Religion,
International Relations
and
Development Cooperation

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Human Rights and the Imperative of Cross-Cultural Dialogue: An Islamic Perspective

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Introduction

A principled yet pragmatic commitment to dialogue is probably the best remedy for the relentless barrage of bigoted and racist hate-mongering propaganda against Islam and Muslims in Europe. What is more distressing is that this is sometimes done by prominent intellectuals and scholars, and not confined to fringe fanatical elements. As a Muslim from Sudan, I have personally encountered racism and xenophobia in Europe during the 1990s and observed the steady rise of hostile political views and social attitudes against immigrant Muslims who have lived in Europe for generations. I am not suggesting that bigotry and racism are peculiar to Europeans, but I am affirming that these problems as are much part of the human condition in Europe *today*, as they are anywhere else in the world. This reality only confirmed my belief in the imperative need for cross-cultural dialogue to promote greater respect for human rights and social justice - there is simply no alternative for democratic societies. I would further assert that it is no longer possible in this age of self-determination for any group to impose its views on others. But for dialogue to be consistent with democratic values and self-determination, it must be founded on a clear understanding of all relevant factors and actors, including differentials in power and resources that shape the institutional and practical aspects of inter-communal and international relations. This belief in the humanising possibilities of dialogue, provided it is founded on appreciation of the obstacles it has to overcome, is part of what I call 'pragmatic optimism,' to strive for humane outcomes, without being naïve or simplistic about the complexity and difficulty of the task.

From this perspective, my deliberately positive view of the theme of this book is that international relations should promote development cooperation that is guided by human rights values. In other words, the promotion and protection of human rights should be part of the means as well as the ends of international cooperation, and to be given serious consideration even when they are not directly the object or rationale of international relations. I prefer to take this view seriously with clear appreciation of the discouraging indications to the contrary in the global post-9/11 environment preciously in order to counteract those negative developments. Part of my argument here is that taking this positive view is part of the process of realising it, as would adopting a negative view be part of realising that outcome. This linkage of approach and outcome is not a product of 'wishful

thinking,' but is due to an appreciation that our orientation and attitude can influence the strategies and actions we take in addressing a problem. The attitude and approach we take influence our choice of policies, partners and activities, thereby affecting the ultimate outcome of our effort.

Turing to the relevance of religion in the theme of this book, an initial question is how we perceive the role of religion in relation to human rights and international development cooperation? One can begin with the earlier question whether religion has any role at all? If it does, is that role the same for all religions everywhere, or does it vary from one religion to another or from one context to another? Does raising such questions now suggest a belief or expectation that the role of any or all religions has changed in the present post 9/11 context? Regarding Islam in particular, since the scriptural sources of this religion (Qur'an and Sunna) have not changed for the last fifteen hundred years, is it logical to attribute change to religion as such or is it a matter of how Muslims understand and practice their religion? If it is the latter, how do we explain or understand the causes and dynamics of this change? In other words, whatever view we take of the role of Islam is not inherent to the religion as such, otherwise it would have been present throughout its fifteen hundred years history and among all Muslims, everywhere. Consequently, we need to understand why and how this change in the role of Islam is emerging now, and the role of relevant factors and actors in this process.

It is not possible to speak of human rights or international cooperation without taking Islam into serious consideration. Muslims are about one fifth of the total world population, living in every continent and region, and constituting the majority of the population in more than 40 states (CIA 2003). This is not to say that Islam is the only religion that is relevant to human rights and international relations, as this inquiry should apply to all religious traditions. In all cases, however, the issue can be meaningful when it is about believers and not the religion in the abstract, that is, it is about Muslims not Islam, Jews not Judaism, and so forth, thereby raising the *same* question for all religious traditions. Once framed in this way, the issue becomes about people in their social, economic and political context, and how those factors affect their understanding or practice of their religion. For all believers, the question is how do human beings negotiate the relationships between their religious beliefs and practice, on the one hand, and their mundane concerns with security and material well-being, on the other? This perspective also emphasises that this question should be asked about specific Muslims or Hindus, for instance - and not about all Muslims or Hindus as if they are a monolithic undifferentiated global community.

