

# Islamic Human Rights Skepticism

# Islamic Human Rights Skepticism



**Muhammad Legenhausen**

**Al-Islam.org**

**Article**

## Authors(s):

[Muhammad Legenhausen](#) [1]

### Islamic Human Rights Skepticism

Hajj Muhammad Legenhausen

Spring 2017/1438/1396

The Imam Khomeini Education And Research Institute, Qom, Iran

## Abstract

Muslims have proven themselves to be sensitive to the charge that Islam is incompatible with human rights. Issues pertaining to the content and foundations of human rights have been the focus of attention of a number of Iranian scholars who have sought to elaborate a concept of human rights in the light of the teachings of the Ahl al-Bayt (‘a). Despite the valuable work that has been done in this area, writers on human rights in Islam have largely ignored the various forms of human rights skepticism that have accompanied the development of the concept of human rights internationally.

Here I outline some forms that human rights skepticism has taken in the West. By reviewing these kinds of skepticism about human rights, it is possible to develop concepts of human rights that differ in important ways from those that dominate the current discussions of human rights in Iran. I tentatively conclude that although various forms of human rights skepticism are consistent with Islamic teachings, and the teachings of the Ahl al-Bayt in particular, this does not imply that Muslims, in general, or the Shi‘ah, in particular, should be opposed to human rights.

## 1. What is Islamic Human Rights Skepticism?

The title, “Islamic Human Rights Skepticism” is ambiguous. It could mean Islamic skepticism about human rights, or it could mean skepticism about Islamic human rights. Although I am skeptical about some attempts to provide an Islamic basis for the acceptance of some doctrines of human rights, this is not my primary concern here. Nevertheless, I hope to indicate several lines of criticism of doctrines of human rights that should be given more serious consideration by Muslims working on the philosophy of human rights, and these reflections may well cast doubt on some versions of Islamic human rights. My aim here is not an examination of the human rights movement and not to enter into debates about specific articles of human rights and whether or not they conflict with Islamic law. Instead, the topic to be reviewed is philosophical support for and criticism of various philosophical theories and concepts of human rights.

For the sake of a propitious beginning, consider this [āyah](#) of the Qur’[ān](#) and, following that, a narration attributed to Imam Riḍā:

مِنْ أَجْلِ ذَلِكَ كَتَبْنَا عَلَى بَنِي إِسْرَائِيلَ أَنَّهُ مَنْ قَتَلَ نَفْسًا بِغَيْرِ نَفْسٍ أَوْ فَسَادٍ فِي الْأَرْضِ فَكَأَنَّمَا قَتَلَ النَّاسَ جَمِيعًا وَمَنْ أَحْيَاهَا فَكَأَنَّمَا أَحْيَا النَّاسَ جَمِيعًا ۚ وَلَقَدْ جَاءَتْهُمْ رُسُلُنَا بِالْبَيِّنَاتِ ثُمَّ إِنَّ كَثِيرًا مِنْهُمْ بَعْدَ ذَلِكَ فِي الْأَرْضِ لَمُسْرِفُونَ

***That is why We decreed for the Children of Israel that whoever kills a soul, without [its being guilty of] manslaughter or corruption on the earth, it is as though he had killed all mankind, and whoever saves a life it is as though he had saved all mankind. Our apostles certainly brought them manifest signs, yet even after that, many of them commit excesses on the earth. (5:32)***

Imam Rida said: Allah prohibited murder (killing a soul) because there would be corruption of the people in its permission, had He permitted it, and destruction and corruption in the direction (administration, divine plan). [1](#)

The [ayah](#) provides a divine endorsement of and commentary on the Jewish teaching found in the Talmud:

Whoever destroys a soul, it is considered as if he destroyed an entire world. And whoever saves a life, it is considered as if he saved an entire world.[2](#)

Both the *Mishnah* and the *Qur'an* reference Cain's fratricide (Gen. 4:8). So, there is a very complex intertextuality found in these passages, which involves the Torah, the Talmud, the *Qur'an*, and the hadith literature. The narration from Imam Ri[a](#) offers a counterfactual conditional as the reason for the prohibition of murder: If murder had not been divinely prohibited, then there would have been corruption and destruction. Although there is no explicit mention of the sanctity of life or of a human right to life, neither is there any denial of such ideas; and if the prohibition against taking a human life is understood as tantamount to a human right to life, then, on the basis of the texts mentioned, the recognition of a human right to life can be attributed to both Jewish and Islamic teachings. Whether the antecedent holds or not turns on the ambiguity in the concept of human rights.

