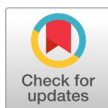
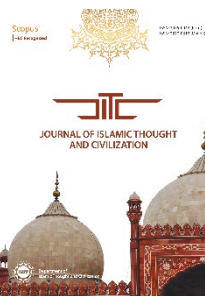


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Individuated-Basis for Rights: Tahaian Offer for the Enhancement of the Human Rights Concept

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Abstract

To foster human progress and freedom, human rights are proclaimed as universal standards for all. However, in practice, the partiality of human rights enforcement raises many questions about its philosophical foundations. In the Muslim world, amidst many progressive thinkers' efforts to solve the problem of Islam's compatibility with human rights, Taha Abdurrahman's thought on modernity, ethics, and the self offers a new perspective in the discourse on human rights. By applying qualitative analysis, this research aimed to explore Taha Abdurrahman's critique of human rights elaborated through his overall ideas, comparing it with Axel Honneth's social conditions of rights. Departing from the traditional issue of the relationship between rights and obligations, Taha's new concept of human offers significant consideration of the subjective internal role in human rights. This study argued that according to Taha's viewpoint, for human rights to function properly, they must be built upon subjective conditions. This idea corresponds to Axel Honneth's social context for rights. Thus, Tahaian human rights draw the context inward, nurturing a self-regulative quality that enables recognitive action. This idea could become a solid basis to address the challenges posed by akrasia (weakness of will), such as those found in drug abuse and suicide. The strengthening of self-regulative power could become an important part of a human-rights-based policy to address these issues.

Keywords: dignity, human rights, liberty, self-regulation, Taha Abdurrahman

Introduction

Human rights remain an important concept in the modern world. According to Fontes, human rights were formulated during the historical transition to modernity¹. Declared on 10th December 1948, human rights carry the anthropocentric spirit of the modern Cartesian subject. Earlier, the modern reliance on instrumental rationality caused massive human suffering during the great wars. To preserve human dignity from the arbitrariness of socio-political abuses, the concept of human

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¹Paulo Vitorio Fontes, "Axel Honneth's Normative Proposal for The Renewal of Human Rights," *E-Journal of International Relation* 11, no. 1 (2020): 2, <https://doi.org/10.26619/1647-7251.11.1.1>

rights was developed as a universal value for every individual. The UDHR's preamble states that the inherent dignity and inalienable rights of humans are the basis for the realization of freedom, justice, and peace.

Nevertheless, the idea of human rights remains contested. Benjamin Gregg criticizes the foundationalist philosophy of human rights.² Gilles Deleuze (1925-1995) challenges the abstract nature of human rights categories.³ Guyette shows the incommensurability between religion and human rights.⁴ Benhabib criticizes the hypocrisy of the Western world by abusing human rights through institutions and practices that would not withstand the scrutiny of the Western reason itself.⁵ She then proposed positing human rights not as ends but as foundations for enabling intercultural dialogue.

From the Islamic perspective, human rights receive different responses. Some scholars, such as Muhammad Iqbal (1877-1931), seek to justify human rights on Islamic grounds. While emphasizing *tauhid* as spiritual uniqueness of Islam, Iqbal endorsed a reciprocal movement, in which religion and humanity are both understood within the practice of the other. Thus, affirming Islamic commitment means approving humans' God-given, inalienable dignity.⁶ The political dimension of human rights attracts critical response from Muhammed Abed al-Jabri. Al-Jabri (1935-2010) challenges the political abuses of human rights while acknowledging universality of human rights through Islamic concept of *al-fitra* (innate nature).⁷ Reading Iqbal, al-Jabri, and other liberal-progressive intellectuals, one may suggest that Islamic values, after all, are in line with liberal human rights. However, some Islamic objections remain unanswered and reappear to be more philosophical in Taha Abdurrahman's critique of modernity and its view of human nature, thus challenging the concept of liberal human rights.

Taha Abdurrahman was born in El-Jadida, Morocco in 1944. His name follows traditional middle Moroccan naming convention as his first name is Abdurrahman and Taha is his family name.⁸ However, following Arabic tradition, the reference to him is through his family name thus, his

²Yingru Li and John McKernan, "'Achieved Not Given': Human Rights, Critique and The Need for Strong Foundations," *International Journal of Human Rights* 21, no. 3 (March 30, 2017): 253, <https://doi.org/10.1080/13642987.2017.1298731>.

³Christos Marneros, "'Human Rights Do Not Exist': Thinking About and Beyond the Existence of Human Rights," *Australian Journal of Human Rights* 29, no. 2, (2023): 299, <https://doi.org/10.1080/1323238X.2023.2290040>.

⁴Frederick W. Guyette, "Human Rights Education and Religious Education: from Mutual Suspicion to Elective Affinity," *British Journal of Religious Education* 31, no. 2 (2009): 131–134, <https://doi.org/10.1080/01416200802661118>.

⁵Seyla Benhabib, "Another Universalism: On the Unity and Diversity of Human Rights," *Proceedings and Addresses of the American Philosophical Association* 81, no. 2 (2007): 8.

⁶Mustofa Anshori Lidinillah, Mukhtasar Syamsuddin, and Arqom Kuswanjono, "Iqbal Humanism and Human Rights," *Jurnal Filsafat* 33, no. 1 (2023): 93, <https://doi.org/10.22146/JF.81126>.