The premise of this essay is that the promotion and protection of human rights is both the necessary means and valuable ends of international relations and development cooperation. But the realisation of this objective requires

clarification and mediation of various tensions with the human rights paradigm itself, especially in its relationship to religion and culture. I tend to refer to both religion and culture because the two are often overlapping and interactive, though certainly not totally synonymous. As I will attempt to clarify later, the universality of human rights is a product of a consensus-building process, not a quality that can simply be proclaimed or 'discovered.' Since culture and religion are not autonomous and monolithic entities that are permanently 'programmed' to act in particular ways, it should be possible to evolve global consensus on human rights norms and implementation mechanisms. This theoretical possibility, however, can only be realised through the agency of human beings acting within their own cultural/religious context, and in solidarity and partnership with others in their respective contexts. These processes of internal discourse and cross-cultural dialogue can be facilitated or hampered by the ways in which international relations and development cooperation are conducted. I will now try to clarify various aspects of this thesis, and conclude with some reflections on human rights and development cooperation.

Religion and Human Rights

It is difficult to think of a definition of religion that would cover all varieties of religious belief or experience, but it may be possible to identify features that are relevant to the issue under consideration. For our purposes here, for instance, religion may be defined as a system of beliefs, practices, institutions and relationships of a community of believers that identifies and distinguishes believers and their community from those who do not believe in the same religion. One aspect of this definition that is relevant to international relations and cooperation, dialogue and human rights is the exclusivity of the community of believers, as defined by its own religious faith and practice. This is not to say that it is impossible to understand a given religious tradition in more inclusive terms, but common human experience indicates that adherence to a particular religion tends to exclude those who are not accepted as members of the community of believers. Whether it is possible to overcome this feature or not, some form or degree of at least moral, and often also material, exclusion of non-believers is clearly a common practice among religious communities (Paden 1992: 125-127).

The term 'human rights' is popularly used to signify an intuitive understanding of freedom and justice in general, but in international law and relations this term has a specific technical meaning that has evolved since the mid twentieth century. In this specific sense, human rights are rights that are due to all human beings by virtue of their humanity, without distinction on such grounds as race, sex (gender), religion, language, or national origin. The key feature of human rights is therefore their universality, as rights due all human beings, everywhere. The term may have been used in earlier philosophical or ethical discourse, but the

first authoritative statement of this concept in international law and relations was in the Charter of the United Nations of 1945 and the Universal Declaration of Human Rights (UDHR) of 1948. This point is crucial for the concept of universal human rights itself, because the idea of equal rights for all human beings by virtue of their humanity was unattainable for the majority of the world population during colonial rule, which was finally ended in Africa and Asia through the decolonisation process undertaken under the auspices of the United Nations. In fact, it is misleading to think of earlier national documents, like the American Declaration of Independence of 1776 and French Declaration of the Rights of Man and the Citizen of 1789 as human rights documents. Those documents were about the rights of citizens, who were very narrowly defined to exclude all women and many men, as well as slaves in the case of the American Declaration, and not the rights of all human beings as such. This distinction between the civil rights of citizens and human rights of all human beings is becoming more evident in the practice of Western governments in the aftermath of 9/11. Unfortunately, this trend is diminishing the legitimacy of the idea of human rights as universal entitlements of all human beings to equal rights.

The universal quality of human rights is inherent to the concept itself, as these are supposed to be the rights of human beings as such, which means that if this quality is lost or diminished, then one is not talking of human rights. But this idea, although strongly appealing in theory, was always difficult to define, let alone implement in practice. Some opinion leaders and scholars opposed the idea of universal rights when the UDHR was being debated, partly out of concern that these rights will be defined and implemented to impose the values of some culture on others - see Maritain's 'Introduction' to UNESCO's *Human Rights* (1948) and AAS, 'Statement on Human Rights' (1947: 539). The difficulty of defining and implementing human rights in genuinely inclusive ways may be understood in terms of the difference between the concept of universality, on the one hand, and its content and context, on the other. People tend to accept the concept of universal rights if they are able to determine the content of these rights and realise an appropriate context of their implementation. The way I would recommend for mediating these tensions is a process of internal dialogue and trans-cultural dialogue to promote overlapping consensus around human rights values among different cultural and religious traditions of the world. The basic idea of overlapping consensus in this process is to promote agreement on these values, despite disagreement on the reasons or rationale people of different traditions have for accepting those values (An-Na`im 1992).