Perhaps, one could argue that what is indicated by the counterfactual is that without a divine prohibition, murder would not be sufficiently restrained to avoid corruption and a breakdown of the social order. Human prohibitions alone are insufficient; a divine command is needed to avoid catastrophe. This, however, does not appear to be the point of the narration. The contrast to the divine prohibition is not a secular prohibition, but no divine prohibition; where divine permissions and prohibitions are by assumption the only effective ones, or the only ones that matter.

More plausibly, the narration offers a rebuttal to those who would claim that the divine ordinances are arbitrary. God commands and prohibits for reasons: not to fulfill His needs, since He is needless, but from divine mercy, which prevents corruption of the people and of the direction of the social order. God does not prohibit murder arbitrarily, and not because there is a prior right to life that would be violated otherwise; God prohibits murder from His divine mercy to prevent corruption and disorder, and in so doing there is a divine endorsement of a right to life that is also commonly acknowledged by people

regardless of religious persuasion. Does this amount to a divine endorsement of human rights, or, at least, a human right, the right to life?

Iranians have long been engaged with the issue of human rights, and a number of national and international conferences have been convened in Iran on the topic. Various approaches have been taken. Some approach human rights as an issue in international law without regard to religion, and have often voiced strong support for the UDHR.<sup>3</sup> Some consider issues treated in human rights law as questions of Islamic jurisprudence without regard to human rights theories.

Aside from these two approaches, a number of Iranian scholars, both from among the 'ulamā and from the universities, have offered comparative studies of human rights according to Islamic theology and according to the views of various Western authors, but for the most part the concentration has been on the Universal Declaration of Human Rights (UDHR) (1948) and The Cairo Declaration on Human Rights in Islam (CDHRI) (1990).

Some have argued that the two documents are essentially in agreement, while others observe fundamental differences. More generally, one finds many Iranian authors who think there is a basic agreement about human rights common to all people of the world; and there are also many who find important differences. Among those who see real and significant differences, a few argue for a reform of Islamic law, but many defend Islamic law against Western conceptions of human rights. Almost all writers accept that there is a concept of human rights that is articulated in Western theories of rights and international instruments of human rights law; and there are numerous writers who claim that the concept is to be found in a superior form implicit in Islamic sources. A notable exception was the philosopher Ahmad Fardid (1912–1994), who rejected human rights as a Western invention, and so could be considered a human rights skeptic.<sup>4</sup>

We could illustrate the differences among these types of views by imagining different ways in which the narration from Imam Riḡā quoted above might be interpreted:

- The conciliationist views the narration as affirming the right to life, as expressing basically the same thing that is stated in Article 3 of the UDHR and Article 2 of the CDHRI.
- The secularist views the narration as woefully inadequate and falling far short of a right to life, thus demonstrating the superiority of a secular ethics of human rights to the ethic embodied in Islamic sharḡ'ah.
- The reformist views the narration as implicitly confirming the modern notion of a right to life, sees this as inadequately reflected in the Islamic jurisprudential traditions; and, hence, calls for reform.
- The traditionalist views the narration as containing the true meaning of the right to life which is understood less perfectly in terms of Western theories of human rights.

- The skeptic views the narration as showing that in Islam the protection of human life is through the prohibition against murder and not through recognition of a right to life.

It appears to me that the protagonists of these standpoints, and similar variations, have reached a kind of impasse due to the ambiguity inherent in current human rights discourse. No matter how much textual evidence is brought to bear on human rights from statements of Western doctrines or religious sources, each group has an interpretive strategy that can be applied to fit the evidence into its favored viewpoint. Rather than defend a given position in this debate, I would suggest that study of the kinds of skeptical worries that have been aired about human rights, among both its advocates and detractors, reveals ambiguities in the term “human rights” that may lead to equivocation, and opens up opportunities for the development of a range of alternative conceptions of human rights.

