

A Review on the Book of Islam and Human Rights in Practice: Perspectives across the *Ummah*

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Is Islam compatible with internationally accepted standards of human rights? This elusive and enduring question, as a key issue in the discerned tensions between Islam and the Western liberal thought, has drawn a huge attention from distinguished scholars of different standpoint. Thus, there is a large volume of academic works addressing the gaps/the convergences between Islam and internationally accepted standards of human rights, also the intricate issues such as the status of women, the religious freedom and gender roles and rights. On one side, within the realm of western faculty of thinking, some argue that Islamic based-government as a political-ideological power system, undermines the adequate protection of human rights, while the others believe that there must be ways to reconcile Islamic rule with the standards of human rights and democracy. On the other side, according to Petersen,¹ under the profound influence of Islamic perception, there are four different positions among Muslim intellectuals today:

i) All rights are subject to Islamic Sharia: under such conception, the whole idea of human rights are rejected as a western invention growing out of western values of secularism and individualism which is in complete controversy with the Islamic teachings on unity, monotheism and the very notion of Islamic Ummah. Apparently, the tensions are brought about by the popular view on the identification of liberalism with a strict secularism.² It seems drawing dogmatically rigorous lines between the West, as the secular world, and Islam, as the non-secular

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¹ Marie Juul Petersen, Islam and human rights: Clash or compatibility? Religion and the Public Sphere (26 Oct 2016), available at: <http://eprints.lse.ac.uk/76451/>

² Dalacoura, Katerina, Islam, Liberalism and Human Rights, I.B. Tauris and Co. Ltd, 1998, p. 39.

ideological world, serves as the main cause of spreading the idea that Islam is fully incompatible with human rights values and standards.

ii) Islam and human rights are only partially compatible: according to such viewpoint, some human rights for instance right to work and education are fully acceptable from any conservative Islamic point of view, while other rights, as an example gender rights, are threatening the traditional social and family structures accepted among different levels of Islamic countries.

iii) There is nothing in Islamic law that prevents human rights: under such position, the Islamic regulations can be flexibly and pragmatically interpreted in ways to be more compatible with human rights.

iv) Islam is fully compatible with human rights: a growing group of Muslims argue that sharia should be considered as a set of ethical and social rules which can be re-interpreted in the light of the present circumstances of the transforming Islamic communities.

The discussion over the stance of Islam in relation to gender rights, religious freedom, civil and political freedoms, and other correlated matters leads to examining the various debates on the relationship between Islam and Human Rights, especially with regard to the women's rights and religious freedom.

The volume edited by Shahram Akbarzadeh and Benjamin MacQueen, under the title of "*Islam and Human Rights in Practice: Perspectives Across the Ummah*" examines various issues related to the relation between Islam and human rights from different perspectives. This volume includes the following chapters on various related issues including women's rights, gender rights, equality among genders and religious freedom, in Muslim communities from South East Asia to North Africa:

1. Framing the debate on Islam and human rights by Shahram Akbarzadeh & Benjamin MacQueen
2. The Reformulation of Islamic Thought on Gender Rights and Roles by Ann Elizabeth Mayer
3. The Contribution of Secular-Oriented Strategies to the Quest for Women's Human Rights in the Islamic Republic by Rebecca Barlow
4. Islamic Reformism and Human Rights in Iraq: Gender Equality and Religious Freedom by Benjamin MacQueen & Shahram Akbarzadeh
5. The Reluctant Partnership between the Muslim Brotherhood and Human Rights NGOs in Egypt by Benjamin MacQueen
6. Human Rights in Afghanistan by William Maley
7. Competing Domains of Control: Islam and Human Rights in Malaysia by Shamsul Amri Bin Baharuddin