With these features of religion and human rights in mind, I will now briefly consider how the two interact. Since the exclusivity of religion tends to undermine possibilities of peaceful co-existence and solidarity among different communities, the human rights paradigm provides a good framework for the possibility of pluralistic political community among different religious communities. But

this theoretical possibility does not readily transcend or negate the problem of religious exclusivity which presents a challenge to the universality of human rights. In other words, it is true that shared religious affiliation can form the basis of broad, even global, solidarity among co-believers, but that may in fact hinder rather than promote the universality of human rights. The point may be explained in terms of the distinction between the universalising normative claims of some religions and the universality of human rights.

The universal ethical claims of Christianity and Islam, for instance, are a call for all human beings to accept the faith in order to benefit from its ethical system as defined by the dominant doctrine of the particular faith. In contrast, the universality of human rights is supposed to reflect the conversion of different traditions on a commitment to secure the same rights for all human beings, regardless of religious or other social status. Whereas the former is premised on an assertion of the exclusive moral superiority of one religion, the latter is supposed to be founded on the moral equality of different religious and cultural traditions. The premise of the moral equality of different religious and cultural traditions also requires that none of them should claim to be the sole foundation of the universality of human rights. But that should not mean that religion cannot be that foundation for those who wish to make it so. This is not only necessary for the tactical advantage of legitimacy for human rights among believers, but also for the human rights principles of equality and autonomy: all people have the right to found their commitment to human rights on whatever foundation they wish, whether religious or otherwise.

But religion is unlikely to play this role without some internal transformation within the relevant religious tradition, which I believe to be necessary and possible precisely because of what might be called 'the secular dimension of religion.' The transcendental aspect of religion is supposed to address the actual experiences of communities of believers, and can only be understood in the concrete historical context and material circumstances of each religious community. In other words, competing interpretations of religious doctrine and their ethical implications can and should be mediated through public debate, which is secured by human rights like freedom of religion or belief, expression and assembly. The consequent religious transformation, in turn, would facilitate synergy and interdependence between religious traditions and human rights. This dynamics and contextual nature of religion is part of the reason I am addressing these issues for both religion and culture as noted earlier.

Dialogue, Human Rights and Islam

Dialogue is needed to promote global consensus about human rights norms, including the mediation of the tension between the universality of these rights

and exclusivity of religious and cultural communities. To clarify, there is need to mediate what can be called the paradox of universality of human rights, namely, the difficulty of global agreement on these norms despite the cultural and contextual diversity of societies and communities around the world. But it is misleading to take a binary view of human rights and religious/cultural norms because that would either mean the impossibility of global agreement or the possibility of culturally and contextually neutral human rights norms: normative systems, like human rights, cannot be culturally neutral because values and behaviour are culturally and contextually conditioned. We tend to fail to appreciate this cultural conditioning precisely because our culture is deeply internalised as the norm or the 'natural way' for everything we do or feel. Once we realise that our ways of being and doing things are not in fact the universal norm for all human beings, sometimes even for some within our own community, we will appreciate how difficult it is to speak of universal values or norms without dealing with the fact of permanent and inherent cultural diversity.

Consequently, a normative system like human rights that seeks to influence people's behaviour and the political and social institutions that regulate their lives are organically linked to their cultural/religious values and institutions, and negotiated through the concrete daily experiences of the people who are supposed to implement them. But the commonalities of human experiences and similarities in contexts also mean that it is possible to devise and implement strategies that promote similar values in other cultures, provided that such efforts give due regard to the internal frame of reference of those cultures. This is where the possibility of universal human rights standards can arise, which are by definition due to all human beings everywhere. But the reconciliation of culturally/religiously specific norms and universal human rights norms require active debate and practical strategies of consensus building within the tradition or internal discourse, and among traditions or cross-cultural dialogue. Both aspects need to enjoy cultural/religious legitimacy to be accepted as valid ways of generating binding norms.

