

EXCERPTED FROM

The Politics of Human Rights in Egypt and Jordan

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1

Human Rights in Egypt and Jordan

DECADES OF PERSISTENT AUTHORITARIAN GOVERNMENT IN THE Arab world have contributed to the prevailing notion that human rights in this region are to a certain degree irrelevant. In 2011 this notion was shattered by the Arab Spring—a series of uprisings that toppled long-time dictators in Tunisia, Egypt, Libya, and Yemen, generated mass protests, and affected almost every regime in the region.

The dramatic events of the Arab Spring are far from ended and will continue to be the focus of scholarly debate due to their significant implications for the Arab world.¹ Nevertheless, it is clear already that the Arab world is parting ways with decades of political stagnation, and that a revolution is occurring in the consciousness and imagination of its citizens, who have stopped fearing repressive regimes and begun calling for the removal of those who were hitherto considered all-powerful leaders. These events express the repudiation of the existing political culture and order, and they reflect a desire to change the prevailing nature of relations between rulers and ruled.

This eruption of popular protest has moved human rights to the fore of contemporary Arab politics and has turned them into a powerful political slogan. Citizens' demands for freedom, dignity, and social justice have proven that human rights are an inseparable part of the political debate in the region and that they have acquired legitimacy that transcends narrow elites or human rights advocates.

One of the premises of this book is that these demands are not a new phenomenon and that they did not appear overnight. The various protests, which reflected resentment over political repression and social inequality, reaped the fruits of a varied struggle for reform and expansion

of freedom, including long-standing efforts by human rights advocates and other forces, efforts that have been ongoing since the mid-1980s and that peaked in the first decade of the twenty-first century and created the force that has been feeding and propelling the protests along.²

Throughout these years, the rights claims were not framed as an abstract intellectual debate, but rather were the basis for concrete demands regarding all aspects of life: from demands concerning women's rights, such as the right to divorce without cause, to the struggle for political and economic rights. The language of human rights did not remain the sole preserve of human rights advocates and interested intellectuals, but became capital for a variety of elements in the political and social arena, including the Islamists. Identifying the potential of human rights as a means for criticizing the government, the various forces learned to use the language of human rights as a powerful tool in their demands for reform. Human rights became an instrument used to express the need and desire on the part of a variety of social forces to reconstruct political and social institutions as well as collective identity.

This is not to say that this was a homogeneous phenomenon. The groups that promoted human rights at the local level were multifaceted, and their understanding and interpretation of human rights was diverse and full of contradictions. The fact that human rights became more readily accepted does not indicate that they were indigenized or that they had become a basis for mass political mobilization, nor does it reflect moral support by wide parts of society. Just as important, it did not prevent the existence of rights claims that did not lead to effective, real change in the extent of rights.

The events of the Arab Spring, and especially the continuing instability and the extreme violence in states that have experienced regime change, such as Egypt, Tunisia, Yemen, and Libya, have exposed the limitations of the propagation and internalization of norms supporting human rights in the local arenas, and exposed the complexity of this process. As of 2015, four years after the beginning of the Arab Spring, it appears that the toppling of repressive regimes has not led to tangible change. Elimination of repressive political, economic, or social structures of power—or at least meaningful reform—has not taken place. In many instances the new political arrangements neither created the spaces necessary for more inclusive politics, nor were responsive to the aspirations of the masses. In the worst cases the Arab Spring has led to opposite results, such as chaos and anarchy in the prolonged and brutal civil war in Syria and the disintegration of the state in Libya.

The outcomes of the uprisings clearly were not the results the liberals were aiming for, as their concepts of freedom and justice and their priorities regarding change have been at odds with their many partners in the revolution. Particularly notable is the gap between the secular forces and the Islamists, the latter of whom offer the populace a narrative well-known to them: a demand for a more just and fair order based on the values of Islam.

Despite the momentum of the Arab Spring, it is increasingly clear that the attainment of a wide-ranging agreement in society regarding liberties is a process that has only just begun. Establishing an environment that respects human rights is not a onetime dramatic event, but a series of gradual developments involving the creation of partnerships between opposing forces and social arrangements.

