резко усиливающейся ролью биоэтики как науки. Биоэтика призвана решать этические вопросы, касающиеся медицины, наук о жизни и связанных с ними технологий. Процесс гуманизации современной науки не может осуществляться без развития биоэтических принципов.

Ключевые слова: *биоэтика, биоэтические проблемы, биоэтические принципы, нанотехнология, общество риска, трансгуманизм.*

SUMMARY

A. V. Gubenko. Bioethical Problems: Philosophical Aspect.

The problems highlighted in the article are directly related to the life of modern society. Their content constantly and dramatically stipulates the role of bioethics as a science. Bioethics aims to seek answers on ethical issues that are related to medicine, sciences about life and technologies connected with them. The process of humanization of modern science can not be carried out without the development of bioethical principles.

Key words: *bioethics, bioethical problems, bioethical principles, nanotechnology, society of risk, transhumanism.*

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DEMOCRACY, HUMAN RIGHTS, AND ISLAM

This article seeks to determine whether or not Islam is compatible with democracy. First, the core concepts of democracy are identified and then the degree to which Islam is compatible with those core concepts and human rights is analyzed and assessed. Finally, it is concluded that while there is no necessary incompatibility between Islam and democracy, the state needs to ensure its educational system teaches about difference and promotes understanding of others.

Key words: *core concepts of democracy, conception of democracy, human rights, Islam, citizenship, civil society, social justice, educational system, understanding of others.*

Most observers of the international arena would probably agree that the fundamental solution to the problems facing the world today is learning how to live with others, that is, with difference. As perhaps the best method of politically organizing diversity, democracy emerges as the unsurpassed means of permitting the coexistence of harmonious difference. In fact, in *Islam Today*, Ahmed notes, of democracy, that, while "far from perfect… there is no better way of conducting affairs in our times"(1990: 138). In this essay, I am concerned with addressing the

general question: Is Islam compatible with democracy? [1] It should be noted that the complement of this question—is democracy compatible with Islam—is not addressed in this paper.[2] More specifically, I am interested in determining whether or not there is room for Islam in a contemporary, multicultural state that necessarily includes notions of human rights. In what follows, I first briefly identify core concepts of democracy and then focus on assessing the degree to which Islam is compatible with those core concepts and human rights before making some final comments.

Part I: CORE CONCEPTS OF DEMOCRACY

John J. Patrick (2003a) notes that free elections constitute a minimal definition of democracy, and proposes a conception of democracy that is globally applicable with 6 core concepts. He elaborates on these core concepts (2003b) and argues that they include: Representative Democracy (Republicanism), Rule of Law (Constitutionalism), Human Rights (Liberalism), Citizenship (Civism), Civil Society (Communitarianism), and Market Economy (Capitalism). Unfortunately, this approach is biased in favor of republican capitalism and, as there are numerous conceptions of democracy (see, e.g., Bishop and Hamot, 2001; Esposito and Voll, 2001; or Wikipedia: http://en.wikipedia.org/wiki/Democracy), I will temper his proposal as follows and delineate 5 core concepts of democracy.

I intend to dispense with his notion that a market economy is a necessary component of democracy. While it is certainly true that most contemporary democracies have a market economy, it is not a necessary feature of democracy. In fact, as the Wikipedia entry on Economic System indicates (http://en.wikipedia.org/wiki/Economic_system), market economy is a right wing system and there are other centrist and left wing systems as well as the more recently constructed participatory (*parecon*) economic system. Furthermore, since the economic system focuses on the production, distribution, and consumption of goods and services, and since I am concerned with the existence and organization of social difference in the pluralist / multicultural state, I will not include that component herein. Additionally, while Patrick considers private property rights in that component, I will include those in the human rights category.

In terms of the 5 components I include, they are listed below, with a brief commentary:

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[1] Krämer (1993: 4) argues that "it is not possible to talk about Islam and democracy in general, but only about specific Muslims" and while this assertion (and its counterpart in re: democracy) does hold some veracity, specific cases do illustrate generalities just as generalities subsume specific cases. Thus, this paper, while acknowledging that differences of kind and degree do exist, does not focus on the specifics precisely because it seeks to locate and identify a space for Islam within democracy. The counter to that latter act resides in another paper.

[2] Given that approximately 50% of respondents in a 1981 survey in the USA held extremely negative views of Muslims and Islam (Slade, 1981 as reported in Gerges, 1997), and given that post 11 September 2001 those views have most likely increased, it is primarily this and similar audiences in Europe and elsewhere to which the current essay is directed.