## 2. Objects of Skepticism

Many claims are made on behalf of human rights that are not always consistent with one another. Sometimes Christians and Muslims seek to base human rights on a specifically religious anthropology. On the other hand, many hold that human rights must be independent of religious beliefs, and that attempts to ground human rights in religious views betray a fundamental misunderstanding of how the contemporary concept of human rights has become independent of natural law traditions.<sup>5</sup> In addition to questions of foundations, there are also differences about the contents of human rights. For example, some claim that peace is a human right; others find this suggestion meaningless; there are also debates about whether groups possess human rights, or whether all human rights are individual rights. At least since the French *Déclaration des droits de l'homme et du citoyen* (1789), there have been various declarations of human rights which differ with regard to foundational assumptions, content, and conceptual implications.

There are important differences among scholars about what exactly human rights are supposed to be: Are they norms, values, or principles? If they are principles, are they moral principles, or legal principles or both? Philosophical differences about the nature of rights will also yield different answers to such questions as: Must rights always be complements to duties? Must rights be inalienable? Must rights be given priority over other moral considerations? The World Conference on Human Rights issued the Vienna Declaration and Programme of Action in 1993 which proclaimed: “all human rights are universal, indivisible, interdependent and interrelated”.<sup>6</sup> Each of these claims has been contested. Would a rejection of any one of them be sufficient for human rights skepticism? It is unlikely that we will find any definitive answers to these sorts of questions, and so, we will have to tolerate some ambiguity in the concept of human rights skepticism. Nevertheless, the ambiguities can be restricted.

One way to limit the ambiguities would be to begin with a clear definition of what we mean by the term “human rights”. A problem with this approach is that human rights are defined and understood in diverse ways among those who would defend what they hold to properly fall under the rubric; and if we begin by

arguing for a specific definition, we exclude many important views. The various notions of human rights seem to bear sufficient family resemblance to warrant some general consideration, regardless of differences that distinguish the family members. This is not to say that we may ignore important differences.

Modern conceptions of human rights are significantly different from the conceptions that are often considered to be their precursors. One may be a skeptic with regard to some conceptions of human rights while favoring others. Indeed, this is normal among human rights theorists who do not consider themselves to be human rights skeptics at all! All the major theories of human rights have been formulated by authors who have been skeptical about previously existing theories of human rights.

In what follows, I will consider human rights as moral relations, whereby violations of a human right by a person or institution are morally condemnable. This is not sufficient to determine whether human rights are principles, norms, or values; but it is sufficient to indicate that a number of important and related views about the nature of human rights will not be considered, unless tangentially, in our examination of human rights skepticism. Some alternatives are those that consider human rights to be primarily the name for: a certain class of provisions of international agreements and laws, a kind of political discourse, a set of documents, a social movement, the practice of showing respect to people as human beings in various ways, and a legal regime involving international or national courts.

Our concern is not for the discourse or literature, and not for the details of human rights laws, but what the discourse and documentation is about; not the social movement, but what the movement promotes, not the practice of showing respect, but the moral relations on which the respect is grounded, not the courts, but the moral ideas that inspire the legislation enforced through the courts. Human rights skepticism, for our purposes, will be understood as skepticism about doctrines of human rights; and there is a bewildering abundance of such doctrines.

Faced with such a plethora of issues, a useful strategy would be to divide and conquer, that is, we could differentiate different forms of human rights skepticism: skepticism about human rights foundations, generally, or with regard to some particular proposed foundation; skepticism about proposed theories about the definition and nature of human rights, such as whether human rights must always be complements to duties; skepticism about the relation between the abstract idea of human rights and human rights laws and agreements; and skepticism about particular declarations of human rights, about the human rights movement, and about the political uses to which charges of violations of human rights are put.

Armed with these distinctions, we could allow that someone might be a skeptic with regard to some particular view of human rights, for example, that expressed in the UDHR, the Universal Declaration of Human Rights (1948), and yet not be a human rights skeptic because she endorses the CDHR, Cairo Declaration of Human Rights in Islam (1990); or one might reserve one's skepticism to the theory or concept of human rights advocated by a particular author. Then we could reserve the unqualified epithet

human rights skeptic for those whose skepticism is not limited to one particular human rights theory, declaration, or concept, but extends to all of them. Islamic criticisms of human rights theories are generally not unqualified in this sense.

Any discussion of moral norms and principles can be carried out in an evaluative or a descriptive manner. Some have suggested that the concept of human rights can be found through an analysis of international political discourse. This could be argued as a purely descriptive claim: Journalists, lawyers, members of NGO's, diplomats and politicians speak in ways that are best explained with reference to a concept of human rights. To the contrary, a skeptic might argue that human rights discourse is too disparate to serve as a basis for any coherent expositions of ideas about human rights and their justifications. This descriptive skepticism about human rights is not my concern here. The most important forms of skepticism about human rights are views that are critical of human rights in an evaluative way. So, when unqualified, by human rights skeptics, I will mean evaluative skeptics, those who reject the moral significance of a given conception of human rights.

