fixed base, clear goals, and universal standards	(Al-Naigiri 2020); (Al-Saray 2020); (Qusailah 2020); (Mujbel 2021)
Weaponizing human rights by Western countries	(Al-Aqeel 2020)
Difficulties in enforcing the UDHR	(Alrashid et al. 2021); (Al-Saray 2020); (Salman 2021)
The disconnection of human rights from religion is a fundamental issue	(Alenzi 2021); (Sherhan 2021); (Al-Aqeel 2020); (Assaf and Hamdan 2021); (Al-Naigiri 2020); (Al-Aqeel 2020); (Salem 2021)
The issue with human rights is that Islamic principles are not being upheld in governance	(Assaf and Hamdan 2021); (Mujbel 2021); (Al-Saray 2020)

3.3. Identifying the Forces of the Problem

In the reviewed literature, the West is presented as the primary actor with negative impacts on human rights. This negative influence is exerted both by obstructing the application of the Islamic understanding of human rights and by consolidating the modern concept of human rights (Qusailah 2020, p. 699), which from the perspective of these scholars is incomplete, unjust, and unworkable. As Sherhan (2021, p. 122) explains:

The culture, media, and politics of the world today are interested in the continuous talk about human rights, which has become a subject taught since childhood, in which the Western model is presented through international humanitarian law and the Charter of the United Nations. However, the Islamic civilized model has consciously and intentionally been neglected, with the aim of concealing or distorting the model of the Islamic state in its various eras as a state that protected human rights and secured them with respect to lives, beliefs, and property.

The second actors are Muslims themselves, who did not implement Islamic concepts after the era of the Prophet Muhammad and the Rightly Guided Caliphs (al-Khulafa al-Rashidyn) (Sherhan 2021).

The argument can be summarised as stating that modern human rights originate from the West, which is responsible for distorting Islamic human rights on the one hand, and for obstructing any transformation which would allow the application of Shari'a and Islamic human rights concepts on the other. This frames human rights issues as part of a wider 'clash of civilizations' between the 'East' and the 'West'. At the same time, the authors acknowledge that Islamic human rights principles were not implemented by Muslims in the period of more than a millennium where the West did not have such an influence, but do not provide convincing explanations for why human rights were not protected in practice in Muslim states historically. Table 5 summarises which of the publications frame the West or Muslims as forces of the problem.

Table 5. Identifying the forces of the problem in the reviewed literature.

The Forces of the Problem	Article
The West	(Al-Aqeel 2020); (Al-Naigiri 2020); (Alrashid et al. 2021); (Al-Saray 2020); (Assaf and Hamdan 2021); (Qusailah 2020); (Sherhan 2021)
Muslims	(Al-Aqeel 2020); (Salem 2021); (Salman 2021); (Sherhan 2021)
The Umayyads and the Abbasids	(Sherhan 2021)

3.4. Judgments and Moral Evaluations

The Islamic perspective on human rights presented in the reviewed publications expresses a set of judgments and moral evaluations that reflect their ideological view on the issues. Some negative judgments are directed against the West, which is responsible, from their point of view, for the non-implementation of human rights. These include, for example, monocular Western vision, short-sightedness, and Western selfishness (Qusailah 2020, p. 699); as well as Western authoritarianism, imposing intellectual domination, subordination to the West, and enduring various forms of insult and humiliation (Al-Aqeel 2020, p. 101). In the next excerpt from the study by Al-Aqeel (2020, p. 101), we can see an example of how these judgments underlie the wording employed in the various arguments:

Proceeding from the great importance of human rights, especially after the deterioration of the human condition today, and the **misuse** of the issue on the part of **the enemies of Islam**, and given that many of the principles and laws of human rights stem from Western thought **and its material values, truncated from moral and spiritual values.** (our bold)

Here, negative terms are used to describe the ‘West’ (“misuse”, “enemies of Islam”), while the “material values” of “Western thought” are contrasted to the “moral and spiritual values” of Islam.

