

The Regional Context of Human Rights in the Middle East

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Abstract

Human rights situation in the Middle East (ME) is a central concern in contemporary political as well as academic discourses. There is a considerable amount of literature on the subject, both academic and journalistic, in the Western world. A large part of that literature blames the ME in different ways for its 'terrible' conception and treatment of human rights norms. They typically, do not hesitate to contextualise it as 'Middle Eastern' phenomenon. It is fascinating, though, that such contextualization is proposed predominantly without a substantial and appropriate context analysis. In this article, a context analysis is conducted, adopting an Area Studies Approach to identify the major features of a Middle Eastern context where human rights norms experience the region's realities. As a result, four particular items, Islam, oil, Islamic-Western relations, and Israel are proposed as the main factors that form the real context of human rights in the Middle East. This analysis demonstrates that the influential causes of human rights violations in the ME are from both internal and external sources. The internal sources are highlighted in the dominant works of the field. It is interesting, however, that these works largely ignore the external ones. The nature of external factors, Western or attached to Western treatment of the Middle East might reveal the real motivations behind such remarkable overlooking.

Keywords: context analysis, human rights, Middle East, Islamic-Western relations, Israel.

1. Introduction

The status of human rights in the Middle East (ME) has grown into a main topic of concern in the Western public opinion. News and commentaries report on a daily basis, the dramatic cases of human rights violation in Middle Eastern countries, reports that portray the whole region as a different zone, a 'black' one, in the human rights map of the world.¹

There is a genuine debate about how this picture correlates with the relevant realities that actually exist in the outside world, and also to what extent this picture is influenced by the powers that are active in shaping public opinion in Western countries. It is observable, however, that those who support the idea of 'black zone' in this debate are less interested, quite noticeably, in finding the root causes of such state of affairs. The main explanation they are eager to offer, implicitly or explicitly, is establishing an essentialist and unbreakable link between human rights violations and something original, such as cultural, civilizational or religious infrastructure, in the Middle East. This orientalist view of the Middle East tends to ignore Western, international and a variety of other non-essentialist factors that are related to the real context of the question. This one-sided approach overlooks important elements that are vital in understanding the region and its complexities.

Furthermore, such treatment is, not only far from giving a chance to human right betterment in the Middle East, but it also risks worsening the situation. It tends to provide a pessimistic conclusion about the region as a 'hell of human rights' and, accordingly, recommends a strong, mostly violent policy towards the Middle East, which worsens, commonly, the human rights situation in the region, for example in Iraq and Afghanistan.

1. See for instance: 'The Middle East: A Human Rights Tragedy' (Ben-Meir, 1989)

From an analytical point of view, a context analysis is needed for an effective understanding of the main causes of human rights violations in the region. There are indeed numerous case studies that adopt such approach; a literature review can demonstrate this¹; however, this literature, including a scholarly treatment of the question, shows insufficient evidence that the context of the human rights situation in the Middle East is taken into impartial and holistic consideration. A more extensive reflection on the relevant literature is discussed in the next section to elaborate such state of affairs.

2. Relevant Literature

The ‘Middle East’ has been present as a key concept in the topic of many scholarly works in the area of human rights. Other labels, Arab or Muslim world for instance, are taken on in that literature for referring to the same area.² Most of them, not surprisingly, approach the subject from a legal perspective; how Middle Eastern countries subscribe to international human rights law conventions, and how they respect it. After all, ‘Human rights’ is studied, mainly, in ‘law schools’.

There are other arguments that can explain why human rights literature on the ME is far from context analysis; ‘Modern human rights’ is a Western ideology. Human rights discourse in Western academia is predominantly ideological rather than analytical; the supremacy of modern human rights norms are

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1. See for instance; ‘The African Context of Human Rights’(Ake, 1987), ‘Human Rights in the Arab World: The Islamic Context’(Zakaria, 1986), and ‘Emerging Human Rights: The African Political Economy Context’ (Shepherd & Anikpo, 1990)
 2. See for instance; ‘Routledge Handbook on Human Rights and the Middle East and North Africa’ (Chase, 2017); ‘Human Rights in the Arab World: A Regional Perspective’ (An-Na’im, 2001); ‘The Muslim World Half A Century After the Universal Declaration of Human Rights: Progress and Obstacles’ (Monshipouri, 1998); ‘Human Rights in the Middle East: Frameworks, Goals and Strategies’ (Monshipouri, 2011); ‘Human Rights in the Arab Mediterranean Countries: Intellectual Discourse, Socio-Economic Background and Legal Instruments’ (Abdellatif, 2004).

taken for granted. Critical treatment of human rights discourse is present, but not in the mainstream. According to the mainstream, modern human rights norms are absolute, fixed and universal. From this perspective, the Middle East is not different from Europe, for instance, when it is about human rights. There is a powerful resistance, in the dominant human rights discourse, to Area Studies in general and Middle East study, in particular. There is a right impression that such treatment can undermine the idea of 'human rights universalism', and open the door for 'localism'.

Furthermore, Human rights dominant discourse, when in the framework of Area Studies Approach, prefers to be descriptive rather than explanatory. Such descriptions focus mostly on regional shortcomings or cases of advancements in applying human rights norms. Such treatment is originated, perhaps, in a mindful awareness; explanatory ideas not only make the 'unfavourable' realities (in areas like the ME) 'understandable' but they also can make these realities 'justifiable'.

However, an insignificant number of academic works approach Area Studies with a particular goal to offer an 'explanation' for human rights situation. These works, mainly conducted in Western academia, mostly suffer from an orientalist view to the Middle East: a negative view of the Middle East and a positive view of the West and Western values dominate these works. From this perspective, the 'tragedy of human rights in the Middle East' is ascribed, commonly, to few regional factors; Islam is referred to, frequently, in the related literature as a main element responsible for the unfortunate human rights condition in the region.¹ This factor is used to be known as a 'religious' factor but after Huntington's thesis on 'Clash of Civilizations' (1993), it is seen through 'civilizational' framework as well.

1. Several sources discuss this topic including 'The Rights of God: Islam, Human Rights, and Comparative Ethics' (Oh, 2007).