⁷Mohammed Abed Al-Jabri, *Democracy, Human Rights and Law in Islamic Thought* (London: Bloomsbury Publishing Plc., 2009), 183–85.

⁸This different order made some writers, like Wael Hallaq, to stick with usual Arabic order and therefore writing his name as Abdurrahman Taha and referring to him as Abdurrahman. Taha himself does not bother with Hallaq's order. Wael Hallaq, *Reforming Modernity: Ethics and the New Human in the Philosophy of Abderrahmane Taha* (New York: Columbia University Press, 2019), 277, <https://doi.org/10.7312/HALL19388>.

philosophy is referred to as Tahaian.⁹ He got religious education from his father within a traditional education system called “*Kuttab*.”¹⁰ Raised within a Sufi milieu since his childhood, Taha later engaged with Western intellectual traditions through formal study. After completing his secondary education in Casablanca,¹¹ he obtained his bachelor’s degree from Philosophy Department, Muhammad V University in Rabat. He went on to get his first doctoral degree in 1972 on language entitled *Langage et philosophie: Essai sur les structures linguistiques de l’ontologie* and PhD in 1985 with dissertation entitled *Essai sur les logiques des raisonnements argumentatifs et naturels*, both at the Sorbonne.¹² The training in philosophy enabled Taha to become a systematic philosopher while remaining firm to his Islamic worldview.¹³ His adherence to religious ethos is nurtured through his commitment to Boutchichiya Sufi order.¹⁴

Taha’s intellectual quest began as a poet and later shifted to philosophical inquiry after the Arab defeat in the Six-Day war with Israel.¹⁵ According to Hashas, Taha’s ideas developed through three intellectual stages. Firstly, in the 1980s, Taha worked on logic and argumentation, as reflected in his dissertation. Secondly, in the 1990s, Taha’s concern evolved into philosophy and its relationship with practices as best exemplified by his two-volume work *Praxiology of Philosophy* (published in 1994 and 1999). Thirdly, in the 2000s, Taha focused on the philosophy of religion, ethics, and critique of Western modernity as represented by his *The Question of Ethics*, published in 2000.¹⁶

Among the numerous studies on Taha Abdurrahman, Wael Hallaq develops his critique of modernity by drawing on Taha’s concept of the human as a self-regulatory subject.¹⁷ Although Hallaq discusses subtle themes of human freedom, he does not explicitly address the issue of human rights. Given that the question of rights is linked with ethics and thus with Sufism in Taha’s theoretical framework, the other two studies deserve attention.

Firstly, Muhamed Wajdi Ben Hammed compares Taha Abdurrahman with Muhammed Abed al-Jabri in their respective opposing views on Sufism.¹⁸ While al-Jabri seeks to deconstruct *irfan-bayan*-centered reason as the source of stagnation, Taha argues that rejuvenating Islamic ethics amid the hegemony of Western reason is a necessary condition for Arab-Islamic civilization to progress.¹⁹ Secondly, Aulia Rakhmat engages with contemporary Islamic ethics through the lens of Syed

⁹A. Z. Obiedat, *Modernity and the Ideals of Arab-Islamic and Western-Scientific Philosophy: The Worldviews of Mario Bunge and Taha Abd al-Rahman* (Cham: Springer International Publishing, 2022), 128, <https://doi.org/10.1007/978-3-030-94265-6>.

¹⁰Mohammed Hashas, and Mutaz al-Khatib, *Islamic Ethics and the Trusteeship Paradigm: Taha Abderrahmane’s Philosophy in Comparative Perspectives* (Leiden: Brill, 2020), 37, <https://doi.org/10.1163/9789004438354>.

¹¹Taha Abderrahmane, *Dialogues for The Future* (Leiden: Brill, 2023), 2.

¹²Obiedat, *Modernity*, 126.

¹³Ibid., 111.

¹⁴Hashas and al-Khatib, *Islamic Ethics*, 39.

¹⁵Muhammed Hashas, “Taha Abderrahmane’s Trusteeship Paradigm: Spiritual Modernity and the Islamic Contribution to the Formation of a Renewed Universal Civilization of Ethos,” *Oriente Moderno* 95 (2015): 72, <https://doi.org/10.1163/22138617-12340077>.

¹⁶Ibid., 73-74.

¹⁷Hallaq, *Reforming Modernity*, 268–69.

¹⁸Mohamed Wajdi Ben Hammed, “(Dis)Enchanting Modernity: Sufism and Its Temporality in The Thought of Mohammed Abed al-Jabri and Taha Abdurrahman,” *The Journal of North African Studies* 26, no. 3 (2021): 552–71, <https://doi.org/10.1080/13629387.2019.1697241>.

¹⁹Ibid., 565.

Muhammad Naquib al-Attas and Taha Abdurrahman.²⁰ While al-Attas endorses virtue ethics and argues that the rational soul is fundamental in determining ethical acts, Taha rejects virtue ethics and its abstract rationality. For Taha, human actions are too diverse to be governed by limited virtues and are better supported by internalized norms rather than rational calculation.²¹ Al-Attas, with his emphasis on rationality, represents the traditional Islamic philosophy exemplified by Ibn Miskawayh (932-1030),²² while Taha's priority on nurturing self-regulation is aligned with al-Ghazali's (d. 1111) Sufi ethics.²³

This study aimed to elaborate Taha Abdurrahman's philosophy and presented it as a contribution to the human rights discourse. It starts with Islamic polemical engagements with human rights as a discursive context. Subsequently, certain philosophical criticisms of human rights have been discussed, through which this study argued that Taha's ideas resemble Axel Honneth's treatment of human rights, albeit, in different spheres. Both Honneth and Taha require contexts for the establishment of rights. While Honneth relies heavily on the intersubjective relations to build these contexts, Taha refers to human internal qualities. This comparison is essential for bridging Taha Abdurrahman's ideas into the global context of human rights discourse. Taha's anarchic comments on human rights implementation are not articulated within a clear philosophical framework, therefore, this research sought to clarify the philosophical foundation of his critique.