By contrast, the wording used to describe Islam and the foundational texts referred to is almost exclusively positive. Some examples found in the publications include “the ideal thesis of human rights”, “Islamic human rights are complete and comprehensive” (Al-Saray 2020, p. 79), “the directives of the Noble Qur’an in its perfect thesis”, and “free of shortcomings” (Al-Aqeel 2020, p. 104). Another example is when Al-Aqeel (2020, p. 79) states that “the Qur’an precedes the human rights movement”—here, the use of the term “precedes” (Arabic: al-²asbaq) will by the Arabic-speaking reader not only be understood as a historical description of the chronology but rather as an expression of moral superiority (e.g., taking precedence over). Positive evaluations of what these scholars present as the Islamic view on human rights are above all intended to frame the question as a binary issue and to highlight differences in the ‘Islamic’ and ‘Western’ perspectives. An example of how the dichotomy appears in the publications is the following excerpt by Mujbel (2021, p. 164):

The Islamic view on human rights includes all kinds of intellectual rights, beliefs, the right to work, the right to education, the right to life, **and other rights that are distinguished from contemporary human rights by originality, independence, and balance.** (our bold)

In this example, the reader could expect a detailed comparison of intellectual rights or other rights in Islam with the wording or application in the practice of corresponding rights in the UDHR, but no such comparison is made. Instead, the positive wording (“originality”, “independence”, “balance”) is taken as a fact with no need for supporting evidence, as is the claim that these rights based in Islamic theology, law, or jurisprudence are fundamentally different from the corresponding rights as defined in the UDHR.

Taking the moral superiority of Islam for granted and presenting it as a premise that is not open to discussion or investigation may thus lead these scholars to generalize their judgments, without attempting to provide or discuss the evidence. Table 6 summarizes negative and positive judgements expressed in the reviewed publications.

Table 6. Judgments and moral evaluations in the reviewed literature.

Judgments, and Moral Evaluations	Article
Negative judgments are directed against the West	(Al-Aqeel 2020); (Al-Naigiri 2020); (Alrashid et al. 2021); (Al-Saray 2020); (Assaf and Hamdan 2021); (Sherhan 2021); (Qusailah 2020)
Positive judgments about the foundations of Islam	(Al-Naigiri 2020); (Al-Saray 2020); (Qusailah 2020); (Mujbel 2021); (Al-Aqeel 2020); (Alrashid et al. 2021); (Salman 2021); (Alenzi 2021); (Sherhan 2021); (Assaf and Hamdan 2021); (Salem 2021)

3.5. Suggesting the Solutions

The solutions suggested in the reviewed publications are closely linked to the framing of the ‘problem’ and the description of the forces that cause it. Accordingly, to protect human rights in general, both in the Islamic world and in the world as a whole, these scholars argue that efforts should be based on the teachings of Islam, as opposed to ‘development’ and ‘modernization’ following a ‘Western’ model. Thus, Qusailah (2020, pp. 288–94) contends that Shari’a has proposed solutions that can deal with the problem of human rights globally. His argument is based on the following elements:

- The belief that human rights are divine, which makes them not subject to material force, and their interpretation does not depend on the human interests and the particular desires of individuals.
- Not linking rights to their national level but rather to their global level that transcends national borders.
- Commitment to human rights is a divine approach that is not subject to any changes or legal amendments and is not subject to human discussion, as they are fixed divine rules that are not subject to discussion, modification, or change.
- Commitment to human rights by describing this obligation as the performance of religious duties and in fulfilment of divine commands.
- Based on these arguments, the implication is that people should work to believe in Islamic Shari’a because it is not possible to apply this approach without a belief in the divine origin of Islamic Shari’a. In other words, the proposed solution is directed at believers in Islam, extolling them to adopt more fundamentalist interpretations of Islam in their own lives, as well as increasing their efforts to work for the spread of Islam and establish global forms of governance ruled by these principles.

Additionally, based on these premises, Islamic religious concepts should be followed, even if they seem to conflict with the principles of modern human rights, for example, with respect to the issue of equality between men and women. Thus, Al-Saray (2020, p. 88) argues that people should believe that Islam established justice for women, equating them with men in dignity, right to life, costs, and responsibility, but there is a difference with regard to hijab, inheritance, and testimony. Consistent absence of discrimination toward women as stipulated by the UDHR, the Convention on the Elimination of All Forms of Discrimination against Women (United Nations General Assembly 1981), or the Beijing Declaration and Platform for Action (Fourth World Conference on Women 1995) would from this perspective not be consistent with the Islamic understanding of justice advanced by the reviewed authors, whereas it should be noted that other Muslim scholars argue for interpretations that support gender equality (see, e.g., Ridwan 2022). Solutions suggested in the reviewed publications are summarized in Table 7.

Table 7. Suggesting the solutions in the reviewed literature.