8. Muslims in Malaysia, Notions of Human Rights Reform, and their Contexts by Patricia Martinez

9. Indonesian Islamist Perspectives on Human Rights by Greg Fealy.

The first section seeks to elaborate the question of compatibility of Islam with human rights from different dimensions. According to the authors, the literalist reading of Islam has been adopted by two very distinctive groups: on the one hand, traditionalist Muslim leaders and Islamists that have taken up a hostile attitude toward the idea of human rights since that is seen as a cover for neo-colonial efforts of the Western powers to regaining domination over the Muslim world.³ On the other hand, the authors refer to the views of other researchers such as “Bernard Lewis” and “Daniel Pipes” as they have argued that Islam contradicts modern human rights norms and conventions as it reflects the norms and conventions of the seventh-century civilization of Arabia. Daniel Pipes, former appointee by the Bush Administration to the United States Institute of Peace, leads the charge in seeking to highlight what he claims is the historically-abiding Muslim imperative to subjugate non-Muslim peoples.⁴

Despite the certainty claimed by the above-mentioned groups and the widespread Islamophobia arising out of the terrorism acts of Takfiri extremists, the authors, sagaciously, have referred to the notion of the contextualization, which according to the authors; offers new opportunities for exploring the relevance of Islam to contemporary conditions and the challenges faced by Muslims today.

The authors attract our attention to the fact that Muslim thinkers in modern era have tried to move away from ideological rigidity, emphasizing instead the essence and core values embedded in the holy text. Authors refer to an interesting idea proposed by *An-Na'im* on injecting Islamic thought with flexibility through *Ijtihad* which is regarded as a means to maximize the ability of Muslim *Ummah* to exercise their human agency; this will lead to the reconciliation of Muslim communities with the human rights regime. It should be mentioned that the Shia tradition is mostly compatible with human rights framework, since Shia school of thought depends on a dynamic jurisprudence. Some Shia jurists have attempted to interpret religious laws in an up-to-date manner.

The other appealing point discussed by the authors in first section is the significant number of Muslims moved to the foreign territories and

³ Akbarzadeh, Shahram, MacQueen, Benjamin, *Islam and Human Rights in Practice: Perspectives Across the Umma*, Routledge, 2008, p. 1.

⁴ *Ibid*, p. 2.

their obedience to the secular law. The authors argue that the humanist approach to Islam moves beyond the apparent dichotomy of Sharia versus secular law. It seems the acceptance of the principles of fairness, equity and justice as common to Islamic jurisprudence and secular law has paved the way for the establishment of a framework within which there is no contradictions between the Islamic jurisprudence and the Human rights regime.

Authors, according to their deep knowledge of recent developments in Islamic *Ummah*, have referred to Islamic reformism which despite being in its infancy, it promises fresh grounds for compatibility between Islam and human rights regime. As the authors have mentioned, reconciliation of Islamic rule with the principles of human rights cannot be an overnight achievement, especially when there is a lasting ambiguity about the worth of individual, just as a human being, not a follower.

The second chapter is dealing with the subject matter of “The reformulation of Islamic thought on gender rights and roles” by Dr. Ann Elizabeth Mayer, the distinguished Associate Professor Emeritus of Legal Studies. In this section, the author deals with the critical question on the relation between Islamic rules and the discrimination against the women. She is of the opinion that “the ideals of the Islamic feminism have won wide currency over the last decades”. The question of Islamic feminism sets forth other issues for discussion, for example, is Islam the only religious tradition and the main factor that has theological interpretations centering on men? No need to say that sexism within the societies is deepened by social institutions like law, politics, customs and religion. The author correctly refers to the current process of mining the Islamic sources for evidence that the tradition of the early Islam envisaged women as equal partners. It should be added that in addition to that process, the dynamic nature of Shia jurisprudence provides the room for a new look to the status of women in Iran. At the moment, there is a tangible advance within the political and social trends toward the promotion of the status of women in Iran through the women’s awareness and movement to realize their constitutional rights. The main factors affecting the promotion of women’s status are the Islamic republic of Iran’s efforts to eradicate illiteracy among women and girls, increase in girls’ higher education rate, provision of free public education, increased women’s participation as voters and candidates, etc. At last, the author properly reminds us of the fact that “more and more Muslims now confidently assert that core Islamic values support the principle of equal treatment for women”.