2. Methodology

Through conceptual inquiry, this study examined Taha Abdurrahman's thought on the subject and situated it in relation to the philosophical debate on human rights. It begins by establishing the context of discussion through two premises: firstly, the development of human rights in the Western discourse leading to Axel Honneth's critique, secondly, Islamic response to human rights ideas with a focus on its foundational perspective. The study then compared Taha Abdurrahman's idea with that of Honneth, arguing that both approach the issue of human rights from a similar standpoint: the need for a foundational basis upon which human rights claim can be grounded.

Sources of Taha's thoughts are drawn primarily from his major books, especially *The Spirit of Modernity* (2016) and *The Question of Ethics* (2020), as these texts directly engage with the issue of modernity and morality which leads to certain aspects of human rights. Axel Honneth's ideas on human rights are derived mainly from his books, *The Struggle for Recognition* (1995), *Reification and Recognition* (2008), and *The Pathology of Individual Freedom* (2010). Relevant textual data concerning rights, ethics, and subjectivity is abstracted and categorized. Subsequently, Taha's core concepts are systematized and compared with Honneth's. Finally, qualitative analysis is conducted through hermeneutics method which involves contextual interpretation, philosophical rooting, and comparative analysis.

3. Results and Discussion

3.1. Islamic Response to Human Rights

Within Islamic societies, human rights have generated different reactions. After affirming the UN Charter in 1974, the Organization of Islamic Cooperation (OIC) subsequently introduced an alternative charter in 1990. Its fundamental shortcoming lies not only in its partial divergence from

²⁰Aulia Rakhmat, "Religion and Reason in Contemporary Islamic Ethics," *Journal of Islamic Thought and Civilization* 13, no. 2 (2023): 134–151, <https://doi.org/10.32350/JITC.132.09>.

²¹Ibid., 145.

²²John Peter Radez, *Ibn Miskawayh, the Soul, and the Pursuit of Happiness* (Maryland: Lexington Books, 2019), 90.

²³Joel Craig Richmond, "Al-Ghazālī's Moral Psychology: From Self-Control to Self-Surrender," (PhD diss., University of Toronto, 2021).

UDHR principles but in its reactionary response and the lack of serious philosophical basis.²⁴ Criticism towards Islamic human rights is put forward by Abdullah Saeed, who advocates Muslim participation in the universal human rights discourse.²⁵

From a liberal perspective, Saeed endorses the harmonious relationship between Islamic values and human rights through his tripartite categorization of Islamic responses: rejection, acceptance, and compatibility.²⁶ By framing the discourses in opposing directions, Saeed risks obscuring the complex positions of Islamic thinkers on human rights. For instance, while some Muslim thinkers view human rights as conflicting with Islamic values, most of them object to certain differences and do not entirely reject human rights. This creates difficulty in distinguishing between the harmonizing position and those who accept complete compatibility. According to Hashemi and Qureshi, this compatibility framing could obscure state abuse of human rights under the pretext of fighting radical Islamists.²⁷ It also includes a structural hierarchy, placing human rights above Islamic values.²⁸ Indeed, Saeed notices the unjust practice of human rights enforcement.²⁹ This abuse is not regarded as a theoretical problem but only a practical issue. In contrast, Talal Asad argues that human rights discourse is more than an effort to preserve universal human dignity, because it also contains structural imperialist potential.³⁰

Taha's position aligns with Asad's perspective. Taha suspects the ideological structure of human rights discourse, such that any Islamic idea about it lacks the very language needed to be relevant. Some criticize Taha for holding atomized world and refusing to participate in global discourse.³¹ However, according to Taha, any act of participation that seeks only to accommodate principles into different context is a monolithic thinking and preserves the status quo.³² Therefore, the participation may instead emerge as differences and antagonism.

Taha's criticism does not mean a total rejection of human rights. Rather, his attack targets the current form of human rights in which the gap with obligations is expanding to the point of obscuring them. For instance, he opposes the application of rights in the postmodern family. Taha argues "If

²⁴Nader Hashemi, and Emran Qureshi, "Islam and Human Rights: A 50 Year Retrospective," *Muslim World Journal of Human Rights* 19, no. 1 (2022): 7, <https://doi.org/10.1515/mwjhr-2022-0007>.

²⁵Abdullah Saeed, *Human Rights and Islam: An Introduction to Key Debates between Islamic Law and International Human Rights Law* (Massachusetts: Edward Elgar Publishing, 2018), 4.

²⁶Ibid., 1.

²⁷Hashemi and Qureshi, "Islam and Human Rights," 4.

²⁸Anver M. Emon, Mark S. Ellis, and Benjamin Glahn, *Islamic Law and International Human Rights Law* (Oxford University Press, 2012), 3, <https://doi.org/10.1093/acprof:oso/9780199641444.001.0001>.

