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## Toward a More “Courageous Politics” at the 60<sup>th</sup> Anniversary of the UDHR: Talking About Muslim Fundamentalism in the West

KARIMA BENNOUNE\*

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I would like to thank the organizers for inviting me to take part in this celebration of the 60<sup>th</sup> anniversary of the Universal Declaration of Human Rights (UDHR).<sup>1</sup> The UDHR starts with the idea that the same principles are meant to govern the rights of all human beings, regardless of differences in gender, race, sexual orientation, geographic location, religion, ethnicity, politics, social class, or other status. Human beings qualify for human rights simply by being human, wherever they live and whoever they are. Of course, in practice we know this is a classic legal fiction. People’s particularities often have a grave impact on their level of actually enjoying human rights. But, it is a legal fiction worth fighting for, worth working to make a non-fiction. Universality *can be* a progressive and unifying idea in our times of polarization.

Of course, we still have to figure out what universality can, and should, mean in the face of what are called in the title of this panel, “the claims of culture and religion.” In my view, it is entirely appropriate to carefully analyze the meanings and application of

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1. For further elaboration of the themes raised here, see Karima Bennoune, *Secularism and Human Rights: A Contextual Analysis of Headscarves, Religious Expression, and Women’s Equality Under International Law*, 45 COLUM. J. TRANSNAT’L L. 367 (2007); Karima Bennoune, *Terror/Torture*, 26 BERKELEY J. INT’L L. 1, 50–60 (2008); and Karima Bennoune, *‘The Law of the Republic Versus the Law of the Brothers’: A Story of France’s Law Banning Religious Symbols in Public Schools*, in HUMAN RIGHTS ADVOCACY STORIES 155, 155–190 (Deena R. Hurwitz et al. eds., 2008).

universal human rights in a contextual manner, taking into consideration the specificities and politics of local context, and paying heed to the range of local rights advocates and to diverse claims of culture, religion, and other particulars. This is perhaps a pluralism within a universal approach. I am sensitive to the warning of the ethicist Jean Elshtain that “nothing less than the sin of hubris is implicated in any attempt to weld humanity into a single monoculture.”<sup>2</sup> That is not the sort of universality I have in mind.

However, some critique universality as being a Western construct that is inappropriate elsewhere. I disagree. As a “third culture kid,” I have been fortunate to live in vastly different cultures during my life and to travel around the world in my human rights career. I have found the universal in many locales, though it may have a different face in different contexts. Some of its most ardent defenders, and those who have risked the most to defend and define it, are located outside of the West, many in what is called the Muslim world. I have seen such defense of universality, for example, in the commitment of Afghan women human rights workers I met at the Coordinating Center for Afghanistan who organized teams to go door-to-door and conduct surveys about people who had gone missing in the armed conflict between *mujahideen* groups in the 1990s. Despite pressure from fundamentalist armed groups and claims made in the name of “tradition” that any missing women would be considered “fallen,” these workers were determined to include cases of “disappeared” women in the report they produced, and risked their lives to do so.

This example reminds us how claims made in the name of culture and religion and tradition against the application of universal human rights have been hijacked in the service of a range of political ends in recent years—and thus we always need to unpack such claims carefully. In my own work on the human rights impact of Muslim fundamentalism on Muslim populations, I have confronted this problem repeatedly—and this set of issues is what I will address in this essay.

First, what does the term “fundamentalism” mean? I do not have time to answer this comprehensively now but I will say a few words about this word. Marieme Hélie-Lucas, an Algerian sociologist who founded the network of Women Living Under Muslim Laws, has

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2. Jean Bethke Elshtain, *The Third Annual Grotius Lecture: Just War and Humanitarian Intervention*, 17 AM. U. INT’L L. REV. 1, 4–5 (2001) (footnotes omitted).

defined fundamentalisms (note the “s”) as “political movements of the extreme right, which, in a context of globalization . . . manipulate religion . . . in order to achieve their political aims.”<sup>3</sup> Though not without its own set of difficulties, the importance of the terminology of fundamentalisms is that it speaks across religious boundaries about movements within many traditions,<sup>4</sup> including Christian, Hindu, and Jewish, that today pose major human rights challenges.