The type of governing regime, the absence of democracy and the persistence of autocracy in the Middle East is introduced as another factor for unfriendly positions to human rights norms (Spinks et al., 2008; Abdalla, 1992; Abdullahi, 2001). Not only regimes but wider political forces in the region are blamed, in the related literature, for such state of affair: national movements are one of these forces. They are, according to the idea, anti-Western, and Western ideas, and this position make them hostile to Western values, including those that are related to human rights (Sahliyah, 2003). Islamist movements are also blamed in a similar fashion (Sahliyah, 2003). Western colonial role in what happened in the Middle East, and the role of Western interference in what happens, nowadays, in the Middle East are immensely ignored. There are other factors, also, that are not related to positive or negative elements in the Middle East or the West; but they refer to realities that affect the human rights situation in the region, language barrier for instance. Their role in the question deserves more attention.

‘Human rights in the Middle East’ is studied mostly in tandem with democracy when the regional ‘failure’ to respect the related norms is at stake. Studies on ‘why democracy is not successful in the region’ are relatively at an advanced stage. Raymond Hinnebusch (2006) in his work titled ‘Authoritarian persistence, democratization theory and the Middle East: An overview and critique’ offers a brief elaboration on scholarly treatment of the question:

An overview and critique of the cumulative layers of theoretical tradition that seeks to explain democratic and non-democratic outcomes provides a wealth of tools for understanding the Middle East case. Early modernization theory's analysis of ‘requisites’ proved indeterminate and cultural exceptionalist arguments identified merely an intervening variable. Later theories of developmental imbalances and nation-building dilemmas explained more convincingly, why democracy failed in the Middle East. Historical sociology, in identifying the social structural bases of alternative regime paths,

showed what put Middle East states on their own distinctive authoritarian pathways. Institutionalist approaches to state building helped explain the consolidation of authoritarian regimes in the region while political-economy analysis showed how these regimes adapted to changes in their environment. Rational choice approaches help show why the agency to lead democratic transitions has been lacking. Analyses of the impact of globalization and of the United States hegemon suggest the international variable is compatible with liberalization of authoritarian regimes but not with democratization.

Emile Sahliyah (2003) in his phenomenal work, a book chapter, titled 'The Status of Human Rights in the Middle East: Prospects and Challenges' takes a similar path to explain the lack of respect to human rights norms in the ME. He offers four involving factors:

In this chapter we sought to describe the status of human rights in the Middle East. The study clearly shows that the Middle East ranks very low on the scale of respecting the human rights of the citizens. It also demonstrates that there is no consensus among the community of scholars concerning the reasons behind the high level of violation of human rights in the region. The study presented competing explanations, including the presence of autocratic governments, the incompatibility of Islam with the modern standards of human rights, Islamic resurgence, the opposition to the West and its values, Muslim apprehension about the Western origin of democracy and human rights, and the time lag between the two value systems.

This book chapter is regarded the most relevant work in the present examination. It is written from a Western, if not orientalist, point of view. The role of the West and its colonial production, Israel, is not taken into serious consideration in this examination, although the four factors mentioned in this thesis are quite relevant and belong to the one side of the question. Other factors are involved that could not be seen from this perspective.

The present inquiry aims to address this gap in the literature by attempting to examine the major factors that regulate the human rights situation in the Middle East, including those that

are related to socio-political contexts. A main question leads this investigation; which major factors affect Middle East's respect for human rights norms?

To answer this question, the main relevant elements of the regional context in the Middle East are first elaborated, following by their relevance to the human rights situation in the region. For such a purpose, the largest and most important part of this article is divided into four key sections; Islam, oil, Islamic - Western Relations and Israel; one main factor is discussed in each section.

3. The Regional Context

There are numerous factors that need to be explained and discussed to understand the context of human rights in the Middle East. This study will not attempt to discuss all of them; those that most logically correspond to the main objective of the study and have relatively more power to explain the context are selected. These elements are also more likely to help perplexed observers in the West to enhance their understanding of the situation in the region. Furthermore, such approach also appears useful if the main objective for addressing the situation is to improve it. The main argument to justify this position is that having a more realistic view of the situation in the Middle East and its overall environment provides a better chance for recognizing the real obstacles to - and opportunities for an ideal improvement in the area of human rights.

Four general factors, Islam, oil, Islamic-Western relations and Israel, have been chosen as subjects best suited for dealing with the main question of this research from the standpoint outlined above. These factors and their relevance to the topic are explained in the following sections. Prior to moving to the next section, five clarifications in relation to the main area of this enquiry and its methodology appear necessary:

- I. 'Human rights', as a concept, is not read in its literal meaning in this study. Human right, in its general sense, was an interest in almost all places and times in human history. However, human rights is used in this article as a jargon originating in the modern human rights discourse, crystallized largely in international or European human rights instruments, the Universal Declaration of Human Rights in particular.
- II. The Middle East refers to a particular geographical region in the world map. This region refers to two concepts: a narrow concept that covers the Arab countries of West Asia plus Egypt, Iran and Turkey, and a broader characterization of Middle East that covers Arab countries of North Africa as well. Afghanistan and Pakistan are also included in some broader definitions. An extensive definition of the Middle East, which includes all these countries is adopted in this study.
- III. Place, time and subject indicate the three main area limits of a given research. Place and subject in this research have been mentioned above. The 'contemporary period' can be suggested as the period for this research. In this way, this study focuses on the Middle East in the 21st century but does not extend to its second decade.
- IV. Methodology: this qualitative enquiry does not intend to produce new data concerning the situation of human rights in the Middle East; it relies on the existing data, produced in earlier studies. For this purpose, this research is a library-based and qualitative investigation.
- V. Theoretical framework: the relevant works related to this research's question are mentioned in the literature review. It should be mentioned that these theories have been extracted from the realm of legal theories. In the same way, it is far from theories that stress on agent's role. It is assumed, in this examination, that agent's behaviour is determined by forces that form the

structure. This defines the main theoretical ground, on which this study is based. After this characterization, the study intends to look at the question from different perspectives; no specific discipline, sociology or political science for instance, limits the field of examination in this study. This stage is informed by inter-disciplinary approach that is commonly adopted in Area Studies.