Suggesting the Solutions	Article
Commitment to human rights as a divine approach	(Al-Aqeel 2020); (Alenzi 2021); (Al-Naigiri 2020); (Alrashid et al. 2021); (Al-Saray 2020); (Assaf and Hamdan 2021); (Mujbel 2021); (Qusailah 2020); (Salman 2021); (Sherhan 2021)
Islamic religious concepts should be followed	(Al-Aqeel 2020); (Al-Naigiri 2020); (Alrashid et al. 2021); (Al-Saray 2020); (Alyanbawi 2020); (Assaf and Hamdan 2021); (Mujbel 2021); (Qusailah 2020); (Salem 2021); (Salman 2021); (Sherhan 2021)

4. Discussion

From this review of studies that address the concept of human rights from an Islamic perspective, it appears that the publications focus on the foundation of human rights in Islam, and Islamic teachings that call for the preservation of human dignity, protecting life, encouraging work, education, and other principles. Most of these principles are summarised under the so-called five fundamental values (Al-kulliyat Al-khams) or (Maqasid Al-Shari'a). These theoretical foundations of the Shari'a can be traced back to Abu Hamid Alghazali (1992) and Mawdudi (1976), as well as subsequent Muslim scholars who established these principles as the objectives of the Shari'a. Adherence to these objectives constitutes theological obligations that are anchored in a non-negotiable divine religious frame of reference, even if they do not necessarily reconcile with contemporary human rights legislation. Nevertheless, in the literature published in the English language that holds that human rights are compatible with Islam, the same arguments are presented, using the same evidence from the Qur'an and Hadith regarding fundamental protections (Berween 2002; Ahmad 2006; Muhammed 2021). Compared to these publications on the topic in English, however, the reviewed studies written in Arabic appear to be directed toward readers that already share the authors' convictions and beliefs, and little effort is made to substantiate the claims and arguments that are presented. Notably, the articles lack detail on how human rights could be applied in practice. When examples are given, there is generally a tendency to select cases that are not necessarily representative. For instance, Alyanbawi (2020) uses the treatment of both citizens and expatriates during the COVID-19 pandemic as evidence to support his arguments, stating "Just as the royal order regarding the treatment of all people infected with Corona (even those who had irregular residence) proves the sincerity of the full implementation of human rights in the KSA without discrimination" (Alyanbawi 2020, p. 412). At the same time, such arguments ignore other cases, where human rights have not been respected.

The wording in the reviewed articles is largely based on religious sentiment, and the main arguments revolve around the doctrinal aspect that the believer should adhere to without discussion, modification, or change. The reviewed publications were selected based on the criterion of a focus on human rights and Islam, and it should be stressed that the majority of publications in Arabic on human rights in the Arab world found in the initial search concerned other topics. Nevertheless, the range of perspectives, stances, and arguments offered in the articles written in Arabic which are reviewed here is much narrower than in publications in English on the topic of human rights and Islam.

The reviewed articles agree on the Western origin of modern human rights concepts. There is in this sense an intersection between the studies we reviewed and the literature that criticizes human rights concepts as part of the colonial legacy, arguing that human rights texts were written from the perspective of Western colonial countries. Certain authors thus contend that this colonial legacy is incompatible with the social and cultural contexts of other peoples, especially those that have fallen under the control of colonialism (see, for instance, Samson 2020; Asante 1969).

Despite this partial intersection in pointing to issues connected to a colonial legacy, it must be emphasized that the aims and underlying premises for the two bodies of literature are quite different. Critique of colonial legacies generally has emancipatory ambitions with respect to gender equality, economic exploitation, and the negative impacts of a world order that is based on the military and economic power of former colonial countries, drawing on Marxist or post-colonial theories. By contrast, the reviewed articles highlight a divine source for their interpretation of Islamic human rights (see, e.g., [Qusailah 2020](#)), while critiquing present-day difficulties in implementing the UDHR ([Alrashid et al. 2021](#)). These scholars consequently argue that the forms of governance and human rights practice of the period of the Rightly Guided Caliphs is the universal ideal toward which all efforts should be directed today. However, their arguments do not explain how imposing the social and cultural norms of that particular historical period and context would resolve the problem of how universal human rights can be applied in differing contexts globally (see also the discussions by [Chase 2000](#) and [O'Sullivan 2000](#)).

Furthermore, presenting such a distant historical period as an ideal can risk obstructing any efforts to protect human rights in the world as it is today. Militant groups who have attempted to reinstate a caliphate or other historical systems of governance based on their own interpretation of Islam have instead committed crimes that are contrary to the principles most Muslims adhere. The arguments presented in the reviewed studies thus cut both ways since they can be used to justify human rights abuses by state actors, as well as offer legitimacy to action by militant subversive movements. More generally, the arguments used by these scholars are worded in ways that can be used to fuel sectarianism and armed conflict.

