

# HUMAN RIGHTS IN ARABIA

## POSTCLASSICAL PERIOD

### The World Religions: Islam

**Islam on tolerance** Christianity and Islam were more legalistic than Buddhism. Both established firm positions on the treatment of other religions, or of sectarian divisions within the faith. Christianity was simply intolerant. People accused of heresy were subject to violent punishment. Jewish communities were sometimes allowed, but with no protections in principle and frequent subject to outright attack. Islam was more nuanced, though there was no tolerance for polytheism, regarded (as with Christianity) as an offense against God. Christians and Jews were seen as “people of the book”, and usually allowed to worship upon payment of a special tax, though with limits on the size of religious buildings and other constraints designed to prevent Muslims from being attracted to these inferior faiths. This was a situation of partial tolerance amid legal inequality.

**Punishments** Both Christianity and Islam proved quite comfortable with extreme punishments for a range of immoral or antireligious behaviors, with frequent applications of physical punishments and even death. This was in a sense the dark side of religious legalism, and would prove to be a challenge for human rights efforts in more modern times.

**New protections** The importance of behavioral rules in other respects could involve new kinds of protection. Both Christianity and Islam, emphasizing the importance of God’s creation and the possession of souls, vigorously attacked the tradition of infanticide as a means of population control. While this did not lead to a proclamation of infant rights, the insistence had a comparable effect. Both religions, again in principle, insisted that marriage should involve the consent of both partners; here too, however, the belief was not firmly codified and, though particularly in Islam, was often ignored in fact. Both religions were uncomfortable with slaveholding, at least if the enslaved shared the true religious faith. In Islam this encouraged some de facto rules, for example banning the sale of family members of slaves who were Muslim.

**Islam and rights** Islam on the whole went further than Christianity in suggesting other stipulations that might be regarded as rights. Thus women were supposed to share in inheritance. They were allowed to divorce. To be sure, “rights” were not specifically referred to. And legal inequality remained clear: the property shares were less than those of men, divorce procedures were far more complicated. But Islamic legalism arguably represented some advance in principle, particularly when combined with their applicability to all believers.

**Natural law** Finally, both Muslim and Christian thinkers grappled with the heritage of classical Roman thinking about natural law. For Christian theologians like Thomas Aquinas (1225-74), natural law, though a product of human reason, was seen as compatible with divine law, and it provided a standard by which actual government actions might be judged unjust. “A tyrannical law, though not being according to reason, is not a law, strictly speaking.” While Aquinas normally urged political obedience, he explicitly argued that unjust laws need not be followed “if without scandal or greater damage” a person can resist.

**Ambivalent heritage** During the postclassical centuries, none of the expanding religions created clear impetus for advances in human rights, and in some ways they introduced new barriers while confirming a variety of legal inequalities. But they did introduce new thinking that could, in a somewhat altered environment, prove relevant to human rights ideas.

### Study questions:

1. In what ways did the three major missionary religions create new human rights problems?
2. Were Christians more likely than Muslim to reject the use of state power to promote religious gains?

Further reading:

Brian Tierney, *The Idea of Natural Rights: studies on natural rights, natural law and Church law, 1150-1625* (Emory University Press, 2001).

Liam Gearon, ed., *Human Rights and Religion* (Sussex Academic Press, 2002).

John Witte Jr. and Frank Alexander, eds., *Christianity and Human Rights: an introduction* (Cambridge University Press, 2010).