3.1. Islam

Islam is not only the dominant religion of the Middle East region since a long time ago, but also a central pillar of its identity. This point might suggest why the relationship between this factor and the condition of human rights is rather crucial, sensitive and controversial. In fact, there is a notable disagreement between the two main sides of a related debate; in one side, there are scholars, mostly Westerners, who argue for a straightforward relationship between Islam, or a dominant understanding of Islam, and the human rights situation in the Middle East. They commonly refer to Sharia Law and its questionable positions towards what they label as ‘cruel, inhuman and degrading punishments’ that are exercised in various forms including capital punishment, (punishment of) adultery, cutting off the hands of a thief, lashing, treatment of non-Muslims in a Muslim society, discrimination against women and polygamy’ (Cotran & Sherif, 1999: 448-450). On the other side, there are others, mostly Muslim scholars, who can refer to various points in Islamic teachings and Islamic history, which suggest a real contribution to protecting and promoting human rights. They also provide alternative explanations for those controversial issues.

This inquiry does not intend to address the disagreement explained above. It chooses to work on an area that attracts more agreement about the subject; it is evident that Islam, or

mainstream understanding of Islam with its two main branches, Sunni and Shi'a, provide a distinctive context for human rights in the Islamic world. The following points present few of these areas:

- Quran, the holy book of Islam, appears to occupy an exceptional position in the world of religions, since there has been only one single version of the book in the entirety of Islamic history: All copies of the Quran, in all places and all times of the Islamic era are exactly the same with the exact words and sequences. This is not a matter of reasonable difference or disagreement, and has no identical parallel in man's religious history. It might, partly explain why Islam is the least sectarian religion in the world (Islamic world, 2007). Taking another and a related fact into consideration, that Quran is the only holy book of Islam (there is no old Quran and new one for instance), enable one to imagine how this rigid authority can contribute to setting up a distinct environment for a set of values including human rights ones. First, it demonstrates the very strong position that Quran occupies in the Islamic religion as the supreme source of principles and values. As a result, if a disagreement between modern human rights standards and a given Quranic code arises, there is relatively limited chance to accommodate the modern standard in Islamic societies without solving the conflict with what Quran provides in this regard. Secondly, the fact that there is one single version of something in such high position as a supreme reference of values and rights means, inter alia, that there is not much space for competing, contradictory and different accounts. This introduces a difficulty for those who wish to make Islam compatible with what they campaign for, and try to welcome and adopt new ideas, including those related to

human rights, unless there is an original room for those standards already set in the holy book.

- Prophet Mohammed (PBUH), the founder of Islam, held an exceptional position, compared with the founders of other dominant religions in the world, to govern the community of his followers. This fact can produce serious implications for how Muslim societies nowadays treat social and political affairs including those that are related to human rights. As a ruler, the Prophet had to deal with all aspects of the then public life, including executive, legislative and judiciary ones. As a result, what he did or said in these areas is regarded as part of his respectful tradition. This tradition has been recognized as the second source of religious values and teachings in the Islamic world. Numerous elements in the tradition are related to the human rights aspect of a public system, practiced in Medina, where the prophet established the first Islamic state. This fact contributed to producing a considerable collection of codes that are still valid in Muslim societies, and have the power to undermine modern values, including those related to modern human rights, if they clash with that tradition (Muhammad, 2007).
- Over its long history, the Islamic world has not been emptiness with regards to knowledge, education or civilization. On the contrary, Islam has dramatically changed the landscape of the Middle East in these areas, influenced by religious teachings that encourage related advancements in the field. This contributed to the establishment of Islamic civilizations in the 11th to 13th centuries, which introduced a wealth of human triumphs in the field of science, education, literature and arts in the pre - Renaissance era. It is in fact believed that the origin of the Renaissance itself was heavily influenced by that

development. What makes this point relevant to this inquiry is related to a widespread awareness of the fact, and how this affects Muslim societies when they face modern advances in such areas. When there is such a long - lasting system with magnificent achievements, it is not easy to force or even convince the society holding these beliefs to abandon the scene due to its recent weaker performance! Human history is a rich resource to reveal that the strength of resistance against a foreign system of ideas is much greater when there is a working system in place with a long and proud history.

3.2. Oil

Oil, the supreme source of wealth in the contemporary Middle East, is regarded as the region's reality with a massive potential to influence a wide range of regional processes including those related to human rights. The Middle East occupies a unique situation in the geography of energy in the world: Estimates show "The Arabian-Iranian sedimentary basin in the Persian Gulf region contains two-thirds of super giant fields (the two largest classes of fields are the super giants' fields with 5,000,000,000 or more barrels of ultimately recoverable oil)" (Petroleum, 2007). It is also estimated that the region has more than half of the world's oil reserves (Petroleum, 2007).

Therefore, the Middle East is the major supplier of oil for the whole world in general, and for the industrialized countries, which consume a major part of it, in particular. Western countries, which constitute the majority of the industrial powers of the world are strongly concerned with Middle Eastern oil and its secure flow towards their industries. This fact has made them view 'oil' as an overwhelming 'concern' in the whole region. This offers 'the secure flow of oil', as an overarching interest, a concern that governs their overall policies towards the Middle East. The importance of Middle Eastern oil for their industrial

performance encourages them to adopt a realistic policy, in a real - politic sense, and a conservative position about that, keeping a distance with any risks that may threaten their interests in this field. Undermining the other concerns of the region in the Middle Eastern strategies of industrial powers can be a significant consequence of this fact, with a power to influence the condition of human rights in the region. There are numerous testimonies in this regard; Paul and Stork offer (1987): “There is no evidence that the question of rights ever affected a single major policy decision by any US administration towards any country in the Middle East. Favoritism toward certain countries, such as Israel and Saudi Arabia, is one element at work.”