In Muslim contexts, fundamentalist movements have proliferated and grown in recent years, especially since the late 1970s. They are a diverse set of groupings, including everything from NGOs to political organizations to armed groups (and their sympathizers), located both in the region and in the Diasporas. They pose particular threats to the human rights of freethinkers, women, religious and sexual minorities, and to notions of the universality of human rights. There is no space here to offer a comprehensive overview of these movements or their impact on human rights. However I would refer those who are interested to the excellent typology that was prepared by the U.K. South Asian network Awaaz, entitled “The Islamic Right: Key Tendencies.”<sup>5</sup>

Collectively, fundamentalist movements in a range of religious traditions have shifted the discourse of governments, the media, populations, and even human rights advocates—locally, regionally, and internationally—on many key subjects in a generation or two. The claims they have made in the name of religion and culture have transmogrified the ways we talk about many subjects related to this panel: human rights, the rights of women, dress codes, identity, reproductive rights, secularism, the meaning of religion, and univer-

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3. Marieme Hélie-Lucas, *What Is Your Tribe? Women's Struggles and the Construction of Muslimness*, 26 DOSSIER 24, 25 (2004), available at <http://www.wluml.org/english/publications.shtml> (follow “Dossier” hyperlink) (last visited Mar. 26, 2009). Scottish sociologist Steve Bruce has written that “fundamentalisms rest on the claim that some source of ideas, usually a text, is inerrant and complete. . . . [F]undamentalists also claim the existence of some perfect social embodiment of the true religion of the past.” STEVE BRUCE, FUNDAMENTALISM 13–14 (2000).

4. See generally FUNDAMENTALISMS OBSERVED (Martin E. Marty & R. Scott Appleby eds., 1991); KEVIN PHILLIPS, AMERICAN THEOCRACY: THE PERIL AND POLITICS OF RADICAL RELIGION, OIL AND BORROWED MONEY IN THE 21ST CENTURY (2006); CHETAN BHATT, LIBERATION AND PURITY: RACE, NEW RELIGIOUS MOVEMENTS AND THE ETHICS OF POSTMODERNITY 77–107 (1997).

5. For a useful typology of Muslim fundamentalist groups, see *The Islamic Right – Key Tendencies* (Awaaz – South Asia Watch), June 2006, available at [http://www.awaazsaw.org/awaaz\\_pia4.pdf](http://www.awaazsaw.org/awaaz_pia4.pdf) (last visited Mar. 26, 2009).

sality itself. The power of fundamentalisms is undeniable, yet in the international human rights world we often overlook these social movements altogether. These movements and their adherents claim to speak for, and in the name of, culture, religion, and tradition. In the era of the “war on terror,” such claims made in Muslim contexts are often accepted at face value by well-meaning Western liberals and human rights advocates—though these claims are almost all heavily contested within Muslim populations, often, though not always, on the grounds of universality of human rights.

There is no question that religious and cultural claims of particularity raise a range of significant methodological, moral, and political questions as we try to apply universal human rights norms. However, I think we must avoid the bizarre privileging and freezing of what is meant by culture and religion so often in these debates.<sup>6</sup> There are many questions we need to ask. Why is it that what are called cultural claims are privileged over other sorts of claims, like political claims or claims for gender equality, with what are labeled religious claims frequently put right at the top of the hierarchy? Why do only some peoples seem to have culture? Why are only certain kinds of culture visible? One example is the way in which mainstream U.S. human rights discourse frames the debate over headscarves in French schools. Why does what is called “Muslim culture”—meaning Iranian scarves worn by, or imposed by fundamentalists upon, the daughters of North African immigrants—take center stage while French secularism to which many in France’s Muslim population also adhere and which is based on hundreds of years of tradition and struggle against the power of the Catholic Church is not seen as culture?