In the chapters that follow, I explore the politics of human rights under authoritarian rule by focusing on three broad questions. First, how were human rights concepts and institutions produced and incorporated into the political and social dynamic under authoritarian rule? Second, how have human rights shaped and affected debates and actions? Third, what were the challenges for the propagation and implementation of human rights norms in the local arena and why was the impact of human rights claims on the authoritarian status quo so limited?

The Arab world is not a monolithic unit defined by singular identities and ideologies or by similar political, economic, and social structures. While it is possible to point to a similar pattern of human rights violations or to communal human rights concepts based upon common characteristics rooted in shared cultural and religious values, the content and practical aspects of rights claims are determined by unique historical and political contexts and by an array of structural conditions unique to each country. To develop a deeper understanding of the human rights dynamic, we must address the complex multiplicity of factors that affect human rights and shape the debate regarding them, such as the specific ways in which the political, economic, and social structure of a society is organized. A comparative examination of states will contribute to an understanding of the factors that shape human rights debates and actions and of the specific factors that inhibit the realization of their inherent potential.

Thus I concentrate on a comparative examination of the politics of human rights in Egypt and Jordan since the 1990s. Egypt and Jordan are examples of what Daniel Brumberg calls “liberalized autocracies.”³ Similar to other states in the Arab world, they also went through political and economic liberalization processes that led, among other things,

to the expansion of freedom of expression and organization. However, in both cases, these processes were controlled—they did not lead to an opening of the system and even included periods of retreat in which these states moved frequently between processes of limited liberalization and de-liberalization.

In both cases the liberalization measures and the expansion of freedom of expression, along with the continued systematic repression of other political and social rights, released public and personal energies that turned human rights into a frame of reference for the local communities and created a potential space for empowering the repressed populations. These developments at the local level, alongside increasing international interest in human rights, served as a motivating and formative factor of practical human rights activities. These activities, which were at the margins of the public space, turned human rights into a dominant language in the years from 1990 to 2010—a language that was appropriated both by the governments and by different factions of the opposition, each for their own purposes. In both Egypt and Jordan the rise in the status of human rights ideas was not necessarily due to changes in the legal conception on the part of the state and society, or to the consecration of the language of individualism. In both cases, human rights became an instrument used to express the need and desire on the part of a variety of social forces to reconstruct political and social institutions as well as the collective identity.

However, although similar characteristics can be identified in the two states, there are differences in the nature, scope, and intensity of the human rights debate and its potential and ability to foster change. The explanation for these differences can be found in the unique political and social structures of each country and in the various constellations that compose the power relations within them. The type of regime—bureaucratic authoritarianism in Egypt and monarchial authoritarianism in Jordan—is of great importance to the different patterns of regime-society relations. The different attitude of the regimes toward civil society organizations and the manner in which they managed their supporting coalitions in order to ensure their survival generated different types of opposition and civil society activism and different degrees of politicized mobilization, with a more politicized society in Egypt and a less mobilized one in Jordan. All these factors affected human rights debates and actions.

Although claims for rights can be a product of political structures or a reflection of the power struggle between various forces operating in the local arena, the local definition of human rights and the demands

raised in its framework are also an inseparable part of the ongoing process of defining the collective identity, whether modern or traditional, Islamic or secular. The debates in public spheres regarding social and political identity have a direct effect on the relevancy of human rights norms, their nature, and the intensity and fervor of the struggle for their implementation.⁴

The modern identity of these two states is undergoing a prolonged, formative process that oscillates continuously between East and West. Nevertheless, there are significant differences between Egypt and Jordan, differences that have an impact on the characteristics of the human rights debates and action. The question of identity in Egyptian culture was one of the most prominent social and political rifts.⁵ The struggle over cultural-national identity has political implications that were exploited by all those who were and still are striving to establish their own conceptions regarding the state's authentic national identity.

