Islamophobia or Restorative Justice

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Tearing the Veils of Ignorance

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Preface and Acknowledgements

The occasion for writing this book emerged when I was invited in June-August 2004 by the Rev. Basil Manning, CEO of the Ditshwanelo CAR^{2}AS Trust, to do a series of presentations around the theme of Islamophobia as the new form of racism. I was indeed honoured to do originally just two presentations, one in Johannesburg and the other in Cape Town. These presentations however generated a high level of interest and I was therefore invited to do a number of presentations in the Gauteng and Western Cape areas, primarily at the invitation of Islamic groups. This in turn led to a series of radio interviews, and even a television interview on SABC morning news, as well as an open line discussions on the Tim Modise radio show.

Because of all this interest, I was asked to make that paper available in a printed form, while at the same time expanding upon some of the other materials which I had brought up during the various discussion periods and question-answer sessions. I therefore offered to put together several published and unpublished essays I have produced on different occasions over the last few years, which deal with issues that feed Islamophobia. All these papers have, however, undergone major revisions to fit the needs of this text and are therefore not at all in their original forms. I feel great honour and pleasure that these essays are being published by the Ditshwanelo CAR^{2}AS Trust for larger utilization in the vibrant, dynamic and critical situation of South Africa. My sincerest hope is that what is discussed in these essays also has an equally high validity around the world, since some of the issues discussed here have a larger significance, especially since 11 September 2001.

I am particularly grateful to the Rev. Basil Manning, an old and dear friend who not only made these various presentations and activities possible, but was an exceptionally caring and loving host throughout the ten weeks that my wife and I stayed in South Africa in 2004. I am also grateful to the other members of Ditshwanelo CAR^{2}AS' board and staff who also extended their hospitality and friendship during this trip. This warmth and hospitality of the staff and the board has again been extended to our family this year as we are working for most of the 2005-2006 academic year with

CAR^{2}AS in South Africa and a number of organizations including the Anglican Diocese of Johannesburg.

In the context of 2004 and now, I would specifically like to mention the names of Derrek Augustine, the Chairperson of CAR^{2}AS's board, who hosted us at his farm in 2004 and again during our current visit, and Ms Kele Motshwane, CAR^{2}AS's Executive Assistant, for her extraordinary grace and hospitality, who made all the arrangements for everything with great joy and warmth. Added to these, I want to thank a new and much cherished friend, Ms Thevan Naidoo, OD Programme Manager at CAR^{2}AS, who has been a perfect host and colleague during our current visit.

I also want to thank the many friends from the Human Rights Commission of South Africa who extended their hospitality on a number of occasions, including the use of their wonderful facility for the lecture in Johannesburg in 2004. I want to offer special thanks to Judge Albie Sacks of the Constitutional Court of South Africa who not only hosted a general tour of the Constitutional Court and its Art Gallery extremely graciously, but was also a generous and highly attentive host during a private visit for a few of us afterwards. I am particularly grateful to him for extending that private tour to a long evening meal during which we could discuss the past, present and future trajectories of South Africa.

I especially wish to thank the South African office of the Charles Stewart Mott Foundation for all their financial and moral support for the work of Ditshwanelo CAR^{2}AS, and most significantly the publication of this book.

All these opportunities, and many others, were only possible because of the Rev. Basil Manning, whose contacts, networks, and community organizational abilities were all put at my disposal in a way that is only possible because of a deep and abiding friendship, love and the continuing solidarity in the struggle for justice and righteousness.

Finally, I want to thank my wife, Prof. Cris E. Toffolo, who accompanied me to South Africa and who, as usual, provided me with inspiration and strength which even during my illness gave me the fortitude to continue. She is not only the source of my continuing health and vigour, but her love provided me with the strength to complete this work even when, at many a time, the sheer physical toll has been rather hard. She was always there when I was testing new ideas, and did much editorial work. She also

assisted in mellowing the language, which because of events of recent years, has tended to get quite angry and frank. I thank my daughter Shaheen E. Amjad-Ali, without whose help and labour this book and many of my other contemporary texts could not have been published or seen the light of day. I remain grateful to her for her immeasurable support during these last three years, for seeing a lot of my work catalogued and put together, as well as for all the other support, research, listening, and editing, etc., that she continues to provide. I dedicate this book to her and to my son Karl, with the hope that what we have carried on as a struggle for justice, peace, morality and righteousness in and for the *regnum dei* (reign of God) will also be their struggle in the decades to come. My hope is that they, in their turn, will be the bearers of this struggle for the next generation and for the generations to come.

Foreword

Racism remains a major challenge for our country, despite the significant achievements and the World Conference Against Racism held in Durban, South Africa, in 2001. This has become more and more evident as the dust settles after the euphoria of the 1994 elections and the apparent end of apartheid. The vestiges of apartheid are very visible; the continuing existence of this legacy is evident in employment, housing, etc., and in the open disparity between whites and blacks when comparing incomes, resources, services, and dignity.

The ideology of white superiority, which has been systematized globally, continues to feed racial and ethnic hierarchies and legitimize discrimination. "Whiteness" is even aspired to by some "non-white" racial groups as a result, and this produces a pecking order between ethnic groups and within ethnic groups: so black people of mixed descent (the so-called "coloured" in South Africa) distinguish between the "darker ones" and the "lighter ones," and discriminate against the darkest among themselves. Adding a religious ingredient to this global white superiority further exacerbates the "scandal of exclusivity" and priviledge. Western Christians, who arrogantly (and indeed quite wrongly) associate the West automatically and very deeply with Christianity, have been habituated to this combination of racial superiority, white privilege and the scandal of religious exclusivity which has long generated and fed the contemporary Islamophobia. Islam has indeed been a challenge to the West and this has been further hyperbolized by the events following September 11, 2001. What is more problematic, however, is how quickly this challenge to the *West* is translated into seeing Islam also as the arch enemy of *Christianity*. In the white sectors of South Africa there is a close identification with the West, and therefore an attendant vilification of its enemies, whether it was communism or now more openly Islam and Muslims. This unhealthy process effects us in unique ways in South Africa. But, as the chapters in this book so brilliantly and cogently argue, Islamophobia is a global phenomenon.

This book, which grows out of a Ditshwanelo CAR²AS dialogue in 2004 (given in Johannesburg and Cape Town) sketches the history of Islamophobia including how the events of 9/11 have viciously fed that "hatred of Islam" by objectifying or characterizing

all Muslims as threats, terrorists, infidels, barbarians, uncivilized, untrustworthy, etc. It captures the central issues at stake in the West's and South Africa's struggles with Islam, and it does so in a way that responds directly to the many questions raised during the dialogues, the presentations and the TV an dradio interviews that followed. Building on these and his previous training and work, which includes a post-doctorate in Islamic law, many papers published in a variety of journals and books globally as well as grass roots work in his native Pakistan, Prof. Charles Amjad-Ali dispels the myths and distortions which feed Islamophobia and challenges its rise as a modern manifestation of racism in the 21st century. To achieve this, he specifically discusses such critical issues as women, democracy, human rights and the role of justice in Islam, as well as the Islamic understanding of the relationship between religion and politics. He challenges us to tear our veils of ignorance and begin to engage in a serious discussion about restorative justice. Ditshwanelo CAR²AS is extremely proud to be associated with this work.

Rev. Basil Manning
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Ditshwanelo CAR²AS
(Caring About Rights and
Responsibilites Across Societies)
Johannesburg, South Africa

Chapter One

Islamophobia or Restorative Justice: A Clash of Values

I

Islam has been the West's oldest, nearest, and largest neighbour since its emergence in the seventh century. Christendom and Islam have lived side by side for some 14 centuries, and with the exception of Judaism, Islam is the only religion to coexist for so long with Christianity. For almost a millennium the other world religions – Hinduism, Buddhism, Taoism, Confucianism, Shintoism, etc. – were thousands of miles away, but Islam was as near as Spain, the Pyrenees, Sicily, or the Balkans. This proximity, however, has not always resulted in the most congenial of interactions on either side. Instead this relationship has been replete with hostility and suspicion, because Islam was not merely a neighbour: it was also the only real competitor for spiritual loyalty in the Mediterranean world. Today, these tensions have resurfaced and are manifesting in what some would call "Islamophobia" – the fear, dread and even hatred of all things Muslim. In this book I examine some of the causes and symptoms of this phenomenon as well as attempt to work through these phobias and prejudices which are fed by a diabolical combination of disinformation, lies and simple (yet often wilful) ignorance. For without tearing away this veil of ignorance and misinformation, true dialogue cannot hope to emerge, and without such a dialogue the discord between Islam and the West will continue its escalation into a never ending cycle of anger, recriminations, attacks and counter attacks, resulting in an ever increasing toll of violence, death and destruction.[1]

II

The foundational problems which have plagued the relationship between Islam and the West began to resurface after the collapse of the Soviet Union and the bi-polarity

[1] The animating spirit behind my understanding of dialogue is best explained in the final chapter of this book, "Religious Demands for Justice."

it provided, which had kept the western tendency towards colonialism, hegemony and domination of the world in check and vice versa. At the end of the "Cold War"[2] in 1989, a very poor popularized version of the Hegelian understanding of the historical dialectic emerged, which was promoted by a US State Department employee, Francis Fukuyama, who had dubious academic and intellectual capabilities. Ever wanting to be an intellectual *avant-garde*, he saw the fall of the Soviet Union and impetuously tried to explain, not only the West's survival, success and victory over communism, but what it meant for history as such. In his much touted article dealing with these issues, (which he later published as a book with the same title), "The End of History,"[3] he made a shallow Hegelian claim that the end of communism also ushered in the end of the dialectic which had made the movement of history possible. Therefore, the clear victory of the West's bourgeois liberalism and capitalism had resulted in "the end of history." Besides the bald Eurocentric premise of this claim, and its overlooking of the simple fact that China, Cuba, and others continue to be communist states, what Fukuyama also missed is that in fact what has transpired is that Islam, which had been a critical and important ally of the West against communism, has emerged as a political force challenging western hegemony and has immediately been allocated the place of arch-enemy formerly held by communism. Almost immediately after the collapse of the Soviet empire in 1989, Islam came to be viewed as a single homogenous, coherent ideological movement and therefore a serious threat and challenge to the universal acceptance of the West's liberal political construct. Islam thus emerged as the new binary, the new "other." This emergence, of course, completely challenged Fukuyama's hasty claim about the end of history.

That the collapse of communism has positioned Islam as the major, if not the only, challenge to the liberal bourgeois capitalist model has served to reinforce its

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[2] "Cold War" is a Eurocentric misnomer, which we all use with impunity, but without any critical thought. After the two "World Wars" (an equally questionable nomenclature) the term "Cold War" was coined to name a war which did not entail fighting within the European context. Yet it was always an extremely hot war everywhere else and entailed millions of victims. Thus, the sheer fact that it is called a cold war, i.e., no actual fighting taking place, is an extremely racist and Eurocentric read of history because it states that if people of colour in Africa, Asia, and Latin America die that is not war, but when a tribal war begins in Sarajevo in 1914, it acquires world signification because it is fought by the European tribes.

[3] Francis Fukuyama, "The End of History," *The National Interest*, 16 (Summer 1989): 4-18; and *The End of History and the Last Man* (New York: Free Press, 1992).

negative prominence. This was articulated most comprehensively by Samuel Huntington in his famous and currently ubiquitous phrase, "clash of civilizations."[4] Huntington's argument was, quite simply, that with the end of the Soviet Union, the "Cold War" or the politico-economic ideological war was over, and in its wake the old civilizational clashes which that war had papered over, were once again coming to the fore. While Fukuyama was trying to hyperbolize the victory of liberal democracy and capitalism, and was unable to see anything outside of his Eurocentric world view, Huntington[5] was exaggerating and hyperbolizing the existing paranoia about Islam, which has now been promoted to the status of the main enemy and confrontational reality vis-à-vis the West, liberalism, democracy, and capitalism.

Although he names eight civilizational centres, the major clash for him is between the West and Islam. Of course, any logician will rightly point out that there is a false comparison here akin to that of apples and oranges: for in Huntington's claim, the West (a geographical direction and location) and Islam (a religion) are being metaphorized as analogous homogenous cultural units. A geographical designation and a religion are thus made to serve similar purposes and are drawn over against each other. Thus the West is deprived of all its religious elements and is viewed exclusively in cultural terms, and the Islamic world is reduced to an all-encompassing, all-consuming, exclusively religious culture. This does not auger well either for Islam or for the construction of an alternative political and international model that could serve the intents of peace and justice in the world. Instead it has become a self-fulfilling prophecy which has made life in recent years incredibly difficult for many in the world.

The underlying problem is the continuing predominance of a bipolar epistemology, and its necessity of an enemy, which has dominated thinking in political and international relations. This approach quickly replaced the "red threat" with the "green threat" while leaving much of the rest of the debate intact. That this new enemy

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[4] Samuel P. Huntington, "The Clash of Civilizations?" *Foreign Affairs* 72:3 (Summer 1993): 22-28; also made into a book, *The Clash of Civilizations and the Remaking of World Order* (New York: Simon and Schuster, 1996).

[5] Huntington had made his name by promoting the military as a valid interim political institutional structure that was capable of leading newly independent states between the end of colonialism and the emergence of democracy. See for example, *Changing Patterns of Military Politics* (New York: Free Press of Glencoe, 1962); and *Political Order in Changing Societies* (New Haven: Yale University Press, 1968). This was based on his experience as an advisor to General Muhammad Ayub Khan, Pakistan's military dictator from 1958-1969.

does not pose the same level or type of threat to international peace and survival in terms of nuclear and conventional arsenals is apparent. Yet the potential of the future possession of such weapons (the "Islamic bomb" – as if a bomb could be circumcised), and the need to live in dread of Iraq's supposed "weapons of mass destruction" has been hyped with increasingly vitriolic rhetoric. This rhetoric grew in shrillness and sophistry, to the extent that once again truth has been sacrificed on the altar of binary foreign policy and its need for a permanent enemy. The current hyperbole about Iran's attempt to acquire nuclear weapons, for those who have any connection with history, must sound equally false. In terms of the contemporary sophistry, the goal of controlling radical Islam (all attempts at denial notwithstanding), is pitched to the public by vilifying and demonizing all Muslims and Islam, as fundamentalists and terrorists. At the same time, the US is defined as being synonymous with goodness, and being justly engaged in the democratization of these uncivilized barbarians.

Between these two positions, we find encapsulated the problem we face vis-à-vis Islam. On the one hand, Islam is epistemologically ignored as not having any significance, either in terms of its contributions to knowledge, or as a dialogical partner in international issues relating to the comity of nations. On the other hand, all of Islam is vociferously vilified as the **only** enemy, and their/its contemporary barbarianism is emphasized over and over again in the media, so much so that old paranoias are re-dramatized, old clichés are rearticulated, and an essentialism based on the worst imagery is extended to cover all aspects of Islamic life.