The history of oil in the region demonstrates that Western powers have followed a persistent policy to secure their interests in this field, which has involved interfering in the internal affairs of Middle Eastern countries, with a negative impact on the situation of human rights. A Western-supported coup against the democratically elected government of Dr. Mohammad Mosaddegh in Iran (in 1953), after his decision to nationalize the Iranian oil industry, is a well-known example of that policy, which led to the retaking of control by the Shah (Iranian king), who left the country under pressure of another popular movement, the Islamic revolution (1979), leaving behind a considerable record of violating human rights while he was supported by Western powers. The American administration at the time of Madeleine Albright, as the Secretary of State, confessed the American involvement in the coup, and recognized it as an offense against the national will of the Iranian people.¹ However, the door for making that kind of

1. Madeleine Albright, U.S. Secretary of State: The coup was clearly a setback for Iran's political development, and it is easy to see now why many Iranians continue to resent this intervention by America in their internal affairs (Gasiowski & Byrne, 2004: Xiii).

'mistake' is still open, and allows Western industrial powers to repeat same 'mistakes' in similar situations. The occupation of Iraq by American - led forces is recognized broadly as a war for oil (Manokha, 2008). The case of Saudi Arabia should be a much clearer example: there are various human rights NGO's, which accuse Western powers of ignoring the human rights situation in Saudi Arabia due to their special relations with that country based mainly on the oil trade. There is a common understanding that the United States treats the Saudi kingdom too kindly since it provides a major portion of the oil needed by American companies.

Oil has not only provided an excuse, a justification or a motivation for foreigners to interfere in the Middle East against human rights values; it has also provided a reason for internal powers, mainly governments, to take a similar position towards human rights but in a different way. Oil revenues represent a major part of the budget of many governments in the region. This fact has two main aspects with an impact on the condition of human rights in the region; first, oil-exporting countries in the Middle East have easy access to a giant source of money. Many of them are considered the wealthy nations of the world, enjoying some of the highest rates of GDP. In fact, oil-exporting countries could be considered the main wealthy nations of the world besides the wealthy industrial ones. Secondly, 'governments' are the main beneficiaries of that wealth; indeed, oil revenues constitute a high proportion of their budgets. This provides a special political environment in oil exporting countries, an environment that has been investigated and theorised by the Iranian scholar Homa Katouzian in his book *The Political Economy of Modern Iran* (1981). He refers to the fact, in this book, that oil revenues give an extraordinary power to the governments in many Middle Eastern countries. Given the fact that they have plenty of money to finance their political projects, they do not need other parties, taxpayers or private

companies to provide them with the necessary resources that a national budget requires in many other countries. The influence of oil revenues even goes further to play a prevailing role in the private economy, giving the government an overriding position as the main source of economic value at national levels. Hence, other parties, mainly private companies and individuals, need the government to make a profit, and have a proper share of the oil revenue. In this interaction, governments are in a position to impose their values, which revolve around the governments' interests and rights at the expense of the rights that work for the subjects of governments, the people. In this way, oil-exporting governments have a remarkable chance to ignore people's demand for political and civil rights, through the power that comes from the authority gained by controlling economic values in the society. Consequently, they tend to establish an authoritarian rule, which does not have huge motivations for respecting civil and political rights, since they can threaten authoritarianism. Persian Gulf states are good examples of this situation, where governments can control the demand for political change in family kingdom systems through the prosperity provided by the oil revenues in those countries. As a matter of fact, oil revenues in the Middle East help establish powerful governments and, as a consequence, weak civil societies through oil's interference. These societies, who rely on the governments to distribute the national wealth are not in a favourable position to demand respect for their rights. Those rights, including human rights, do not receive powerful support due to the prevailing economic position of the government in the society.¹

1. For more information on this topic you can refer to: "Authoritarian Persistence, Democratization Theory and the Middle East: An Overview and critique" (Hinnebusch, 2006); "Resources, Revenues, and Authoritarianism in the Arab World: Beyond the Rentier State" (Luciani, 1995: 211-228).

3.3. Islamic-Western Relations

Islamic– Western relations could be considered a very relevant factor in the human rights situation in the Middle East. The idea that can explain this, has two key aspects, seen from one perspective. The first aspect concerns human rights values and their relation to their Western origin. It is reasonable to call the current movement of human rights in the world a movement with Western origins. The main developments of this modern phenomenon have been experienced in the West during recent centuries and especially recent decades. In fact, the history of modern human rights is enough to explain how the main story is largely Western; ‘Whatever conclusion may be drawn from the universal versus relativist debate, it is difficult to deny that human rights norms have their origin in Western Liberal thinking’ (Castellino & Redondo, 2006: 12).

Furthermore, Western countries were among the first countries to declare their commitment to improving the human rights situation in the world, and show that they are trying to comply with the relevant codes. Almost all Western countries have declared human rights as a main factor in their relation with other countries. Nearly all international human rights organizations and worldwide NGO’s are based in Western countries. After all, there is a common understanding in the world, including in Middle Eastern countries, that the idea of ‘human rights’ originates in ‘the West’, and that in their current form, human rights norms are a Western product.

The second aspect, which completes a circle of lethal deadlock for human rights improvement in the Middle East refers to a dominant Middle Eastern difficulty in trusting the West, which leads many peoples in the region to take an opposing position against almost anything Western including values, education and even sometimes science. Several factors help create an environment of pessimism and opposition towards the West in the region. These factors prevent Islamic-

Western relations from functioning as a fruitful channel of dialogue, mutual understanding and learning. Several new ideas, including those related to human rights, are victims of this situation. There are certain reasons for such state of affairs and for making Islamic-Western relationship rather unusual. The following section deals with those reasons:

3.3.1. Islamic-Christian Rivalry

There are numerous facts that indicate severe rivalry between Islam and Christianity throughout the history. This rivalry is rather relevant to the relations between Middle Eastern and Western states because for a long time, these two regions used to represent Islam and Christianity in the World. Islam and Christianity are the only two main religions of the world, which are classified as universalistic religions (Classification of religions, 2007). Their main message is aimed at the same audience, the whole of humanity, a quality that is not found in all religions, and provides a common ground for those two religions to compete. In relation to quantity, they are the two main religions of the world with the largest number of followers. Furthermore, the history of relations between these two religions is filled with stories of rivalry, competition, hostility, conflict and war. In fact, Islam emerged in a region very close to the Christian heartlands. Islamic expansion managed to conquer lands in Syria, Lebanon, Palestine, Egypt, Turkey and other territories in North Africa. This even included Spain and led to serious penetration inside Europe to the gates of Vienna (Crusades, 2007). “However, during the 630s and 640s, the followers of the Prophet Muhammad advanced from Arabia, captured large areas of the Eastern Roman Empire, and destroyed the ancient empire of Persia. By 680, the Arabs had mastered naval skills, occupied Cyprus and Rhodes, and besieged Constantinople. Their impact in the East was soon to be repeated in the West, as they marched across North Africa,

capturing Carthage (698) and crossing over into Spain” (History of Europe, 2007: 711).