Cultural legitimacy may be defined as the quality of being in conformity with accepted principles or standards of the culture in question, thereby drawing on the authority and relevance of its internal validity. A culturally legitimate norm or value is respected and observed by the members of the particular culture because it satisfies certain needs or purposes in the life of those individuals and their communities. Recognition that this is true of the newly introduced or modified norm or institution is therefore necessary for the success of this process. This is not as difficult or unlikely as it might seem because a similar process is always happening within every culture through internal contestation and transformation. Because there may be conflicts and tensions between various competing conceptions of individual and collective needs or objectives, there are constant change and adjustments of norms or values in any culture that are

accorded respect and observance. The proponents of change must not only have a credible claim to being insiders to the culture, but also use internally valid arguments to persuade the local population. In this way, the presentation and adoption of alternative perspectives can be achieved through a coherent internal discourse within the culture.

While this approach raises the possibility of local culture or religion being invoked on the basis of its violation or rejection of the existence of human rights, I am unable to see an alterative to a basic methodology of cultural legitimacy that can be constantly improved - and over time through practice. For example, culture or religion may be invoked to justify discrimination against women or the use of corporal punishment against children as being in their own 'best interest.' Rejecting cultural arguments presented in support of such views is unlikely to work in practice without reference to counter-arguments from within the same tradition. Indeed, women themselves are likely to support their own repression if they believe it to be 'the will of God' or the immutable tradition of their communities. But an approach that acknowledges the underlying value of respecting the will of God or local tradition, and then continues to question what that means under the present circumstances, is more likely to be persuasive. As a Muslim, if I am presented with a choice between Islam and human rights, I will always choose Islam. But if I am presented with an argument that there is in fact consistency between my religious beliefs and human rights, I will gladly accept human rights as an expression of my religious values and not as an alternative to them.

The authority and relevance deriving from internal validity for any change is crucial for several reasons that are inherent to the dynamics of social relations and interaction. First, society may retrospectively perceive change as positive and beneficial, but such changes are likely to face initial resistance as negative and detrimental by the guardians of the previous order. Appreciating this point enables each side of debate over an issue to understand and deal with the other point of view. Neither the proponents nor the opponents of social change are necessarily malicious or inherently oppressive people. Indeed, the proponents of change may serve the legitimate needs of their evolving society, while opponents may serve the needs of the same society by resisting change until the case for it has been made. After all, upholding human rights must include the rights of those who oppose us or those we dislike. Even more, we must pay careful attention to respecting the rights of those who oppose us, more than those who agree with us or whom we like, because we are more likely to violate the rights of our enemies than those of our friends. Such consistency is critical for the credibility of the human rights principle itself.

Secondly, since the individual person is dependent on his or her society which has a powerful capacity to instil or enforce conformity in its members, public policy and action are more likely to accord with ideal cultural norms and patterns of

behaviour than private actions. Changes in public behaviour are likely to take longer because of the tendency of individuals to conform until the new norm is widely accepted. In other words, open and systematic nonconformity gravely threatens those in authority over the society, the elite who have come to have a vested interest in the status quo. To suppress nonconforming behaviour, elites would assert the imperative of preserving the stability and vital interests of society at large, rather than admit the reality that it is their own interests that they seek to protect. The question thus becomes: Who has the power to determine what encompasses the public good? The substance of the issue being debated becomes a proxy for that permanent struggle. These factors emphasise the desirability of seeking the support of the cultural ideal for any proposition of public policy and action because that is less likely to be successfully resisted by the self-appointed guardians of the stability and well-being of the society.

My emphasis on the role of internal actors and discourse for the cultural legitimacy of social change does not preclude the role that can be played by outsiders to the culture in promoting acceptance of change. But external actors can best influence an internal situation through engaging in internal discourses within their own societies for the same values, thereby enabling participants in one culture to point to similar processes taking place in other cultures. External actors can also help in supporting the rights of the internal participants to challenge prevailing perceptions, while avoiding overt interference, because this will undermine the credibility of internal actors. Advocates of change in various societies should also engage in a cross-cultural dialogue to exchange insights and strategies of internal discourse and promote the global acceptance of their shared objectives. Cross-cultural dialogue can also seek to promote the universality of shared values at a theoretical or conceptual level by highlighting moral and philosophical commonalities of human cultures and experiences.