Even before the more recent and highly advanced information-technology revolution was fully upon us, satellites, TV and fax technologies had already changed our perception of the world by shrinking it dramatically in terms of time and space.[6] As this

[6] One of the best examples I can give of this shrinkage of time and space is that in June 1986 I watched the Football World Cup Final between Argentina and Germany from my living room in Pakistan on the 30th, yet at the same time it was being played live in Mexico City on the 29th. So in fact I was watching my yesterday happen again, but with new events thrown into it. Two years later, I had a similar experience on the 20th of September, as I watched the Seoul Olympics from New York, where the events were taking place on the 21st. Thus I was watching my tomorrow unfold live. But when my tomorrow in New York actually happened, this event was already part of my yesterday. So in fact, the two epistemological legs of all knowledge - time and space – were displaced. Today what we experience is far more complex, but we take for granted the shrinkage of the world and the collapse of time and space and don't even question what this means for either the individual or for our collective social psyche, which still operates mostly on the basis of a specific location in space and time.

major shift has taken place, a countervailing demand for identity has emerged which has not always been articulated in the most irenic way. Some have dubbed this the "globalist-tribalist debate," others have given it more catchy titles like *The Lexus and the Olive Tree*,[7] or *Jihad vs. McWorld*.[8] In most cases westerners have taken the globalist position as normative and for the most part they see it as good for humanity. This is true even when they critique the rapaciousness of capitalist markets and multinational corporations. What they do not see, however, is that their civilization's world view is hegemonically shaping the world at large for everyone. This is the central issue that needs to be fiercely contested. However, those who do make this critique and make a just demand for recognition on their own terms, are quickly criticized and negated. That these demands are made most vociferously by Muslims is then used to classify them as being tribalist, fundamentalist, pre-modern, and barbaric. Thus all critiques of globalism at this level, and all demands for identity outside of this hegemony, are now placed almost exclusively on the shoulders of Muslims and Islam, hence the binaries so visible in the two book titles mentioned above.

III

The concurrent anti-Islamic shrillness that had already began to emerge in the vacuum created by the end of the "Cold War" acquired an unprecedented bellicosity after the events surrounding 11 September 2001, which immediately spawned the so-called "war on terrorism." For a brief period after this the US received much sympathetic support and almost a *carte blanche* to deal with the perpetrators of that terrorist act as they saw fit. It used that almost global and unprecedented recognition of its moral right to lead a fight against terrorism to make an unprovoked, pre-emptive strike on Afghanistan, with the express purpose of government ("regime") change. Although in that act the US clearly violated international norms as well as the principle of territorial sovereignty, most (largely European and western) nations supported America. However, once the US

[7] Thomas Friedman, *The Lexus and the Olive Tree: Understanding Globalization* (New York: Anchor Books, 2000).

[8] Benjamin Barber, *Jihad vs. McWorld: How Globalism and Tribalism are Reshaping the World* (New York: Ballantine Books, 1996). In this text he talks of *laissez faire* border-crossing capitalism versus splintering and xenophobic fundamentalism. He sees both as central threats to democracy and thus quests after local democratic spaces such as the village square, town hall meetings, churches, etc.

went into Iraq, in yet another unprovoked attack, all this changed. The initial reason given this time was that Iraq possessed weapons of mass destruction. When this causality was proven to be a lie (despite the US's interminable insistence on its veracity), new causalities were generated: from the genocidal credentials of Saddam Hussein, to falsely asserting his direct link with the al-Qaeda terrorists. When these reasons failed to generate global support, the US began to argue that they were in the region to generate democracy in the Middle East and Islamic countries. The paradox of this causality was immediately pointed out across the board, for democracy cannot be imposed from outside and certainly not at gun point.

In the end the shifting and changing causalities put forward as justifications for the violation of international norms, plus the inability to stabilize Iraq, have left the US and its only real ally, the UK, with absolutely no moral grounds for this attack. A further irony is that while all these things were taking place, the US continued its staunch support for Saudi Arabia which is where most of the 9/11 terrorists came from and which does not even make a pretence to having a pseudo-parliamentary expression such as those in some of the other Gulf monarchies and feudal sheikhdoms.

The go-it-alone jingoism, the rhetoric of "he who is not with me is against me," and the scarcely veiled dishonesties (which have been exposed in instance after instance), have changed the way the world sees and feels about the United States. It is now being realized, and stated at times even in the West, that the US represents a growing threat to peace that is even greater than al-Qaeda. The descent into the practice and justification of torture at Guantanamo Bay and Abu Ghraib, so vividly displayed in those infamous pictures, is undoing all of the moral commitments and institutions which were put in place after the Second "World War". What is surprising is that even respected western scholars of rights such as Alan M. Dershowitz[9] and Michael Ignatieff[10] have tried to justify torture at these and other sites on the grounds of the "ethics of exceptionalism." This is completely contrary to the long standing project of the West to establish and maintain the morality of a rights-based international order. This project is grounded in

[9] See Alan M. Dershowitz, *America on Trial: Inside the Legal Battles that Transformed our Nation – From the Salem Witches to the Guantanamo Detainees* (New York: Warner Books, Inc., 2004), and *The Case for Israel* (New York: Wiley John & Sons, Inc, 2003).
[10] Michael Ignatieff, *The Lesser Evils: Politics in an Age of Terror* (Princeton: Princeton University Press, 2004).

deontological ethics (or in the "categorical imperative" as it is called in philosophy). The shift is so radical because once you start establishing exceptions for yourself and justify them on dubious grounds which are clearly based on self-interest, you have a very difficult time enforcing categorical imperatives on others when they start constructing their own ethics of exceptionalism, based on their own self-interest. In the end it is your soldiers and your citizens who become the victims.[11] That is to say, self-interested exceptions have a nasty habit of acquiring the status of categorical imperatives. In ethics, exceptions should be established only when there is not a hint or semblance of self-interest, otherwise it is not an exception but simply a violation of ethical bounds. What is usually stated about law also applies to ethical norms, i.e., they should not only be followed but must be *seen* to have been followed. Because what you claim today as an exception will be applied against you tomorrow as the normative, and a precedence to be repeated. In that case the only thing left is what Nietzsche calls the "will to power," which quickly leads to an escalation of extremism, violence, torture, abuse, and overall unethical behaviour, for no longer can an appeal be made to any set of ethical norms. Here it is also critical to remember that the essence of extremism is first to essentialize the enemy (in this case the "all Muslims are such and such" type of argument). In this process the enemy is stripped of any definition, dignity, value or substance other than the terms we apply to them. The defining self (the I) becomes the embodiment of good, and the enemy being defined (the other) becomes the embodiment of satanic evil: i.e., I am not capable of wrong and the other is not capable of good.

Many in the West, who have absorbed this logic, believe we have arrived in this Nietzschean world simply because of the will to power of Islamic terrorists and now that we are in such a world only greater ruthlessness can save us. This reading of the situation, however, overlooks many foundational and historical problems that have existed between Islam and the West for many centuries. Below I mention just a few of these critical issues which are the genealogical roots and contributory causes of the current crises and misunderstandings.

[11] It was the clear understanding of this very problematic after the horrors perpetrated in the two major intra-European wars of the 20th century, that led the West, at that point dominated by the US, to establish a global human rights regime in the first place.

IV

First is the emergence of Islam and its challenge to the religions of the region. Islam's emergence,[12] and the fact that it quickly became a major religious and political player, first in its region, and then shortly thereafter on the world stage, was a serious challenge to the existing religions in the area. This was particularly so for Judaism and Christianity, since Islam not only claimed to be in total continuity with them, but to be their culmination or completion. For Islam saw itself as the abrogation of these religions, especially of Christianity, which Islam argued had already played a similar, if not identical, role vis-à-vis Judaism.

This was a huge challenge for Christianity because Islam is the only major world religion that claims to be its successor. Christian theologians have long understood Judaism (and missiologically by extension, all previous faiths) to be a *preparatoria evangelica* – preparation for the gospel. Muslim theologians and philosophers, however, see Islam not merely as the reformation of Christianity, but Christianity almost as the *preparatoria Islamica* – preparation for Islam. Islam is thus seen by some fundamentalist Christians as the most durable and sustained deviation from, and threat to, orthodox Christianity. But perhaps it is more accurate to say that the Prophet Muhammad and the *Qur'an*, whether intentionally or not, have become the world's most celebrated re-interpreters of the Gospel.

That Islam succeeded so very well, and spread so quickly, was at least a sub-conscious, if not conscious, challenge to Christianity for sure, and perhaps also to Judaism. Somehow, these religions had failed to meet the needs of the people to whom they appealed. These needs were clearly being met by Islam which thus grew both in

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[12] There are a number of ways to enumerate this emergence: the birth of the Prophet Muhammad in 570 AD; the first revelation which he received at Mt. Hira in 610 AD; or the final success of the Prophet in capturing Mecca, going there for a pilgrimage with his followers, giving there the last sermon, and then dying a few months later in 632 AD. The emergence of Islam can also be dated to the period of the *Khulfa-e-Rashdeen*, (rightly guided caliphs), viz. Abu Bakr (caliph for over two years), Umar (caliph for 10 years), Uthman (caliph for 12 years) and Ali (caliph for over five years), whose total rule lasted from 632-661 AD, or after that through the establishment of the Umayyad rule.

I have kept the AD dating system rather than using the so-called fair and inclusive dating represented by "CE" (Common Era), because to be truly inclusive such a calendar must begin either with the emergence of the Islamic calendar or with the emergence of Judaism. The change to CE, righteous pretence notwithstanding, did not change anything, for it just took the *domini* out of our dating (i.e., *anno domini*) but kept everything else intact. Ironically, *domini* defined broadly (i.e., God) is central for all three religions and yet the name is removed from the calendar for the sake of feigned inclusiveness!

numbers and influence very quickly. It must also be remembered that Christianity and Zoroastrianism controlled large parts of this region and had been battling for supremacy. Manicheans were also a significant presence for although they did not have a large number of adherents, Manichean dualism had a great influence on many of the other religions of the region, including Christianity. In short, Islam, though coming into existence in an area where several major religions were fully in place, was not only able to make major inroads, but in a comparatively short period of time, actually replaced these religions almost completely in this region. Islam was thus not only a neighbour and a competitor; it was and still is (with the exception of Judaism), Christianity's greatest failure.

Furthermore, it must be noted that until as late as a generation ago, Islam was regarded as a novelty, an exotic doctrine of distant peoples. This is no longer the case. Islam is now a live option for millions living in Europe and America. For since the Second "World War", there has been a mass migration of Muslims from Asia, Africa and the Mediterranean to Europe and North America. Muslims have also begun effective missionary work among westerners. This presence is not temporary but has a permanent nature. Concurrent with this has been the emergence of an indigenous type of Islam in the US, which is now acquiring a more orthodox position. This began early in the 20th century with the Moorish Temple, got its major expression in the Black Muslims who were the disciples of the late Elijah Muhammad, and was then transformed into orthodox Islam by Shahbaz Muhammad, or Malcolm X as he is still popularly known. This incursion of Islam into what have been regarded as almost exclusively Christian areas, at the very time when Christianity is becoming a lesser religio-political presence there, has reinforced the question of Christianity's continuing validity. This feeling of Christians being under threat has crossed over into even the most secular quarters of the western world, and manifests itself in a pervasive and often subconscious racism and prejudice against Islam and Muslims.

Second, there is Islam's continuing occupation of biblical lands and Christianity's ecclesial centres, as well as the question of God's agency. Islam's immediate occupation of almost all the sacred places which were central to the Biblical narrative, and its continuing occupation of these places up to the present day (despite the huge global

success of the West), remains at least an unconscious problem for both Christians and Jews. In particular, almost all of the topographical references in the New Testament are to lands that are now in the hands of the Muslims and have been for well over a thousand years. Of the five earliest patriarchates[13] of the church (i.e., Rome, Constantinople, Antioch, Alexandria and Jerusalem), the latter three were occupied almost immediately after the emergence of Islam, and Constantinople was taken over in 1453.[14]

Examine a map of the Mediterranean world and it is quickly obvious that those regions in which Christianity first flourished are now mostly Muslim. Palestine, the homeland of biblical Christianity, is now part of the Islamic world and growingly so. Anatolia in the Aegean, the second centre of Apostolic Christianity, is currently the seat of Turkish Islam. Egypt, the mother of Christian theology in the post-apostolic period, is a major Muslim nation which is home to Al-Azhar, the world's oldest Islamic university.[15] The Maghreb, once the site of western or Latin theology, and the habitat of several fathers of the faith, from Tertullian and Cyprian to Augustine, is now almost exclusively Muslim. Of all the territories surrendered to Islam, Christianity[16] or the West has recovered only two, namely the Iberian and Balkan peninsulas, the latter of which continues to be in turmoil since the end of the "Cold War". And neither of these areas have had much theological significance for Islam. This occupation of ecclesiastical

[13]These five patriarchates were situated in great urban centres and developed by the fifth century into what came to be called the "Pentarchy of Sees." They comprised the Universal (catholic) Church till the schism of the 11th century which led to the separation of the Church of Rome from the other four patriarchates. We must also mention that the status of Jerusalem is still not resolved. Officially at least it is still part of Palestine, with access and even control of certain parts currently in the hands of the state of Israel, and not yet in the hands of a Euro-American state, though some would dispute that.

[14] Only Rome was never a Muslim city. But even it was not always safe. Mehmed II, conqueror of Constantinople and founder of the Ottoman Empire, had aspirations to occupy Rome and unite the empire which had been divided in 751 AD. To that end, Ottoman troops under Gedik Ahmed Pasha landed at Otranto, Italy, and captured it in 1480. Only Mehmed's death spared "Western Christendom" a full-blown war in Italy and the possible takeover of Rome.

[15] It is more accurate to call it the **world's** oldest existing university, set up around 988 AD. The second university to follow, Bologna (i.e., in Europe), was not established until around 1200. But this fact is seldom mentioned or acknowledged in the Eurocentric reading of history.