The descriptive and the evaluative, however, cannot always be neatly isolated. A category of descriptive discussions of human rights that deserves special mention is the historical. These discussions are often emotionally charged and are by no means free from evaluative judgments. Historical controversies about what are purportedly matters of descriptive historical fact about human rights often betray a prescriptive agenda. There are, for example, disputes about whether the Magna Carta (1215) should be considered as a human rights document. Those who refuse to endorse claims to this effect may be considered skeptics about these particular historical claims about human rights. Although no one would deny *all* historical claims about human rights, so that there will be no *absolute* historical skeptics about human rights, many particular historical claims that have been made about human rights warrant skepticism.

We should be careful not to confuse opposition to human rights with human rights skepticism. Although the most important natural rights skeptics (e.g., Burke and Bentham) have also been opponents of rights legislation, the logical distinction should be respected. Some human rights activists have expressed forms of human rights skepticism by registering disbelief with regard to certain theories of human rights and types of legal applications of human rights, or by criticizing the politics of the human rights movement. One might continue to support the movement despite one's criticisms of it and the theory on which it bases itself. Conversely, one may be convinced of a particular human rights theory and agree with the desirability of its application, and yet oppose the human rights movement because one thinks that it detracts from more important issues of economic justice,<sup>7</sup> for example, or because one considers the movement to be manipulated for political purposes, or because one rejects the leadership of the movement.

## **Foundational Skepticism**

Foundational skepticism about human rights is the view that the various projects of founding human rights on the basis of more fundamental moral or rational principles, intuitions, religious views, etc., are

all failures. Many of those who argue for a political (as opposed to a metaphysical) conception of human rights<sup>8</sup> are skeptical about human rights foundations. Some claim that human rights do not need any sort of philosophical foundation, and hold that human rights can have morally binding force without foundations. They might be expected to agree with a slogan such as: Human rights are to be won through collective action, not given to us from heaven. There is a difference between holding a theory according to which human rights are founded on collective action, where this foundation gives the rights legitimacy of some sort, and taking human rights to be moral norms independent of any sort of satisfying philosophical grounding at all, including those that would seek an authoritative basis for human rights in collective action, will, or some sacred or secular principles.

Non-skeptical positions about the foundations of human rights are those that appeal to some philosophical theory in ethics or political philosophy as a basis from which human rights are to be given justification. One could try to derive human rights from divine commandments or from a theory of the Platonic Ideas; but one might also offer a foundational account of human rights based on a philosophical theory of norms that refrains from making any claims about metaphysics, whether non-naturalist or naturalist metaphysics.

Thus, John Rawls, for example, sought to give a philosophical foundation for a general theory of rights that was neutral with regard to metaphysical claims. His position was not skeptical about metaphysical foundations for rights because he did not deny that someone might justify rights on the basis of her metaphysical views. His claim was only that one need not do so; rights can be justified independently of the metaphysical views one holds. So, while Rawls did not advocate metaphysical foundations for rights, strictly speaking, he should not be considered a metaphysical foundations skeptic.

Although Rawls' sought a grounding of human rights that was metaphysically neutral, the very idea that rights might carry moral weight while remaining neutral is dubious to many religious thinkers. For example, Nicholas Wolterstorff writes: "It is impossible to develop a secular account of human dignity adequate for grounding human rights."<sup>9</sup> The Shi'i writer, Abdulaziz Sachedina has expressed reservations about providing a justification for human rights in the Muslim world that is not grounded in religion. Sachedina stakes out his position as contrary to that of Michael Ignatieff, who has defended a political conception of human rights.<sup>10</sup>

In order to defend human rights in traditional and religious societies, it is imperative to establish the reason why human beings have rights in the first place....