When thinking about the weight to be accorded by human rights law to what are termed “the claims of culture and religion,” and as we speak in the West about human rights in Muslim countries or populations, we need to be careful of opposing the problematic

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6. For more discussion of these debates, see the cyber-colloquy between Peter Danchin and this author generated by Peter G. Danchin, *Suspect Symbols: Value Pluralism as a Theory of Religious Freedom in International Law*, 33 YALE J. INT’L L. 1 (2008), which was commissioned by the editors of the Yale Journal of International Law. Karima Bennoune, *Response to Peter Danchin’s “Suspect Symbols: Value Pluralism as a Theory of Religious Freedom in International Law,”* OPINIO JURIS, June 9, 2008, <http://opiniojuris.org/2008/06/09/>; Peter Danchin, *Whose Rights? Which Equality? A Reply to Professor Bennoune*, OPINIO JURIS, June 9, 2008, <http://opiniojuris.org/2008/06/09/>.

paradigm of the “clash of civilizations” with our own human rights version of this construct. Of course, the human rights version rejects the pejorative connotations of Samuel Huntington’s thesis<sup>7</sup>—at least the most obvious ones—but it is actually often simply an inverted version of his paradigm, based similarly on a notion of immutable, absolute, unvarying, unchallenged difference. Fundamentalist-inspired claims in the name of culture and religion are sometimes seen as more tantalizingly authentic and more fashionably “different” in the Western human rights legal academy than claims inspired by universality emanating from within Muslim populations.

There are many ways of dividing the world, each of which alters how we understand it and shifts our view of claims made in the name of culture and religion. As a group of dissident intellectuals of Muslim heritage, including Salman Rushdie, wrote in 2006 in response to the controversy regarding Danish cartoons of the Prophet Mohamed:<sup>8</sup> “It is not a clash of civilisations nor an antagonism between West and East that we are witnessing, but a global struggle that confronts democrats and theocrats.”<sup>9</sup> Of course, they, too, were generalizing, but theirs is perhaps a generalization that may help us to see some of ours in a different light and to remember that there is a multiplicity of fault lines in the world. The clashes and claims within civilizations and cultures and religions are as determinative as the clashes between them. As we consider “the claims of culture and religion,” to what space then do we relegate contestation within civilizations or the many voices that emanate from, or struggle to be heard within each of them, or the proponents of universality in these diverse contexts? To whose claims of culture and religion will we defer when such deference implicates the enjoyment of universal human rights by others—most often by women, who are seen to be culture incarnate?

My work has taught me time and again that, as is true for all religious or cultural groups, there are many ways of being Muslim—or choosing not to be—all of which are equally authentic. This

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7. SAMUEL P. HUNTINGTON, *THE CLASH OF CIVILIZATIONS AND THE REMAKING OF WORLD ORDER* (1997).

8. For a definitive description and analysis of the cartoon controversy, see JEANNE FAVRET-SAADA, *COMMENT PRODUIRE UNE CRISE MONDIALE AVEC DOUZE PETITS DESSINS* (2007).

9. *Writers Issue Cartoon Row Warning*, BBC NEWS, Mar. 1, 2006, <http://news.bbc.co.uk/1/hi/world/europe/4763520.stm>.

reality is reflected in the lyrical prose of the Saudi writer Rajaa Alsanea. In her recent novel, "Girls of Riyadh," which was a sensation in the Arab World, she recounts the travails of four young Saudi women.<sup>10</sup> (Time Magazine described the book as "Sex in the City, if the city in question were Riyadh.")<sup>11</sup> Frustrated by criticism she has received, Alsanea's narrator e-mails the following rejoinder to her fictional Yahoo! Group's subscribers:

The Qu'ran verses, hadith of the Prophet – peace be upon him – and religious quotations that I include in my e-mails are, to me, inspirational and enlightening. And so are the poems and love songs that I include. Are these things opposite to each other, and so is that a contradiction? I don't think so. Am I not a real Muslim because I don't devote myself to reading only religious books and because I don't shut my ears to music and I don't consider anything romantic to be rubbish? I am religious, a balanced Saudi Muslim and I can say that there are a lot of people just like me. My only difference is that I don't conceal what others would call contradictions within myself or pretend perfection like some do. We all have our *spiritual sides* as well as our *not-so-spiritual sides*.<sup>12</sup>

In a similar pluralist vein, the progressive anti-fundamentalist network in France known as *Le Manifeste des Libertés*, a group of Muslim/North African/Middle Eastern activists and intellectuals who came together around an erudite manifesto in 2004, found a nice, open formula to describe this multiplicity when they painted themselves as a diverse group "linked by our own individual histories, and in different ways, to Islam (*liés par nos histoires singulières, et de différentes manières, à l'Islam*)."<sup>13</sup> While I concede the need to strategically essentialize in order to talk about virtually anything, too much essentializing, even in the quest to recognize what we call "difference" in human rights, conceals the very vital heterogeneity that *Le Manifeste des Libertés* and Alsanea's narrator both tried so carefully to reflect.

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10. RAJAA ALSANEA, *GIRLS OF RIYADH* (Rajaa Alsanea & Marilyn Booth trans., Penguin Press 2007) (2005).

11. Richard Corliss et al., *Downtime*, TIME, July 16, 2007, at 69.

12. ALSANEA, *supra* note 10, at 137.

13. Manifeste des Libertés, Texte de Fondation de l'Association du Manifeste des Libertés, Dec. 17, 2004, [http://www.manifeste.org/article.php?id\\_article=113](http://www.manifeste.org/article.php?id_article=113) (translation by author).

There is no question that finding the right balance for addressing the issue of Muslim fundamentalism in the U.S. in the contemporary moment is incredibly difficult and requires one to tightrope walk over perilous waters, making use of a vocabulary heavily laden with unfortunate political meaning. One must somehow find a space for a human rights-based critique of both fundamentalism *and* racism, both the Islamic right *and* the Western right—but after all, that is what a vigorous and principled universality should be about. This requires a rigorous unpacking of language and a thick analysis of human rights. In today's world, it is perhaps convenient for those seeking to take "critical" perspectives to adopt a narrow position based on claims of religious freedom or anti-racism, only looking at these questions through particular human rights lenses. However, in my view that does not reflect the actual complexities of what is at stake here.

The impulse to be consciously non-discriminatory in one's approach to the issue of Muslim fundamentalism is understandable and important. Some Western responses to these Muslim fundamentalist groups suffer from what B.S. Chimni has called a kind of hegemonic construct of human dignity.<sup>14</sup> Some use their critique of Muslim fundamentalist violence and ideology as a springboard for racist discourses about Muslims, or as a justification for human rights violations, like torture. Such an approach to Muslim fundamentalism narrows the space for legitimate human rights-based critiques of these movements. And in the U.S., we were reminded every day during the 2008 presidential campaign that we live in a terribly racist environment where "Arab" and "Muslim" are epithets to be hurled at politicians one does not "trust."

Thus, one certainly wants to counter events like "Islamofascism Awareness Week," organized on U.S. college campuses in October 2007 by conservative activist David Horowitz, at which the subject of the critique slipped easily and mistakenly from fundamentalist terrorists to "Islam" writ large.<sup>15</sup> However, to critique such an event

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14. B. S. CHIMNI, *INTERNATIONAL LAW AND WORLD ORDER: A CRITIQUE OF CONTEMPORARY APPROACHES* 120 (1993). For an example of this sort of flawed critique of Muslim fundamentalism, see Ruth Wedgwood, *Countering Catastrophic Terrorism: An American View*, in *ENFORCING INTERNATIONAL LAW NORMS AGAINST TERRORISM* 103 (Andrea Bianchi ed., 2004).