Contrary to this, the Jordanian state exhibited a great degree of "authoritarian pluralism," which was manifested in the simultaneous expression of different ideologies that were affiliated with different sectors of the state, while the regime positioned itself as the uniting point of the various configurations of identity.⁶ I argue that this ideological pluralism, which was manifest in the regime's constant attempts to create a synthesis between different approaches and factions and in its attempts to present itself as a unifying force that brings together multiple communities and identities, diminished the intensity of the struggle for national identity in Jordan and perforce was one of the factors responsible for the less intense human rights activism in that country, compared to Egypt.

My research provides a systematic, comparative study of the emergence of human rights in these two states and their integration in debates, discussions, and actions. By comparatively analyzing concrete struggles for human rights in several areas, ranging from free speech to women's rights, I identify a series of factors that were key in shaping variations in the domain of human rights.

Since the 1990s the research community has invested great effort in studying the human rights situation in the Middle East and in documenting the failure of governments to adapt themselves to international standards of human rights.⁷ My goal here is to enrich existing research by examining the developing human rights debate while referring to reciprocal relations among all the forces participating in the construction of the debate, whether from the establishment or the opposition. I examine and compare the approach to human rights taken by the different forces

operating in the political arena while emphasizing three of them in particular: governments, Islamists, and secular human rights activists.

Dealing with these forces exposes different normative, ideological, and political approaches to human rights. Each one of them questions opposing views on the grounds that these views stem from a system of specific interests that contradict either the idea of human rights or the interests and culture of the state and society. The attitude of these forces regarding human rights, which reflects the cultural diversity of the local debate, is complicated and in a state of constant construction. Nevertheless, their functioning does exhibit some degree of fundamental uniformity, thus allowing this methodological classification.

Although I consider the effects of ideas and attitudes on rights, my primary concern is with local interpretations of human rights, which developed from concrete social and political struggles. Analyzing the interaction between emerging interpretations of demands of those obstructing that implementation helps to explain the weakness of human rights demands as a source of political social change.

The state is responsible for and plays a primary role in the condition of human rights on two levels: normative and empirical. In this book I consider formal policy and also the ability to repress demands for human rights through violent and nonviolent means. Over time, the governments of both Egypt and Jordan increased their engagement with claims for human rights. The regimes understood that human rights had turned into a source of legitimacy in the domestic arena and that reports of human rights violations were eroding their internal authority and especially harming their international prestige. For this reason, both governments took care to express their commitment to human rights, seeking to control the human rights debate, to determine its characteristics and limits. In considering the contradictions between rhetoric and deeds and the mechanisms and strategies with which the governments managed to limit human rights, I focus on two questions: What strategies did these governments utilize to restrict the debate on human rights or to control it? And what can explain the governments' ability to limit human rights without resorting to mechanisms of legal or violent oppression?

But the answers to these questions can provide only a partial explanation. Therefore, my approach goes beyond the traditional focus on the state. Without underestimating the centrality of the state's obligations regarding human rights, I contend that the state is not the only actor that challenged or limited human rights, nor the dominant actor that shaped them. The strategies utilized by the regimes cannot be analyzed in isolation from society's reaction to them. Moreover, I argue that major

challenges to human rights arise from society itself. The limitations of human rights as an emancipatory force can be traced to society itself and even to those elements at its forefront—the human rights activists and liberal forces.

This analysis attempts to broaden the scope of explanations dealing with the relationship between state and society. It aims to expose the points of dissension between state and society and within society itself regarding the essential definition of liberties, and to identify additional reasons for the ability of regimes to maintain their authoritative control, to neutralize demands for change, and to maintain consent with and within society regarding the limitations on human rights.

In societies experiencing repression, human rights activists and liberal forces usually play a significant role in the promotion of human rights as part of a broader protest cycle that concerns the nature of authority.⁸ Human rights nongovernmental organizations (NGOs) began to emerge in Egypt in the 1980s and in Jordan in the 1990s due to a combination of several factors, among them international financial and moral support, and the processes of controlled liberalization that took place in both states.

During the late 1990s, human rights activists and NGOs turned into an active and prominent force that raised human rights on the local agenda, as they focused their efforts on the state and demanded positive measures toward the realization of rights. Because they were an indigent force, activists offered a significant challenge to states and contested the state's control of political institutions. Human rights activists also challenged the existing power structure by providing an alternative system of norms and values.