[16] Unfortunately, the term Christianity here is not as clear as one would suppose. At the time of the rise of Islam it was Byzantium which was the true representative of Christianity. In early Islam, therefore, whenever the term *Rum* (or Rome) is used, it does not mean the Rome in Italy but the new Rome on the banks of Bosporus. Also, the Christianity in the "Middle East" was largely of a "heterodox" nature with Jacobites, Nestorians, etc., as the dominant reality. With the rise of the West, first through the Crusades as far as the region is concerned, and, after 1492, globally, the identity of Christianity is absorbed into western Christianity rather conveniently. This connection is now followed in the Islamic world despite its own earlier sources which see this very differently.

centres, the failure of the Crusades to dislodge Islam from these sites, and their continuing occupation by Muslims even after the extensive growth of the West's power over the last few centuries, remains a hard thing for western Christians, and maybe all westerners, to digest.[17]

Third is Islam's takeover of the Mediterranean and the West's indebtedness to Islam for some of its foundational sciences. The Mediterranean basin, which is seen as the fountain of European/Western civilization is, in fact, surrounded by three continents, viz., Africa, Asia and Europe.[18] This simple geographical fact is conveniently not acknowledged when the West asserts its foundational claim to all Mediterranean sources, and its uninterrupted historical continuity with them. Also ignored, and even actively denied, is the fact that the Mediterranean basin has been almost exclusively occupied by Islam since shortly after its emergence. The northern part of Africa and Asia had been the centres of learning for the Mediterranean world, including the location of the early church fathers and the early church's learning centres. Islam not only took over the knowledge which this area had generated, it also became the sole transmitter of this knowledge to the West. In addition to the whole plethora of other Mediterranean material which Muslims transmitted to the West, are the works of Plato and Aristotle through the schools of Avicenna (Ibn Sina) and Averroes (Ibn Rushd). These have been of central and

[17]It should also be noted that Islam is more threatening to the Christians than to the Jews, because while the former were more or less in control of the region, the Jews for many centuries have played no substantial role in the politics of the area. Now, of course, Christianity has little or no role to play in the region at all, whereas Judaism, through Israel, has become a major problem for the Muslims since at least 1948.

[18] There have been massive movements from Asia to Africa and vice versa, particularly in the history of the monotheistic traditions. To mention just a few: the Israelites' exodus from Africa to Asia; Jesus' flight from Asia to Africa and back again (Matthew 2:13-15 & 19-21); and Islam's first *hijjras* (migrations) in 615 and again in 616 AD, from Mecca (Asia) to Abyssinia (Africa), which considerably pre-date the *hijjra* from Mecca to Medina in 622 AD that acts as the beginning of the Islamic calendar.

Besides the Straights of Gibraltar which straddle Africa and Europe, the other cut point in this continuous basin is the River Bosporus, which has Asia and Europe as its banks. Africa and Asia were twin continents joined naturally at the hip. Egypt is even located in both continents, with the Sinai Peninsula located in Asia (the Middle East as we are now wont to call this area), and the rest is located in Africa. This connection was severed, along with its long and glorious history, when a hundred mile long, and more importantly, one mile wide, canal was cut through the Sinai Peninsula to join the Mediterranean Sea with the Gulf of Suez and the Red Sea for the sake European trade. From 1858-1869, the French, along with Egyptian interests, worked on the creation of the Suez Canal. The Egyptian interests were bought off by the British in 1875 and then the French and the British worked together (perhaps one of the few such occasions since 1066) running the Canal from 1875 until its nationalization by Gamal Abdel Nasser on 26 June 1956. They then fought a war together against this nationalization of the canal by Egypt.

foundational significance to western theology and philosophy, because as late as the beginning of the 12th century, the West had almost no Greek philosophical material in their philosophical and theological arsenal[19] except for neo-Platonic texts.

Besides the philosophical texts just mentioned, Islam also provided major inputs into what we now take for granted as being western sciences and knowledge. These include: law (*Qanoon* - whence our word "canon"); chemistry (*al-chamey*); algebra (*al-gebra*); geometry; medicine; surgery; and astronomy. And vis-à-vis mathematics, without Arabic and Indian numerals we would not have binaries. Instead we would still be using Roman numerals and think of making these work for computing! This indebtedness makes the West very uncomfortable and thus all kinds of historical gymnastics are undertaken to deny or ignore this debt and make Islam a religion of ignorance with no potential of having a dialogical and dialectical relation with knowledge outside of its flat faith parameters. This prejudice is reinforced by the reactionary, anachronistic, "fundamentalist," and conservative Muslims who then make this limited and deformed caricature of Islam into their normative and demand a "purified," and thus totally isolated, Islamic reality and existence.

Fourth, Islam had cordoned off Europe and hemmed it in. Islam's geographical hold over Europe's access to the larger world was so severe that it had little, if any, contact with the main trading centres of China, India, and still further east, Indonesia, for spices. Europeans kept looking for ways to by-pass this cordon and eventually they did find a way through the Gobi Desert, which is one of the world's most inhospitable places. In spite of the fact that this passage did not engender any trading routes, it did provide the West with a great deal of new knowledge and made Marco Polo famous in the West for the sheer fact that he made it to China and, on the way back, to India without being

[19] Thomas Aquinas, who had moved to Paris to study, was being given these materials and found that he had to react both against the Greek philosophers as well as their transmitters, the Muslims. Thus he wrote the *Summa de veritate catholicae fidei contra gentiles* (Treatise on the Truth of the Catholic Faith, against Unbelievers), commonly known as the *Summa Contra Gentiles*, before he ever broached the *Summa Theologica* which is better known in the West. It can be argued that some of the central epistemological and hermeneutical roots and contributions of Thomas were deeply influenced by Islam, like his argument for the perspicuity of the sacred text which is one of the central tenets of evangelical and fundamentalist churches, and his concept of the *magisterium* as the ultimate determiner of the textual interpretation and limits to an ever growing number of individual interpretations.

stopped by the Muslims.[20] Therefore, as soon as the 781 year Islamic control of Spain was ended by the *Reconquista* of the joint kingdoms of Aragon and Seville in 1492,[21] Europe (and with it Christendom) began looking for ways to get to India. This was of course the case with Christopher Columbus and five yeas later with Vasco da Gama[22] who sailed down Africa's west coast and around its southern cape to India between 1497-98.

Fifth, Islam is the only other civilization that can match the West today in terms of economic and political power. In the past, Islam was the only civilization in close proximity to which the West felt inferior for long periods of time. The European powers never feared the native cultures of Africa and the Americas, nor the distant empires of East Asia, but they did stand in dread of Muslim conquest, most intensely in three distinct periods. The first of these was between the seventh and eight centuries, during the genesis of Islam and its rapid expansion in the Middle East, North Africa and Spain, at the expense of Christianity. As mentioned above, during this era Christianity was practically obliterated from these areas. The second period was during the Early Modern Era, between the 14th and 17th centuries, which was the period of the Muslim Renaissance. This epoch of Muslim glory witnessed the rise of the Ottomans in Turkey, the Safavids in Iran, and the Mughals in India. In addition, Islam expanded significantly in Africa, the Balkans, and Indonesia. The threat of the Muslim presence was so great that at the time of the Protestant Reformation, Martin Luther

[20] Marco Polo (1254-1324?) went to China in 1271 and returned to Venice in 1295. He wrote a book, *Descriptions of the World*, in which he described Kublai Khan's postal service. He also described the use of paper money, which was not used in Europe at the time, for the printing press had not yet been invented.

[21] On 2 January 1492, the Castilian and Aragonian banners flew from the towers of Alhambra marking the conquest of Granada as well as the conclusion of the long struggle against the Moors. This is called the *Reconquista* of Spain. In 1469, these two main powers of "Christian Spain" were formally united through the marriage of Isabella, princess of Castile, and Ferdinand, heir to the throne of Aragon. This provided the much sought after power to confront the Moors and laid the foundations of the modern Spanish state. In 1478, they obtained a papal bull establishing the Spanish Inquisition under royal control, particularly in Andalusia. This Inquisition, besides other things, led the Catholic monarchs to expel the Jews in 1492, and in all some 170,000 Jews were expelled from Spain during the final year of the *Reconquista*. In August of the same year, Christopher Columbus sailed from the small port of Palos, Spain, for India. Now we know it was the Americas, but Columbus right up to his death never accepted the fact that he had not landed in India. Along with his many other errors, this mistake has left the First Nation Peoples (i.e., Native Americans) wrongfully being called Indians.

[22] da Gama (1469-1524) started his trip on 8 July 1497, arriving in Calicut, India, on 20 May 1498, after a very circuitous journey, hugging the west coast of Africa, passing the Cape area and southern coast of Africa.

prayed that the evangelical churches would be spared not merely from the Pope but also from the Sultan.[23]

The third era is the present, for Islam, which was on the wane for three centuries after the failure of the Turkish attempts to take Vienna, has been showing signs of a serious resurgence since the mid-20th century. This regenesis is evident in the political, economic, and cultural realms as most Muslim peoples are politically free of foreign domination for the first time in hundreds of years. A commonwealth of Muslim nations (i.e., the Organization of the Islamic Conference – OIC) now extends around the planet, from Guyana in South America, across North Africa, the Middle East, Iran and Pakistan, and all the way to Indonesia. And since the 1970s, a number of events have occurred to make Muslims feel that they were on the road to a comeback. The first of these were the oil crises of the early 1970s, which though hyped by the petroleum industry to raise the price of petrol, were also proclaimed and accepted as an exercise of the petroleum muscles by the Arab sheiks, through such new organizations as the Organization of the Petroleum Exporting Countries (OPEC), and the OIC. Whatever the causes of this crisis, it brought the West to its knees as people formed kilometres long lines, to buy petrol. For the first time in centuries westerners felt the power of the Muslim world in their daily lives, and could do nothing about it.

This crisis was followed by the overthrow of the Shah of Iran in 1979, which was successfully brought about with little or no violence. Here was a man who was credited by President Jimmy Carter with creating an "island of stability" in the tumultuous "Middle East," and he was brought down by the power of the ordinary people, galvanized by Islamic symbols, the biggest of which was the Ayatollah Ruhallah Khomeini. A related event was the taking of American hostages in Iran starting from 4 November 1979, and ending on 20 January 1981. US News commentator, Ted Koppel, became a household name because of his daily reporting on this event. On what became the famous late night news programme, *Nightline*, he brought the American public's concern to a fever pitch because it was an election year. It seemed that instead of a number of individual Americans, it was the whole nation that was being kept captive by Iran, as reflected by Koppel's by-line, "America Held Hostage." Thus the media hype that

[23] Even the Roman Pontiff was not safe, c.f. footnote 13 above.

surrounded this crisis served both to heighten latent Islamophobia within the West generally, and in America particularly, and also to bolster the sense of victory that was felt in much of the Islamic world. What truly set the seal on both of these reactions to this crisis was the failure of the American rescue mission that Carter launched on 24 April 1980. It ended in disaster because a desert storm destroyed the most sophisticated weapons and air transport system available at the time:[24] three of eight helicopters were damaged in the sandstorm and eight people were killed, after which the mission was abandoned. Muslims felt that no one but Allah could have done that.[25]

This sense that God was on the side of the Muslims against the might of the West was also evident in the 1980-88 Iran-Iraq war, for the new Islamic regime of Iran, while still in the throws of an internal power struggle, managed to block the invading Iraqi army despite its superior weapons, covert US backing, and tactical guidance from senior military commanders of the dispossessed Pahlavi regime.[26] That the new Islamic Iran was able to stand up to the combined might of the military leadership of the old Iranian regime that had been in the lap of the West, and an Iraq backed by the western superpower, was seen as an obvious sign of God's protection and design.

In the Muslim world the success of the *mujahideen* (literally, those engaged in struggle or *jihad*, i.e., freedom fighters) against the might of the Soviet Union in Afghanistan was often seen as having led to the demise of the Soviet Union itself, which followed immediately after the war. Though the West celebrated this as their victory over communism, and declared their strength to be the cause of the collapse of the Soviet Union, the *mujahideen* as well as much of the Muslim world saw this as the West falsely and arrogantly appropriating the results of the Islamic struggle. For these Muslims, their victory was a classical re-enactment of David's victory over Goliath and therefore it must

[24] We saw shades of this in the beginning of the March 2003 US invasion of Iraq, when the desert storms seriously hindered the early days of the war.

[25] Not incidentally, these events had serious repercussions for American domestic politics as well, which have subsequently become part of the scandal known as "Irangate." The result was that on 20 January 1981, the day the Democratic President Carter officially handed over the presidency to the Republican Ronald Reagan, the US released almost $ 8 billion of Iran's assets which had been confiscated following the sacking of the embassy and taking of staff as hostages. The hostages were released after 444 days in Iranian detention.

[26] It has been recognized that prolonging this war served a western agenda. This is evidenced by the fact that various western states provided arms to **both** sides. Also, during this war the price of petrol was affected by the willingness of both Iran and Iraq to sell this resource to pay for these arms.

have been based on divine intervention and the purity of the purpose of Tamayyan Sunnism.[27] And furthermore, if the one Goliath could be destroyed than the other, most thoroughly corrupt Goliath must necessarily follow. This was the logic that lay behind what happened on 11 September 2001, which was an attack on the central symbols of western power, namely the World Trade Center (representing US and western corporate capital and economic power), the Pentagon (representing the military might of the US), and the White House or the Congress building[28] (representing the political might of the US). That 19 people in four planes could come so close to destroying the main symbols of US/Western power, and did in fact destroy one and damage another, was seen in the Islamic world as yet more proof that "God is with us."

The way the US reacted to this event and the series of crises that have followed all show the success of this mission and have increased the likelihood that more such missions will be carried out in the future. Since the destruction of their holy shrines in Iraq by bombings that are part of the US war there, the chance that some of these missions will be carried out by Shi'a Muslims has also been escalated. For Sunnis, the unjust invasions of Afghanistan and Iraq have given Tammayan Islam yet another lease of life and legitimacy, which will escalate their attempts to destroy all who are the agents of the West.

All of the events mentioned above have been causes of the sour relations between the western and Islamic worlds, and thus, only exceptionally have there been periods of amiable and trusting interactions. Once again, the hostile and aggressive mode has surfaced as the dominant paradigm for understanding this relationship, political sophistry by the heads of states notwithstanding. Because of this, constructive interactions are not always recognized or stated in the public discourse. Yet it is only by following this path that we can step back from the aggression and violence which is currently so much in evidence and which shows no sign of dissipating.

V

[27] See section VII of this chapter for an explanation of this term.
[28] The last target was never hit, due to the crash of the fourth plane in a field in Pennsylvania.

We can begin any interaction either by vilifying the other, whom we are wont to call by all kinds of derogatory names, or we can begin with the notion of the absolute worth of all, including our enemies, not only theologically but also philosophically. We can treat the enemies of the moment as representing absolute evil, in an Orwellian sense,[29] thus treating them as being totally wrong and therefore as having no ability to offer anything worth hearing or listening to. Hannah Arendt, one of the great minds of the 20th century, said of the totalitarianism she encountered in Nazi Germany, "The principle of the movement is whoever is not included is excluded, whoever is not with me is against me, so the world loses all the nuances and pluralistic aspects that have become too confusing for the masses."[30] This quotation could be applied to some of the things that have taken place recently in the West.