In the third part, senior researcher, Rebecca Barlow, specifically deals with the subject matter of “Women’s rights in the Islamic Republic of

Iran: the contribution of secular-oriented feminism”. Through her profound examination, the author examines the phenomenon of religious-oriented feminism that is described as a valuable and valued enterprise among Iranian women. It seems the author in the part titled “Religious-oriented feminism and the evolution of the reform movement” has focused on the persons instead of the events, therefore, readers are not provided with meaningful information. This section apparently is mostly a profile about secular oriented feminists in Iran. The other point worth mentioning is that the impacts of Islamic teachings on the realization of the women’s rights in the context of the contemporary Iranian society. The author concluded that “Iran’s legal framework is not based on Islam per se. Rather; it is based on an explicitly patriarchal interpretations of Islam’s holy sources”. Apparently, the author’s lack of sufficient knowledge about the legal framework of Iran and ignoring the role of the Guardian Council that oversees laws passed by the *Majlis* (the Parliament) to confirm their conformity with the Islamic teachings and the Constitution. Despite the emphasis put by the author on the active unwillingness of the Iran Government to secure women’s rights, during the recent years, especially through the adoption of the Charter on Citizens’ Rights and the positive measures taken by the relevant authorities and bodies like Women and Family Affairs Office, we witness tangible changes in the status of the Iranian women in various areas, including the academic and management levels.

The fourth article, titled “Islamic reformism and human rights in Iraq: gender equality and religious freedom”, examines the subject of gender equality and religion freedom in Iraq, as one of the main Islamic countries which is undergoing wide political and social changes. As a precise account on the current status of human rights in Iran, the article properly reflects the tension among the traditionalism and the western notion of human rights by referring to four approaches including “Islamization” of human rights; pragmatic reforms within the framework of the sharia; critical reconceptualization of the sharia; and political secularism in Islam. It should be bear in mind that years of Saddam dictatorship, international sanctions, conflict (the US-led invasion one decade ago); and the rise of ISIS, have led to deterioration in human rights’ status. The article deals with the historical changes in the contemporary Iraq like the invasion of Iraq and the post-Saddam Iraqi constitution. The fact that should be examined through any accounts on the status of human rights in Iraq is that the identity of Iraqi people is strongly linked to Islam. The authors correctly mentioned the conservative backlash against the increased rates of women’s participation in the labour force which is an obvious sign of social

progress. The other topic profoundly examined by the authors is the drafting process of the Iraqi New Constitution in post-Saddam era. It seems in the new course of social-political changes; still the implementation of international human rights treaties is constitutionally restricted in Iraq. Despite this fact, the authors remind us that the Iraq Constitution enshrined some perfect human rights-based phrases such as article 14 that states: "Iraqis are equal before the law without discrimination because of sex, ethnicity, nationality, origin, color, sect, belief, opinion or social or economic status". Also, the authors explain the constitutionally protected right of Iraqi women to pass their citizenship to their children even if the father is not an Iraqi citizen, a right that is forgotten by the Iranian Legislator. The rest of the section deals with a precise examination of the initiatives taken by the Iraqi legislators to protect gender equality under the umbrella of the Constitution. The rest of this interesting and informative article deals with the Religious freedom in the new Iraqi constitution, a complicated issue that affects all the population of Iraq, from Shia majority, Sunni Arab and Kurdish communities to Turkmen, Catholic and Christian groups. The new version of the Constitution declares the full religious rights for all individuals and the freedom of creed and religious practices of people like Yezidis and Christians. The other topic examined by the authors is the controversial question of apostasy within Iraqi society. Any attempts to advocate, instigate, justify or propagate racism, terrorism and *Takfir* (declaring a person an infidel) is criminalized under article 7 of the Constitution. It seems the Iraqi legislator has taken a massive step to control infringements against the sectarianism in the country. As the time passes, the impacts of such measure will become evident.