Human rights activists and NGOs encountered many obstacles, reflected in their inability to create a qualitative change in the human rights situation. The analysis of both their effectiveness and their limitations in the process of translating human rights ideas from the global arena to the local arena is interwoven throughout this book and predicated upon an understanding of their strategic choices, the various tactics they adopted, and their interaction with the government and the society in which they operated. I argue that the difficulties that human rights activists encountered in their attempt to extend the social and cultural legitimacy of human rights were related to their political and social environment, but also originated with the human rights movement itself, in its strategic choices and actions.

While dealing with the activities of human rights activists and their ability to challenge the power structure, one question in particular

requires attention: How have they pursued their goals and what were the factors shaping and influencing their choices and agenda? Human rights did not remain the sole preserve of human rights activists. Human rights became part of the discussions conducted by other forces. A variety of voices presenting alternative interpretations continued to exist in the public space, ranging from Islamist forces to establishment elements.

In this book I emphasize the positions and actions of Islamists. Islamist groups are not “political” groups in the narrow sense of the term, and they may exert moral authority (derived from Islamic tradition) to support a particular interpretation of human rights. The moral authority they command among the public ensures that their views are considered to reflect original, true Islamic values.

However, it is not my aim to focus on theological aspects or Islamic law or to examine its compatibility with human rights norms. Many studies refer to Islam as a factor that hinders human rights, and many others set out to prove that the modern concepts of human rights have unique parallels in Islamic culture and religion.⁹ Both the rejection and the acceptance of specific human rights are analyzed in relation to Islam as an abstract concept. I prefer to consider respect or disregard for human rights as a political choice, or, as Abdullahi an-Na‘im puts it, as a product of either human agency or the believers themselves, rather than the result of some authentic cultural essence eternally embedded in Islam.¹⁰ Islam is not a monolithic unit, and a uniform Islamic philosophy regarding human rights is not to be found. Different forces within this faction provide varying and contradicting interpretations of the same sources, which is a product of the particular characteristics of the political and social environment in which they operate and of their different strategic choices regarding how to deal with the reality in which they live.¹¹ As Anthony Chase has noted, since human rights is not a religious, spiritual discourse but rather a legalistic-political one formulated in response to the power of the modern state, even human rights violations that are justified by Islamic interpretations should be understood through an examination of the context in which Islam itself was constructed and the manner in which it interacts with human rights and the public space.¹² I examine the manner in which Islamists interact with the idea of human rights and, more practically, reveal their positions vis-à-vis concrete demands to expand human rights and how they were shaped by political and social factors.

In the past, many Islamist currents, including those in Egypt and Jordan, challenged human rights, but the way they regard them changed.

Many Islamist parties and movements integrated human rights into their platforms and declarations and began to express their demands and aspirations for the future in human rights language. Similar to the dynamic of other political forces, some Islamists identified the normative appeal of human rights and their potential to challenge domestic authoritarian regimes. In discussing Islamist actors here, I focus on two questions: What factors shaped their changing attitude to human rights? And what was the impact of this change on the debate and actions for human rights?

Human rights are not just a product of the dialogue between local forces; they are also a product of a multifaceted dialogue connected to global elements. Human rights have become an issue that transcends traditional political boundaries. The domestic definition and implementation of human rights also depends on the interaction between the local and the global and cannot be detached from regional, international, and transnational effects.

Egypt and Jordan are part of the global village, which is characterized by diverse connections and networks intensified by new communication technologies. The interaction of the two states with other groups of states, international nonstate actors, and transnational networks increases attention to human rights issues and impacts the ways in which human rights become embedded within local debates. This dialogue is not only a product of the political and economic dependence of these states on Western states and bodies, such as the World Bank, or of the dependence on external donors of civil society elements working to promote human rights, but is also a product of the flow of ideas across boundaries. Therefore, the human rights debate should be analyzed considering the extent of the influence of global elements on local debates and actions, especially since it was a focal point of many of the concrete cases discussed in this book.