²⁹Saeed, *Human Rights and Islam*, 2; Al-Jabri, *Democracy, Human Rights and Law in Islamic Thought*, 175.

³⁰Talal Asad, "What Do Human Rights Do? An Anthropological Enquiry," *Theory and Event* 4, no. 4 (2000), <https://muse.jhu.edu/article/32601>.

³¹Najib George Awad, "Philosophy as a 'Resisting Identity'?: Taha Abdurrahman, Fethi al-Meskini and Aziz al-Azmeh in Dialogue on Modernist Arab Philosophy," *Journal of Islamic and Muslim Studies*, 7 no. 1 (2022): 10. <https://doi.org/10.2979/jims.7.1.02>.

³²Taha Abdurrahman, *The Arab Right in Philosophical Difference* (Cassablanca: Al-Markaz al-Tsaqafi al-Araby, 2006), 16–19.

obligation in the modern family is represented by safeguarding duties within every right that the individual enjoys, then the situation has reversed in the postmodern family.”³³

3.2. Axel Honneth’s Social Conditions for Rights

Axel Honneth’s evaluation of human rights has been developed as a critique to the abstract nature of human rights in the conventional liberal tradition. The liberal conception grants individuals inalienable rights irrespective of their social relations.³⁴ Although rights are regarded inalienable, the absence of natural and institutional guarantees becomes the source of criticism.³⁵ Agamben questions the claim of inalienability by warning that discriminatory violence arises from excluding the condition of bare life.³⁶ Similarly, Hannah Arendt draws attention to the condition of stateless persons in this context.³⁷ In Honneth’s thought, freedom is always structured through social interaction in which individuals recognize each other’s interests and work together to achieve them.³⁸

Criticism of abstract rights that strips human beings of all social relations can be traced back to Edmund Burke.³⁹ According to Burke, the delegitimation of the social order by the abstract concept of human rights would only incite anarchism.⁴⁰ The need to explicate rights through certain forms of relations has also been suggested by Benhabib with her interpretation of “right to have rights” as mutual recognition of others as right bearers.⁴¹ In recent scholarship, human rights as a relational concept have been proposed to engage with identity politics.⁴² In the context of contemporary multiculturalism, human rights should be reconsidered not merely as individual freedom but as a form of intersubjective recognition that respects each other’s dignity.⁴³

Honneth’s approach to human rights could be interpreted within this conceptual framework. While rights are basic, does any individual respect the rights of others by virtue of rationality?

³³Taha Abdurrahman, *The Spirit of Modernity: An Introduction to the Foundation of Islamic Modernity* (Cassablanca: Al-Markaz Al-Tsaqafy Al-Araby, 2016), 121.

³⁴Patrick Hayden, “The Human Right to Health and The Struggle for Recognition,” *Review of International Studies*, 38 (2012): 576, <https://doi.org/10.1017/S0260210511000556>.

³⁵Onora O’Neill, “The Dark Side of Human Rights,” *International Affairs (Royal Institute of International Affairs)* 81, no. 2 (March 2005): 427–439, <https://doi.org/10.1017/CBO9781316337103.013>.

³⁶Ayten Gündoğdu, “Potentialities of Human Rights: Agamben and The Narrative of Fated Necessity,” *Contemporary Political Theory* 11, no. 1 (February 19, 2012): 3, <https://doi.org/10.1057/cpt.2010.45>.

³⁷Justine Lacroix, and Jean-Yves Pranchère, *Human Rights on Trial: A Genealogy of Critiques of Human Rights* (Cambridge: Cambridge University Press, 2018), 209, <https://doi.org/10.1017/9781108334884.003>.

³⁸Lazlo G. Szucs, “Social Freedom and Critical Theory: The Tension Axel Honneth’s Political Philosophy and his Critical Programme,” *RUDN Journal of Philosophy* 29, no. 2, (March, 2025): 557, <https://doi.org/10.22363/2313-2302-2025-29-2-548-564>.

³⁹Edmund Burke, *Reflections on The French Revolution* (London: J.M. Dent & Sons Ltd, 1951), 6.

⁴⁰Lacroix and Pranchère, *Human Rights on Trial*, 67.

⁴¹Fontes, “Axel Honneth’s Normative Proposal,” 4–5.

⁴²Andrew Fagan, “The Subject of Human Rights: From the Unencumbered Self to the Relational Self,” *Nordic Journal of Human Rights* 42, no. 2 (2024): 215, <https://doi.org/10.1080/18918131.2024.2339012>.

⁴³Bartosz Wojciechowski, “Human Rights as an Element of Mutual Recognition and Equality of Opportunity,” *Politeja* 18, no. 2 (71) (2021): 95, <https://doi.org/10.12797/POLITEJA.18.2021.71.05>.