Applying this to Islam, I would first recall the point made earlier that we should speak about Muslims not Islam, Christians not Christianity, Hindus not Hinduism, and so forth, because it would then be the same general question about people's understanding and practice of their religion, whatever it may be, and not the religion itself as an abstract notion, and about human rights as a living and evolving body of principles and rule, not as a purely theoretical concept. Whether regarding religion or human rights, reference to states, countries or international organisations like the United Nations is really to people who control the state apparatus, inhabit a country or work through international institutions. The question about their relationship to human rights, then, is always about how people negotiate power, justice, and pragmatic self-interest, at home and abroad. Such negotiations always take place in specific historical contexts, and in response to the particular experiences of believers and unbelievers living together. Each religion, culture or philosophy is relevant to those who believe in it in the specific meaning and context of their daily lives and not in an abstract, de-contextualised sense.

My framing of the issue also includes clear appreciation of the permanent social, cultural, political diversity among Muslims, particularly in relation to their understanding and practice of Islam. That diversity testifies to the impact of contextual and historical factors in the theological or legal development of the Islamic traditions. The reality and permanence of difference among all human beings, Muslims and non-Muslim alike, is expressly affirmed in the Qur'an (for example in, 10: 93; 11: 118-119; 32: 25; and 45: 17 - cited by number of chapter followed by number of verse). This permanent reality is one reason why the protection of such human rights like freedom of belief, opinion and expression, is imperative from an Islamic point of view in order to protect the rights of Muslims to be believers in their own way, without risks to life and livelihood. After all, without the existence of the right to disbelieve, there is no possibility of any genuine belief.

It may also be helpful to consider the implications of this reality of Islamic diversity to the nature or basis of religious beliefs. The fact that specific verses in the Qur'an are taken to authorise or require certain actions does not explain why some Muslims choose to act on one understanding of such verses, while others act on a different understanding, or have a different relationship to the text altogether. Such choices are the product of the human agency of believers, not the inherent or eternal meaning of Islam as such, independent of all material conditions under which Muslims live and interact with others. If beliefs regarding the rights of women are the direct meaning of Islamic texts, there would not be so much disagreement among Muslims on these issues (see Maududi 1979; Mernissi 1991). This is not to suggest that any of the established schools of Islamic jurisprudence (*madhahib*) already accept equality for women from an Islamic point of view, because that is simply not true. Rather, my purpose here is to emphasise the possibility of changing the attitudes and practice of Muslims in these matters in favour of the equal human rights of women, or some other issue. Since any interpretation of Shari`a is the product of human agency, in specific time and place, it can change through the same process, over time.

It is therefore clear that the manner in which Muslims are likely to interact with human rights will be conditioned by similar factors to those affecting other religious and cultural communities. The response of Muslims may also be influenced by normal human reactions to oppression or discrimination, like feeling that they are being singled out for having to 'prove' their allegiance to the human rights paradigm while others are not expected or required to do so. Muslims are more likely to resist commitment to these rights when they are presented as being alone in struggling with the principle, while the commitment of other cultural or religious traditions is taken for granted. Addressing such issues is important.

Human Rights and Development Cooperation

Formal agreement on international standards of human rights was only possible on the understanding that these rights are to be implemented through the agency of the state. Given prevalent understandings of national sovereignty and international relations at the time, it was imperative for the Charter of the United Nations in 1945, and the Universal Declaration of Human Rights in 1948, to strike a balance between the international protection of human rights, on the one hand, and respect for the domestic jurisdiction of nation states, on the other. Thus, by universalising certain notions of fundamental rights, the international human rights system seeks to make these rights binding under international law, while leaving application on the ground to the agency of the nation state (Bederman 2001: 96). The mitigation of this paradox of state self-regulation of its own human rights performance requires a clear understanding of local, national and international actors and processes which influence the actual conduct of states in this regard, including the role of different religious communities and their views of secularism.