However, it is important to realize that relationships between the local and the global are reciprocal. Thus, although these connections contribute to the awareness and penetration of human rights ideas and norms, they also provoke conflict and sometimes undermine the potential of human rights to become an emancipatory force.

Throughout the book, the extent of the influence of these global elements on the human rights debates and actions is examined: How was the global spread of human rights articulated through specific local processes, dilemmas, and crises that shaped the agenda in Egypt and Jordan? How do transnational ideas become meaningful in local social settings?

Of utmost significance in this context is the perceived link between the idea of human rights and the West, which has had a crucial impact on the structuring of human rights in the local arenas. Indeed, in Egypt and Jordan, as in many other postcolonial societies, the struggle between antimodernist, patriarchal forces and modern critical forces over the definition of the scope of human rights has been obscured and confused with identity politics and anti-imperialist struggles, or as al-Baqir al-‘Afif puts it, with the struggle for the “cultural dignity” of the Arab and Muslim world.¹³

This antagonism toward the human rights agenda is in part a product of the perception among various local forces that identifies the very idea of universality of human rights as a Western one. The debate over the universality or cultural relativism of human rights is a long-standing issue that is widely reflected in the Arab-Islamic context, emerging mainly in response to the view that considers Islam an obstacle to the realization of universal human rights.¹⁴

However, I move beyond this problematic, universal-particular binary,¹⁵ due to the recognition that the appeal of human rights in Egypt and Jordan, as in other societies, lies in their promise to end domination and oppression.¹⁶ This is not to argue that local forces in Egypt and Jordan do not refer to tensions between the particular and the universal when dealing with human rights. On the contrary, these tensions are an integral part of local discussions. None of the local forces exist in a vacuum separate from the global flow of ideas. Nevertheless, treatment of local debates refrains from engaging the issue of the universality of human rights and to what extent the values included in the Universal Declaration of Human Rights (UDHR) represent part of Arab-Muslim civilization. One of my main concerns is how various forces in Egypt and Jordan understand and interpret human rights and deal with tensions between the universal nature of human rights and local perceptions and conditions.

Organization of the Book

In Chapter 2, I examine the rise of human rights in the Arab world in general and in Egypt and Jordan in particular, and the process that led to the institutionalization of human rights. My intent is not to present a definitive history of human rights in Egypt and Jordan, but rather to show how the language of human rights became the language of resistance, and why various local forces incorporated human rights into their agenda.

In Chapter 3, I address freedom of expression, by examining two of the most prominent cases of such violations of that freedom: the Egyptian trial prosecuting sociologist Sa'ad al-Din Ibrahim and the Jordanian trial prosecuting former member of parliament Tujan al-Faisal. Both defendants were well known in the political and social arena and were recognized for their human rights work. Similar charges were raised against the two, primarily defamation of state institutions and disseminating false information abroad that is harmful to the state's reputation and prestige. In comparing these two cases, I point to some of the factors that contributed to the consolidation of clear and determined demands for rights, as well as those that weakened and limited the domestic human rights networks.

The issue of freedom of expression is further discussed in Chapter 4, which deals with the charges of apostasy raised against intellectuals, writers, and journalists who expressed positions considered contrary to orthodox religious interpretations. I establish the argument that the state is not the sole factor or even the dominant one in determining the limits of human rights. Rather, numerous obstacles standing in the way of freedom of expression also emanate from society and local definitions of rights. A comparative examination of the apostasy debate exposes the differences in the extent, intensity, and impact of the discussion regarding freedom of expression in religious matters in Egypt and Jordan. The explanation of these differences will be found, as in the other case studies, in unique local contexts.

Chapter 5 attends to the status and rights of religious minorities. In both Egypt and Jordan, this is a politically sensitive issue. But while Egypt has experienced violent sectarian conflict between Muslims and Copts—now one of its most pressing problems—sectarian conflict and open discussion of minority rights have not been a part of the Jordanian experience. Thus, my main focus in this chapter is on the violent sectarian conflict under Hosni Mubarak's authoritarian rule and the dynamic debate concerning the status of the Coptic minority.