But we cannot afford such an attitude when faced with the new forms of totalitarianism of our time. In an ethical discourse like the one we are trying to carry out here, we must begin with the assumption of the absolute worthfulness of the other, who can become a source for us and without whom our own humanity is in question. Such a truly dialectical approach does not allow us the false and comforting luxury of the "real politics" or "real theology" of the so-called pragmatists with their unstated double-predestinarian foundations which always end up with the theological and philosophical dualism of a "children of light [us] and children of darkness [them]" approach. So even when we do have to accept evil or sinfulness in the other, we should immediately admit to our own evil and sinfulness as well. Being part of humanity we are always capable of error and foibles so we cannot afford to condemn the other as a sinner and forget our own sinfulness.

Chris Hedges, in his recent powerful book, *War is a Force that Gives Us Meaning*, argues that,

> Most of us willingly accept war as long as we can fold it into a belief system that paints the ensuing suffering as necessary for a higher good, for human beings seek not only happiness but also meaning. And

[29] "War had been literally continuous, though strictly speaking it had not always been the same war … The enemy of the moment always represented absolute evil." George Orwell, *1984* (San Diego: Harcourt Brace Jovanovich, 1949), 35.
[30] Hannah Arendt, *The Origins of Totalitarianism* (San Diego: Harcourt Brace Jonavich, 1979), 380-381.

> tragically war is sometimes the most powerful way in human society to achieve meaning.[31]

Hedges goes on to say,

> Armed movements seek divine sanction and the messianic certitude of absolute truth. They do not get this from religions, as we usually think of religion, but a type of religion: Patriotism provides the blessing.[32]

Patriotism, even in its mildest form, becomes a thinly veiled form of self-idolatry, which celebrates our ideals, our goodness, and our sense of rightness not in themselves but always over against the unmitigated evil of those whom we hate. That is only one side of the issue; the other is that we cannot afford to abandon fixed and established values for the sake of security or survival. Nor can we afford to sacrifice the very things we honour and fight to protect by perpetuating lies, or manipulating tragedies through sophistic euphemisms which rename our evil acts as paradigms of heroism. For by doing so we become the very evil we deplore.

VI

Once we are willing to begin an honest dialogue, we immediately face the problem of getting beyond the dominant essentializing approach which treats Islam as one monolithic entity. Both the conservative Muslims and the West tend to adopt such an approach, each for their own particular biases and interests. Yet, in order to understand the complexities of the issues involved in the debates between Islam and the West, we must challenge this essentialization.

There are now some 1.2 billion Muslims spread over many countries and cultures, to the extent that there is a Muslim presence evident in almost all countries in the world. The OIC now has 57 permanent members and three observer states, and these are spread over Africa, Asia, and Europe, not including India. Muslims constitute the second largest religious community in Europe, a fact that is not always easily understood or remembered. It is also perhaps the second largest religious community in the United States. About 20% of the global Islamic population reside in the Arab-speaking world. The second or the third largest Islamic population (depending on who one is talking with) is located in India, a

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[31] Chris Hedges, *War is a Force that Gives Us Meaning* (New York: Public Affairs, 2002), 10.
[32] *Ibid*, 14.

context which is not Islamic at all,[33] and the largest Islamic country is Indonesia. In addition to this vast cultural and ethnic diversity, there is of course the Sunni-Shi'a divide, which besides having deep historical roots also entails ethnic factors. This divide has had, and continues to have, a kind of vicious hostility which erupts on a regular basis into mini-expressions of Europe's Thirty Years War. Thus it takes a hard and conscious naïveté to treat Islam as a homogeneous reality and to ignore its different and conflicting ethnic, linguistic, cultural and historical biographies which are easily subsumed under the overarching structure of Islam.

However, the essentialising heuristic tool of treating Islam as one simple entity is continually reinforced because it is extremely beneficial to the West. It allows the latter to treat all of the complex groups briefly outlined above, as one homogenized reality, e.g. Islam is projected by certain Huntingtonians as the the displacement of communism and the emerging new enemy.

This essentializing approach is also extremely beneficial to the more conservative Islamic groups which are unable to deal with the particular problems of given societies' contexts. Thus they find in a triad of *Shariah* (Islamic law), *Ummah* (the community of all believers), and *jihad* (literally struggle, often used to mean holy war), both easy answers to the complex plurality of existence and a means to establish an overt unity against the West. The commonality of the Arabic text of the *Qur'an* and a very easy orthodoxy based on the so-called "five pillars of Islam" [34] are emphasized over and over again to forge a sense of homogeneity. However, just below the surface of these flattest and most minimal of commonalties, lies a whole other level of clashes and differences of opinion, emphases, nuances, etc., which have led to more distrust and fights and wars within Muslim communities than one likes to admit. Let me just briefly review some important examples of these tensions.

An example of a country with extremely serious **intra-state** conflicts is Pakistan, which despite being specially formed in August 1947, for, and in the name of, the

[33] Until the most recent elections in 2004, India was acquiring a radical militant Hindu identity that has threatened Islam and Muslims since 1989, particularly since the 1992 destruction of the Babri Mosque.

[34] These are: the single statement of "there is no God but God and Mohammed is his Prophet;" the five times a day prayers, the call or *adhan* of which is heard by everyone in Muslim lands; fasting during the month of Ramadan; the giving of alms; and the vivid scenes of the pilgrimage to Mecca, called *hajj*, which is to be accomplished at least once in one's lifetime.

Muslims of India, wound up splitting into two countries in 1971. After much bloodshed, Bangladesh emerged as a separate, ethnically defined country, although in both countries the vast majority of people were and are Muslim. Today within Pakistan itself there are still intra-communal tensions, which result in regional ethnic struggles such as the one that is currently escalating in Baluchistan, as well as horrific sectarian violence, with daily reportings of Shi'as and Sunnis bombing and killing each other. And there is similar inner tension in Bangladesh with bombs killing innocent people almost daily. In Afghanistan the departure of the Soviet Union on 15 February 1989 not only led to the collapse of the Soviet-backed regime in 1992, but also to a civil war which only ended with the emergence of the highly repressive and anachronistic Islamic rule of the Taliban from 1996-2001.

Such internal strife is also still evident today in Algeria. That bloody struggle started with the December 1991 elections, when the Islamic Salvation Front (FIS) despite their clear victory were not allowed to form the government by the previous ruling party, with the direct collusion of the West. At that point the country descended into chaos, which continues almost unabated even today, and which has led to huge losses of life and property. Within Egypt, a somewhat similar internal battle has been going on for well over three decades. And another example of intra-state conflict is occurring in the almost exclusively Shi'a state of Iran. Until the last election of 2005, Iran saw the repeated landslide victories (68% and 78.3% respectively) in the presidential elections of 1997 and 2001 of the former minister of culture, Seyyed Mohammad Khatami. Both times he beat the speaker of the assembly who was openly backed by the more conservative *ulemas*.

The Islamic world has also seen many intense **inter-state** conflicts, such as the one between Iran and Iraq, which lasted eight years from September 1980 to August 1988, and resulted in Muslims on both sides killing each other by the hundreds of thousands. And the 1990-91 Gulf War which erupted between Iraq, Kuwait, and Saudi Arabia, was a conflict between three Sunni countries who were fighting for control and superiority in the region. Ultimately it ended in the US victory over Iraq, which was celebrated by the neighbouring Sunni Muslim states.

These and many more examples can be cited of the massive and systemic internal clashes within the Muslim world that have resulted in massive losses of life and property,

and a pervasive inability to create stable and structured societies. Though these conflicts are sometimes mentioned and reported in the West, they do not get examined or analyzed in a way that reflects the plurality and heterogeneity of the Islamic world. Instead the West projects itself as the sole victim, and exclusive enemy of a vicious and destructive Islam run amok. The result is that there is little recognition of the large internal conflicts but only an awareness of the external conflict which is perceived to be carried on by a few Muslims who see the cause of these internal problems as being the "westtoxification"[35] of their societies, for which they hold the West largely responsible.

In short, much of the current debate on both sides is based on certain geo-political, economic, and territorial interests. In this instance, for the purpose of retaining or gaining power, both sides seek to promote a transcendent, homogenising idea or cause, such as faith, democracy, peace or the well-being of the people and, sometimes, all of these put together. The problem is that these competing transcendent homogenised edifices clash on some very fundamental principles, and hence they do not produce resolutions between Islam and the West as sometimes happens when complex conflicts are simplified. Nor do they truly work to mitigate the internal tensions that are so clearly part of the realities within each civilization.

VII

One of the most serious of the tensions within Islam concerns differing views of the legitimacy of political rulers and the state. Not only is this issue a key part of the conflict between Sunnis and Shi'as, its dynamic and underlying logic also have important implications for the conflict between Islam and the West.

The Shi'a community has always stood within a certain kind of anarchic tradition, with an attitude towards the *status quo* and rulers' legitimacy that is ambiguous at best. They are suspicious of any head of state who claims to be either a legitimate ethical authority, or the source of such authority. The centrality of Caliph Ali's experience of suffering under the active connivance of the oligarchy of the early Islamic community is the determiner of this attitude: in the Shi'a view, this oligarchy first deprived him of his rightful status of being the first caliph as the Prophet had intended, and then, when Ali

[35] See section of VII of this chapter for a further discussion and history of this concept.

finally attained the status of fourth caliph, they created a counter claimant in Syria. The second reason for their scepticism and suspicion about power is the murder of Hussain (the Prophet's grandson, and Ali's son) and his family by the false claimant to the caliphate in Syria. The acceptance of this false claimant as caliph by a large majority of Muslims early in the Islamic tradition, leads the Shi'as to be slightly sceptical about power, the status quo, and the loyalty and obedience owed to rulers.

The Sunnis, however, have not only pledged their allegiance to rulers (even those with false claims) they have also accepted the idea that a ruler is someone whom God has decided or chosen to be over them. They therefore have little willingness to challenge the status quo. The only major Sunni critique of the state and its ruler was in the beginning of the 13th century, after the conversion of the Mongols to Islam, [36] and their syncretising tendencies vis-à-vis the law and social institutions in the Islamic state. This is associated with a conservative Islamic scholar, Ibn Tammayya (1263-1328). This is the only real instance of a serous critique of rulers in the Sunni tradition until about the last hundred or so years. At the end of the 19th century, Sunnis begin to invoke Ibn Tammayya for legitimacy, first against the colonial or semi-colonial rulers who dominated the Muslim world, and later, in the period which immediately followed the colonial experience, against their own leadership. When the upheaval of the anti-colonial struggle settled, and the immediate euphoria of gaining independence was over, the new rulers of the independent states were found wanting, in terms of providing a just distribution of economic resources, as well as power, freedoms, and rights. Their failures were all the more pronounced because of the anticipation during the anti-colonial struggle of a more efficacious, self-ruling, independent state. Leaders within the Sunni-dominated states came under the scrutiny of Ibn Tammayya's critique and thus emerged the first signs of what is today called "Islamic fundamentalism." Proponents of this view blamed the problems of the post-independent Islamic countries on the continued adherence within these states to the secular legal traditions leftover from colonialism, and on the leadership which was trained by the colonial rulers and who had acquired their understanding of

[36] In 1258 Hulagu Khan, the grandson of Genghis Khan, conquered Baghdad and destroyed the Abbasid dynasty. He founded the Mongol Il Khanate rule in Persia. About 38 years later, when Hulagu's great-grandson, Alauddin Ghazan, converted to Islam, the invaders adopted their victims' religion as their official religion.

statecraft under this tutelage. A term with a very interesting etymology was thrown around then and continues to be utilized with some regularity even now: i.e. "westtoxification."

So besides shifting their venom from western powers to local leadership, their critique claimed that Islam could provide the things western state-craft and legal infrastructures had failed to come up with, namely a moral framework for the righteous functioning of the state. For this a new leadership was required which was both trained in, and capable of, practicing Islamic thought, theology and jurisprudence. Though this became the battle cry, in large measure it failed to gain acceptance in the hearts and minds of the people *per se*. However, things began to take a different shape with the emergence of the more confrontational side of the "Cold War", which led the West to alliances with the most conservative side of the Muslim world, especially Saudi Arabia. Both the West and Saudi Arabia felt threatened by socialist trends that were beginning to emerge within pan-Arabism (c.f., Bathism of Syria and Iraq, and socialism of Egypt), as well as the socialist call that began to emerge in the voices of people like Sukarno of Indonesia and Zulfiqar Ali Bhutto of Pakistan, (two of the largest Muslim states).

The West, dominated by its own bourgeois and capitalist ideology, began to work with feudal monarchies in the Muslim world on a common cause. To stave off socialist trends the latter began to mobilize and finance different Tamayyan forces who proceeded to capture the hearts and minds of the people, both through a romantic retrieval of some mythical golden age, and by making a hyperbolized critique of the corruption of the native politicians. In all of this the West was a fully cooperative partner, even supporting the least democratic and most repressive conservative jihadists, because they were seen as the most ideologically strong bulwark against communism.

During the later part of the "Cold War" period, these fundamentalists had been given a free hand to condemn and even control certain societal structures such as the universities and the trade unions. Then all of a sudden the "Cold War" ended and these forces, which had gotten used to being heavily financed and supported by the West (and therefore had kept their critique of the West more as a rhetorical device for recruitment) found that they were not only being condemned as fundamentalists, they were being restricted from these spaces which they now regarded as their natural habitat. With the

end of the "Cold War", they felt badly used, betrayed and discarded by the West, and began to articulate the fact that the West lacked the principles which it had claimed during their common struggle against communism. After the jihadists had actually defeated communism, they argued, the West had not only abandoned them but began to name them as its worst and now most prominent enemy. Thus the West's utilitarian structures and relational patterns were a clear expression of its overall immorality, as was its open acceptance of women's free sexuality, of homosexuality and other such moral issues. The jihadists went on to argue that if this kind of immorality was not kept in check through very hard measures it would seep into their own societies and corrode both their moral and Islamic foundations.

In summary, these Islamic jihadists who had been called *"mujahideen"* (or "freedom fighters"), fighting in the path of God and for the freedom of the people, suddenly found themselves being negatively re-classified as "fundamentalists" (an epithet thrown at them from outside and not a classification they chose for themselves). Shortly thereafter, they were called "terrorists," for the same acts for which they had been hailed and treated with highest honour just a few years before. As they were deserted, negatively re-classified, isolated and targeted, they began to look for spiritual and religious succour and mobilising principles. There was therefore a rather sudden but robust revival of several key elements of Islam which became central to the new Tammayyan Sunnism, viz., *shariah*, *ummah*, and *jihad*.

VIII

In this essay, while painting a very broad picture of the relationship between Islam and the West, I have also tried to lay out some of the specific causes of dis-ease and Islamophobia within the West. I have tried to cover some of the causes of Muslim anger at the West, as well as the sense of Islamic revival that Muslims have also been feeling over the last thirty or so years, that God is again giving them a special privileged status. It is evident that these positions are capable of generating very high levels of tension that can then be quickly transformed into very destructive movements. If we are to find a way out of the current impasse which this has caused, the West must come down from its position of arrogant superiority on all these issues and acknowledge its

usurpation of Islamic knowledge. It also needs to respect the moral imperative of the international order it has itself created. For their part, jihadist Muslims – who do have legitimate grievances which need space in which to be articulated and discussed, and who do deserve to feel that they are being treated as fully human – need to realize that their demands have to be seriously tempered by a willingness to deal robustly with contemporary issues. They also need to acknowledge that their anachronistic and orthodox rendering of Islam is not the only possible way of understanding Islam and Muslim faithfulness. And they must come to terms with the fact that the Tammayan solution neither worked well in Baghdad, nor ultimately, does it have the capacity of developing a just, participatory and peaceful order today.