Honneth's answer is negative as he cites Ernst Bloch about the human experience of insult and disrespect in the state of nature. This idea represents Honneth's Marxist approach, which observes human suffering as the result of exploitation.⁴⁴

Thus, to overcome these acts of disrespect and realize true subjectivity, individuals need to adhere to a specific way of mutual recognition.⁴⁵ Recognition theory, which Honneth developed from Hegel and Mead, as Kruger notes, is likely to serve as the basis of human rights.⁴⁶ Love, rights, and solidarity are the three spheres of action that promote mutual recognition.⁴⁷ Honneth's theory of recognition aims to create the necessary social conditions whereby individual dignity would be recognized which, in turn, allows for the fulfillment of rights.⁴⁸ Regarding subjects suffering from injustice, Honneth argues that such experiences arise not only from constraints on individual freedom but also a disregard for the subject's intersubjective disposition, or a failure of recognition.⁴⁹

Nonetheless, there are challenges to recognition being the foundation of rights. Due to concerns about the instability of recognitive acts within the contextual dynamics, Knieriem demands empirical evidence to ensure the legitimacy of recognition.⁵⁰ This objection seems to challenge the abstract norms underlying recognition that the theory of recognition itself has been criticized. Another objection, raised by De Souza, highlights Lehmann's critique regarding the neglect of self-realization in Honneth's recognition.⁵¹ While De Souza's solution is institutional as he reinstates the existence of the state as a valid medium for individual expression in social interdependence, Lehmann's idea suggests the urgency of personal rebirth in the recognitive action. It is in this context of personal resurrection, Taha's criticism gains its relevance.

3.3. Tahaian Critique of Human Rights: A Honnethian Resemblance

Taha's overall project was to develop a profound alternative philosophical foundation based on Islamic doctrines. His elaboration on human rights should be considered as part of this broader intellectual ambition. This partiality made his general framework of human rights to remain fragmental. Of far greater difficulty is the obstacle stemming from his approach that includes the articulation of Islamic doctrinal concepts which are not easily integrated into contemporary philosophical discourse. While this strategy, in one way, reflects his originality, a more obvious philosophical juxtaposition is nevertheless needed to suit wider audiences. This section explores Tahaian critique of human rights in the light of Honnethian philosophy.

Taha's criticism towards the concept of human rights, especially in its current development, lies centrally on the separation of rights and obligations. This idea is central in Taha's philosophy as he tries to redefine Aristotle's definition of philosophical endeavor from the investigation of truth to

⁴⁴Fontes, "Axel Honneth's Normative Proposal," 7–8.

⁴⁵Axel Honneth, *The Struggle for Recognition: The Moral Grammar of Social Conflicts*, 92.

⁴⁶Reiss Kruger, "'Recognizing' Human Rights: An Argument for the Applicability of Recognition Theory Within the Sociology of Human Rights," *Human Rights Review* 22, No. 4 (December 1, 2021): 514, <https://doi.org/10.1007/s12142-021-00638-w>.

⁴⁷Honneth, *The Struggle for Recognition*, 95.

⁴⁸Axel Honneth, "Recognition and Justice: Outline of a Plural Theory of Justice," *Acta Sociologica* 47, no. 4 (2004): 352, <https://doi.org/10.1177/0001699304048668>.

⁴⁹Honneth, "Integrity and Disrespect," 189.

⁵⁰Marijn Knieriem, "The Limits of Recognition," *Inquiry*, (2024): 1–36, <https://doi.org/10.1080/0020174X.2024.2338822>.

⁵¹Luiz Gustavo Da Cunha De Souza, "Human Rights, Reciprocal Recognition and The State: A Durkheimian Contribution," *Human Affairs* 29, no. 3 (July 26, 2019): 299, <https://doi.org/10.1515/humaff-2019-0025>.

become the responsible investigation.⁵² With this, Taha has changed the whole course of philosophy from the matter of question towards a kind of theoretical responsibility. Taha called the rights that obliterates obligation as fortune (*al-hadz*). “Fortune is a right that may not necessarily entail an obligation that binds its seeker, and fortunateness is the characteristic of enjoying this right unbound by any specific compulsion.”⁵³

According to Hallaq, this concept of rights could be observed through that of Isaiah Berlin’s idea on positive liberty.⁵⁴ While negative liberty is freedom from external coercion, positive liberty is the freedom in which individual is the master of his own.⁵⁵ In articulating the difference between the two, Berlin divides self into two parts: the controller and the collection of passions and desires that need to be controlled.⁵⁶ In light of Berlin’s position, it is logical to assert that true freedom is gained through the mastery of desires and passions. This idea resonates with Taha’s criticism of rights as false rights when it comes to view desires as rights.⁵⁷

Both Taha and Berlin have the same line of thinking when it comes to the “state of nature” argument. In Taha’s perspective, the idea of a human state of nature is absurd. Taha states that if an order is to be established for life, it must be based upon an inherent sense of obligation.⁵⁸ Berlin is more direct when stating that the rational features of human beings explain the true sources of value and action. The ability to maintain rational control of the irrational, both of the self and nature, is true freedom.⁵⁹ This is reminiscent of Ibn Miskawayh, who considered the rational self the master of the “lesser” selves.⁶⁰ Taha is also quite clear but his position is more intricate. He gives this internal voice the name “conscience” and describes it as a value that exists and serves as a guide to proper conduct.⁶¹

The point of departure between Berlin and Taha lies in the practical issue. Although praising the idea of positive liberty, Berlin also rejects the modern application of positive liberty. According to Berlin, positive liberty may lead to despotism through that of Kantian Maxim, “for if I am rational, I cannot deny that what is right for me must, for the same reasons, be right for others who are rational like me.”⁶² Therefore, the initial positive self-mastery turns into coercive imposition on others by the very nature of Kant’s golden rule. Taha, however, considers the right to live freely an inward, individual, self-determined, and not socially determined phenomenon. This makes Taha’s subject “anti-constitutional,” in the sense that it views human as an integral subject who is independent from external (or state in the most obvious way) domination by its embodiment of subjective humility, modesty, and gratitude.⁶³

Some scholars argue that the accommodation of obligation as an element of right must not be regarded as diametrically opposing the concept of rights, rather an important contribution towards

⁵²Abdurrahman, *The Arab Right*, 13.