The fifth article under the title of "The reluctant partnership between the Muslim Brotherhood and human rights NGOs in Egypt", examines the allegedly common ground and means of cooperation. The author refers to the popularity of the Muslim brotherhood in Egypt and the marked lack of domestic support for NGOs and their suppression in the Nasser and Mubarak ruling era. The article provides us a precise but brief background From Nasser to Mubarak and the hostile and hard experiences the two groups had. Another part of the article is devoted to analysis of those legal mechanisms. As stated by *Zeid Ra'ad Al-Husseini*, UN High Commissioner for Human Rights, "many organizations have been dissolved under Egypt's 2002 NGO law. Many other NGOs have also been dissolved because of their alleged links to the Muslim Brotherhood which is considered a terrorist organization by the Egyptian

courts”.⁵ No need to say that the temporary links among MB and human rights NGOs are the results of the brutal suppression of political and social protest movements. Therefore, these links will not lead to mutual understanding and systematic cooperation to achieve common goals. As the author correctly states, “this co-operation is purely functional, with the environment leaving no room for either side to explore possibilities that may exist in enhancing dialogue over the issues of Islam and human rights”. Maybe, these links are just, as the author reminds us, a survival tactic. And perhaps, in the coming years, with political and social turmoil in Egypt, these two groups strive to outstrip each other as firm rivals.

The next article is devoted to the subject of “Human rights in Afghanistan”, written by William Maley. The article provides us with a historic profile of Afghanistan before 1978 onwards. This article is a terrifying account about the cruelty and inhuman treatment of the people, especially the women, by the different totalitarian regimes including Taliban. As the text shows, even the overthrow of Taliban was not the end of the oppression and violation of human rights by state/ non-state actors. It seems the adoption of the new Constitution of Afghanistan was a milestone in the history of new post-Taliban Afghanistan, since it contained a range of human rights protection. Subsequent to a brief but useful analysis, the author underscores the fact that “for all the robust language of the Constitution, the human rights situation since 2001 has been a matter of ongoing concern for commentators on human rights issues, as well as for those charged with promoting respect for human rights within Afghanistan itself”. The author refers to the difficulty of pursuing transitional justice as the main obstacle in the process of the realization of human rights and state-building in a consistent and just manner. In accordance with Afghanistan 2016 Human Rights Report, “the most significant human rights problems were widespread violence, including indiscriminate attacks on civilians by armed insurgent groups; armed insurgent groups’ killings of persons affiliated with the government; torture and abuse of detainees by government forces; widespread disregard for the rule of law and little accountability for those who committed human rights abuses; and targeted violence and endemic societal discrimination against women and girls”.⁶ In the concluding part, the author puts forward this significant question: “Where, then, do human

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<http://www.un.org/apps/news/story.asp?NewsID=53535#.WdIjPdR95>
24. Also, see Egypt 2012 Human Rights Report, available at
<https://www.state.gov/documents/organization/204569.pdf>

⁶
<https://www.state.gov/documents/organization/265742.pdf>

rights in Afghanistan stand”? In opinion of the author, the answer is not clear, for the human rights situation is part of a wider tapestry of political and institutional change with an as-yet-uncertain future. Apparently, Afghans have to pass a long way to build a constitutionalist political order that will secure the realization of human rights, since according to the author and to the facts stated by the Amnesty International, in its report “AFGHANISTAN 2016/2017”, “the intensifying conflict resulted in widespread human rights violations and abuses”.