Later on, European Christians launched a holy war, the Crusade, to retrieve Christian lands, but the campaign was not successful. This might be the longest war between followers of any two religions in the history of mankind; ‘Crusades, military expeditions, beginning in the late 11th century, that were organized by Western Christians in response to centuries of Muslim wars of expansion. Their objectives were to check the spread of Islam, to retake control of the Holy Land, to conquer pagan areas, and to recapture formerly Christian territories; many of their participants saw them as a means of redemption and expiation for sins. Between 1095, when the First Crusade was launched, and 1291, when the Latin Christians were finally expelled from their kingdom in Syria, there were numerous expeditions to the Holy Land, to Spain, and even to the Baltic; the Crusades continued for several centuries after 1291, usually as military campaigns intended to halt or slow the advance of Muslim power or to conquer pagan areas. Crusading declined rapidly during the 16th century with the advent of the Protestant Reformation and the decline of papal authority’ (Crusades, 2007).

Crusading wars affected Europe on a large scale. In fact, the Renaissance, the decline of papal authority and Protestantism, which emerged when the Catholic Church lost its power to justify the realities of the Christian world at the time, can partially be attributed to the defeat against Muslims in the crusades. Some scholars who assess the failure of the crusades refer to the fact that if such wars had not happened, Europe would be different from the Europe we now know; ‘There can be little doubt that the Crusades slowed the advance of Islamic power, although how much is an open question. At the very least, they bought Europe some much-needed time. Without centuries of Crusading effort, it is difficult to see how Western

Europe could have escaped conquest by Muslim armies, which had already captured the rest of the Mediterranean world' (Crusades, 2007).

As a result, Europeans might tend to see the Muslim world as the most severe foreign threat that Europe experienced in its history.

3.3.2. Colonial Era

The colonial era is a common chapter in the relations between Western powers and the other parts of the world, including the Middle East. It is commonly considered, especially in the third world, as a bitter chapter of human history, which generated a considerable amount of sorrow, suffering and hostility. That era, although now terminated, seems to continue to affect the relationship between the West and countries with a colonial past, in general, with a particular implication for human rights relations; "The history of colonialism has weighed, and continues to weigh, strongly against the spread of the idea of human rights in Asian countries. To some relativists, human rights are a new form of colonialism with the potential to destroy the inherent diversity of cultures and move global society towards cultural homogenization" (Castellino & Redondo, 2006, 13).

However, the impact of this factor in the Middle East has its own character. Colonial dominance could not change the 'religion' or 'language' in the Middle East at odds with what happened in many other colonized parts of the world. However, it should be seen as a main factor responsible for the collapse of the Islamic empire (Ottoman Empire), and the separation of united Islamic territories into smaller countries. Colonial domination declined after World War II, but a major impact remained through the establishing of a colonial state, Israel, in the map of the Middle East, a fact that stimulated the continuation of problematic relations between Middle Eastern

countries and the West as a main legacy of the colonial era. Due to the importance of this event, an independent section of this article (section four) is dedicated to the creation of Israel.

3.3.3. Western Interference

Despite the fact that the waning of colonial domination was rather lengthy and at times bloody, in the Middle East, it could be a significant juncture in Islamic-Western relations; it opened a new and different chapter in those relations. However, Western interference wasted that hope. In fact, Western interference in the region played a major role in the region's developments after the colonial era. Israel, oil and the Cold War-related considerations could be regarded as the key motivations for those interventions with serious effects on Islamic-Western relations, and the human rights situation in the region. Supporting a handful of non-democratic kingdoms in the region at the expense of ignoring the implications of such support on human rights situation, and using human rights and democracy as an instrument at the service of Western interests, could be mentioned in this regard. "In the context of the so-called new international order, Western powers led by the U.S.A have been promoting human rights and democracy as critical instruments of their foreign policy. ... This has given rise to a serious concern about the actual intentions of these countries, as well as the likely negative impact of their influences on the politics of human rights in countries ..." (Cotran & Sherif, 1999: 226). This could be seen as employing human rights for maintaining Western hegemony by disrupting the politics and economics of the states in the South (Castellino & Redondo, 2006: 15).

This Western policy also provided a chance for anti-human rights forces in the South to have an effective lever for pressuring parties who advocate human rights norms: "What is

even more significant is that this use of human rights issues as foreign policy instruments has also provided opportunities for despotic and authoritarian regimes in the Third world to use cheap blackmail against human rights groups struggling to agitate against and contain massive violations of fundamental rights committed by these regimes. This is in the sense that they invariably accuse all human rights groups that solicit for and or receive any form of foreign assistance - especially material - of a lack of patriotism or subversion” (Cotran & Sherif, 1999: 227).