⁵³Abdurrahman, *The Spirit of Modernity*, 123.

⁵⁴Hallaq, *Reforming Modernity*, 260–61.

⁵⁵Isaiah Berlin, *Liberty*, ed. Henry Hardy (New York: Oxford University Press, 2002): 178.

⁵⁶*ibid.*, 179.

⁵⁷Abdurrahman, *The Spirit of Modernity*, 121.

⁵⁸Abdurrahman, *The Spirit of Modernity*, 127.

⁵⁹Berlin, *Liberty*, 180.

⁶⁰Ibn Miskawayh, *Refinement of Morals*, 39.

⁶¹Abdurrahman, *The Spirit of Modernity*, 127.

⁶²Berlin, *Liberty*, 191.

⁶³Hallaq, *Reforming Modernity*, 267.

the discourse of rights.⁶⁴ Karel Vasak, for instance, places responsibility within the “third generation” of collective rights.⁶⁵ Taha, however, is preoccupied with the self’s inward responsibility. Traditionally, Western scholarship has considered duty as a vague manifestation of rights.⁶⁶ This confusion, according to Morgan-Foster, is an ascription without much appreciation for non-Western ways of thinking.⁶⁷

Thus, while rights are separated with duties in human rights traditional conception, recent scholarship argues for its correlation. Study by Raible notices the gap between human rights and its practicality and addresses the need of allocating duties into identifiable duty bearer. It argues that in order to allocate the duties, we must initially affirm the ontological existence of duties.⁶⁸ In practical legal context, the gap between rights and duties is explored in the vagueness of European Court of Human Rights (ECHR) measures as not firmly connected with specific rights. Arguing through Hohfeld’s legal relation, Stoyanova claims that rights are always correlated with duties, so that the court’s ambiguity could be solved by stating specific obligation related to it.⁶⁹ In Taha’s case, he highlights the expanding gap between rights and obligations it contains, in postmodern family, where he argues that rights have transformed into mere fortunes.⁷⁰

Commenting on the Western family, Taha identifies certain causes from which the rights turned in to fortunes: the separation of sex from reproduction, body from reproduction, biological parenthood from social parenthood, children from father, sex from commitment, and sex from sexual orientation.⁷¹ By connecting the idea of rights with duties, Taha argues that by contemporary reconfiguration of family structure, certain rights are obliterated for losing their ground. For instance, biological father’s rights on children are turned into fortunes when they are transferred into sociological father. Recent scholarship addresses the issue of novel parental model indicated by Taha. A study conducted by Dailey and Rosenbury proposed a new kind of parental rights focusing more on child’s freedom.⁷²

Taha goes beyond the discourse of duty to examine the limits of human rights. He argues that rights are not the same as their guarantees. Taha, like Burke, opposes the critique of abstract rights and explains that an entitlement must operate under certain conditions.⁷³ According to Taha, for human rights to work perfectly, they must be based on certain individual conditions. Taha presents three candidates of these conditions. Firstly, state of nature, as in contractarian philosophy, which he regards as too abstract to be true. Secondly, human nature, as in Cartesian philosophy, which he

⁶⁴Jason Morgan-Foster, “Third Generation Rights: What Islamic Law Can Teach the International Human Rights Movement,” *Yale Human Rights and Development Law Journal* 8, no. 1 (2005): 68, <https://openyls.law.yale.edu/handle/20.500.13051/5843>.

⁶⁵Spasimir Domaradzki, Margaryta Khvastova, and David Pupovac, “Karel Vasak’s Generations of Rights and the Contemporary Human Rights Discourse,” *Human Rights Review* 20, no. 4 (2019): 426, <https://doi.org/10.1007/s12142-019-00565-x>.

⁶⁶Saeed, *Human Rights and Islam*, 68.

⁶⁷Morgan-Foster, “Third Generation Rights,” 115.

⁶⁸Lea Raible, “Allocating Human Rights Obligation in ECHR,” *Human Rights Law Review* 24, no. 1 (2024): 1–19, <https://doi.org/10.1093/hrlr/ngad030>

⁶⁹Vladislava Stoyanova, “Correlativity Between Human Rights and Positive Obligations,” *European Convention on Human Rights Law Review* 5 (2024): 485, <https://doi.org/10.1163/26663236-bja10106>

⁷⁰Abdurrahman, *The Spirit of Modernity*, 121.

⁷¹Abdurrahman, *The Spirit of Modernity*, 123-125.

⁷²Anne C. Dailey, and Laura A. Rosenbury, “The New Parental Rights,” *Duke Law Journal* 71, no. 1 (2021): 75, <https://scholarship.law.duke.edu/dlj/vol71/iss1/7>

⁷³Edmund Burke, *Reflections on The French Revolution*, 6.

deems lack normative dimension. Thirdly, which he chooses, *fitra* or primordial human creation which guides humans towards righteous acts.⁷⁴ Taha's choice not only made the human rights subjective in the sense that it is in everybody's initial disposition to have rights but it also binds rights with the ethical normativity. Humans have rights in package with ethical guidelines. To have *fitra*-based rights means to have basis for rights since state of nature is too abstract, and human nature is not binding.