Both the West and jihadist Muslims must recognize that Islam was always in dialogue with the larger contemporaneous moral discourse, whether it came from Greek philosophy, from Roman politics and law, or from Zoroastrian polity and administration, etc. The pretence that such interaction will destroy the foundations of faith is both historically inaccurate and a grave injustice both to Islam and to Muslim faithfulness, which are capable not only of challenging but also of living in a world with people who think, act and believe differently from Muslims and who want to achieve different ends.

Both sides need to develop a willingness to listen to each others' genuine grievances and the capacity to frankly challenge each other when they feel wronged. But more than anything else both need to begin with the assumption of the worth of the other and thus the demand to genuinely listen to each other. Even if not all things can be healed through such a process in the short term, we will at least be started well on the project of finding ways of living in a human community with vibrant, even vital, differences between its various peoples. Affirming and demanding the recognition of one's identity without vilifying or seeking the destruction of the other, and at the same time fighting for the right of the other to be allowed recognition of their identity, will open the door to non-pejorative ways of interacting with the other. These entail a form of justice which restores the other as a partner in dialogue, which in turn helps tear the veils of ignorance which impede the formation of just, participatory, and sustainable societies.

Chapter Two

A Myriad of Misconceptions:
An Excursus on the Western Understanding of Islam

I

In the West there is nearly always a very facile equating of Islam, almost exclusively, with the Middle East, Near East, or Arab world. This practice dates back to the period of the meteoric rise of Islam in the area which today is Saudi Arabia and its immediate expansion around the region, which quickly resulted in Europe being fenced off from the trade routes to the spices, silk and china, etc., of the Far East. Arabic Islam has also been the main competitor to Christianity in its area of origination, as I have just discussed in the previous chapter. More recently this association between Arab and Islam was expressed in a complex way during the long process of the Ottoman Empire's disintegration. Active engagement by European states hastened the disintegration of this Empire (which coincidentally occurred in tandem with the growing importance of crude oil). The duplicitous role which Britain in particular played at this time (to be followed subsequently by the Americans) established the current organisation of the Arab lands that were formerly under Ottoman domination, thus setting the stage for the current series of "Middle East" crises, which continually dominate the headlines.

Foremost among these, of course, was the establishment of the state of Israel in 1948 which again focused attention on the Muslims of the Arab world in a negative way. Although Israel was created at least in part as expiation for European and American guilt over the horrific treatment of the Jews at the hands of Nazi Germany, it was the Palestinian Arabs (many of whom were Christian) who were made to pay the price. When these dislocated people tried to reclaim their homeland, the West regarded it as Islamic aggression, and have supported Israel even when it went against all international norms of just behaviour. Tension has continued between the state of Israel and the Arab states, erupting on a large scale in the 1967 and 1973 wars and the oil crises that had a direct impact on the daily lives of the people in Europe and America. The Iranian

Revolution of 1979 which overthrew one of the US's favourite potentates, the Shahinshah from the "Pahlavi dynasty," (and which also included the taking of American hostages), and the first Gulf War of 1991 (supposedly to curtail Saddam Hussein's aggression against Kuwait while just a few years earlier the US had directly promoted and supported his aggression against Iran), have also served to reinforce, over and over again, the Islam-Arab association. Islam and Muslims equals Arabic and Arabs. So what the Arabic world does is very quickly projected as being true of the whole Islamic world.

When it is convenient, the Arab world is quickly extended to include the countries surrounding the region, even when such an extension and inclusion is patently false. Such is the case, for example, with Iran (consciously mispronounced **I-ran** at least in the US, as is also the case with **I-raq**); Iran is made *de facto* into an Arabic nation, even though its *lingua franca* is Persian. Or take Afghanistan, whose various languages are Persian, Pashto and different Central Asian languages, and Pakistan where the *lingua franca* is Urdu. None of these countries are Arabic speaking at all. In fact at least 80% of the world's Muslims are **not** Arabic speaking. Therefore, to use Arab Islam and its practices as either paradigmatic or normative for judging all Muslims is not only patently wrong, it produces a whole set of epistemological fallacies which substantially distort everything else. It is wrong not simply because it does not take the overwhelming majority of non-Arabic speaking Muslims as the criterion for understanding and working with Islam (which should be at least part of the democratic requirement), but also because it ignores the fact that many of these non-Arab Muslim countries have fought long and arduous struggles to gain independence from western colonial structures, and then to establish democratic dispensations, often against military dictatorships and totalitarian regimes. The latter, in most cases, if not brought into power through the direct collusion and intervention of the West, were at least supported substantially by it (e.g., Indonesia and Pakistan).

These experiences of Muslims outside of the Arabic speaking states, which are largely different from the experiences of Arab countries, are not given any real status when westerners discuss the character of Islam and its struggle with and for democracy. In short, an exclusively Arab-centred reading of Islam conveniently

overlooks and ignores the experiences and struggles of the majority of the Islamic world and *de facto*, if not *de jure*, denies it any relevance.

The forced Arabization and association of these countries with the Middle East or Near East, which is a hegemonic and oppressive move, is justified on the ground that their *lingua religiosus* (religious or sacred language) is Arabic, at least scripturally and liturgically, and therefore such a connection can and should be made. Interestingly, the fact that Arabic is the scriptural and liturgical language of the whole Islamic world is not advanced equally promptly, so when such a connection between language and religion is made, it is done for the sake of a particular political agenda.

Nor does this argument acknowledge that there has been a division between the *lingua franca* (common language) and the *lingua religiosus* in almost all religions. The most intense exception to this was one of the founding moments of the Protestant Reformation in the early 16th century, which insisted on translating all of the elements of the *lingua religiosus* into the various *lingua francae* where the church existed, and was to spread. Some 450 years later, the Roman Catholic church went through a similar experience after Vatican II (1962-65) and replaced Latin as the *lingua religiosus* and allowed the translation of the religious elements into various *lingua francae*. In the best tradition of Eurocentricity, the more orthodox and conservative sides of European societies expect all religions to practice their faith in the same way the West does, i.e., among other things, to have no separate *lingua religiosus*, if they are "civilized," "rational," "modern," etc. For the continuing maintenance of a *lingua religiosus* by anyone after the European experience of "Enlightenment" is a clear sign of their backwardness. This patronizing assumption is made despite the fact that it is the European experience which is the exception. Almost all other religions retain their *lingua religiosus*: Hinduism uses Sanskrit; Buddhism, Pali; Zoroastrianism, Farsi; Sikhism, Gurmukhi; and Judaism uses Hebrew (at least in it most traditional and orthodox form, or when it is distant from its apologetic and compromised existence in the European context). Even within the context of Christianity all its expressions outside of the western

churches/denominations[37] continue to use a *lingua religiosus*: cf., Greek Orthodox Church and Greek; Ethiopian Orthodox Church and Amharic; Syrian Orthodox Church and Syriac; Coptic Church and Coptic, etc. That this is the case is of little import to the European mind, however, because these religious traditions have little bearing on present geopolitical power struggles. And thus this Enlightenment-based challenge to the continuing use of a *lingua religiosus* is most vociferously negative when it comes to dealing with Islam and Arabic, precisely because Islam is engaging the West politically in many different regions and on several different issues. But the main point I want to make here is that this western bias against the continued use of a *lingua religiosus* impacts the Muslim world in two main ways: first, it is yet another way in which Islam gets characterised as barbaric (in other words, this practice is a sign of Islam's backwardness, as noted above), and second, it leads to the contraction of the categories of Arab and Muslim, resulting in the invisibility of the 80 % Muslims who speak other languages, and live outside the "Middle East." This gross distortion of reality complicates efforts to get beyond the current hostilities between Islam and the West.

II

One must also question the geographical terminology which is used in the West to designate or define the particular region we are discussing here, i.e., Middle East or Near East. The use of these terms demonstrates the incredibly narcissistic and egocentric assumptions of the Eurocentric view of the world. Such assumptions should be very easy to dispute, since it is a simple matter of physical geography and not some radical ideological question which can distort "reality" or "truth." One, however, cannot, and does not, ask even some very simple questions, for fear of being ostracized and isolated, or worse still, being branded as a "liberal" performing some "PC" (politically correct) act.

The question that is raised in my mind by the term "Middle East," is simply "middle" of what, and "east" of where? For me as a South Asian, this region is not

[37] Here the distinction I am making is between the eastern and western churches, based on the schism of 1054 AD.

the middle of the east at all, and sitting here in South Africa this geographical designation is indeed quite foolish. What is even more ironic, however, is that it is equally wrong from a European perspective, for even from there it is not the middle of the east, however the latter is defined. The term Near East is truer from the Eurocentric perspective, but "Middle [of] East" is clearly used as a metaphorical and not simply a geographical reference: the name focuses us unduly on this region because it is verbally placed in the centre (i.e., the middle).[38]

Such distortions of reality require a lot of epistemological gymnastics with the truth to make them stick, and demand a lot of effort to sustain them. Thus the contemporary demand that Islamic countries establish democratic regimes is rooted in serious distortions and problems from the outset. It assumes a geographical limit for Islam that is neither factually nor ideologically sustainable. Not accounting for the overwhelming majority of the world's Muslim population makes this geographical limit unjust, to say the least, and incapable of producing an analysis which can deal accurately with Islam and its democratic aspiration, hopes and struggles. Thus one of the main political and religio-ethical issues is the demand to challenge the validity of any tendency that reduces Islamic societies exclusively to the Middle East, or Near East.

III

Many of the recent events in the Islamic world which I have recounted in the previous chapter have both reinforced the West's long-standing but incorrect association of the Muslim world almost exclusively with the Middle East, and brought the issue of Islam strongly back into western consciousness, in a way that has revived the old Islamophobic feelings which it has in spades. These are things we must be aware of as we attempt to open up a new kind of genuine dialogue between Islam and the West.

Although almost all of the general western propaganda and the resulting perceptions of Islam and Muslims have been highly negative, a few saner minority

[38] It thus acquires a status similar to the reworked notion of Mediterranean (or *medius*, "middle" + *terra*, "land, earth" – the centre of the earth) which is seen as the exclusive genealogical heritage of the West.

voices have asked for a proper evaluation, deeper analysis, and wider study of Islamic history, politics, law, theology, etc. Even here, however, the non-Arab, non-Middle Eastern Islamic societies are rarely, if ever, taken into consideration.[39] This more positive and broader western scholarship on Islam has been overwhelmed, however, by many other works of a different nature, for since 11 September 2001, anybody who can spell Islam has taken a shot at publishing something, resulting in a huge boom in publishing on Islam and the Muslim world. Regretfully, much of this is nonsense. (In fact making money on nonsense has seldom had such a parallel.)

What is truly ironic about this new wave of scholarship is that, like the older literature, it too is totally Arab-centred, despite the fact that many of the latest public worries are now about groups that are removed from the region, or are not totally based in it. There is still not a full recognition of the emergence of the Islamic identity question in the Muslim populations of Albania, the former Yugoslavia (i.e., Bosnia Herzegovina), and the overwhelmingly Muslim Central Asian republics of the former Soviet Union, even though they are now part of the Bush administration's "new Europe" as well as one of the emerging markets areas, and thus hungrily eyed by the West.

Likewise, Pakistan – the first modern nation clearly founded on religious identity in 1947 (Israel being second in 1948) – has not been given its due place in the discussion. This is especially ironic because during the "Cold War" Pakistan was a linchpin front line state for US policies against the Soviet Union. This started with the U-2 flights in the 1950s which became known when Gary Powers was captured by the Soviets. Pakistan was also active in Sino-American relations, starting with its role as a staging ground for Kissinger's visit to Beijing which was followed by Nixon's in the early 1970s. But the most critical role Pakistan has played for the US was its participation in the *jihad* against the Soviet invasion and occupation of Afghanistan between 1979 and 1988. During this period Pakistan was used by the US and other western interests to counter the Soviet communist presence in Afghanistan. In the same period the largest recipients of US aid were, in order of the amounts given, Israel, Egypt, and Pakistan (two Middle Eastern states and Pakistan).

[39] Iran in recent decades has been given honorary Middle Eastern and Arab status, as the Ottoman Turks were earlier. However, present-day Turkey is ignored and the Islamic communities in Eastern Europe are not even acknowledged.

It must be noted that in the case of Pakistan and Afghanistan, as well as in many parts of the Arab world, Islam was supported and promoted as a bulwark against the expansion of communism. For that purpose many Muslim groups were given backing, and in some cases were actually established, in order to serve as allies. Thus some of the more conservative political groups that have a radical Islamic identity (al-Qaeda and the Taliban as well as their predecessor organisations) were promoted and supported by the US with Pakistan's direct help.[40] The Muslim conservative-radical groups in Pakistan and Afghanistan were given a treatment analogous to that extended to the fundamentalist Saudi regime against fundamentalist Iran.[41] That these Frankensteins have come to haunt the US and the West has become evident since 11 September 2001. Yet even as this has become more and more apparent, the West has started generating other new Frankensteins who will be with us for the foreseeable future. In all this Pakistan has once again become a lynchpin state for the US, but just as in the past, it remains on the periphery of thinking about the Islamic world, for it is not a part of the Arab world.

IV

If the West is truly going to begin to understand Islam it must not continue to focus so exclusively on the Middle Eastern states but must also be open to examining other Muslim states as well. Leaving aside the sheer size of their respective populations, the latter deserve to be studied because of their contributions to the ideological and theological underpinnings of the current Islamic debate on issues such as: politics, state-craft, identity, religio-cultural heritage, the character of integration,

[40] Robert Dreyfuss provides a detailed look at US policy vis-à-vis fundamentalist Muslims in the Middle East and the generation of the Islamic Brotherhood (*Akhwan-e-Muslimin*) in these countries, as a force to be used especially against the Pan-Arabic movements of people like Gamal Abdel Nasser and the Baatist movements in Syria and Iraq. He also covers the role of Israel and the US in generating HAMAS to counter the PLO, PFLP, and other more radical Palestinian movements. See his *Devil's Game: How the United States Helped Unleash Fundamentalist Islam* (New York: Metropolitan Books, Henry Holt & Company, 2005). For the connection between fundamentalist Muslim groups in the Middle East and Pakistan see Emmanuel Sivan, *Radical Islam: Medieval Theology and Modern Politics*, Enlarged Edition (New Haven: Yale University Press, 1990).