Chapter 6 discusses the rights of women. This chapter analyzes and compares the efforts exerted in Egypt and Jordan to change personal status laws, which are based on Islamic law and place women in an inferior position compared to men in the marital relationship and in the family. As in other Arab states, the governments in Egypt and Jordan recognized the urgent need to address gender equality and women's rights as means to foster human development. In both cases, governments cooperated with women's organizations to reform personal status laws by relying on enlightened interpretations of Islamic law. However, while these efforts

led to relative success in Egypt, they led to failure in Jordan. By comparing these two cases, it is possible to identify some of the sources that contributed to the amendment of the personal status law in Egypt, as well as those that weakened, limited, and impeded it in Jordan.

Chapter 7 offers an integrative analysis of the concrete case studies, while highlighting the main factors that limited the propagation and implementation of human rights norms. It also assesses the challenges facing the forces struggling to expand liberties, and the implications of these challenges for the post–Arab Spring era.

Notes

1. See, for example, Bahgat Korany and Rabab Mahdi (eds.), *The Arab Spring in Egypt: Revolution and Beyond* (Cairo: American University in Cairo Press, 2012); Dan Tschirgi et al. (eds.), *Egypt's Tahrir Revolution* (Boulder: Lynne Rienner, 2013); Lin Noueihed and Alex Warren, *The Battle for the Arab Spring: Revolution, Counter-Revolution, and the Making of a New Era* (New Haven: Yale University Press, 2013).

2. The protest movements that have emerged in Egypt since the first decade of the twenty-first century are a clear manifestation of this claim. The prodemocracy protests expressed in the activities of the Egyptian Movement for Change, better known as Kifaya, are of importance. Similar importance should be attributed to the thousands of demonstrations and worker strikes, which started in the big textile factories in Mahalla al-Kubra and spread to all public and private sectors. See Joel Beinin, *Justice for All: The Struggle for Workers Rights in Egypt* (Washington, DC: Solidarity Center, 2010); Michaëlle Browers, “The Egyptian Movement for Change: Intellectual Antecedents and Generational Conflicts,” *Contemporary Islam* 1 (2007): 69–88; Manar Shorbagy, “Understanding Kefaya: The New Politics in Egypt,” *Arab Studies Quarterly* 29:1 (Winter 2007): 39–60. For a discussion of the proreform and prodemocracy activism in Jordanian politics, see Curtis Ryan, “Political Activism and Reform: Coalition in Jordan,” *British Journal of Middle Eastern Studies* 38:3 (December 2011): 367–390. See also discussion of the roots of popular mobilization and regime overthrow in Rex Brynen et al. (eds.), *Beyond the Arab Spring: Authoritarianism and Democratization in the Arab World* (Boulder: Lynne Rienner, 2013). For a general discussion of the roots of the uprisings, see Marc Lynch, *The Arab Uprising: The Unfinished Revolutions of the New Middle East* (New York: PublicAffairs, 2012).

3. Daniel Brumberg, *Democratization Versus Liberalization in the Arab World: Dilemmas and Challenges for U.S. Foreign Policy* (Carlisle, PA: Strategic Studies Institute, US Army War College, 2005), pp. 4–5. Jordan was regarded as a “hybrid” regime, with both authoritarian features and some level of liberalization. See Curtis R. Ryan and Jillian Schwedler, “Return to Democratization or New Hybrid Regime? The 2003 Election in Jordan,” *Middle East Policy* 11:2 (Summer 2004): 138–151.

4. For a discussion of the local definition of human rights and the construction of identity, see, for example, Richard A. Wilson, "Human Rights: Culture and Context—An Introduction," in Richard A. Wilson (ed.), *Human Rights: Culture and Context—Anthropological Perspectives* (London: Pluto, 1996), pp. 1–27; Thomas Risse and Kathryn Sikkink, "The Socialization of International Human Rights Norms Into Domestic Practice: Introduction," in Thomas Risse, Stephen C. Ropp, and Kathryn Sikkink (eds.), *The Power of Human Rights: International Norms and Domestic Change* (Cambridge: Cambridge University Press, 1999), p. 9.