Ignatieff's prescription to forgo foundational arguments rooted in human dignity, divine purposes, natural law, and related philosophical and moral ideas would function as a conversation stopper in Muslim societies where human rights can be more readily defended by claims about human dignity and the equal creation of human beings by God.<sup>11</sup>

It is somewhat ironical that theories of human rights that have been specifically designed to be neutral,

that is, to allow for compatibility with a variety of comprehensive views of religion and ethics, may give rise to a religiously based skepticism about such theories precisely because of their claims to neutrality, and the incompatibility of this neutrality with religious views of obligations and rights. On the other hand, Muslims might be persuaded to support human rights considered as contingent provisions of international agreement even if they maintain skepticism about philosophical doctrines of an ethics of human rights based on natural law or other metaphysical views they may criticize, including those who would anachronistically contend that the UDHR was authorized by divine command from pre-eternity. What makes contemporary views of human rights seem to be the inevitable outcome of the course of moral progress might just be a lack of imagination with regard to viable alternatives.

## Conceptual Skepticism

More fundamental than foundational theories for human rights are the concepts of human rights. According to some philosophers, the problem with human rights is not just that we cannot come up with an appropriate theory to serve as a foundation on which to base our claims about human rights, the problem is that the very idea of human rights is flawed or incoherent.

One who points out flaws in the concept of human rights, however, should not be automatically labeled a human rights skeptic, for one might consider the conceptual flaws as problems that might be corrected. Gary B. Herbert claims that the concept of natural right was fraught with ambiguities since the time of the Stoics, when influential writings of Roman jurists display a confusion between *jus naturae* and *jus gentium*.

The latter was taken to be supported by natural reason (*naturalis ratio*) simply on the basis of apparent widespread acceptance among the peoples found within the Roman Empire, and so, to be *jus naturae*. Herbert comments that natural right became whatever the Romans took it to be in “a grand equivocation that established precedents and laid the groundwork for many future philosophical battles”.<sup>12</sup>

Although Herbert thus finds there to be conceptual problems with the Roman concept of right which infect the modern notion of human rights, his conclusion is not that we should be skeptical about rights, natural rights, or human rights, *in toto*, but that we should be aware of the difficult emergence of the concepts if we wish to avoid confusion. The appropriate response to the conceptual errors that have plagued rights theories is not skepticism, but a therapeutic reading of history.

Samuel Moyn also cautions against attempts to give contemporary concepts of human rights an historical pedigree:

[H]uman rights history should turn away from ransacking the past as if it provided good support for the astonishingly specific international movement of the last few decades. That movement comprises a politics for which history offers little validation because it is so new. If study of the past is useful at all in coming to terms with what happens today in the name of timeless and universal values, it suggests the

reinvention of our movement in the name of a more just world. Human rights have so far done too little to bring that world about, which leaves a task beyond interpreting the past: crafting the future. [13](#)

The incoherence of the concept of human rights that was emerging between the World Wars is suggested in the writings of Simone Weil (1909–1943), who traced the idea of rights to privileges accorded to *persons* (a category that excluded women, serfs, and slaves), and claimed that the idea of universal rights was self-contradictory, since the concept of a privilege is incompatible with universality:

To the dimmed understanding of our age there seems nothing odd in claiming an equal share of privilege for everybody — an equal share in things whose essence is privilege. The claim is both absurd and base; absurd because privilege is, by definition, inequality; and base because it is not worth claiming. [14](#)

Weil was not only a political activist and theoretician; she was also a mystic. From the teachings of the mystics, Weil observed, we learn that we are to aim at the renunciation of the person or self. This is contrary to the spirit of an ethics based on claims to rights, which, in turn, is founded on the sanctity of the person. [15](#)

Furthermore, Weil argued that although rights claims can sometimes be used to advance the cause of justice, this is not always the case. The existence of rights, according to theories of rights derived from Hegel and Fichte, depends on their recognition and on the recognition of complementary duties. A failure of recognition, however, does not result in the permissibility of injustice. Hence, justice cannot be based solely on rights claims. [16](#)

More moderate forms of conceptual skepticism about human rights would not go so far as to deny the coherence of the concept, but, nevertheless, might insist that there is no adequate definition of human rights, because the concept is applied to such a wide diversity of instances that necessary and sufficient conditions cannot be determined that apply to all of them, or because philosophers and legal scholars have given conflicting definitions that cannot be reconciled. One might be a moderate conceptual skeptic, and yet hold that the concept is understood well enough without a definition. So, moderate conceptual skepticism does not entail foundational skepticism. Of course, the kind of conceptual skepticism that maintains that the concept is incoherent will entail foundational skepticism. It is also obvious that foundational skepticism does not entail any sort of conceptual skepticism.