[41] This was happening at the same time as a similar strain of Islamic politics in Iran was the target of very negative propaganda in the western media: Iran was a dangerous Islamic fundamentalist state which was a threat to the region, the West, and even to the whole world.

multi-ethnic societies, etc. These are the issues with which some of the non-Arab and non-Middle Eastern states are internally struggling and even exporting to the Middle East itself. Maududi's materials and the *Jamaat-e-Islami* of Pakistan are classic cases in point. Also, Islamic communities in countries such as Bangladesh, India, Indonesia, Malaysia, Pakistan, and even the southern Philippine island of Mindanao, are all struggling on a much more significant level regarding these issues than most of the Middle Eastern countries.

Because of the significance of the Middle East for the West and its economic interests there, undue importance is given to the area, as is reflected in all the current discussions of the Islamic world. This is especially so in terms of the democratization process, even though it is clear that democracy is not on any priority list in the Middle East proper, (US claims in Iraq notwithstanding). Almost none of the Middle Eastern Muslim states have practiced democracy. The Algerian experiment with a multiparty democratic election, although acknowledged by all as fair, was never allowed to come to fruition because the West did not like the party which was elected. The democratic process was immediately derailed when it became apparent that the Islamic Salvation Front (FIS) would gain more than 80 percent of the seats. Iran is the other place whose many elections and democratic struggle have not been recognized because it does not fit the capricious definition of democracy articulated by the West. But in looking at these two cases we are getting at the two most extreme ends of the Middle East, if we accept for the sake of argument their Middle Eastern status. The other recent case is Palestine which is truly and fully in the Middle East. What is highly surprising is that though this area has some of the most advanced intelligence agencies in the world operating there (viz., Israel and the US), they once again failed to predict the result and so have made another hash in the Islamic world. I am referring to the election of HAMAS which is beginning to look like yet another example of democracy not liked by the West. Though the elections are acknowledge to be as fair as they can be in the area, because the West does not like the result (i.e., HAMAS' victory) it is already beginning to show all kinds of coercive politics, if not straightforward attempts at undermining the whole post-election process.

On the other hand, those Muslim societies (such as Indonesia, Pakistan, Malaysia, etc.) in which democracy has become an issue of life and death, have been

consciously ignored. The Islamic issues relating to these countries are highlighted only when some “fundamentalist” and “terrorist” activity occurs within them which the West perceives as potentially harmful to its own intent. Since these non-Middle Eastern countries and societies have large Muslim populations, and their struggle for democracy invariably also entails a deep discussion of Islam, these efforts are immediately seen as having a Middle Eastern origin and they are thus denied their native interpretation and origin.

Chapter Three

Women Leadership in Islam
Paradox or an Authentic Expression of Islam

I

In recent years quite a bit of literature has emerged on the issue of women and Islam. Most of it has concentrated on the general character of the status of women in Islam, be it a theological, doctrinal, or purely politico-economic and social evaluation. However, I want to concentrate exclusively on the **leadership** of women in Islam and attempt to shed some light on this debate by analyzing some of the factors at stake in this troublesome area. The reason for singling out this particular gender issue is because it has a unique significance, both as an important part of the political discourse in many Islamic countries, and as one of the major, seemingly very ethical, condemnations made against Islam, but one which in fact often has Islamophobia hidden within that concern. To illustrate both of these dimensions let us turn to the case of Pakistan for a moment.

For 11 years, from 1977-1988, Pakistan was under the military dictatorship of General Zia-ul-Haq. This was also a period of state-led Islamisation in Pakistan. Pakistan led the discussion on the establishment of *shariah* as the law of the state, as well as granting to the federal *shariah* courts more, or at least equal, power with the normal common law courts which had been operational in Pakistan from the colonial days of the mid-19th century. This was also the time of the grossest dislocation and suffering for women, who were reduced to being counted as only half a witness in all legal and property matters; as an open put-down they were referred to as being "one-eyed." They were also subjected to very conservative *zinnah* and

hudud ordinances, which among other things, had the effect of making a woman who was raped subject to the death penalty.[42]

Immediately following Gen. Zia-ul-Haq's death in 1988, the first genuine elections were held in Pakistan since 1977. In spite of large scale rigging, the people voted overwhelmingly for Ms Benazir Bhutto who had been the main opposition to Zia-ul-Haq during his years of military dictatorship. Thus, while for 11 years Zia-ul-Haq had made all Pakistani women one-eyed through his Islamisation process, when given the chance to vote and practice democracy, the people of Pakistan not only voted in a woman as prime-minister, but by doing so they rejected his claim that the people supported his version of Islamisation which he had claimed since his referendum of 1984.

When Benazir Bhutto was elected prime minister of the Islamic Republic of Pakistan in 1988, she was the first woman to become the head of government in a modern Islamic state. Since then however, there have been a number of women elected to leadership positions in the Muslim world, and several women have headed opposition parties.[43]

If you notice the list of Muslim countries which have elected women leaders, they are located largely in Asia, with one in Africa; none of them are located in the Arab-speaking or "Middle Eastern" states as they are called. Three of the largest Muslim nations, in order of Islamic population, are: Indonesia, Pakistan and Bangladesh. India has the third largest Muslim population in the world after Pakistan (in fact it may even have a larger

[42] The other groups who suffered greatly during this period were the religious minorities who were pushed into a separate electorate, meaning they did not have the right to participate in general elections and were subjected to very harsh treatment which effected ecumenical issues very negatively.

[43] , e.g., Khaleda Zia was prime minister of Bangladesh from 1991-1996, and again since 2001, and Sheikh Hasina Wajed was the president between 1996 and 2001. Turkey had Tansu Çiller as prime minister between 1993 and 1996. Mame Madior Boye was prime minister of Senegal from 2001-2002, and Indonesia elected Megawati Sukarnoputri as president in 2001.

Muslim population than Pakistan, depending on who is making the case), and it has also twice elected a woman as prime minister and even a foreign born woman as its prime minister in its last elections. Indonesia by itself has a larger Muslim population than all of the Arab-speaking countries combined. If *ijma* (consensus) has any role in Islam, at least in these cases, the largest consensus has been for women leadership. Thus women leadership is a true sign not only of elected democratic power, but also of the *ijma* of the *ummah* (Islamic community) represented in these countries. Other Islamic countries have had very little democracy and thus their rulers have no consensus (*ijma*) behind them, which surely means that these leaders are less Muslim than the women I mentioned, who were chosen by Muslims to be their leaders.

At the time of Benazir's first election and appointment as prime minister in 1988 there was a great deal of controversy as to the full implications of this development for Islam and the Islamic state. This controversy continued to be a major part of the opposition's offensive against her government during her two terms in office. In this the opposition even found succour from outside sources. The best example of this was the 1989 *fatwa* (religious edict/opinion) issued by the grand mufti of Saudi Arabia, Shaikh Abdul Aziz bin Abdullah bin Baz, against women leadership.[44] The basic premise for the grand mufti's *fatwa*, and for many others who argue this point, is the *hadith* in *Sahih Al-Bukhari* which states that the nation which puts a woman at the helm of its affairs will never attain well being. The actual wording of this *hadith* is:

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[44] One of the reasons for this opinion/ruling was a *hadith* that declares women *kum aqal* (deficient in intelligence). See the weekly, *Tanzeem Ahle-Hadith* (20 October 1989): 5; and also *Tulu-e-Islam* (December 1989): 60. However, Prof. Rafi Ullah Shehab, in arguing against this *hadith* gives a reference to *Mizanul-Aytidal* 3:307, which calls the *hadith* weak and says "it has five reporters and out of five, four are unreliable reporters." See his "Islamic View of Woman as Ruler," in *The Muslim* (24 November 1989): 4.

> Narrated Abu Bakr: During the battle of Al-Jamal, Allah benefited me with a Word (I heard from the Prophet, peace be upon him): When the Prophet (peace be upon him) heard the news that the people of Persia had made the daughter of Khosrau their Queen (ruler), he said, "Never will succeed such a nation as makes a woman their ruler."[45]

The main source of this *hadith* is attributed to one of the Prophet's companions (*sahabahi*), Abu Bakr. However, during the time of Caliph Umar, Abu Bakr committed a crime of such a serious nature that he received 80 lashes and thereafter his evidence was not acceptable in Islamic law. Even after his repentance, Umar refused to accept his evidence even in small mundane affairs.[46] According to Islamic scholars, there seems to be little doubt that Abu Bakr's crime was a false charge against a chaste woman for such a punishment is clearly stated in the *Qur'an* in 24:4,

> And those who launch a charge against chaste women, and produce not four witnesses, (to support their allegation), – flog them with eighty stripes; and reject their evidence ever after: for such men are wicked transgressors. [47]

Surah 24 calls a man who commits the crime in question a "wicked transgressor" which raises the question of how a *hadith* attributed to such a man, especially when he has been slanderous towards a woman, can be considered authentic in the case of reporting on women leadership. The *hadith* recalled by Abu Bakr is in the context of the battle of *Al-Jamal* (the Camel) which was an internal battle for power between two Muslim leaders, viz. the fourth caliph, Ali, and the governor of Syria, Muawiyyah. The

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[45] Bukhari 18:219. *Hadith* from this collection are quoted from Muhammad Muhsin Khan's translation of *Sahih Al-Bukhari* (Lahore: Kazi Publication, 1979).

[46] c.f. Allama Ibne Hajar Usqlani, *Tahzeeb-ul-Tahzeeb*, vol. X, 469. For further reference see also Prof. Rafi Ullah Shehab, *op. cit.*; *Tulu-e-Islam*, *op. cit.*; and Asghar Ali Engineer, "Woman as Head of Islamic State," *Pakistan Times* (2 February 1989): 4-5.

[47] All references from the *Qur'an* are taken from Yusuf Ali's translation, *The Holy Qur'an* (Lahore: Muhammad Ashraf, 1967), and are referenced by the *surah* number and verse number.

Prophet's last wife Aisha led some of the Muslims from Medina against Ali from behind. Ironically the same source (i.e., Abu Bakr) is also attributed with having classified the main protagonists of the battle of *Al-Jamal* (i.e., Ali and Aisha) as being doomed to hell-fire.[48] Thus Abu Bakr's reliability as a source of *hadith* on this issue is very doubtful and thus this *hadith* is considered weak by most scholars. So its presence in *Sahih Al-Bukhari* must cause some concern, at the very least it casts doubt on the authenticity of some of this collection.

Indian Islamic scholar and activist Asghar Ali Engineer argues that, "It was on the basis of this tradition that the historian Ibn Khaldun and a theoretician of Islamic administration, Al-Mawardi, maintained that a woman cannot be made head of a State."[49] And on the basis of this *hadith*, people like Maulana Fazlur Rahman of *Jamaat Ulema-e-Islam*, during the 1988 Pakistani election campaign, stated in his party's manifesto that a woman cannot become the head of an Islamic state.[50] He and other *ulemas* and *mullahs* even threatened to launch an agitation against Benazir Bhutto if she was appointed prime minister after her party's electoral victory.[51] Even in following years they continued to express such sentiments. So the issue of women leadership in Islam became a major contemporary theological problem in Pakistan, and later in Bangladesh, Turkey and then in Indonesia.

II

Because of the very special way one approaches the process of generating all imperatives which immediately acquire precedence value in

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[48] c.f. *Bukhari* 10:204.

[49] See his "Woman as Head of Islamic State", *op.cit.*, 4.

[50] See *The Muslim* (23 November 1988): 8.

[51] See *The Muslim* (22 December 1988), 3.

Islam, and the concomitant hermeneutics of the sacred sources, the contemporary *problematique* surrounding the issue of women leadership in Islam has to be approached by going to some of Islam's foundational and paradigmatic sources.

The fundamental hermeneutical principle of going back to the authoritative sources is, of course, not unique to Islam, it is also a common hermeneutical principle in Judaism and Christianity. This is clearly the case especially among Protestants, with their hermeneutical basis being the call of "back to the Bible" or "the Bible alone" (*sola scriptura*) of Martin Luther. Even the Roman Catholic emphasis, through St. Thomas Aquinas, on the perspicuous (i.e., self-interpretive) character of the Bible can be interpreted in a similar vein, especially since Vatican II.

In Islam, however, the return to sources as a central hermeneutical principle is stronger because of the special emphasis on the exclusively revealed nature of its sacred text, the *Qur'an*, which doctrinally therefore has no place for human input. This is further reinforced by the presence of the almost sacred texts (i.e., the *hadith* and *sunnah*) that provide the *hudud* (interpretive parameters) for the *Qur'an.*[52] The reliability of the *hadith*, both in terms of their *isnad* (chain of transmission), and their *matn* (text of the *hadith* itself) is therefore crucially important. The *sunnah* is based on the recorded ritual-praxes, customs and sayings of the Prophet Muhammad, and the *hadith* are his recorded life-praxes and sayings. The Prophet is, therefore, the archetypal paradigm, not only to be imitated in daily life (with the *hadith* and *sunnah* being paradigmatic sources of ethics, morality, ritual and spirituality for one's life), similar to the medieval Christian notion of

[52] Note that a *hadith* and/or *sunnah* is considered reliable (*sahih*) only so long as it does not violate the tenets of Islam as prescribed in the *Qur'an* and not that the *Qur'an* is subject to the *hadith* and *sunnah*.

imitatione Christi (imitation of Christ),[53] but also the one who, through his *sunnah* and *hadith*, provides the *hudud* for the *Qur'an*.[54] Thus the development of ethical, moral and legal codes of conduct for both the personal and societal levels is not dependent so much on one's own private interpretation of the sacred texts, as on how the sacred text was interpreted and enacted by the Prophet. Only once this has been ascertained with the greatest diligence can anyone, even the most educated *ulema,* have any personal input into either the interpretive process or the final outcome in matters of articulating these codes in ways that meet existential and contemporary needs.

It is no wonder then that the earliest historico-critical scholarship in Islam developed not around the sources of the sacred text, which of course cannot be subjected to such an exercise, but instead emerged exclusively in terms of the *hadith* literature. In this sense, Islam had a great head start over the much more recent historico-critical approaches to the sacred texts in Christianity. *Hadith* criticism was a highly developed field in Islam centuries before the development of historical-critical scholarship within Christian circles vis-à-vis their sacred texts, though they are of a different

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[53]See for example Thomas a` Kempis, *De Imitatione Christi*, trans. by Betty I. Knott as *The Imitation of Christ* (London: Wm. Collins Sons & Co. Ltd, Fontana Books, 1963). The appearance of this book in the early 15th century was no isolated occurrence, but was a manifestation of a much larger devotional movement that had already begun in the 14th century.