Taha's concerns about the baseless rights are exactly what drive Honneth to set spheres of rights. In the world of intersubjective relations, what makes someone respect other unalienable rights? Honneth doubts the absolute nature of human reason. According to him, the mechanism of capitalism reduces rationality into its instrumental form.⁷⁵ Beneath Honneth's take on recognition, there is always Hegelian assumption that subjects are into intersubjective conflicts.⁷⁶

Taha's critique towards human rights could be understood in the same spirit as that of Honneth's. Both propose some sorts of rights guardian framework, albeit, in different locus. While Honneth assures the fulfillment of rights in a social context, Taha develops that assurance out of individual sphere. Hence, Taha offers self-reliant guarantee from which the holders of rights would enjoy the fulfillment of their rights. Taha's subjective ideals (humility, modesty, and gratitude) could become the basis on which Honneth's spheres of recognition (love, rights, and social esteem) are built. It is unlikely to perform a Honnethian recognition while persisting on modern subject that relies on instrumental rationality. This does not suggest that Taha's ideals perfectly resemble that of Honneth's three spheres of recognition. However, self-normativity is fundamental without which respect for others is impossible.⁷⁷

In this regard, Taha argues that no humanity without ethics is possible.⁷⁸ It is only with a certain kind of self-regulative normativity that humanity could propel. This is consistent with that of Honneth, who argues that through the web of recognition spheres, one develops positive relationship with himself.⁷⁹ From this similar position, the concept of autonomy is further developed. In Honneth's view, the subject's autonomy is nurtured through mutual recognition within the social spheres.⁸⁰ On the other hand, Taha argues that autonomy arises from the individual's ability to master self-regulation. Therefore, a mature human is autonomous due to his ability to act and have strength.⁸¹

To some extent, Taha's ideas reflect Hegelian position about reflective self-determination as a component of freedom. According to Honneth, although Hegel rejects objective self-restriction and leaves it into individual freedom, he acknowledges the possibility of educating the individuals towards certain kind of self-restraint.⁸² Honneth is less clear on this topic. However, while he primarily emphasizes the imperative of taking up other's perspectives as categorical conditions for recognition, his discussions about acknowledgement, sympathy, and his reference to Sartre's idea

⁷⁴Taha Abdurrahman, *The Question of Ethics: A Contribution to the Ethical Critique of Western Modernity*, 7th Ed (Cassablanca: Al-Markaz Al-Tsaqafy Al-Araby, 2020), 127.

⁷⁵Abdurrahman, *The Spirit of Modernity*, 26.

⁷⁶Honneth, *The Struggle for Recognition*, 69.

⁷⁷Hallaq, *Reforming Modernity*, 267.

⁷⁸Abdurrahman, *The Question of Ethics*, 147.

⁷⁹Fontes, "Axel Honneth's Normative Proposal," 9.

⁸⁰Ibid.

⁸¹Abdurrahman, *The Spirit of Modernity*, 26.

⁸²Axel Honneth, *The Pathologies of Individual Freedom: Hegel's Social Theory* (New Jersey: Princeton University Press, 2010), 25–26.

that social reciprocal limits subjective freedom imply his acceptance of certain kind of self-restraint.⁸³

Related to self-determination, Taha criticizes the changing nature of subjective power in postmodern family into conformity and behavioral laxity as “individuals who have lost their distinct moral roles and either follow another's roles in dependence or have someone else take over their roles in dominance.”⁸⁴ By generating new types of rights that seem to support the independence, postmodern individual is actually losing the selfhood. For instance, when a father is deprived of the rights of his educational decision, the children become object of education market.

Here, a similarity with Honneth appears. Both see the exaggeration of individual freedom as problems emerging as social pathologies. However, while Honneth tries to reconcile it through Hegelization of Hobbesian state of nature, by socializing it in the form of reciprocal love, Taha observes the problems and solutions as intrinsic.⁸⁵ It is the lack of internal sense of *al-ma'iyah* (companionship) with others that triggers the crisis. The cure is, consequently, to nurture that sense of rights-obligations unity. Unlike Honneth's Hegelian view, love for others as a sense of obligation in Tahaian philosophy is internal and therefore Kantian.

Table 1. Comparison of Honnethian and Tahaian Conceptual Differences on Individual Freedom, Social Pathology, and Love

	Honnethian	Tahaian
Problem	Exaggeration of individual freedom	
Impact	Social pathologies	
Solution	Intersubjective love produced in social recognition	Love to others as internal-transcendental category (<i>fitra</i>)

Honneth's Hegelian reading of Hobbes becomes the point of departure with Tahaian philosophy. Honneth does not see in any way the possibility of love outside social recognition, essentially Hobbesian, as this view suggests that humans are naturally hostile to each other (*homo homini lupus*). In contrast, Taha employs the Islamic notion of *fitra*. Taha holds that people, in essence, are good and that any evil is simply a deviation from that essence.

In sum, Taha sees the exaggeration of individual freedom as a suicide. When it happens, the autonomous self is dead. The transcendental harmony of rights-obligations is obliterated. Individuals turn to be non-self, a lack of selfhood that is unable to perform its ideals.⁸⁶ In philosophical discourse, this weakness of will is referred to as 'Akrasia'. Developed from Aristotle's theory of ethics, akrasia is a lack of self-restraint where self gives into idiosyncratic desires.⁸⁷ Recent research shows the relationship between akrasia and the problem of addiction.⁸⁸ While Taha does not address the problem of addiction, his ideas may contribute to a novel human rights-based policy on the issue.