An important aspect of the modern human rights paradigm is that these rights are not only the product of a global overlapping consensus, but they are supposed to be implemented through international cooperation, as stipulated by Articles 55 and 56 of the *Charter of the United Nations* (1945). This is particularly critical in view of significant differences in the degree of political will, and gross differentials in institutional capacity and material resources for the implementation of these rights in different parts of the world. It would therefore follow that one cannot rely on a horizontal enforcement mechanism for human rights among states, without a broader cooperative framework of implementation among a variety of actors. The universal recognition of the same rights is not practically useful without international cooperation in their implementation.

Human rights and development are not only mutually complementary and reinforcing, but actually interdependent. Many development goals are also human rights objectives, and these norms are important for securing the political and legal accountability that is necessary for sound and sustainable development. Neither can be realised in a comprehensive and sustainable manner without the other. Moreover, this should be done with due regard to the local and regional context, as well as consideration of the impact of patterns of global economic and political conditions and power relations. In relation to both development and the protection of human rights, special attention must also be given to the role of the state as the essential mediator of local, regional and global factors and processes in these interrelated fields. Another point to bear in mind is that one should consider the root causes and structural factors in the persistence of human rights violations and frustration of development initiatives. This does not of course mean disregarding the immediate symptoms of any problem, but it is only to stay that one should also address underlying causes as well as the apparent manifestations of such problems.

I would also emphasise that development, including the protection of human rights, should be seen anywhere in the world in terms of a process, not a goal that can be achieved once and for all. While the state has the international obligation and domestic jurisdiction to protect human rights in daily life, the government of any country would need to gradually develop the necessary resources and institutions. Addressing the underlying causes of violations, in addition to providing effective remedy for individual violations as and when they occur, requires the mobilisation of the maximum possible degree of political will at the local, national and international level. Realising and coordinating these various elements not only takes time and effort, but the determination to take the necessary action also requires generating and sustaining sufficient political support for these objectives within the country. For that to happen, we need to clarify and engage a wide range of issues, including questions about the legitimacy of human rights norms among the population of the country; the nature of the state and its relationship to civil society; as well as the ability of civil society actors to accept and struggle to human rights.

Take for example, the recent controversy over the publication of cartoons about the Prophet of Islam, initially in a Danish newspaper and subsequently in other locations. There are many aspects and facets to this controversy, some about the situation of Muslims in Denmark, or in European countries generally. The controversy was sometimes about political or social issues in various countries, like Nigeria, Pakistan and Syria, or about perceptions of a global confrontation with the United States and its allies in the aftermath of 9/11. For my purposes here, the issues can be seen as disagreement between some Muslims and some non-Muslims about the meaning and scope of freedom of expression. From this perspective, I would first condemn any use or threat of the use of violence, like the attacks on Danish diplomatic missions or business establishments in some countries, or threatening the editors of the Danish newspaper. Excluding such aggressive and counter-productive actions, participants in the debate were either defending freedom of expression or exercising this freedom in order to protest the publication of the cartoons as abuse of this human right.

In other words, when we categorically reject the use or threat of violence, we promote the process of peaceful debate and protest demonstration, which are part of the process of defining the core of freedom of religion or freedom of expression. Since freedom of expression is not an absolute right anywhere, at the national or international level, the question is how to agree on the appropriate scope of the right, which is a matter of public debate. For example, should we permit publication of child pornography on the Internet as a matter of freedom of expression? Even covering the news, like the execution of Saddam Hussein in Baghdad on December 31, 2006, editors of television stations and newspapers exercise discretion about what to present to the public. These matters are constantly negotiated in the relevant setting, which is global in the case of human rights and national in the case of domestic constitutional rights.

I am therefore disappointed to see some non-Muslim Europeans expressing outrage against protests by some Muslims against the publication of the cartoons, as if to say 'how dare these Muslim in the Middle East or South Asia tell us about freedom of expression in our country?' Ironically, this is exactly what the opponents of human rights are saying in many parts of the world. This is the claim some Chinese and Iranian leaders are saying about the imposition of Western values in the name of human rights. In other words, those who are objecting to protests and counter-claims by some Muslims about the appropriate scope of freedom of expression in this situation are denying the premise of the universality of human rights as mutually agreed norms, and not as simply an imposition of European values. If human rights are to be agreed, people from all parts of the world have the right to express their views about the definition and scope of these rights.