[54] In these ways Islamic hermeneutics is limited in a manner that is somewhat similar to the *ecclesial magisterium* in the Roman Catholic church, for the *magisterium* also provides the boundaries (*hudud*) to the interpretive possibilities of the sacred text (i.e., the Bible) – rather than to test a given interpretation as it is often understood today. But together the *hadith* and the *sunnah* have even more authoritative power than the *ecclesial magisterium* of the Catholic church. In this sense it could be argued that there were some fundamental and substantial shifts with St. Thomas Aquinas on the understanding of the sources as well as the hermeneutical task, which led to the emergence of the issue of the perspicuity of the text and the ecclesial magisterial power vis-à-vis the interpretive task. It is also clear that these shifts can be at least partially attributed to Islam, as Aquinas was substantially influenced by the Muslim philosophical and theological schools of Averroes (Ibn-Rushd) and Avicenna (Ibn-Sina). Their teachings played a critical role in his theological and philosophical formation and articulation. On this point see my earlier discussion in chapter one.

character.

So in order to shed some light on the problem of women leadership in Islam we have to look at both the *Qur'an,* and the *hadiths* and *sunnah* of the Prophet. However, since the *Qur'an* does not have much to say on this issue (as no occasion for this revelation took place), we must focus on the *hadith* and the *sunnah*. Before doing that however, we need to digress for a moment to mention a few other issues.

A second important point to be aware of is the role of *ijma* (consensus of opinion) which is to be followed if a matter is not decided by the *Qur'an* and *sunnah*. The issue of *ijtihad* (personal reasoning) is also of relevance here. Both of these issues have resurfaced and are currently being seriously discussed in Islamic societies because of issues such as women leadership, but to date there is no real consensus as to the contemporary role of *ijma* and *ijtihad* in Islamic societies. The discussion has focused largely on whether they are continuing factors, or whether they had only a limited utility during a certain period of Islamic history. On the issue of women leadership, *ijma* and *ijtihad* are particularly problematic since all of the modern female premiers and presidents in Islamic countries have been elected to their offices by a majority of the Muslim community in their respective countries (often in spite of known rigging against them). Thus, they do represent the personal rational opinion of the people (their *ijtihad*), and the consensus of majority (their *ijma*). In the case of Pakistan, due to the separate electorate, non-Muslims could not vote for a Muslim candidate during the period of Benazir Bhutto's two victories, so it should be categorically clear that these women represent the *ijma* and the *ijtihad* of Muslims only.[55]

[55] It is interesting to note that no such *ijma* and *ijtihad* was either demanded or solicited by the *ulemas* and *maulanas*, when these same countries had long military dictatorships.

III

Now let us return to the arguments for women leadership which are based on various *hadith*. My own arguments for women leadership are based on the various *hadith* vis-à-vis the early period of Islam. Several of these concern the relationship between the Prophet and his first wife, Khadija.

The first important thing to point out is that she is the only known employer of the Prophet. That is, the only gainful employment the Prophet ever had and of which we have a record was that he worked for a woman. Now why is this sunnah not followed by Muslims? According to Ibn Ishaq:

> Khadīja was a merchant woman of dignity and wealth…. Khadīja hired the Prophet to carry merchandise to Syria and trade with them, while she would pay him more than she paid others.... When he brought Khadīja her property she sold it and it amounted to double or thereabouts....[56]

We also know that Khadija was quite a bit older than the Prophet with some references showing the age difference as being about 15 years (i.e., he was 25 and she was 40 years old).[57] And she approached the Prophet **directly** for marriage, or at most by a message through a friend, but certainly not by going through either his family or hers:

> Now Khadīja was a determined, noble, and intelligent woman possessing the properties with which God willed to honour her…. she sent to (or for) the apostle of God and - so the story goes - said: `O son of my uncle I like you because of our relationship and

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[56] A. Guillaume, *The Life of Muhammad*, a translation of Ibn Ishaq's *Sirat Rasul Allah* (Karachi: Oxford University Press, 1967), 82.

[57] See for example, Muhammad Ibn Sa'd, *Kitab al-Tabaqat al-Kabir*, trans. by S. Moinul Haq (Karachi: Pakistan Historical Society, 1967), vol. I, part i, 148, which states that, "The Apostle of Allah, may Allah bless him, married her (i.e., Khadijah) when he was twenty-five years old, and Khadijah was forty years old, as she was born fifteen years before the year of the Elephant." See also Martin Lings, *Muhammad: His Life Based on the Earliest Sources* (New York: Inner Tradition International, Ltd., 1983), 35, which states that, "Muhammad was twenty-five years old …. Khadija knew that she herself was still beautiful, but she was fifteen years his elder."

> your high reputation among your people, your trustworthiness and good character and truthfulness.' **Then she proposed marriage.** Now Khadīja at that time was the best born woman in Quraysh, of the greatest dignity and, too, the richest. All her people were eager to get possession of her wealth if it were possible.[58]

Although Nafisah, a friend whom Khadija consulted about her marriage to Muhammad, was the one who perhaps originally contacted the Prophet for this marriage,[59] it is Khadija herself who proposes marriage to the Prophet, directly without any mediation from anybody. Only once this had been achieved did the Prophet follow the usual protocol of asking his uncle to approach Khadija's family for her hand.[60] This is again a *sunnah* not usually followed in most Muslim societies, and those who do so are condemned for being westernized and violating Islamic teaching, despite the traditions regarding the Prophet's marriage

Another equally important tradition vis-à-vis the relationship between the Prophet and Khadija is that:

> Khadija and Abu Talib died in the same year and with Khadija's death troubles followed fast on each other's heels, **for she had been faithful support to him in Islam, and he use to tell her of his troubles.** [61]

The tradition makes it clear that "the apostle never opposed her (Khadija)."[62] As long as Khadija was alive, the Prophet did not marry anyone else, and some traditions assert that she fulfilled for him all which he felt was necessary, both as a person and as the Prophet of Allah.

Most importantly perhaps, given the issue we are discussing here, is Khadija's role when the Prophet receives his first revelation, for when the

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[58] A. Guillaume, *op. cit.*, 82, emphasis added.
[59] ibn Sa'd, *op.cit.*, 148; also quoted by Martin Lings, *op. cit*., 35.
[60] See A. Guillaume, *op. cit.*, 83.
[61] *Ibid*, 191, emphasis added.
[62] *Ibid*, 313.

Prophet first got his revelation in the Cave at Mount Hira', he was very frightened. He was unsure as to what was happening to him and what he had seen, and it was Khadija who confirmed that his experience was actually the revelation of God:

> .... Then Allah's Apostle (peace be upon him) returned with the inspiration and with his heart beating severely. Then he went to Khadija bint Khuwailid and said, `Cover me! Cover me!' They covered him **till his fear was over** and after that he told her everything that had happened and said, "I fear that something may happen to me.' Khadija replied, `Never! By Allah, Allah will never disgrace you. You keep good relations with your kith and kin, help the poor and the destitute, serve your guest generously and assist the deserving calamity-afflicted ones."[63]

On the basis of this it could be argued that the tradition which asserts that the witness of a woman is half that of a man (which Gen. Zia-ul-Haq imposed in Pakistan, as we discussed earlier), is totally false. It is extremely clear from this very reliable text that **it is the witness of a woman which confirms the encounter of the Prophet with Jibraeel and thus with the revelation of God.** This is a direct challenge to the conventional wisdom which asserts only the worth of men. For it is clearly not the witness of men that is praised here; men, as a matter of fact, not only challenged the Prophet and did all kinds of nasty things to him in Mecca, they even tried to get rid of him. Under these hostilities, for a woman not only to acknowledge that the revelation of the Prophet was from God, but to confirm that she was sure of this being a revelation, because of the very noble character of the Prophet, is therefore a very radical, brave and significant stance. The fact that this stance is taken by a woman is largely ignored, which is deeply problematic. In light of this tradition, to say that a woman's witness is worth only half

[63]"The Book of Revelation," vol. I, no. 3, *Sahih Al-Bukhari, op. cit.*, 3 & 4, emphasis added.

that of a man is not only ignoring the *sunnah* of the Prophet, it is in fact working against it consciously.

Now it could be argued that all the roles Khadija performed vis-à-vis the Prophet are still part of the *jahiliya* (i.e., the period prior to the revelation and thus part of the time of ignorance), and therefore are not be taken as imperatives for Muslim life and witness. But such a stance can only be taken at the cost of Islamic faith and its fundamentals, because it ignores the simple fact that **Khadija was the first convert to Islam** after the revelation to the prophet:

> Khadīja believed in him and accepted as true what he brought from God, and helped him in his work. She was the first to believe in God and His apostle, and in the truth of his message. By her God lightened the burden of His prophet. He never met with contradiction and charges of falsehood, which saddened him, but God comforted him by her when he went home. She strengthened him, lightened his burden, proclaimed his truth, and belittled men's opposition."[64]

It is also interesting to note that among the men, it is a young boy of ten who is the first male follower of the Prophet in Mecca and is therefore not part of the age group which the norm dictates can be a full witness:

> 'Ali was the first male to believe in the apostle of God, to pray with him and to believe in his divine message, when he was a boy of ten. God favoured him in that he was brought up in the care of the apostle before Islam began.[65]

That the so-called normatives which dictate who can be regarded as a full witness are being pushed by those who see themselves as the real followers and watchdogs of Islam, and see others as not only being wrong, but also throw all kinds of negative epithet at them, has to be challenged severely *in*

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[64] See A. Guillaume, *op. cit.*, 111.

[65] *Ibid*. 114.

the name of Islam and in light of the traditions and texts of Islam, not by some outside normative.

IV

Let me now turn to other examples of women leadership to be found in the *hadith* and *sunnah*. One is the appointment of Umm Waraqa bint Nawfal as the *Imam* of a mosque. According to the first *hadith* in the section of *Sunan Abu Dawud* called "The Imamate of Women,"

> Umm Waraqah daughter of Nawfal reported: When the Prophet (may peace be upon him) proceeded from the battle of Badr, I said to him: Apostle of Allah allow me to accompany you in the battle. I shall act as a nurse for your patients. It is possible that Allah might bestow martyrdom upon me. He said: Stay at your home. Allah, the Almighty, will bestow martyrdom upon you. The narrator said: Hence she was called martyr. She read the Qur'an. She sought permission from the Prophet (peace be upon him) to have a *mu'adhdhin* [or *muezzin*, the one who calls for prayer] in her house. He, therefore, permitted her (to do so). She announced that her slave and slave-girl would be free after her death. One night they went to her and strangled her with a sheet of cloth until she died, and they ran away. Next day `Umar announced among the people: Anyone who has knowledge about them, or has seen them, should bring them (to him). `Umar (after their arrest) ordered (to crucify them) and they were crucified. This was the first crucifixion at Medina.[66]

The second *hadith* states:

> This tradition has also been narrated through a different chain of transmitters by Umm Waraqah daughter of `Abd Allah b. Al-Harith. The first version is complete. This version goes: The Apostle of Allah (may peace be upon) used to visit her at her house. He appointed a *mu'adhdhin* to call *adhan* [the call to prayer] for her; and he commanded her **to lead the inmates of her house** [Arabic *dar*] **in prayer**. `Abd al-Rahaman said: I saw her

[66] *Abu Dawud* 212:591, explanatory note added. *Hadith* from this collection are quoted from Ahmad Hasan's translation, *Sunan Abu Dawud* (Lahore: Sh. Muhammad Ashraf, 1984).

mu'adhdhin who was an old man.[67]

This issue was being hotly debated in Pakistan even before Benazir Bhutto was elected in 1988. The protagonists on both side of this argument are conservative scholars and yet they argued their respective positions quite vociferously, as to whether a woman can or cannot be an *imam* in a mosque. The debate seems to focus on the issue of whether *dar* in this *hadith* means a household mosque, which is therefore limited to women, or a precinct mosque, which would also include men.

I think the more important factor here is that the Prophet appointed a **male** *muezzin* for her in the mosque, about which there is no controversy at all, which means that **at least** one man prayed behind her, the reference to his age notwithstanding. So whether *dar* here refers to a precinct or a household is really not that significant. If in fact a male *muezzin* was indeed appointed to recite *adhan*, then he did pray behind a woman, if she was indeed appointed the *imam* of this mosque, for this is ritual tradition in Islam.

Another reference we need to look at is the battle of *Al-Jamal* (the Camel) which happens immediately after the appointment of Ali as the fourth caliph, following the *Fitna* (i.e., the murder of Uthman, the second caliph), and is led by Aisha. What is of significance is that some of the leading Muslim *sahabiis* (close companions/associates of the Prophet) are led into this battle by a woman. These leaders included people like Talha b. Ubaid Allah, and Al-Zubair b. Al-Awwam. The former is referred to in various traditions as the living *shaheed* (martyr/witness), because he defended the Prophet in the battle of *Uhud*, and is promised life in paradise as a next-door neighbour of the Prophet. He is also greatly praised by Umar,

[67] *Abu Dawud* 212:592, emphasis and explanatory notes added.

and is finally killed in the battle of the Camel. And to Al-Zubair b. Al-Awwam, the Prophet is accorded by tradition to have said, "my father and mother be thy *fida*." In other words, he is dearly loved by the Prophet. He was also promised paradise and is to be a neighbour of the Prophet there. He was proposed as Uthman's successor, and he too was finally killed in the battle of the Camel.

That these very important *sahabiis* could accept the leadership of a woman is very significant. Talha and Zubair had already started their struggle by asking Ali to bring the murderers of Uthman to task, well before the arrival of Aisha on the scene, as she had gone to visit Mecca, and their acceptance of her leadership even at this late date, is a clear indication of their acceptance of her intelligence to which many *hadith* bear witness. The best example of this assertion is in *Sahih Al-Bukhari*, where it is stated:

> Narrated Abu Musa Al-Ash'ari (ABPWH): Allah's Apostle (PBUH) said, "Many amongst men attained the perfection but amongst women none attained the perfection except Mary, the daughter of `Imran, and Asiya, the wife of Pharaoh. And the superiority of `Aisha to other women is like the superiority of *Tharid* [i.e. an Arabic dish] to other meals."[68]

She is also a part of the chain of transmission of many *hadith*s, and thus is considered to be a reliable witness.

All these examples demonstrate that, contrary to the wishful thinking of many conservative Islamic leaders, the position of women as political, spiritual and even military leaders is not some novel innovation of the 20th century, but in fact has precedent since the earliest days of Islam.

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[68] *Al-Bukhari* 30:113.

Having looked at the traditions available in the *hadith* and *sunnah*, we must turn to the *Qur'an*. There is one verse in particular that is always quoted to support the negation of women leadership in Islam, namely 4:34 in "*Surah al-Nisa*" (the Women):

> Men are the **protectors** and **maintainers** of women, because Allah has given the one **more (strength)** than the other, and because they **support them from their means**. (Emphasis added).