⁸³Axel Honneth, *Reification and Recognition: A New Look at An Old Idea*, ed. Martin Jay (New York: Oxford University Press, 2008), 49.

⁸⁴Abdurrahman, *The Spirit of Modernity*, 114.

⁸⁵Honneth sees his project as fulfilling the unfinished Hegelian project. See Honneth, *The Struggle for Recognition*, 67.

⁸⁶Obiedat, *Modernity*, 292.

⁸⁷Ann Ward, “Theory and Akrasia in Aristotle's Ethics,” *Perspectives on Political Science* 44, no. 1 (2015): 18–24, <https://doi.org/10.1080/10457097.2014.921489>.

⁸⁸Nick Heather, and Gabriel Segal, “Understanding Addiction: Donald Davidson and The Problem of Akrasia,” *Addiction Research and Theory* 21, no. 6 (2013): 445–452, <https://doi.org/10.3109/16066359.2012.754014>.

3.4. Theoretical and Practical Contribution of Self-Regulation-Based Rights

Taha's theory of self-regulation provides a fundamentally different viewpoint than prevailing human rights perspectives on the phenomenon of *akrasia* (acting contrary to one's best judgment), particularly with respect to drug use and suicide. In the absence of a more developed framework, the ECHR and similar bodies rely on 'risk management' in a punitive manner and maintain a controlling and interventionist policy. Cliquennois, Snacken, and Zil Smit challenges this dominant approach to suicide mostly done by segregation and punitive actions.⁸⁹ Their study affirms the need to a more comprehensive approach towards the issue.

In Tahaian framework, this comprehensive approach must be based on a holistic view of human beyond traditional autonomy. This parallels Honneth's account; while Honneth departs from the emphasis on recognition and social relations to defend the rights of the rational, Taha seems to assert that rights are achieved through the construction of self-discipline. Honneth does so due to its inherent social complexity, and Taha by seeing this reason as a non-unified faculty which is in continual conflict with the higher and more instinctual aspects of the human being that require ethical social discipline.

This theoretical divergence changes the approach to issues of self-harm and suicide. Viewed as subjective and ethical, responses to such issues must go beyond risk mitigation. It requires sustained program of self-development aiming at improving cognitive awareness, psychological resilience, and the maintenance of ethical discipline. Unlike current concerns in "human capital," such program is fundamental in human rights protection, since the preservation of autonomy requires individuals' internal capacity to govern their choices and actions.

While theoretically profound, Taha's articulation of freedom may generate debate, particularly on women's and children's rights issues. In his writings, Taha criticizes Western postmodern discourse of family, including different interpretations, moral responsibilities, and legal reforms of parental authority, such as those found in French law.⁹⁰ Although existing literature, including the work of Torres, Vallejo Huang, and Ocana has likewise identified significant transformation in the postmodern family,⁹¹ the current study did not seek to deal with this issue. Rather, this study aimed to deal with Taha's view of freedom and its subsequent impact on the theory of human rights. A full examination of Taha's view of gender and family issues is beyond the scope of this research and requires separate investigation.

4. Conclusion

In order to foster a productive dialogue in the human rights discourse, it is essential to acknowledge diverse forms of participation in its development. In this regard, Taha's criticism must not be considered as an opposition to the ideal of human rights, however, instead it should be considered as a positive contribution to it. The connection of rights with obligations is central in Tahaian framework to nurture human self-determination over negative desires. Theoretically, his ideas resonate with Berlin's notion of positive liberty and more profoundly Honneth's conditions of rights.

⁸⁹Gaëtan Cliquennois, Sonja Snacken, and Dirk van Zyl Smit, "The European Human Rights System and the Right to Life Seen through Suicide Prevention in Places of Detention: Between Risk Management and Punishment," *Human Rights Law Review* 22, no. 1 (2022): 24, <https://doi.org/10.1093/hrlr/ngab023>.

⁹⁰Obiedat, *Modernity*, 293.

⁹¹Catya Torres, Diego Vallejo Huang, and Ximana Ramirez Ocana, "Quantitative Evaluation of Family Functions and Changes in a Postmodern Context," *Heliyon* 7, no. 6 (2021): e7435, <https://doi.org/10.1016/j.heliyon.2021.e07435>,

While Honneth presupposes certain spheres in social interaction through which individuals achieve the fulfillment of rights, Taha's philosophy reorients them inwards. Intersubjective recognition is not enough. Only through autonomous self-regulation is the harmonious self prepared for positive social encounters. Practically, this idea is fruitful for addressing akrasia, such as in the case of drug addiction, self-harm, and suicide. Human rights-based policy is often proposed to solve these problems more humanly. Nurturing self-determination in individuals suffering from akrasia, as Taha's subjective ideal aims for, is an important contribution towards such human rights-based policy.

Author Contribution

Kurniawan Dwi Saputra: conceptualization, writing, original draft. **Agus Himmawan Utomo:** supervision, validation, review.

Conflict of Interest

The authors of the manuscript have no financial or non-financial conflict of interest in the subject matter or materials discussed in this manuscript.

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