3.3.4. Post-Cold War Era

The collapse of the Soviet Union brought happy news for people of the world, including Europeans, about terminating a major hostility, and gave new hope for having a more secure and peaceful world. However, soon after, a group of Western strategists (mainly represented by new conservatism in the USA), came to warn, breaking that ceremony of hope and joy, about a new vicious enemy. They introduced the Islamic world as the main source of a new threat for the West. Samuel Huntington in his controversial piece of writing ‘Clash of Civilizations’ formulated these strategic claims into an academic and sophisticated work. The terrorist attack of 9/11 was what they needed to impress Western public opinion of the validity of their claims against the Islamic world. In an instant reaction, they introduced Muslims, Muslim groups, and Islamic countries as responsible for that attack. They read the event as the targeting of the whole of Western civilization by ‘fanatic Muslims’, who hate this civilization. Soon afterwards, American-led troops occupied Afghanistan. US president, George W. Bush, hastened to call the campaign a new crusade. He also succeeded in introducing the evil countries of the world, the axis of evil, as being constituted by countries from the Middle East, except one. His administration also made clear that it is time to change the Middle East from the form it currently

assumes to a new one; 'the big Middle East'. Continuing that policy, the so-called coalition occupied another Islamic country, Iraq, after a short time, with some pretexts that failed to convince not only people in the region, but also Western public opinion. As a result, these two Muslim countries, Iraq and Afghanistan, became the hot spots of the world, where Middle Eastern people and Western citizens were killed on a daily basis in hostile situations, a major event with huge potential to affect Islamic-Western relations. A major factor which distinguishes this new development in Islamic-Western relations from its history is the role of new information technology: people on both sides were more able than ever, to see and be impressed by atrocities, killings and crimes which both sides could have committed against each other in areas of armed conflict. Hence, this new development had the capacity to create an unprecedented amount of hate and pessimism against the other side, which could work as an additional burden on the already loosened relations between Middle Eastern and Western countries.

3.3.5. The Linguistic Parameter

Colonial domination changed the linguistic geography of the world. In fact, colonial languages, mainly English, French, Spanish and Portuguese, have become the first or second official languages of all parts of the colonized world, except the Middle East. If we review the Middle East map from this point of view, we can realize that the official languages of the region, Arabic, Persian and Turkish, remained in place after the colonial era. A small part of the Middle East, namely Lebanon, can be regarded as an exception, where French could be seen as an official language of the country besides Arabic. This fact, apart from its explanations, has some implications in more than one field especially in cultural affairs. Language plays a important role in transferring cultural values; "All of this, whether ultimately for

the good or ill of mankind, must be attributed to the dominant role of language in the transmission of culture” (Language, 2007). A common language between two societies fosters an exchange of ideas and values; “If language is transmitted as part of culture, it is no less true that culture as a whole is transmitted very largely through language, insofar as it is explicitly taught” (Language, 2007).

In this way, an exchange of ideas, the flow of Western values between European cultures and Latin American societies would be more probable, for instance. But the language barrier does not allow the same opportunity for exchanging cultural commodities between the West and the Middle East, although they are two close neighbouring regions of the world.

The main historical, political, ideological and cultural aspects of Islamic-Western relations have been briefly reviewed in this chapter to demonstrate that there is a specific context, a problematic one indeed, for exchanging values between the two regions. Since the West is the main supporter and advocator of modern human rights at the current time, relations with the West could play an influential role in any possible change in the Middle East human rights situation. However, as discussed throughout this section, the relation between these two regions has been challenged several times by different events, which have not helped Islamic countries to have a more positive and better image of human rights values. Generally speaking, historical experiences, the nature of relations and each one’s positions towards the other have not worked in favour of establishing a proper learning environment for both sides to share values in many fields, including human rights. Human rights could be considered a main victim of this condition.

3.4. Israel

Israel represents an important factor with an influential role in

the regional context of human rights in the Middle East. It is a regional factor that heavily affected the history of the modern Middle East.

As mentioned earlier, Israel is a major problem in Islamic-Western relations. In fact, it could be the central one, as it represents the most dramatic change in the Middle Eastern map, which has been imposed by the Western colonial powers. Because of this change, an Arab territory, Palestine, was wiped off the map of the Middle East, and a Western colony, Israel, took its place. Islamic-Western relations have not been damaged only by history of Western treatment towards Israel/Palestine question, but are affected by the Zionist policy that sees such relation harmful for their project in the Middle East. As a result, Israel's negative impact on Islamic-Western relations can be categorised into two main categories; the first category refers to the Western policy towards Israel and what it did to establish and support the Zionist regime in the region. The second one is related to what Israel does to destroy any chances for establishing an effective and fruitful relationship between the West and the Islamic world. From this perspective, Israel and pro-Israeli lobbies are mainly responsible for hostile positions that the West takes towards Islamic countries. Israel's role in pushing the US army to invade Iraq through different means, including provision of false intelligence about Iraq's arsenal of weapons of mass destruction, is a well-known instance. It was argued, in the last section, that problematic relations between the West and the Middle Eastern countries could harm the smooth flow of human rights norms into the region.

Western support of Israel has had a straightforward impact on the extensive violation of human rights in the region. Because of such support, the entire inhabitants of a Middle Eastern territory, the Palestinians, have been expelled, killed or forced to live in occupied lands or refugee camps far from enjoying their basic

rights: "Israel has been able to pursue its colonial, anti-human rights policies for decades because it receives full support from United States. Washington has not only made Israel the biggest recipient of foreign aid in the history of the world, it has repeatedly employed its veto in a manner to cripple the ability of UN security Council to carry out its charter duty to deal with the disruptions to international peace the Israeli- Palestinian problem has caused" (Magnarella, 1999: 9).

Moreover, that support has had a damaging impact on Western policy towards human rights in the region. In fact, the Western position on the human rights situation in the occupied lands, where crimes against Palestinians are committed on a daily basis, and Western support for Israel, the main country responsible for what is happening in the region, has the power to make the people of the region reluctant to trust the Western call for human rights.

The human rights implications of the Israel/Palestine question do not find their origin in the question's impact on Islamic-Western relation; there are other related implications associated with Israel's role in the question:

3.4.1. Security Situation

More than sixty years of conflict and hostility between Israel and other countries in the region, mainly neighbouring Arab countries, has led to an unstable atmosphere in the whole region. The existing tension and the high risk of conflict in the region have pushed Middle Eastern countries to adopt strategies that are mainly based on security and military considerations. The related portion of the national budget in many countries in the region has remained high for a long time, a fact that has helped the establishment of oversized military and security institutions. In addition, due to the importance of security and military considerations, these institutions have grown in power in order

to effectively deal with related threats. This situation and its administrative or political implications, leads to smaller room for human rights considerations in a given society (Paul & Stork, 1987). Facts demonstrate that this has happened on both sides. On the Arab side, Syria is an example; "Furthermore, since the 1963 revolution, the country has been under a continuous state of emergency, in which the minister of the interior is empowered to enforce statutes that tightly regulate public gatherings, the press and the disposition of property. Persons charged with offenses under the state of emergency regulations are usually remanded to state security courts, where deliberations are carried out in camera. Proceedings in the state security courts have most often resulted in summary verdicts and in the immediate sentencing of those convicted of political crimes" (Magnarella, 1999: 67).