1. <u>Popular sovereignty</u>: While Patrick argues that this involves free and competitive elections, majority rule for the common good, and representative government, since other conceptions of democracy (e.g., direct democracy) entail for greater participation than that provided via representatives, I begin with the assumption that the key, no matter the particular form it may take, is popular sovereignty through free and competitive elections.
2. <u>Constitutionalism</u>: This component recognizes the existence of the rule of law, limited government, and equality, liberty, and justice under law.
3. <u>Human Rights</u>: These include political, personal, economic, social, cultural, environmental, individual, and collective rights. I include property rights here (both individual and group) as well as the protection of minority group rights.
4. <u>Citizenship</u>: This component emphasizes that membership arises through legal qualifications and that people have rights and responsibilities as a result of that citizenship.
5. <u>Civil Society:</u> This includes voluntary membership in various groups, freedom of association/assembly, social choice, and a free and open social system.

Part II: ISLAM AND THE CORE CONCEPTS OF DEMOCRACY

Esposito and Voll (2001; see also Mayer, 1991 and International Crisis Group, 2005.) note that Islam is not a monolith and (as I noted above about democracy) there is a range of beliefs about the relationship between Islam and democracy (these range from incompatible to necessary)[3]. It seems clear, however, that there is no fundamental incongruity between Islam and democracy. Zartman (1992: 188) suggest as much when he argues that

> There is no inherent incompatibility between democracy and Islam. Like
> all scripture, the Quran can be interpreted to support many different
> types of political behavior and systems of government.

In fact, "the Islamic mainstream has come to accept crucial elements of political democracy: pluralism (within the framework of Islam), political participation, government accountability, the rule of law and the protection of human rights" (Krämer 1993: 8). As the intent of this paper is not to convince those who favor incompatibility, but rather, to determine if there is room within a multicultural democratic state for Islam, those arguments will not be subjected to a sustained examination in this essay.

In terms of <u>popular sovereignty</u>, both Esposito and Voll (2001) and Mayer (1991) note the existence of a number of states in which Muslims participate in the electoral process (see also, Scwhedler, 1998). Indeed, as Esposito and Voll (2001)

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[3] van Ess (2001) notes that internal political differences have existed since the beginning of Islam. Certainly, this is something that must be kept in mind when multicultural states render commentary on Islam as if it were a monolithic entity. Too, this is something Muslims ought to keep in mind as they interact with others in multicultural states, the goal of which, after all is to organize diversity. Furthermore, El-Sohl (1993), points out that those who highlight anti-democratic Islamist ideas may contribute to a weakening of democracy in the Arab world.

note, Muslims opposed to democracy generally do not participate in elections but "[m]any prominent Islamic intellectuals and groups, however, argue that Islam and democracy are compatible." Moreover, there is precedent for Muslim participation in government. For instance, the introduction to *Kitab Al-Imara* (The Book on Government) notes that the Prophet Muhammad said: "The government is the guardian of those who have no guardian" and, though discussing a theocracy in which God has supreme sovereignty, it is ruled "by the whole community of Muslims including the rank and file." Furthermore, the participation of at least some of the people in choosing leaders has long roots: as noted in *The Rightly-guided Caliph*, Abu Bakr was <u>elected</u> as the leader of Islam after the death of Muhammad. Islam does not separate the religious from the political domain (e.g., Nasr, 2003: 110) and the leader is expected to ensure Divine Law reigns in the Islamic community. The people were obliged to follow the leader as long as his rule followed Divine law. As recorded in the *Kitab Al-Imara (*Book 020, Number 4560), clearly there would have been a strong sentiment against withdrawing support of the government and thus, it is doubtful, one would do so without obvious support in the Islamic tradition(s):

> It has been narrated (through a different chain of transmitters) on the authority of Ibn Abbas that the Messenger of Allah (may peace be upoh [sic] him) said: One who dislikes a thing done by his Amir should be patient over it, for anyone from the people who withdraws (his obedience) from the government, even to the extent of a handspan and died in that conditions, would die the death of one belonging to the days of jahilliyya.

It should be emphasized here, that the preceding applies to the Islamic community, not necessarily to a pluralist state (though obeying Islamic law would be incumbent on Muslims in a multicultural state) and this may be part of the reason some Muslims are against a democratic, multicultural state. There is, however, precedent for a multicultural state in Islam as witnessed by the existence and acceptance of the People of the Book in historic Islamic societies. *Dhimmis* (non-Muslims) were not required to pay *zakāh* (a religious tax; Nasr, 2003: 95), though (at least in Bosnia) there were some "traditional discriminatory laws which were applied to non-Muslim subjects" (Malcolm, 1994/2002: 66). Nevertheless, non-Muslims were taxed in order to contribute toward society. Certainly in contemporary state societies taxation is a necessary component of the state and of those that allow the deduction of religious tithes from income, they are thus not penalizing those who pay religious taxes. It could be argued that these sorts of contemporary taxation allowances fall under the rubric of <u>constitutionalism,</u> at least in the sense that the tax law (and any accommodation of religious tax obligations) applies equally and legally to all.

