

# **Traditional Islamic Ethics**

The Concept of Virtue and its Implications  
for Contemporary Human Rights

**Irfaan Jaffer**

**Series in Philosophy of Religion**



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# Abstract

This book is made up of two main parts. The first part argues that the dominant understanding and formulation of international human rights needs to be more flexible and inclusive in order to be truly universal in scope. This is because the Universal Declaration of Human Rights and its contemporary offshoots are still underpinned by the Western ethical tradition and its secular-liberal principles; therefore, they are at odds with other cultural traditions around the world and their respective value systems. To this end, the first section of this book critically engages with popular human rights histories that wrongly portray human rights as a linear and progressive ideology and the triumphant end to humanity's perennial search for justice. The first section then proceeds to critically engage with three popular ethical theories – utilitarianism, natural rights, and ethical sentimentalism – that claim to 'ground' or justify the existence of human rights. It concludes that all three theories are inconclusive and problematic. Thus, the goal of the first section of this book is to clear-out a space for dialogue by arguing that the exclusion of any alternative human rights theories is unwarranted.

After creating a space for dialogue, the second part of this book constructs a theory of virtue ethics that has the ability to 'ground' an Islamic vision of human rights. This is because virtue ethics addresses the fundamental questions concerning human existence that ultimately determine the constitution of particular rights. In order to answer these questions, this study operates within the framework of the perennial school of thought in the Islamic context. In doing so, it concludes that much of the friction between Islam and contemporary human rights is due to the fact that the latter emphasizes liberal understandings of concepts such as rights, freedom, and equality. In contrast, this book's theory of virtue ethics concludes that an Islamic human rights model must be grounded in God and His revelation; moreover, it must emphasize human duties, spiritual transformation, and social harmony. It also argues that an Islamic human rights society is one that is filled with 'reminders' of the Divine presence and structured in a way that allows Muslims to achieve their primary purpose in life – to serve and represent God in this world and felicity in the hereafter. Finally, the second section of the book concludes by offering some introductory remarks concerning contemporary human rights issues, such as the general implementation of Islamic law, religious pluralism, corporal punishment, and gender differences. It ultimately argues that there are spaces of convergence between the Islamic and the modern human rights traditions. However, it also argues that there are some fundamental differences that cannot

be reconciled, and that these differences should be welcomed by human rights proponents.

# Foreword

The charter of human rights was drafted in light of the horrendous events of World War II. Soon after the war ended, the Universal Declaration of Human Rights (UDHR) document was adopted by the United Nations General Assembly. However, there were many who disagreed with various points in the charter and viewed the whole notion as an imposition of Western values and standards on others, especially as its authority was located in “the conscience of mankind.” The dictates of public conscience have been considered highly subjective. This is especially because notions of democracy, pluralism, and human rights have been discussed without taking into consideration communitarian interpretations and the possible ramifications for different communities and faith groups. Such actions are conceived by many as being culturally and religiously insensitive to different faith groups. As such, the UDHR has failed to appeal to diverse faith communities and traditions across the world, especially as many of the countries that appeal to human rights have continuously violated them.

The intersection of Islam and human rights has in recent times been discussed and debated by various scholars. Irfaan Jaffer’s book is a welcome addition to the discourse. The author approaches the subject from a very different and unique perspective. He challenges the contemporary secular-liberal understanding of human rights and contends that the formulation of human rights needs to be more inclusive and ecumenical. Highlighting the problems of the secular-liberal tradition, Jaffer astutely demonstrates that the claim that a universal standard of morality can be known by measuring the consequences of common acts or rules cannot ground human rights in a way that allows the latter to be universal, equal, and inalienable. For him, international human rights cannot be considered universal or inclusive because they are rooted in the modern-liberal principles of universalism, individualism, and secularism.

Instead, Jaffer offers an alternative Islamic theory of virtue ethics and addresses its implications for human rights. The novelty of this work becomes evident as Jaffer carefully and meticulously explores an Islamic theory of ethics and human rights which, he believes, must be grounded in virtue ethics. Conceptually, this is important because virtue ethics asks the larger questions related to the meaning and purpose of life, and it is the answers to these questions that ultimately determine what people consider to be human rights. He situates this within the broader framework concerning the purpose of human existence.

His theory of virtue ethics addresses three fundamental issues: the nature of reality; the nature of the human being and the Divine-human relationship; and the cultivation of virtue. Jaffer's theory of virtue ethics maintains that God is the one and only reality, and 'all else' has an illusionary, transient, and/or derivative mode of existence. The theory also maintains that the goal of human beings is to use their free will to serve and represent God on Earth by various forms of moral and spiritual transformations. His approach leads him to conclude that human beings can be God's representatives only if they are able to cultivate virtue ethics rooted in the revelatory sources.

Jaffer's book opens a new window on how various interpretive strategies can be utilized to reconceptualize the notion of human rights based on virtue ethics. While such an approach might appear novel and confessional to some, it is bound to appeal to both Muslims and non-Muslims across the globe. The work is a valuable and welcome addition to the emerging literature on human rights discourse.