The following article by Shamsul Amri Bin Baharuddin examines the subject of “Competing domains of control: Islam and human rights in Malaysia”. In explanation of the relationship between human rights and Islam, the author classifies three major clusters of differing opinions, namely, the ‘rejectionists’, the ‘modernizers’ and the ‘reformists’. The rejectionists argue that Allah’s law is above all made-made laws. Therefore, the man-made Human Rights Law is only relevant if and when it is in conformity with the *shari’ah*, otherwise it should be rejected outright. The modernizers accept the fact of the supremacy of Allah’s law, mainly, in theoretical terms. But, however, for political expediency and economic functionality, they chose the secular Western model of governance as the most suitable for their “modernization project” aim at uplifting the quality of life within their societies. The reformists, on the other hand, are solidarity makers and quite pragmatic in their approach. They prefer to highlight the importance of the shared concern for human dignity; justice and fairness expressed clearly both in Islamic and Western values. As the author underscores, the reformist approach is based on the computability between Islamic principles and Western human rights values. The author centralizes his analysis on the fact that within South-East Asia region, there exist competing domains of control based upon different legal systems, that each one defines its own notion of human values such as dignity and justice. The author then strives to give an inclusive image of the formation of the Malaysia state that enriches his article. According to the author, the formation of Malaysia has been divided by the historians into ‘three convenient chronological periods, namely, the pre-colonial (before 1791), colonial (1791–1957) and postcolonial (after 1957) periods (Andaya and Andaya 1982). Each period is characterized by a “pluralistic” legal system, in which a number of sets of rules and sanctions, relating to politics, economic, moral standards and social intercourse, co-existed and were practiced as frameworks of social organization and control’. In the words of author, Malaysia’s legal system has been determined by events and circumstances spanning a period of some 600 years. “*Adat*”, or an indigenous justice system which is based upon a complex set of

customary practices guided mostly by oral traditions, was the major framework within which the Malay feudal societies and numerous isolated indigenous social groups existed. Along with *Adat*, then Hinduism (circa 1st AD) and Buddhism (circa 7th AD) were absorbed into local cultures, then by the arrival of Islam, Muslim laws were increasingly applied alongside *Adat*. In view of the complex legal system of Malaysia, the selection of the title of this article by the author seems more reasonable and sagacious; since there are competing domains of control within Malaysia. In this context, certainly the tensions among different groups arise inevitably. According to the author, 'the contemporary discourse on Islam and Human Rights in Malaysia has been, for all intent and purpose, about the interaction between two of the three "domains of control" discussed, namely, between, on the one hand, rules from the "sharia domain," as applied by the different 13 sharia provincial-level courts in Malaysia, and, on the other, those instituted within the "modern legal domain," particularly, the Malaysian Constitution and the Common Law courts'. The author draws a clear image of which he calls as the great confusion of the Malaysian courts in dealing with the cases including 'subjecting non-Muslims to Islamic law and principles; the problems of a dual legal system (sharia vs. modern legal system) with attempts to demarcate jurisdiction but at the cost of fundamental liberties; the relevance of the "Islamic state" vs. "secular state" issue in rights adjudication'. The decisions taken by the courts about these issues, as is stated by the author, in a plural society such as Malaysia, these decisions tend to be perceived in ethnic terms as well, in particular, as a contest between Malays, who are constitutionally Muslims, and other ethnic groups. It is shown that different approaches have been taken by various ethnic and religious groups in Malaysia toward notions such as human dignity and justice. As the author states, the only possible method to resolve the complex incompatibility between these approaches is the 'reformist route' which 'seems to be the most appropriate one to be taken in Malaysia because the multi-religious and multiethnic groups of leaders are essentially solidarity-makers and quite pragmatic in their approach'.

The eighth article titled "Muslims in Malaysia: notions of human rights reform and their contexts", written by Patricia Martinez, examines Islam, Reformist discourse and human rights in Malaysia. The author provides her readers a full account of the Malaysia developments during the last century. In the eyes of the author, 'Islam in Malaysia is highly politicized as it has always been a key element invoked for political legitimacy even in the fight for independence from the British'. The approach taken by the Prime Minister Mahathir Mohamed toward the