In sum, constitutionalism refers to the rule of law and this is potentially one point of contention between any and all individuals and groups in a multicultural state. Certainly, it is not appropriate for the state to require laws that go against the religious (or other) beliefs of member groups, except when those beliefs would (or could) operate to prohibit the ability of another group (or individual) to practice its

beliefs. Given the historic tolerance of *dhimmis* in Islamic states, the crucial objective necessary for a sane future is a state structure that does not arrogate preferential treatment of one group over another. More specifically, the crucial issue here, with respect to all people(s) in a society, is that one group not have the power to impose its views on others. Of course, this becomes increasingly problematic when one or more groups believe their views necessitate the development and implementation of their theological views in the world of everyday action.

In fact, the existence of a <u>civil society</u> permitting voluntary association, coupled with the notion of <u>citizenship</u> that grants membership in the society with specific rights and responsibilities on the basis of legal qualifications for that membership follows clearly from the argument above. I contend that the essential element here is the notion of universal <u>human rights</u> and that without such an foundation, either the state is doomed to failure or some select members of the state are doomed to be exploited, harmed, transgressed against, and so on. Thus, it is with the latter notion that the remainder of this essay is concerned.

Part III: HUMAN RIGHTS

Mayer (1991) is correct to dispense with the elitist, cultural relativist argument that the West should dispense with the notion of universal rights (p. 5) for a number of reasons, including the fact of "universal endorsement of international human rights by Muslim governments"(p. 16). With the preceding comment sufficing to support the contention that there are universal human rights, as Mayer notes elsewhere, clearly, Muslims do not necessarily desire the same rights in the same way as, for example, the USA does (p. 20). This is precisely the critical element inhering in the tension between a multicultural and monocultural state, whether that latter be a Muslim, Christian, or even an atheist state, etc. It is, indeed, relatively easy to find material asserting that Islam does not deny human rights, though Islamic apologists would also clearly note that the Islamic state derives "its law from the Qur'an and Sunnah" (*Ten Misconceptions about Islam*).

Obviously such statements identify the locus of the conflict between mono- and multicultural states.[4] It needs to be recognized that those accustomed to living under conditions of diversity will not stomach the imposition of singularity, just as those choosing to live under conditions of singularity may well refuse to be governed by conditions of diversity. More concretely, pluralist states must find room for Muslims as equally as Islamic states must either find room for diversity or, at least, permit people with differing viewpoints to leave that state should they so choose. In practice, of course, this is significantly more difficult than it sounds and clearly hinges on the ability to identify universal human rights agreeable to all.

An informative web page indicates that

Islam has laid down some universal fundamental rights for humanity as a whole, which are to be observed and respected under all circumstances

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[4] It is worth noting that some of the issues discussed herein could equally apply to other religions such as Eastern Orthodoxy (see, e.g., Pollis, 1993).

whether such a person is resident within the territory of the Islamic state or outside it, whether he is at peace or at war. (*Human Rights in Islam*)

The authors of the document continue, explicitly providing Quranic support for the following human rights in an Islamic state (see also, Said, 1979, for a similar list):

- The Security of Life And Property
- The Protection of Honor
- Sanctity and Security of Private Life
- The Security of Personal Freedom
- The Right To Protest Against Tyranny
- Freedom of Expression
- Freedom of Association
- Freedom of Conscience And Conviction
- Protection of Religious Sentiments
- Protection From Arbitrary Imprisonment
- The Right To Basic Necessities of Life
- Equality Before Law
- Rulers Not Above The Law
- The Right To Participate In The Affairs Of State

Even a cursory consideration of these topics provides nothing inherently against notions of universal human rights as developed in the West. However, as noted above, from the perspective of some Muslims, human rights guarantees that go against the religious laws of Islam will be suspect. Moreover, though views on human rights range from narrow to broad, it seems clear that there is agreement on the basic categories (Beitz, 2001: 271): personal rights, rule of law rights, political rights, economic and social rights, and community/minority group rights. Obviously, there is significant overlap of these human rights categories with Patrick's core concepts of democracy as well as with those human rights enumerated above applicable in an Islamic state.

One problem, as Dwyer (citing Bourdieu) notes is that of universalizing the particular (1997: 17). This is seen for instance, when human rights issues in the Middle East, such as *hadd* punishments, limits on the rights of women and non-Muslims, restrictions on freedom of religion, and non-democratic forms of government are taken as international concerns (Dwyer, 1997: 17). There may be some merit to this position. For instance, Mayer (1991) notes a variety of restrictions in various Islamic Human Rights schemes such as those of the Iranian Constitution and the Universal Islamic Declaration of Human Rights (UIDHR; e.g., Mayer, 1991: 89). Clearly, these limitations restrict individual rights in favor of societal rights. As the rights of the individual are primary in international human rights (Mayer 1991: 66), this tension between individual and societal concerns may well be the locus of contention for those who argue that Islam and democracy are incompatible.