5. Ami Ayalon, *Egypt's Quest for Cultural Orientation* (Tel Aviv: Moshe Dayan Center for Middle Eastern and African Studies, 1999); Meir Hatina, *Identity Politics in the Middle East: Liberal Thought and Islamic Challenge in Egypt* (London: Tauris, 2007).

6. Mansoor Moaddel, "Religion and the State: The Singularity of the Jordanian Religious Experience," *International Journal of Politics, Culture, and Society* 15:4 (Summer 2002): 559–560. Curtis Ryan, who discusses the main ethnic and national fault lines within Jordanian politics, notes that opposition activists often argue that the regime engages in an agenda of permanent conflict resolution with the regime as facilitator, meaning that "divide and rule" strategies remain part of the state's tactics and strategies. See Curtis R. Ryan, "Identity Politics, Reform, and Protest in Jordan," *Studies in Ethnicity and Nationalism* 11:3 (December 2011): 568–569.

7. See, especially, Abdullahi an-Na'im, *Toward an Islamic Reformation: Civil Liberties, Human Rights, and International Law* (Syracuse: Syracuse University Press, 1990); Ann Elizabeth Mayer, *Islam and Human Rights: Tradition and Politics*, 3rd ed. (Boulder: Westview, 1999); Mashood A. Baderin, *International Human Rights and Islamic Law* (New York: Oxford University Press, 2003); Ahmad S. Moussalli, *The Islamic Quest for Democracy, Pluralism, and Human Rights* (Gainesville: University Press of Florida, 2001); Reza Afshari, "An Essay on Islamic Cultural Relativism in the Discourse of Human Rights," *Human Rights Quarterly* 16 (1994): 235–276; Bassam Tibi, "Islamic Law/Shari'a, Human Rights Universal Morality, and International Relations," *Human Rights Quarterly* 16:2 (1994): 277–299; Jason Morgan-Foster, "Third Generation Rights: What Islamic Law Can Teach the International Human Rights Movement," *Yale Human Rights & Development Law Journal* 8 (2004): 67–116; Adel M. Abdellatif, "Human Rights in the Arab Mediterranean Countries: Intellectual Discourse, Socio-Economic Background, and Legal Instruments," *Mediterranean Politics* 9:3 (Autumn 2004): 319–343; Susan E. Waltz, *Human Rights and Reform: Changing the Face of North African Politics* (Berkeley: University of California Press, 1995); Katerina Dalacoura, *Islam, Liberalism, & Human Rights: Implications for International Relations* (London: Tauris, 1998); Kevin Dwyer, *Arab Voices: The Human Rights Debate in the Middle East* (Berkeley: University of California Press, 1991); Abdullahi an-Na'im, "Human Rights in the Arab World: A Regional Perspective," *Human Rights Quarterly* 23 (2001): 701–732; David M. Medincoff, "Think Locally, Act Globally? Cultural Framing and Human Rights Movement in Tunisia and Morocco," *International Journal of Human Rights* 7:3 (Autumn 2003): 72–102; Jill Crystal, "The Human Rights Movement in the Arab World," *Human Rights*

Quarterly 16 (1994): 435–454; Ibrahim Awad, “The External Relations of the Arab Human Rights Movement,” *Arab Studies Quarterly* 19:1 (1997): 59–76; Mustapha Kamal al-Sayyid, “Theoretical Issues in the Arab Human Rights Movement,” *Arab Studies Quarterly* 19:1 (Winter 1997): 23–31; Salma K. Jayyusi (ed.), *Human Rights in Arab Thought: A Reader* (London: Tauris, 2009); Anthony Chase and Amr Hamzawy (eds.), *Human Rights in the Arab World: Independent Voices* (Philadelphia: University of Pennsylvania Press, 2006); Anthony Tirado Chase, *Human Rights, Revolution, and Reform* (Boulder: Lynne Rienner, 2012).

8. See, for example, David P. Forsythe, *Human Rights in International Relations* (Cambridge: Cambridge University Press, 2012), pp. 240–316.