15. For a description of this event by its protagonists, see Terrorism Awareness Project, *Islamofascism Awareness Week*, <http://www.terrorismawareness.org/islamo-fascism-awareness-week>. For criticism of this event, see Ali Eteraz, *Laughing at "Islamofascism Awareness Week"*, HUFFINGTON POST, Oct. 8, 2007, <http://www.huffingtonpost.com/ali->

should not necessarily lead us to deny that there are some Muslim fundamentalist armed groups that could be labeled *fascist* in their ideology and indeed are sometimes so labeled in the Arabic language press.<sup>16</sup> Unfortunately, the absence of a systematic and principled human rights-based critique of these movements in Western scholarship and human rights narratives has left the terrain vacant, to be filled instead by highly problematic discourses like those associated with Islamofascism Awareness Week. In fact, the failure of learned U.S. discourse—including in the field of human rights—to name and thoughtfully explain the problem of Muslim fundamentalism has facilitated discrimination against Muslims in general because people simply do not understand that terrorism and the “war on terror” are about a very specific set of politics and political actors, not about religion or religious claims.

I have found a common theme in the words of many of the progressive anti-fundamentalist North Africans whom I have interviewed—academics and activists alike. They have regularly expressed frustration with some Western academics and human rights advocates whom they feel do not acknowledge or support them or even listen to their voices raised in opposition to Muslim fundamentalist movements. This is particularly demoralizing to my interlocutors, as they see themselves as the logical counterparts of these same human rights voices in the West.<sup>17</sup>

As Chetan Bhatt has noted in the context of the United Kingdom, “[g]enerally . . . black and multiracial feminism has been virtually

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eteraz/laughing-at-islamofasci\_b\_67565.html.

16. This is a word with powerful historical connotations. Nevertheless, critics of such movements from within the Muslim world have been using this term to describe extremist movements. For example, in the wake of the London bombings, the Arabic-language international media, like *Asahrq al Awsat* and the website *Elaph*, published articles by Arab writers about “Islamic fascism.” See *Un Fascisme Musulman? Un Tabou Est Tombé*, COURRIER INT’L, July 13–20, 2005, at 12. Note that some other ardent critics of Muslim fundamentalist movements have disputed the utility or accuracy of the application of this term. See, e.g., Fred Halliday, *The Left and the Jihad*, OPENDEMOCRACY, Sept. 7, 2006, [http://www.opendemocracy.net/globalization/left\\_jihad\\_3886.jsp](http://www.opendemocracy.net/globalization/left_jihad_3886.jsp).

17. For further elaboration of this key point, see Statement from Women Living Under Muslim Laws to the World Social Forum, Appeal Against Fundamentalisms (Jan. 21, 2005), [http://www.wluml.org/english/newsfulltxt.shtml?cmd\[157\]=x-157-103376](http://www.wluml.org/english/newsfulltxt.shtml?cmd[157]=x-157-103376) (last visited Mar. 26, 2009). See also Marieme Hélie-Lucas, *The Enemy of My Enemy Is Not My Friend: Fundamentalist Non State Actors, Democracy and Human Rights*, WOMEN LIVING UNDER MUSLIM LAWS, Oct. 20, 2006, [http://www.wluml.org/english/newsfulltxt.shtml?cmd\[157\]=x-157-544539](http://www.wluml.org/english/newsfulltxt.shtml?cmd[157]=x-157-544539) (last visited Mar. 26, 2009).

alone in creating an activist political challenge to fundamentalism.”<sup>18</sup> Universality reminds us to recognize and reflect on this challenge. To do so is not Islamophobic. It is imperative to find thoughtful ways to engage with and depict those who are working democratically to expose and oppose Muslim fundamentalism within Muslim countries and diaspora populations, especially those whose human rights have been imperiled as a result. Their endeavors collectively represent one of the most important and ignored human rights struggles of our time, one that is clearly true to the principles of the UDHR.