One brief example should suffice to demonstrate that even in Islam there is a range of opinions and viewpoints. Mayer notes that in Islamic approaches to human rights, women do not have equal rights with men (1991: 136). One of the common

examples utilized to illustrate this thought is that of the act of veiling in public arenas. The general argument employed to justify veiling is that Islamic law requires it, yet obviously, as in other domains, this is clearly not only a matter of interpretation, but also one rooted in particular social orders. In fact, as Bullock (2003) reports, there are some Muslim women who choose to veil. Among feminists in Iran there has been a range of thought on the matter and various arguments for granting an array of rights to women including some who argue against veiling (Moghadam, 2002). Meyer, Rizzo, and Ali (1998) citing Barakat pointed out "the subordination of women is probably associated more with the prevailing social order…" (132). Their random sample study of 1500 Kuwaitis discovered "that only strong adherents to some of the Islamic practices opposed extending citizenship to women." (1998: 143).

Part IV: COMMENTS

Said (1979) has noted that in Islam, the purpose of the state is to enforce Islamic laws (p. 68) and this includes the goal "to achieve social justice and promote public good" (p. 69). Just what social justice and the public good are is open to debate, and, at least in a democracy, ought to be debated. Just as it is clear that there are various viewpoints internal to Islam as illustrated above, so too are there "competing theories of social justice" (Shapiro, 1996: 579) and of human rights schemas. Bielefeldt suggests that in our increasingly pluralist societies, "we understand human rights as the center of a cross-cultural 'overlapping consensus'" that includes equal gender rights (2000: 114, 115). Given some of the examples mentioned in this paper, it is doubtful that some Muslims will be able to stomach such an occurrence, but given the range of discussion occurring among Muslims themselves (e.g., the Iranian feminists), the possibility for eventual acceptance of this view exists.

Furthermore, the complexities of the modern state require orchestrating the needs of many diverse peoples in such a way so as to not elevate and legitimate the viewpoints of one group (or individual) over another. Likewise, a pluralist state needs to balance the rights of the individual, constituent groups, and the society at large. Undoubtedly, an Islam that seeks to use the apparatus of a multicultural state to impose its worldview on others will fail, precisely because those others in that state will not willingly render themselves complicit in such an undertaking. Likewise, a state that seeks to compel all to adhere to an individualistic ethic at the expense of some group centered ethic held by members of a constituent group is bound to create conditions ripe for dissent.

How to achieve a balance between these competing expectations is the pressing matter of the day. As a means for organizing diversity, democracy is capable of achieving such an outcome. Democratic states need clearly to articulate a domain of shared consensus such that there are certain fundamental individual and group rights that none may transgress just as all constituent groups need to participate in determining those rights and subsequently abiding by the shared consensus. In the case of the veil, for instance, the state could ensure that none are coerced to veil, just

as, however, a women ought also to have the right freely to choose to veil for religious reasons. Too, it means that the state must organize its educational system to teach about difference and to raise its citizens to understand others. If we do not organize ourselves to live and interact with different others, there may just come a time in the near future where there are no others with whom to live. Truly, that would be an abomination of inconceivable arrogance.

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РЕЗЮМЕ

Джо Бішоп. Демократія, права людини та іслам.

У статті автор намагається з'ясувати, чи сумісний іслам з демократією. Перш за все, визначені основні поняття демократії. Проаналізовано та подано оцінку ступеня сумісності ісламу з цими основними поняттями та правами людини. Зроблено висновок, оскільки не існує очевидної несумісності ісламу та демократії, то держава повинна вжити необхідні заходи щодо забезпечення висвітлення системою освіти існуючих відмінностей та сприяти розумінню інших людей.

Ключові слова: основні поняття демократії, концепція демократії, права людини, іслам, громадянськість, громадянське суспільство, соціальна справедливість, система освіти держави, розуміння інших людей.

РЕЗЮМЕ

Джо Бишоп. Демократия, права человека и ислам.

В статье автор стремится выяснить, действительно совместимы ли ислам и демократия. Прежде всего, дано определение основным понятиям демократии. Проанализирована и оценена степень, в которой ислам совместим с этими основными понятиями и правами человека. И, наконец, беря во внимание тот факт, что не существует явной несовместимости ислама и демократии, государство должно сделать все возможное, чтобы система образования освещала существующие отличия и способствовала пониманию других людей.

Ключевые слова: основные понятия демократии, концепция демократии, права человека, ислам, гражданственность, гражданское общество, социальная справедливость, система образования, понимание других людей.