Egypt can offer a more interesting example; despite entering a peace agreement with Israel, it still maintains a state of emergency; "An overview of Egyptian political history reveals implantation of emergency law as a continual threat to constitutional and international guarantees. Following the Arab defeat in the war of 1967, the Egyptian executive assumed exceptional powers under the precept of national security. Although Sadat lifted the emergency laws in May 1980, they were quickly restored following his assassination and remain in place at present. Government preoccupation with the preservation of internal order and state-defined national interests thus continues to supersede secondary concerns for human rights. Expansion of executive powers and broad impunity for coercive security apparatuses are at once consequences of this situation and causes behind its perpetuation" (Magnarella, 1999: 107).

On the other side, human rights in Israel suffer from a similar condition; "Israel was established in a climate of conflict and war that affected early decisions regarding human rights. The

government and courts recognized the necessity to limit civil rights in some cases in the interests of national security” (Magnarella, 1999: 179). In fact, human rights norms are under pressure by prevailing security conditions in the region, through two related but different ways. The first one comes from the real impact of tension and hostility on the security situation of Middle Eastern countries, which put, as mentioned earlier, certain limitations on people’s access to human rights. The second is related to the way in which powerful elites take advantage of this condition using security and military rationalizations as an excuse to justify undermining human rights values, which are adopted to secure their preferable access to the resources of power.

3.4.2. Human Rights Situation in Palestine

‘Human rights’ constitute a main aspect of the Arab-Israeli conflict in the Middle East. The scale of human rights and humanitarian law violations in this conflict is massive, widespread and long lasting. That might represent some records when human rights violations from a global perspective are at stake. The Israeli violations and violent reactions have created an environment that helps legitimize various kinds of human rights violations. For example, suicide bombing against Israeli targets is supported by many people in the region as the exercise of a legitimate right to defend oneself against occupation. At the same time, it is difficult to deny that this kind of justification has opened the door for such operations in the whole region. These operations are responsible for violating human rights on a considerable scale in a number of regional conflicts, including Iraq, Syria, Afghanistan and Pakistan. These operations also provide justifications for occupying forces to target civilian neighbourhoods, using inhuman methods that cause a large number of casualties among civilians.

There is a different case of concern in this field; the broad range of human rights violations in the Palestinian territories has made this question a high priority for anyone attempting to improve the human rights situation in the Middle East. This can lead, inevitably or intentionally, to the overlooking of other human rights problems in the region, which are usually considered in this case as minor or of second priority, compared with the Palestinian situation. This position can be simplified as follows; if human rights, then Palestine! In this way, the other human rights related problems in the region do not enjoy a fair chance of being treated as an important issue. This can provide another reason for suppressing human rights in the Middle East.

3.4.3. Human Rights Organizations

Human Rights organizations, including international, regional, governmental and non-governmental ones, are considered as the main source of power in any attempt to improve human rights condition. Their performance in the human rights field is a crucial factor in many parts of the world. Yet, they have failed to enjoy a similar position in the Middle East. In fact, one main reason for this failure is their weak record in dealing with the human rights situation in Palestine. They have generally failed to take significant actions to stop the violation of Palestinian rights or to reduce it in an effective way. This has created a negative environment for their work, which has badly damaged their credibility and effectiveness in the whole region. In fact, it seems necessary for any party who claims a human rights related cause to demonstrate an acceptable performance in dealing with human rights violations in Palestine. That question puts severe pressure on many human rights organizations that are not able to convince the people of the region that they have done enough in this regard, or that they are honest enough to try to do something about it even if they failed. In this environment, it seems easy for any party, governmental or non-governmental,

to discredit those organizations and disregard their claim. As a result, they have become easy targets, a fact which prevents them from being effective enough in the Middle East.

4. Conclusion

This investigation has been conducted to deal with a significant gap in the relevant literature where human rights situation in the ME is at stake. The literature on the subject, academic and journalistic, is quite sizable in the Western world. A large part of that blames the ME, in one way or another, for its 'terrible' treatment of human rights norms. They typically do not hesitate to consider it an Arabic, Islamic or Middle Eastern phenomenon. It is fascinating, though, that such context for human rights is proposed without a substantial context analysis. A context analysis is conducted, in this enquiry to identify different features of a Middle Eastern environment where human rights norms experience the region's realities. Historical, ideological, political, socio-political and geopolitical aspects of the Middle Eastern context are taken into consideration for such analysis. Four items, Islam, oil, Islamic-Western relations and Israel, were proposed as the main factors that form the real environment of human rights situation in the Middle East. Islam's main characteristics differentiate it from other religions; this difference offers a certain environment for human rights norms in ME. Oil revenue is another force that regulates human rights situation in the ME; Oil exporting regimes have enough accessible resources to buy and advance ruler's rights at the expense of subject's rights. The history of Islamic-Western relations offers loads of relevant points about the human rights violations in the region; Western colonial, interventionist, orientalist and Zionist views of the ME, contributed heavily to leaving limited chance for the region to be impressed by Modern (Western) human rights values. Israel might represent the largest challenge that now faces a normal, learning and fruitful

relationship between the West and the ME. But Israel's share in human rights abuses (in the region) is not limited to this factor; Israel, in its own right, is a main force for human rights violations in the ME; depriving one nation, Palestinians, from their basic rights for more than 70 years is only one part of Israel's contribution to human rights situation in the region. It is difficult to perceive a better human rights situation without taking into account the real forces that govern the Middle East and shape the context of human rights in the region, the Islamic-Western relations in particular.