Moreover, freedom of expression as a constitutional right in national jurisdictions is debated and negotiated, not only legally but also culturally. The limits of freedom of expression in The Netherlands are not simply what the law prohibits, but also what good taste would not permit. There is a shared cultural understanding that makes the legal regulation of freedom of expression possible and reasonable. But when this right is claimed as a universal human right, then that shared cultural understanding has to be global as well in order to promote a common understanding of appropriate or legitimate or not legitimate freedom of expression. In that sense Muslims who were outraged by the cartoons are as entitled to protest as those who were for freedom of expression as unrestricted. That is why it is critically important to engage in the widest possible debate and dialogue about legal definitions as well as cultural understandings and practices of each human right norm.

To summarise, the underlying theme here is that ancient struggles for human dignity and social justice in all societies are now waged through notions of human rights and development as the most appropriate means in this age of multi-faceted globalisation. While all human rights - economic, social and cultural as well as civil and political - must all be taken as universal and interdependent, the realisation of any of them requires the allocation of economic resources and development of human and institutional capacity. Yet many countries are unable to provide these resources and building capacity without assistance through international cooperation. It is true that the lack of material and human resources is sometimes used by governments as an excuse for their failure to protect human rights, but this does not mean that resources are immaterial. In fact, the plausibility of the pretext argument is the reason why governments use it. The appropriate response is for development assistance to seek to improve the human and material resources of developing countries, while challenging governments to make the best of the resources they do have. One can always raise questions about priorities in allocation of limited resources, like asking how much of the national budget is devoted to education or health care, in comparison to military or security forces that are primarily used to suppress the citizens of the country.

Conclusion

I do not believe that what divides humanity is 'the power of difference' among cultures and religions, but 'the difference in power' among societies. Being a Muslim from Sudan is central to my identity and sense of belonging, but that does not exhaust who I am. I have multiple overlapping identities, professional, political, civic and other affiliations. As a Muslim I am committed to the universality of human rights and moral imperatives of development cooperation, but such beliefs are not sufficient by themselves for overcoming or transcending the realities of negative power relations within and among societies. Still, I wish to be and do all of that as myself, as whom I am, and not have to abandon any of the ways I chose to identity in order to qualify for my human rights. To refer to the eloquent definition of human rights by the South African jurist Albie Sachs, these norms are about the right to be the same and the right to be different: I am entitled to equality in rights and dignity with all other human beings, but I can exercise those rights only as my distinctive self, and not as someone else. But who I am is also open to multiple influences, a product of negotiation and contestation, of competing loyalties and affiliations.

I do not believe that there is a 'clash of civilisations,' but find this simplistic and unsubstantiated idea dangerous because it can be a self-fulfilling prophecy. In particular, I challenge the notion of a so-called clash or confrontation of Islam and the West. To begin with, this imagined clash is contrasting a world religion (of one fifth of the total population of the world) with a geopolitical region, thereby distorting and simplifying both beyond recognition. To the extent we can categorise religions Islam is a Western religion, sharing many of the religious beliefs and ethical values of Judaism and Christianity. In the United States people often speak of a Western culture that is based on shared Judo-Christian values to the exclusion of Islam, while in fact Islam is closer to both Judaism and Christianity than either of those two religions to the other. I also wonder whether the so-called liberal, democratic, human rights-respecting Western culture includes Nazism, Soviet totalitarianism, and fascism, let alone the atrocities of French colonialism in Algeria, The Netherlands in Indonesia, and so forth.

I am noting these points to challenge the dangerous notion of clash, and not to assert a superiority of Islam over other religions, or affirm the 'innocence' of colonised Muslims of Africa and Asia. Muslims are not exceptional, whether in a positive or negative sense. They have never been united, whether in their understanding and practice of Islam, or in their economic and political relations. In fact, the division that began among the first Muslims before the Prophet was buried still persists today, not only among Sunni and Shi`a Muslims, but within and among all sorts of schisms. So there is no essential Islam that we can identify historically, or discover hold up today in contradistinction to the West. Like all other human beings, all Muslims are driven by the need to avoid pain and desire

to maximise pleasure, and they seek a good and secure life for their families. They can be engaged in cooperation or driven into confrontation, as would any other people.