Islamic revivalism is described as an enabling factor which facilitated Mahathir Mohamed's modernizing agenda for the nation. The role of media in flooding the public discourse with how the development of the country is affected by Islam is highlighted by the author. No need to say the government of Malaysia as a modern Islamic country requires justifying its every step with the Islamic regulations. Also, political scheme of the country is designed according to the mono-ethnic constituencies, religion – especially Islam, as it underscore by the author. Islam is described by the Constitution of Malaysia as the religion of the country. The article refers to Malaysia as a modern, moderate Muslim country. Despite this, according to the statements made by the relevant scholars, like political scientist Dr. Ahmad Fauzi Abdul Hamid, the process of radicalization of Islam has been initiated in Malaysia. Dr. Fauzi states: "In the 1980s and 1990s, many Malaysians went overseas for their higher education. Due to the interest in Islam, many headed to the Middle East and Saudi Arabia in particular – thanks to those generous scholarships – to study religion and were exposed to the Wahhabi/Salafist way of thinking".⁷ It seems the prevalence of this radicalized Islam and the Wahhabi/Salafist thinking and acting manner are the main reasons for the violation of human rights in Malaysia. Along with that, the legal mechanisms have intensified such violations. According to the MALAYSIA 2016/2017, Report by Amnesty International, 'the crackdown on the rights to freedom of expression, of peaceful assembly and of association persisted. Police were not held accountable for human rights violations...Restrictive laws such as the Sedition Act and the Communications and Multimedia Act continued to be used to silence government critics, who were harassed, intimidated and often detained'.⁸

The next section of the article examines the subject of apostasy in Malaysia. As the author highlights, despite the fact that 'the Malaysian Federal Constitution gives every citizen the fundamental liberty to profess and to practice his religion in peace and harmony', but 'there is increasing contestation between notions of fundamental rights and freedoms as enshrined in the Constitution, and what is mandated under the sharia'. It is apparently neglected by the author that Malaysia, as a modernized society with deep Islamic traditions, on the one hand, strives to protect its traditions and the supremacy of Sharia law over westernized

⁷ <http://www.thestar.com.my/news/nation/2016/08/28/the-radicalisation-of-islam-in-malaysia-academicians-worry-that-an-exclusivist-way-of-interpretating/>

⁸ <https://www.amnesty.org/en/countries/asia-and-the-pacific/malaysia/report-malaysia/>

regulations, and on the other hand, on the other hand, struggles to pursue its developmental strategic plan, especially in field of economic and financial fields. Within the next section, the author describes the initiative taken by the Malaysian Bar Council's Human Rights Committee to organize a forum on freedom of religion. No need to say that this activity has led to firm response by the Islamic institutions. For example, an article published in Harakah Daily (2005), a newspaper published by Pan-Malaysian Islamic Party (PAS) reads as follows: "places importance on human rights regarding religion such as the right to leave a religion, the right to question any religion, no matter if they are a person of that religion or not. Besides threatening the religious harmony in this country, it is considered a rude action and must be stopped". Another noteworthy reaction to the aforesaid initiative was the speech by Director of JAKIM or the Islamic Development Department, Datuk Mustapha Abdul Rahman, that During the 21 May 2005 seminar on the dangers of liberal Islam stated: "liberal Islam clashes with the Qur'an and Sunnah. It is hoped that this seminar will impart awareness to the community to not be easily influenced by these groups, to preserve the true meaning of Islam and to prevent it from being misinterpreted". As was mentioned previously, Islamic teachings and Sharia law retain their primacy over the Malaysian nation as a modernized Islamic country which is a good example of modernization and safeguarding religious traditions.

In the last chapter titled 'Indonesian Islamist perspectives on human rights', written by Greg Fealy, critically examines the discourse on human rights among Indonesian Islamists, especially regarding attitudes to Western human rights agendas, apostasy, inter-religious marriage and the regulation of places of worship and predication. The author suggests some fundamental questions with regard to the Islam and human rights in Indonesia, the largest Muslim country: what are its origins and to what extent does it draw upon or contribute to the international debate on 'Islamic' human rights? Second, what are the characteristics and intellectual quality of Islamist thinking on specific human rights issues confronting Indonesia? And finally, what is the degree of support enjoyed by Islamist human rights principles in the broader Islamic community in Indonesia? In his laudable efforts to answer these questions, the author explains the notion of Islamist, and then he refers to the minor role of Indonesia in the international debate regarding Islam and human rights, despite having the having the largest Muslim population of any country. The main reason as suggested by the author is: 'none of the governments from the early 1950s through to the late 1990s were driven by an Islam-oriented diplomatic or human rights agenda'. Indonesian government by taking a pragmatic, non- religious orientation, Indonesia has been diligent