9. See, for example, Baderin, *International Human Rights and Islamic Law*; Ibrahim Abdulla Al-Marzouqi, *Human Rights in Islamic Law* (Abu Dhabi, 2000); Recep Senturk, “Sociology of Rights: ‘I Am, Therefore I Have Rights’: Human Rights in Islam Between Universalistic and Communalistic Perspectives,” *Muslim World Journal and Human Rights* 2:1 (2005): 1–30.

10. Abdullahi an-Na’im, “The Best of Times and the Worst of Times: Human Agency and Human Rights in Islamic Societies,” *Muslim World Journal of Human Rights* 1:1 (2002).

11. Fred Halliday, “Relativism and Universalism in Human Rights: The Case of Islamic Middle East,” *Political Studies* 43 (1995): 155, 159, 164.

12. Anthony Chase, “The Tail and the Dog: Constructing Islam and Human Rights in Political Context,” in Anthony Chase and Amr Hamzawy (eds.), *Human Rights in the Arab World: Independent Voices* (Philadelphia: University of Pennsylvania Press, 2006), pp. 21–22, 27.

13. al-Baqir al-‘Afif, “al-‘Alamiyya wa’l-khususiyya: khitab huquq al-insan wa’l-thaqafa al-‘Arabiyya” (Universalism and particularism: The discourse of human rights and Arab culture), in Bahy al-Din Hassan (ed.), *al-‘Arab bayna qam’ al-dakhil . . . wa-zulm al-kharij* (The Arabs between internal repression and external oppression) (Cairo: Markaz al-Qahira li-Dirasat Huquq al-Insan, 2000), p. 61; see also Wilson, “Human Rights: Culture and Context,” p. 15. For a discussion of the link between the slow speed of human rights ideas to a defensive construction of Arab-Islamic identity, see Muhammad al-Sayyid Sa’id, “Da’wat huquq al-insan fi-siaq al-hala al-thaqafiyya al-rahina lil-watan al-‘Arabi” (The cause of human rights in the present cultural context), *Rawaq al-‘Arabi* 6 (April 1997): 48–59; see also ‘Abd al-Majid al-Sharfi, “Ishkaliyat thaqafat huquq al-insan fi’l-‘alam al-‘Arabi: al-mu’awwiqat wa-subul al-tatwir,” *al-Risala* 6 (June 2006): 15.

14. See, for example, Tibi, “Islamic Law/Shari‘a, Human Rights, Universal Morality, and International Relations”; Afshari, “An Essay on Islamic Cultural Relativism in the Discourse of Human Rights”; Sami Zubaida, “Human Rights and Cultural Difference: Middle Eastern Perspectives,” *New Perspectives on Turkey* 10 (Spring 1994): 1–12; Halliday, “Relativism and Universalism in Human Rights”; Morgan-Foster, “Third Generation Rights”; Abdullahi an-Na’im, “‘Area Expressions’ and the Universality of Human Rights: Mediating a Contingent Relationship,” in David P. Forsythe and Patrica C. McMahon (eds.), *Human Rights and Diversity: Area Studies Revisited* (Lincoln: University of Nebraska Press, 2003); al-‘Afif, “al-‘Alamiyya wa’l-khususiyya,” pp. 61–68.

15. Both approaches in their absolute form are problematic. Strong universalism ignores the fact that human rights do not entail cultural homogeneity and that they are consistent with diversity and pluralism in practice. See Jack Donnelly, "The Relative Universality of Human Rights," *Human Rights Quarterly* 29 (May 2007): 298–301. The relativist approach ignores the diverse social and cultural formations in the Arab world and their internal dynamics, which are relevant to human rights. It also ignores the dynamic of the human rights regime supported by multiple groundings—legal, political, normative, and institutional—which changes and constantly reacts to local definitions and claims for human rights; see Chase, *Human Rights, Revolution, and Reform*, chaps. 6–7.

16. Michael Goodhart, "Neither Relative nor Universal: A Response to Donnelly," *Human Rights Quarterly* 30 (2008): 191. See also Chase, *Human Rights, Revolution, and Reform*, pp. 105–111.