In my view, if we perceive a clash of civilisations, we will begin to behave accordingly, thereby drifting into a vicious cycle of confrontational and hostile international relations. Alternatively, if we foresee interdependence and cooperation among civilisations, thereby emphasising mutual respect and cooperation that enable human societies to build on each other's achievements, then that will be our global reality. Moreover, it seems that the same situation can be seen as an instance of confrontation or opportunity for cooperation. As I suggested earlier, for instance, the Danish cartoons controversy should be seen as an example of negotiating the proper scope of freedom of expression as a universal human rights norm, rather than a clash between a definition of this universal right by Europeans which all Muslims must accept without debate or contestation.

As already emphasised, differences among religious and cultural communities are real and permanent, which in fact confirms the need for cross-cultural dialogue to promote global consensus around human rights norms. The objective of development cooperation in this regard is not to end difference or disagreement, but encourage being civil and civilised about our disagreements, which is one of the reasons why we need to uphold the rule of law in international relations in order to promote and protect human rights throughout the world. From this perspective I am particularly concerned about the flagrant violation of international law in the colonisation of Iraq by the United States and United Kingdom, with the support of many European governments. The invasion and occupation of Iraq in March 2003 is colonialism in my view because it is ceasing the sovereignty of Iraq and its population by military conquest without legal justification. This violation of fundamental principals of international law is to repudiate the possibility of universality of human rights because these norms derive their binding force from international law. If we do not respect international law, we have no basis for making the demands for others to respect these norms which rely for their binding force on international law. Failure to uphold the rule of law in international relations will also undermine the credibility of human rights advocates in Africa and Asia who will then be seen by local populations as either naïve in believing the positive role of international law and human rights or as agents who are promoting the imperial designs of Western powers.

In the final analysis, I believe, the choice between confrontation and cooperation is made by all of us, everywhere, and it is a choice we can correct or adapt to changing conditions, everyday. There is no inevitability of the clash of civilisations, and confrontation need not be the permanent state of our international relations. This is what I call pragmatic optimism, a belief in the ability of our human agency to secure peace, protect human dignity and promote social justice everywhere.

The challenge that is now more urgent than ever before is to understand how to address our shared human vulnerability and then act accordingly. None of us can afford to be complacent or indifference because none of us is powerful enough to be secure, nor so powerless as to be helpless. Cross-cultural dialogue is critically important in this process.

References

American Anthropological Association, Executive Board (AAS) (1947) 'Statement on Human Rights,' *American Anthropologist* 49 (4): 539-543.

An-Na`im, Abdullahi Ahmed (ed.) (1992) *Human Rights in Cross-Cultural Perspectives: Quest for Consensus*. Philadelphia, PA: University of Pennsylvania Press.

Bederman, David (2001) *International Law Frameworks*. New York: Foundation Press.

Central Intelligence Agency (CIA) (2003) *The World Fact Book*. Available at www.cia.gov/cia/publications/factbook/index.html.

Maritain, Jacques (1948) 'Introduction,' UNESCO (ed.) *Human Rights: Comments and Interpretations*. i-ix. Paris: UNESCO.

Maududi, Abul A'la (1979) *Purdah and the Status of Woman in Islam*, trans. and ed. Al-Ash'ari, 141-158. Lahore, Pakistan: Islamic Publications Ltd.

Mernissi, Fatima (1991) *Women in Islam: an Historical and Theological Enquiry*, transl. by Mary Jo Lackland, 49-81. Oxford, UK: Basil Blackwell Ltd.

Paden, William (1992) *Interpreting the Sacred: Ways of Viewing Religion*. Boston: Beacon Press.

United Nations (1945) *Charter of the United Nations*, signed in Francisco June 26, 1945, 59 Stat. 1031, T.S. 993, 3 Bevans 1153, entered into force October 24, 1945.