in accepting major human rights conventions over the past forty years, in other words, 12 of the 16 main UN conventions, including the Universal Declaration on Human Rights (UDHR), the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social, and Cultural Rights (ICESCR) and the International Covenant on the Elimination of All Forms of Discrimination Against Women (CEDAW). Despite the acceptance of this huge body of International human rights instruments, it seems that the internal will to implement the accepted human rights rules is restricted by the fact that 'the Indonesian Islamist discourse on human rights is ... parochial in nature'. According to the author, 'several factors have dominated the thinking of Indonesian Islamists on human rights. First, many Islamists believe that the rights of Indonesian Muslims have been grievously and systematically abused, either by non-Muslims or Muslim rulers who do the bidding of 'infidels'... Second, there is a widespread suspicion that 'Western' human rights agendas conflict with and deliberately undermine Islamic teachings, and therefore should be regarded with caution. Third, Islamists are convinced that 'the West' does not apply its human rights principles consistently, often overlooking or downplaying abuses of Muslim rights, while exaggerating the threat to non-Muslim rights'. The other remarkable fact that has been referred to by the author, impartially, is the large and growing Islamist literature on the abuse of Indonesian Muslim human rights. In addition to this, as the author highlights, 'Islamists are convinced of more subtle and insidious attacks upon the Muslim community by its foes. The most widely mentioned of these attacks is that of "Christianization." This can take a variety of forms, including: direct missionary activity, the provision of welfare and relief services by Christian groups with the purpose of conversion, the opening of new churches in Muslim neighborhoods, the defense of mixed religious marriages and promotion of interfaith dialogue, and the advocacy of liberal or pluralistic interpretations of the Qur'an and Sunnah'. It seems the violation of human rights by the state and non-state actors has paved the way for religious conflict among the differing sects. It also should be bear in mind that the hesitation about authenticity and genuineness of the Westernized idea of human rights, has led some Islamists to criticize and to refute the whole idea. As is mentioned in the article, 'Hizbut Tahrir in Indonesia, in a preface to a book comparing Western to Islamic human rights thinking, commented that: "Western imperialist nations play a major role in globalizing various views and understandings which structure human rights ideas. In many countries, Western imperialists try to force the values and views of their lives through occupation, hegemony and material disruption (economy) in

various aspects of life... Within Muslim communities, Western understandings of human rights predominate along with the elimination of Islamic understanding...” Following this notable quote, the author considers the reasons for incompatibility of Islam with human rights idea, in the words stated by the prominent Islamist writer and former PBB parliamentarian, Abdul Qadir Jaelani: “It needs to be noted that understandings of human rights according Islam are significantly different from Western understandings of human rights. The basis of the Western outlook can be called ‘anthropocentric’ in nature, with the understanding that the humankind is viewed as the measure of all things. By contrast, the basis of the Islamic outlook is ‘theocentric’ in character (centered on God)... what is Absolute is the most important, while humans are only present on this planet to serve the Great Creator and Most Powerful. Islam gives greater emphasis to obligation rather than rights. Rights derive from obligations that have already been carried out. Because an individual undertakes their obligations [to God], they consequently obtain their rights”. It should be highlighted that the historical experience of colonial rule by Indonesian people and the violation of their rights by the development-minded government serve as an obstacle to any possibility of finding a median line among Sharia law and the human rights values such as justice, human dignity and fairness.

In the following section, the author examines the issue of ‘the shallowness of the Islamist case for sharia implementation ... which ‘is attributable to several elements’ including the assumption by Islamists that the superiority of sharia is self-evident, etc. the author in an effort to explore the main differing points of view between Islamist and universalist human rights codes underscore the following five main areas of Indonesian Islamist objection to universal notions of human rights: ‘(1) the right to change religion; (2) the right to inter-religious marriages (particularly a Muslim woman marrying a non-Muslim man); (3) the right to proselytize among religious communities; (4) freedom to practice a religion or belief; and (5) gender equality’. It should be bear in mind that in addition to Islamic rules, the social structures, historical experience of colonial era, the uncertainty about authenticity of the westernized human rights idea, traditions and customs play a key role in formation of these objections to universal notions of human rights.