Rather than discussing arguments that link the actual implementation of human rights in Muslim-majority states with differing interpretations of religious texts ([Carle 2005](#); [Fish 2002](#); [Cingranelli and Kalmick 2020](#)), our analysis suggests that the reviewed studies tend to depend on a single interpretation. The scholars focus on specific understandings of human rights that correspond to their desire to create evidence to support their arguments, neglecting the much wider range of interpretations and practices that exist both historically and in contemporary Muslim societies.

Finally, the dichotomy between what is presented as 'Islamic' human rights and the 'Western' conceptualization of human rights (as set forth in the UDHR and other international documents) is problematic in two respects. The first is that it presents the issues as based on a 'clash of civilisations'. [Huntington's](#) (1993) theories on a 'clash of civilisations' have been criticized, both as an oversimplification of the diversity which exists among Muslims, and as an attempt to represent Muslims as morally, socially, culturally, and economically backward, juxtaposing them to an idealized depiction of Western democracy and progress (see, for instance, the discussion by [Said 2004](#)). Rather than providing remedies to colonial legacies, this negative representation of Muslims can be used to justify military attacks and discrimination.

The second problem is connected to the historical background of the UDHR itself. Although it is true that certain UN institutions (such as the Security Council and financial institutions) were largely intended to preserve the world order that emerged after World War II, the General Assembly and signatories to the UDHR were independent nations, representing a wide range of religions, cultures, and ideologies. Establishing mechanisms to overcome colonial legacies and ensure the peaceful resolution of conflicts was high on the agenda. In this context, the UDHR set forth basic principles that could protect human beings regardless of their background. Of the fifty-eight members of the United Nations, forty-eight voted to endorse the text that had been produced during a long and complex process of negotiations over wording and principles (see, for instance, [Waltz 2002, 2004](#) on details in the UDHR drafting process). Certain reserves were expressed—eight member states abstained and two did not vote—but the adopted text nevertheless reflects a broad consensus on minimal standards of protection.

Presenting the UDHR as merely enshrining colonial legacies disregards this historical context but also distracts attention from more pressing questions. Over the more than 70 years since the UDHR was drafted, new technologies, new forms of warfare, and new forms of media communication have emerged that could not be envisaged at the time. Importantly, all of humanity is today threatened by disasters connected to climate change, mass extinction of species, and environmental degradation. More than ever, such challenges call for the responsible, morally informed, and concerted action of all human societies, rather than rhetoric that supports increased intolerance and polarization.

5. Conclusions

This study suggests that the scholarly discourse in the reviewed articles tends to base its arguments on a relatively narrow set of interpretations of Islamic religious texts. They define human rights as the protections corresponding to Alghazali's five fundamental values (Maqasid Al-Shari'a) and argue that these would be guaranteed in an ideal Islamic state. By contrast, they see the UDHR both as less effective in ensuring protections and as an expression of 'Western' hegemonic ambitions. The scholars provide limited support for their arguments, both from a textual perspective and with respect to the examples of implementations that they select. The discourse is primarily concerned with the reader who already believes in the religious arguments and evidence presented by these scholars. Almost no references are made that clearly place these considerations in their legal contexts or that are based on academic approaches. We believe that instead of attempting to confirm or deny the compatibility or incompatibility of Islam with human rights in absolute terms, the focus should be on how to develop a human rights discourse that can transcend the polarizing dichotomy of a 'clash of civilisations'. Reaffirming the support for human rights principles in Islam is an important step but to ensure the protection and implementation of human rights in practice, this concern should be translated into developing mechanisms oriented toward human rights practice consistent with the needs and conditions of contemporary societies and by benefiting from these valuable foundations within Islam that support the protection of human rights.

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Notes

¹ The inclusion of both an abstract and an English-language title is deemed to be a crucial criterion for publication in Arab scientific journals, as it demonstrates the journal's commitment to academic standards. Furthermore, the availability of an English-language abstract allows for greater accessibility and ease of reference for international researchers.

² <http://romanize-arabic.camel-lab.com/> (accessed on 28 July 2022). The online tool is made available by NYU Abu Dhabi and CAMeL, following the ALA-LC tables and guidelines (Arabic romanization table (loc.gov) (accessed on 4 November 2022)).

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