### **3. Other Skepticisms**

Another kind of skepticism about human rights stems from the idea that human rights, conceived as moral norms, are not suited to serve as a basis for international conventions and laws. According to legal realists, for example, laws are not to be understood as based in moral ideas, but as results of political conflicts and agreements. A common skeptical charge against human rights doctrines is that they are culturally biased. Immediately after the ratification of the UDHR in 1948, the American Anthropological

Association issued a protest:

Today the problem is complicated by the fact that the Declaration must be of world-wide applicability. It must embrace and recognize the validity of many different ways of life. It will not be convincing to the Indonesian, the African, the Chinese, if it lies on the same plane as like documents of an earlier period. The rights of Man in the Twentieth Century cannot be circumscribed by the standards of any single culture, or be dictated by the aspirations of any single people. Such a document will lead to frustration, not realization of the personalities of vast numbers of human beings. [17](#)

Another common charge made by human rights skeptics is that human rights doctrines lend themselves to selective enforcement and that the doctrines are formulated in such a way as to promote the economic and political interests of capital. Yet another frequent complaint is that human rights doctrines issue a form of political discourse characterized by competing non-negotiable rights claims, which leads to intractable conflicts—the parties to which make rights claims that have no reasonable prospect for fulfillment. [18](#)

I have not mentioned these several forms of human rights skepticism in order to garner support for all or any skeptical positions. The point is, rather, that reflections on the relation to Islamic teachings and human rights would benefit by considering the wide variety of human rights doctrines that have been advanced and the forms of skepticism that have arisen in response to them. Agreement with skeptical criticisms of a given view of rights invites the formulation of an alternative view that escapes the charge. Instead of the focus on current human rights instruments, their foundations and contents, and the question of whether these are compatible with one's favored interpretation of Islam, we would do better to keep in mind that compatibility may also be found with some of the skeptical positions.

Our reading of the Qur'ān and hadiths may well be skewed by efforts to find endorsement for (or incompatibility with) concepts that were simply not available when the major works of Islamic jurisprudence were written. By considering the views of human rights skeptics, a greater range of conceptual tools becomes available for comparative research. If we find that a particular skeptical view about a given doctrine of human rights does not apply to Islamic teachings, we will be better able to differentiate what is implicit in these teachings from that doctrine. As William Chittick observes in the introduction to his translation of Imam Sajjad's Treatise on Rights (*Risālat al-ʿuqūb*): “[I]n considering human rights primarily in terms of responsibilities, Islam diverges profoundly from most modern Western views, although it has deep kinships with other religious traditions of East and West.” [19](#)

Contemporary discourse of human rights has been interpreted through such a diversity of human rights doctrines that there is no point in such radical forms of Islamic human rights skepticism that would deny that there are any human rights in Islam. The task of Islamic human rights research is not to look for general confirmations or denials, but to work toward the formulation of Islamic theories of human rights that are cognizant of the development of concepts in the traditions of the Islamic sciences and of the opportunities and limitations posed by our current employment of the language of human rights.

## 4. Works Cited

- Andrew, E. (1986). Simone Weil on the Injustice of Rights-Based Doctrines. *The Review of Politics*, 48(1), 60–91.
- Beiner, R. (1992). *What's the Matter with Liberalism?* Berkeley: University of California Press.
- Beitz, C. R. (2009). *The Idea of Human Rights*. Oxford: Oxford University Press.
- Herbert, G. B. (2002). *A Philosophical History of Rights*. New Brunswick: Transaction Publishers.
- Hocking, W. E. (1942). *What Man Can Make of Man*. New York: Harper & Brothers.
- Ibn al-Husayn, A. (1987). *The Psalms of Islam*. (W. C. Chittick, Trans.) London: Muhammadi Trust.
- Ignatieff, M. (2001). *Human Rights as Politics and Idolatry*. Princeton: Princeton University Press.
- MacIntyre, A. (2007). *After Virtue: A Study in Moral Theory*, 3rd ed. Notre Dame: University of Notre Dame Press.
- Moyn, S. (2014). *Human Rights and the Uses of History*. London and New York: Verso. Nickel, J. (2017). *Human Rights*. Retrieved March 29, 2017, from The Stanford Encyclopedia of Philosophy: <https://plato.stanford.edu/archives/spr2017/entries/rights-human/> [2]
- O'Neill, O. (2005). *The Dark Side of Human Rights*. *International Affairs*, 81(2), 427–439.
- Sachedina, A. (2009). *Islam and the Challenge of Human Rights*. Oxford: Oxford University Press.
- Salimi, H. (2001). *Introduction To Irano-Islamic Views On Human Rights*. Retrieved March 18, 2017, from al-islam.org: <https://www.al-islam.org/islamic-views-human-rights-viewpoints-iranian-s...> [3]
- The Executive Board, A. A. (1947). *Statement on Human Rights*. *American Anthropologist*, New Series, Vol. 49(No. 4, Part 1.), 539–543.
- Weil, S. (1959). *Waiting for God*. New York: Capricorn Books.
- Weil, S. (2005). *Simone Weil: An Anthology*. (S. Miles, Ed.) London: Penguin Books.
- Wimmer, R. (2009). *Simone Weil: Person und Werk*. Freiburg im Breisgau: Herder.
- Wolterstorff, N. (2008). *Justice: Rights and Wrongs*. Princeton: Princeton University Press.