One example of such an advocate is Cherifa Kheddar, the president of Djazairouna, an association of Algerian victims of Islamist terrorism. Ms. Kheddar’s brother and sister were both murdered by Algeria’s fundamentalist armed groups during the terrible 1990s.<sup>19</sup> Since then, Ms. Kheddar has worked tirelessly, in one of the most dangerous parts of Algeria, to support victims of terrorism—and demand justice for them. In addition to the ongoing threat posed to people like Ms. Kheddar by Al Qaeda in the Islamic Maghreb, which seeks to rekindle the horrors of the 1990s conflict in Algeria,<sup>20</sup> she has also been penalized by the Algerian government for her opposition to an amnesty given to both non-state and government perpetrators (again a reflection of her commitment to universality). She was demoted in her government job and may lose her government housing, which is a very difficult sanction in Algeria’s impossible housing situation.<sup>21</sup>

The real struggle against terrorism—as opposed to the flawed “war on terror” that has so challenged universal human rights—is a human rights struggle, carried out in part by people like Ms. Kheddar with their voices and pens and organizing efforts. The only way such efforts can succeed is with sustained and thoughtful support that is based on an analysis that critiques both governments and their fundamentalist opponents. The only way we can truly understand the

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18. BHATT, *supra* note 4, at xx.

19. See Craig S. Smith, *Many Algerians Are Not Reconciled by Amnesty Law*, N.Y. TIMES, June 28, 2006, at A3.

20. For more on the situation in Algeria in the 1990s, see Karima Bennoune, *S.O.S. Algeria: Women’s Human Rights Under Siege*, in FAITH AND FREEDOM: WOMEN’S HUMAN RIGHTS IN THE MUSLIM WORLD, 184 (Mahnaz Afkhami ed., 1995).

21. For more information, see Organisation Mondiale Contre la Torture, Licenciemnt Abusif de Mme Cherifa Kheddar, May 22, 2008, <http://www.omct.org/index.php?articleId=7805> (last visited Mar. 26, 2009).

complexities of mediating what are named the claims of culture and religion on universal human rights today is by paying attention to people like these who force us to complicate not only our narratives, but also our counter-narratives. As Cherifa Kheddar said in Paris on September 11, 2007, at the International Conference against Terrorism, “neither the cowardice of institutions, nor their simple condemnations of terrorist acts, will end fundamentalist violence, in the absence of a courageous politics, both at the regional and international levels.”<sup>22</sup>

The “courageous politics” needed to deal with this grave set of challenges to the very framework of the UDHR will require international human rights lawyers to develop what Gita Sahgal has called a “human rights account”<sup>23</sup> of fundamentalisms—both in Muslim contexts that I have discussed here, and in the many other contexts in which fundamentalisms arise. This human rights account of fundamentalisms is a vital part of renewing our commitment at this 60<sup>th</sup> anniversary to making real the UDHR’s dream of the “equal and inalienable rights of all members of the human family.”<sup>24</sup>

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22. Cherifa Kheddar, Dir., Djazairouna Ass’n of the Families of Victims of Terrorism, *Oui, C’est Cette Terreur que Nous Avons Vécue Seuls et Isolés: Le Témoignage Accablant de Cherifa Kheddar*, Address Before the International Conference Against Terrorism (Sept. 11, 2007) (translation by author) (on file with author).

23. Gita Sahgal, *Navigating Between Scylla and Charybdis: Confronting Terrorism as a Human Rights Issue*, Speech Before the Amnesty Int’l USA Mtg. Pub. Roundtable (Feb. 16, 2007) (on file with author).

24. Universal Declaration of Human Rights, G.A. Res. 217A (III), pmbl., U.N. Doc. A/810 (Dec. 10, 1948).