This analysis demonstrates that the influential causes of human rights violations in the ME are from both internal and external sources. The internal sources are highlighted, in one way or another, in the dominant works of the field. It is interesting, however, that these works, largely, ignore the external ones. The nature of external factors, Western or attached to Western treatment of the Middle East, might reveal the real motivations behind such remarkable overlooking. When oil, Islamic-Western relations and Israel, as three main factors, out of four, are examined, the West could be seen as a major contributor in what human rights standards experience in the region. It is quite understandable why the Western references have no grave interest in seeing the scene from this perspective. Such tendency in both sides of the question, Islamic and Western, to understand the question from their own perspective could be balanced if there was an effective channel of dialogue, relationship and interaction.

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References

- Abdalla, A. (1992). Human Rights and Elusive Democracy. *Middle East Report, Middle East Research and Information Project, Inc. (MERIP)*, 6(174). doi: 10.2307/3012961.
- Abdellatif, A.M. (2004). Human Rights in the Arab Mediterranean Countries: Intellectual Discourse, Socio-Economic Background and Legal Instruments. *Mediterranean Politics*, 9(3): 319-343.
- Abdullahi, A. (2001). Human Rights in the Arab World: A Regional Perspective. *Human Rights Quarterly*, 23(3): 701-732.
- Ake, C. (1987). The African Context of Human Rights. *Africa Today*, 34(1/2): 5-12.
- An-Na'im, A.A. (2001). Human Rights in the Arab World: A Regional Perspective. *Human Rights Quarterly*, 23(3): 701-732.
- Ben-Meir, A. (1989). *The Middle East: A Human Rights Tragedy*. Retrieved on 9 September 2017 from: <http://alonben-meir.com/writing/the-middle-east-a-human-rights-tragedy>.
- Gasiorowski, M.J. & Byrne, M. (eds.). (2004). 'Introduction' to *Mohammad Mosaddeq and the 1953 Coup in Iran*. New York: Syracuse University Press.
- Castellino, J. & Redondo, E.D. (2006). *Minority Rights in Asia a Comparative Legal Analysis*. Oxford: Oxford University Press.
- Chase, A.T. (2017). *Routledge Handbook on Human Rights and the Middle East and North Africa*. London: Routledge.
- Cotran, E. & Sharif, A.O. (1999). *Democracy, the Rule of Law and Islam*. London: Kluwer Law International.
- Crusades (2007). In *Encyclopedia Britannica Online*. Retrieved on 31 May 2007 from: <http://search.eb.com/eb/article-235543>.
- Europe, History of (2007). In *Encyclopedia Britannica Online*. Retrieved on 31 May 2007 from: <http://search.eb.com/eb/article-58273>.
- Hinnebusch, R. (2006). Authoritarian Persistence, Democratization Theory and the Middle East: An Overview and Critique. *Democratization*, 13(3): 373-395.
- Huntington, S.P. (1993). The Clash of Civilizations?. *Foreign Affairs*, 72(3): 22-49.
- Islamic World (2007). In *Encyclopedia Britannica Online*. Retrieved on 29

May 2007 from: <http://search.eb.com/eb/article-26953>.

- Katouzian, H. (1981). *The Political Economy of Modern Iran: Despotism and Pseudo-Modernism, 1926-1979* (Frist ed.). London: Palgrave Macmillan.
- Language (2007). In *Encyclopedia Britannica Online*. Retrieved on 30 May 2007 from: <http://search.eb.com/eb/article-27199>.
- Luciani, G. (1995). *Resources, Revenues, and Authoritarianism in the Arab World: Beyond the Rentier State*. Boulder: Lynne Rienner.
- Magnarella, P.J. (1999). *Middle East and North Africa Governance, Democratization, Human Rights (Contemporary Perspectives on Developing Societies)*. New York: Routledge.
- Manokha, I. (2008). *The Political Economy of Human Rights Enforcement: Moral and Intellectual Leadership in the Context of Global Hegemony*. the U.K.: Palgrave Macmillan.
- Monshipouri, M. (2011). *Human rights in the Middle East: Frameworks, Goals and Strategies*. New York: Palgrave Macmillan.
- Monshipouri, M. (1998). The Muslim World Half a Century after the Universal Declaration of Human Rights: Progress and Obstacles. *Netherlands Quarterly of Human Rights*, 16(3): 287-314.
- Muhammad (2007). In *Encyclopedia Britannica Online*. Retrieved on 31 May 2007 from: <http://search.eb.com/eb/article-251807>.
- Oh, I. (2007). *The Rights of God: Islam, Human Rights, and Comparative Ethics*. Washington (D.C.): Georgetown University Press.
- Paul, J. & Stork, J. (1987). The Middle East and Human Rights. *Middle East Report: Human Rights in the Middle East*. 17(149): 2-5 Retrieved on 10 April 2007 from: <http://www.merip.org/mer/mer149/middle-east-human-rights>.
- Petroleum (2007). In *Encyclopedia Britannica*. Retrieved on 31 May 31 2007 from Encyclopedia Britannica Online: <http://search.eb.com/eb/article-50723>.
- Religions, Classification of (2007). In *Encyclopedia Britannica Online*. Retrieved on 29 May 2007 from: <http://search.eb.com/eb/article-38037>.
- Sahliyeh, E. (2003). The Status of Human Rights in the Middle East: Prospects and Challenges. In Forsythe, D.P. and McMahon, P.C. (eds.), *Human Rights and Diversity*, Lincoln, Neb.: University of Nebraska Press, pp. 252-275.

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- Shepherd, G.W. & Anikpo, M. (1990). *Emerging Human Rights: the African Political Economy Context*. New York: Greenwood Press.
- Spinks, B.T.; Sahliyah, E. & Calfano, B. (2008). The Status of Democracy and Human Rights in the Middle East: Does Regime Type Make a Difference?. *Democratization*, 15(2): 321-341.
- Zakaria, F. (1986). Human Rights in the Arab World: The Islamic Context. In Diemer, A. (ed). *Philosophical Foundations of Human Rights*. (227-228). UNESCO.