1. 4934/565/3 كتاب من لا يحضره الفقيه

2. Jerusalem Talmud, Sanhedrin 4:1 (22a):  
[https://www.sefaria.org/Mishnah\\_Sanhedrin.4?lang=bi](https://www.sefaria.org/Mishnah_Sanhedrin.4?lang=bi); [4]

also: [https://en.wikisource.org/wiki/Translation:Mishnah/Seder\\_Nezikin/Tractat...](https://en.wikisource.org/wiki/Translation:Mishnah/Seder_Nezikin/Tractat...) [5]

3. See, for example, Mahdi Abusa'idi, Principles of Human Rights, (Tehran, Asia 1964), 12, cited in (Salimi, 2001).
4. As reported by (Salimi, 2001).
5. Just to take one example of this widely held view, see (Beitz, 2009).
6. See The Vienna Declaration and Programme of Action (UNHCR's official site): <http://www.refworld.org/cgi-bin/texis/vtx/rwmain?page=topic&tocid=459d178...> [6]
7. (Moyn, 2014), EPUB.
8. (Nickel, 2017), §2.3.
9. (Wolterstorff, 2008), 325.
10. (Ignatieff, 2001).
11. (Sachedina, 2009), 12.
12. (Herbert, 2002), 42.
13. (Moyn, 2014), Preface, EPUB.
14. (Weil, Simone Weil: An Anthology, 2005), 84.
15. (Weil, Waiting for God, 1959), 179.
16. See (Wimmer, 2009), 137; (Weil, Waiting for God, 1959), 179; (Andrew, 1986).
17. (The Executive Board, 1947), 543.
18. This point is argued by (Hocking, 1942), 41; (MacIntyre, 2007), 71; (Beiner, 1992), 84–90, and (O'Neill, 2005).
19. (Ibn al-Husayn, 1987), 280.

[Get PDF](#) [7] [Get EPUB](#) [8] [Get MOBI](#) [9]

## Topic Tags:

[Human Rights](#) [10]

---

## Source URL:

<https://www.al-islam.org/articles/islamic-human-rights-skepticism-muhammad-legenhausen>

## Links

- [1] <https://www.al-islam.org/person/dr-muhammad-legenhausen>
- [2] <https://plato.stanford.edu/archives/spr2017/entries/rights-human/>
- [3] <https://www.al-islam.org/islamic-views-human-rights-viewpoints-iranian-scholars>
- [4] [https://www.sefaria.org/Mishnah\\_Sanhedrin.4?lang=bi;](https://www.sefaria.org/Mishnah_Sanhedrin.4?lang=bi;)
- [5] [https://en.wikisource.org/wiki/Translation:Mishnah/Seder\\_Nezikin/Tractate\\_Sanhedrin/Chapter\\_4/5](https://en.wikisource.org/wiki/Translation:Mishnah/Seder_Nezikin/Tractate_Sanhedrin/Chapter_4/5)
- [6] <http://www.refworld.org/cgi-bin/texis/vtx/rwmain?page=topic&tocid=459d17822&toid=459b17a82&docid=3ae6b39ec&skip=O>
- [7] <https://www.al-islam.org/printpdf/book/export/html/100459>
- [8] <https://www.al-islam.org/printepub/book/export/html/100459>
- [9] <https://www.al-islam.org/printmobi/book/export/html/100459>
- [10] <https://www.al-islam.org/tags/human-rights>