**Liyakat Takim**  
McMaster University  
May 2021

# Preface

*Traditional Islamic Ethics* is based on my dissertation which I completed and successfully defended at York University in 2018. However, the book's beginnings can be traced back to 2012, when I first discovered the perennial school of thought and its intellectual figures, such as Rene Guenon, Martin Lings, and Seyyed Hossein Nasr. I believe that their work helped me approach the subject of Islam and ethics in a way that stays true to Islam's 1400-year-old intellectual tradition. This was important to me because much of the contemporary academic work on the subject of Islam and human rights tends to reduce Islam to its legal and social dimensions. I hope that this book functions as a corrective to this tendency since the social and legal aspects of Islamic thought can only be grasped in light of the Quran's perennial principles and Islam's intellectual and ethical ethos.

After 2018, I was able to reflect on my work through many conversations I had with my family, friends, students, and colleagues. I was also afforded the time to continue my research and refine my thought on the complex issues I deal with in this book. These years of reflection and research allowed me to submit a more concise and thorough manuscript for publication. I hope that this book is a welcome addition to the growing work on the subject of Islamic ethics and human rights.



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Thank you.



## Chapter 1

# Introduction

Human rights – as expressed in the International Bill of Rights – are increasingly envisioned as a set of self-evident and foundational truths. In turn, many human rights advocates and organizations are treating them as *the* social and legal norm for the global community. However, despite this growing popularity, it is clear that human rights are far from self-evident or foundational. Rather, they are symptomatic in so far as they are derived from a particular worldview and the latter's basic metaphysical, ontological, and epistemological suppositions. More specifically, today's human rights are a product of the secular-liberal ethical tradition and have their roots in Christian natural law; therefore, they cannot be qualified as 'universal'. If this fact is consistently ignored, there will continue to be growing friction and resistance from other cultural traditions around the world. These traditions will carry on seeing human rights as an alien concept that is being employed as a tool for Western or Global imperialism.<sup>1</sup> In light of this, I argue that the formulation and implementation of human rights needs to be more inclusive and decentralized respectively. It needs to open up a space for different human rights visions that share the same goal of protecting citizens, and helping them pursue their society's particular vision of 'the good'. This approach would lead to an 'after-the-fact' or 'accidental' overlapping consensus of rights, and it is only these rights that could fairly be described as 'universal'. However, many theorists, such as Jack Donnelly and Michael Ignatieff, are quick to dismiss religion in general, and Islam in particular, as a potential source for human rights. For example, Donnelly writes that "Muslims are indeed regularly and forcefully called upon...to treat other with respect and dignity...[However,] these injunctions...appeal to Divine commands that establish duties, not (human) rights."<sup>2</sup> According to Ignatieff, "In Islamic eyes, universalizing rights discourse implies a sovereign and

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<sup>1</sup> There is a debate concerning imperialism and its 'location of power' in an increasingly globalized and technological world. For a more detailed approach to this debate and its related concepts, see Ania Loomba, *Colonialism/Postcolonialism*, 2<sup>nd</sup> ed. (New York: Routledge, 2005).

<sup>2</sup> Jack Donnelly, *Universal Human Rights: In Theory and Practice*, 2<sup>nd</sup> ed. (New York: Cornell University Press, 2003), 73.

discrete individual, which is blasphemous from the perspective of the Koran.”<sup>3</sup> The reason for this dismissal of religion is a matter of both theory and practice. In theory, human rights discourse in the West has shifted from the religious sphere to the political and legal sphere; thus, it is in friction with any discourse that is theological in nature. Related to this is the supposed dominance of (liberal) reason in the public sphere, and its assumption that any dialogue based on revelation and belief is outdated and primitive.<sup>4</sup> Indeed, John Rawls – who is normally accredited for the revival of modern liberalism – held that the public sphere, particularly in the area of politics, should be reserved for language that only ‘reasonable’ people would endorse.<sup>5</sup> Of course, delineating what is ‘universally reasonable’ is problematic, and I critically examine this problem throughout this book. In practice, Islam is generally considered responsible for many human rights abuses such as the female genital mutilation (FGM) taking place in Africa and in the Middle East; the penal code implemented in areas such as Afghanistan and Saudi Arabia; and the 9/11 attacks carried out on US soil.

### 1.1. Approaching human rights and Islam

The apparent roadblock between human rights and Islam is unfortunate. It is almost impossible to deny the positive potential that the religion and its one billion plus adherents have in advancing human rights. This is especially the case when one considers the significance that Islamic normative texts, such as the Quran and hadith literature, place on establishing justice on earth and the rich 1400-year-old intellectual tradition that accompanies that Divine imperative.<sup>6</sup> For example, the Quran reads:

O you who have faith! Be maintainers of justice and witnesses for the sake of Allah, even if it should be against yourselves, or [your] parents and near relatives, and whether it be [someone] rich or poor, for Allah has a greater right over them. So do not follow [your] desires, lest you

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<sup>3</sup> Michael Ignatieff, “The Attack on Human Rights,” *Foreign Affairs* 80, no. 6 (November 2001): 103-4.

<sup>4</sup> The modern resurgence of the liberal belief in the ‘secular-rational human’ is normally traced back to John Rawls and his seminal work: John Rawls, *A Theory of Justice* (London: Oxford University Press, 1971).

<sup>5</sup> John Rawls, “The Laws of People,” *Critical Inquiry* 20, no. 1 (Autumn 1993): 33-68.

<sup>6</sup> For an overview of the Islamic intellectual tradition’s approach to justice, see Majid Khadduri, *The Islamic Conception of Justice* (Baltimore: John Hopkins University Press, 1984).

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