Yusuf Ali in his note on this verse describes the word "protector" (i.e. *qawwām* in the original Arabic) as the "one who stands firm in another's business, protects his interests, and looks after his affairs: or it may be, standing firm on his own business, managing affairs with a steady purpose."[69] However, Rafi Ullah Shehab argues that this verse "if literally translated means men are responsible for providing [for] the needs of women." Quoting from the great Arabic lexicographers and exegetes he says that they have translated the word *qaymoon* as "one who provides for the needs of women."[70] According to him, therefore, this verse has "no relation whatsoever about the rulership of women."[71]

Looking at this verse we see two reasons for men being the "protectors" and "maintainers" of women: (1) "Allah has given the one [i.e., men] more (strength) than the other [i.e., women];" and (2) "because they [i.e., men] support them [i.e., women] from their [i.e., men's] means." another verse of the same *surah* makes an observation about the rights of women to earn and hold on to their own incomes:

> And in no wise covet those things in which Allah hath bestowed His gifts more freely on some of you than on others: **to men is allotted what they earn, and to women what they earn: but**

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[69] Yusuf Ali, *op. cit.*, 190.
[70] *Lisan-ul-Quran*, vol. 12, 502.
[71] Rafi Ullah Shehab, *op. cit.*

> **ask Allah of His bounty**. For Allah hath full knowledge of all things. (4:32, emphasis added).

Thus it could be said that in spite of the weakness of women in terms of physical strength, there is still an equality to be maintained in terms of rights, and this includes the right to be a leader in a polity. This interpretation can be defended by the very first verse of the *surah* under discussion:

> O Mankind! reverence Your Guardian-Lord, Who created you from a single Person, created, of like nature, his mate, and from them twain scattered (like seed) countless men and women; - Reverence Allah, through Whom ye demand your mutual (rights), and (reverence) the wombs (that bore you): for Allah ever watches over you.[72]

These Qur'anic verses vis-à-vis woman have all been thrown around by the fundamentalists, especially by Zia-ul-Haq's during his Islamisation, and were subsequently used not only against Benazir Bhutto but also against women leaders in other Islamic countries. Yet, as I have tried to demonstrate, these verses still do not come out against women leadership.

When all the sources against the leadership of women in Islam are taken together and analyzed, there is little evidence to support the various arguments which have surfaced over the years on this count. On the contrary what I have tried to show here is that there is nothing which stops a woman

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[72]Commenting on this verse, Yusuf Ali says that:

> Among the most wonderful mysteries of our nature is that of sex. The unregenerate male is apt, in the pride of his physical strength, to forget the all-important part which the female plays in his very existence, and in all the social relationships that arise in our collective human lives. The mother that bore us must ever have our reverence. [In this context the *hadith* which states "heaven is located under the feet of one's mother" is of special significance. Even this *hadith* came under critical scrutiny in the context of women leadership in Islam. For example, first it was stated as being weak by the group mentioned earlier called *Ahl-e-Hadith* but later it was accepted as being correct.] The wife, through whom we enter parentage, must have our reverence. Sex, which governs so much of our physical life, and has so much influence on our emotional and higher nature, deserve - not our fear, or our contempt, or our amused indulgence, but our reverence in the higher sense of the term. (*Op cit.*, 178).

from being the head of an Islamic state. Furthermore, there is clear historical evidence to support women leadership and no theological point which actually contradicts this phenomenon. Once this is understood, the equality allowed to women by Islam becomes much more evident. This has important implications certainly for Islamic societies within themselves but also for the western media's characterisations of Islam, which only serve to reinforce the western Islamophobia.

Chapter Four

Islam, Democracy and the Nation-State: Paradoxes or Foundational Dialectic

In order to attain a proper grasp of the issues surrounding the discussions about Islam and democracy, the religious resurgence in the non-Arab Muslim states[73] such as Indonesia, Pakistan, Bangladesh, Malaysia, etc., has to be thoroughly examined because these are places which have struggled the longest and loudest to work out the theoretical and practical factors involved in developing a modern and truly Islamic form of democratic polity. In what follows, I will make certain broad statements but the locus of this reflection will be tied to Pakistan specifically, and South Asia more generally, because of their particular history, which I have mentioned in earlier chapters. Such an exercise is meant not only to be informative to outsiders (i.e. to other Muslim states as well as to the West) but also to be democratically therapeutic internally (to South Asians and Muslims living elsewhere in democratic Muslim countries).

I

When discussing Islam and democracy, one needs to recognize three points. First, whatever the position of the elites in Muslim societies vis-à-vis the West, the population at large generally perceives the West as a threat to its existence. This leads to a tension for the critical thinking "moderates" (read elites) as it puts them between the Scylla of kleptocratic but established political regimes of the post-colonial *status quo*, and the Charybdis of a large majority of poor "unwashed masses" (which includes the lower middle class) who have been left out of any possible state largesse and find cultural, symbolic, and political comfort in the more radical, militant, but also conservative, Islamic movements. For they see in them a hope for a more just economic arrangement and the possibility of political

[73] See chapter two for my remarks about how the West conflates the Islamic world with the Middle Eastern and Arab states.

participation for the masses. This reaction has grown exponentially since the US invasions of Afghanistan and particularly Iraq following 11 September 2001. It has also been fuelled by the already existent and subsequently rising anti-Muslim, racist and xenophobic rhetoric of the European nations, and the easy equation of terrorism and Islam by the US and its allies. The relatively recent colonial experience, and even more recent neo-colonial domination, all influence and inform the current perceptions of the West in the Islamic world. These attitudes are intensified when public statements are made either against a particular state with an Islamic identity or against Islam itself. Serious consideration needs to be paid to the perceptions, apprehensions, and anxieties of populations in both the Islamic and western worlds, if peace is to have a durable role within these societies and within the larger international comity of nations.

Second, we need to deal with the seemingly "schizophrenic existence" of a radical Islamic identity with its vision of a trans-national Islamic *ummah* which exists (not always harmoniously) alongside a radical nationalist identity that strongly presumes a nation-state along modern lines. This seeming schizophrenia is further distorted by questions of ethnic and linguistic identity. That is to say, on the one hand, there is the supra-nation-state ideology, represented by the Islamic concept of *ummah*, while on the other hand there are the so-called "primordial identities" which lie deeper than the post-colonial transcendent national identity. And at the same time, most people also support, in the middle of these two sets of identities, some concept of the modern nation-state, which is at odds with these other identity commitments. When the modern nation-state fails to meet its declared ideals, in terms of services and public morality, then people very quickly and almost pathologically turn to the other options, i.e., Islamic identity and sub-national identities. The three-pronged quest for identity (i.e., supra-national Islamic, transcendent nationalist, and sub-national ethnic, linguistic, and tribal identities), and the attempts to integrate these conflicting identities, remains one of the crucial issues of political debate in contemporary Islamic states. This task challenges the concept of democracy as understood in the West and is judged in the light of Islamic theology and ideology.

A third issue is the desire, on the one hand, to preserve at least those aspects

of the modern nation-state (weakened and threatened as it may be), that follow an instrumental rationality and through that provide for the efficient working of systems and institutions, yet on the other hand, to give that system at least a veneer of Islamic legitimacy. The problem, however, is that these institutions are largely the product of a particular historical evolution in western social theory, politics, and statecraft. Although there is an adoption – and in some case even a certain amount of adaptation – of these systems and institutions to the local contexts, in most cases there is either a conscious ignorance or rejection of the underlying *geist*(spirit), which is quickly replaced by an Islamic spirit or ideology. In other words, in order to justify the existence of these instruments they are renamed and claimed to be Islamic. For example, the shift in Pakistan of the nomenclature from Parliament to *Majlis-e-Shoora* (originally an unelected Council of Advisors to the caliph) becomes a critical shift because now the institution does not have the sense of being made up of elected legislators, but rather it simply connotes a body of advisors appointed by the head of the state. Interestingly, no mention is made of the equivalent analogue of the modern office of the head of state, which would be the medieval office of caliph. So we have elected presidents and elected parliaments but the latter's name has been changed to meet the need for an Islamic veneer. The former office has instead often simply been usurped by the most western institution in these countries (i.e., the military), although while they re-dub the parliament "*Majlis-e-Shoora*," they do not take the title of Caliph for themselves. This shift in nomenclature and the Islamic veneer placed on these very western institutions causes anxiety in the West and among westernized elites in Muslim societies because they see this as a slippery slope, leading to the reestablishment of an anachronistic form of polity.

These three tension points produce a high level of anti-western rhetoric, which is fed as a regular diet to the general populace to gain their political support. At this point peoples' participatory expression begins to surface (which is, of course, critical for any democratic society), and clearly targets the *status quo* which is seen to be western, secular, liberal, and even anti-Islamic in character. So what is largely seen by the West and by westernized elites within these societies as a fundamentalist thrust against the modern state, its instruments and institutions, is paradoxically a phenomenon that is

partly dependent upon the modern concept of democracy and the equally modern value of a high level of peoples' participation for its success against the *status quo*. In this sense the more traditional groups see themselves as victims of the modern controlling elites who are the agents of the West in the Islamic states. They use traditional religious symbols for evoking political activity and anti-West sentiments to attack the ruling groups that control the state's institutional structure. The contradiction between the upholding of traditional values and symbols, and the use of people power against the *status quo*, dominates the current political process and practice in most Islamic states. This seeming contradiction, however, is not readily apparent to the controlling elites of these societies and even less so to western political theorists and analysts. Hence the very inaccurate predictions by western pundits about Islam and Muslim countries that we have witnessed over and over again in the recent history. The lack of accurate perceptions of these issues is also one of the major obstacles to coming to terms with Islamic societies and their role in the international arena. It also poses a serious threat to peace processes vis-à-vis these nations and for future development in these areas.

II

In general, the fundamental question we face when we discuss democracy is the character of the basic unit that is to act as the *locus politicus.* In the West, for the last three hundred years or so, this has been the individual (preferably, but not necessarily, rational). The role of other identity factors has been seen as an impediment to the freedom of this individual and his/her political choices. Yet in recent decades the politics of identity has emerged in ways not anticipated just a hundred years ago and it has begun to determine all contemporary discourses on democracy. The current debate on identity can be broadly defined, for the lack of a better term, as a conflict between *ethnos* (i.e., nation or ethnic group) and *demos* (i.e., the people in a political sense, thus our modern English word democracy – the power of the people). These two Greek words lie behind a lot of our contemporary politics.

We can generally use *ethnos* in broader terms to define the character of identity groups that are based on commonalities of culture, language, religion, or other similar factors – that is, for those groups who have a shared symbolic universe and

shared horizons. These are normally treated as pre-political, "primordial" affiliations that need to be transcended in a rational political order. The assumption is that when such rationality becomes effective overall in a given society, then these affiliations and their symbolic universe and horizons will also wither away. Against this notion is the concept of *demos* which is a more politico-economic identity group (e.g., the concept of the "people" generated by the French Revolution and the concept of the "masses" during the communist revolutions).

Until recently, most western scholars have tended to either negate or overlook the *ethnos* factor in their theorizing and analysis of politics. In most cases *ethnos* was seen as a problem of superstitious and primordial political orders; that is, it was seen as being an issue restricted to the Third World and recently has been applied almost exclusively to Islam.[74] This tendency, however, has begun to shift in some scholars since the collapse of the Soviet Union, the end of communism in Europe,[75] and after the battles and genocide in the former Yugoslavia. Together these events led to the emergence of 23 new states, cut largely along ethnic lines,[76] with the potential of a couple more looming large. Thus the imperative of *ethnos* in political discourse has been dramatically highlighted. Also, in those European states where the *ethnos* is not homogenous there are still tensions, which at times have been quite violent in character—for example, the Protestant-Roman Catholic battle in Ireland and the Basque-Spanish battle in Spain.

Another reason why *ethnos* has not been dealt with generally in political discourse is the confusion caused by the Hitler era, with its emphasis on the superiority of the Aryan race over all other races. Here a biological racial identity was promoted

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[74] Two great examples of this are Benjamin Barber's *Jihad vs. McWorld: How Globalism and Tribalism are Reshaping the World* (New York: Ballantine Books, 1996) and Thomas Friedman's *The Lexus and the Olive Tree: Understanding Globalization* (New York: First Anchor books Edition, 2000).

[75] It should be emphasized that communism has not collapsed universally as is so quickly assumed and stated from the Eurocentric perspective. The largest communist state in the world (the People's Republic of China), North Korea, and some of the Indo-China states still classify themselves as communist, as does Cuba. This caveat is essential in order to give a factual and proper picture rather than a triumphant universal projection based exclusively on the European experience.

[76] Specifically I am referring to the former Soviet Republics of: 1. Estonia, 2. Lithuania, 3. Latvia (jointly called the Baltic Republics), 4. Kazakhstan, 5. Kyrgyzstan, 6. Tajikistan, 7. Uzbekistan, 8. Turkmenistan (the Central Asian Republics), 9. Georgia, 10. Armenia, 11. Azerbaijan (the Transcaucasia). In addition there are the Eastern European states of 12. Ukraine, 13. Belarus, and 14. Moldova; 15. the Czech Republic, and 16. Slovakia, from former Czechoslovakia 17. Bosnia and Herzegovina, 18. Federal Republic of Yugoslavia, 19. Serbia, 20. Montenegro, 21. Croatia, (from the former Socialist Republic of Yugoslavia) and 22. The Federal Republic of Germany (formerly Federal Republic of Germany and German Democratic Republic)

over other races, which resulted in a shying away from considerations of *ethnos* in later scholarship. We see a similar tendency of not dealing with *ethnos* in post-apartheid South Africa since 1994 because race and other distinguishing factors were all used in the service of the white regime.[77] We have to differentiate between cultural identity (*ethnos*) and racial identity based on biological factors (*bios*) to properly assess the current political dilemma and its implications for democracy and just political order.

Islamic societies struggling to establish a democratic political order are averse to reducing the basic political unit to the individual, and instead project the *ethnos* and *demos* factors into the political discourse. This is a fundamental challenge to the foundations of liberal democracy with its emphasis on the isolated vying individual. Further, the debate in Islam on the contemporary role of the *ummah* (which is the conjoining of the *ethnos* and *demos* factors into one universal identity), and its status in the state is clearly a most critical issue. In this way Islam is contributing a very novel element to the larger democratic discourse. Raising the *ethnos* and *demos* factors as a prerequisite for democracy also highlights the inability of liberal democracy to deal with these components in a fundamental way. This becomes much more apparent where we have fundamentally pluralistic *ethnos* and *demos* and not just pluralism along denominational and clannish lines. In fact, the experiment with and demand for democracy that is emerging in Islamic states will always be tinged with the *ethnos*/*demos* factor, which is very difficult for a liberal structure to accept. The only way it knows to catalogue this *ethnos*/*demos*–based democracy is through the negative nomenclature of "fundamentalism," "tribalism," or "primordial politics."

The other factor that impedes the emergence of a proper understanding in terms

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[77] Neville Alexander, "Language Politics in South Africa," in *Shifting African Identities*, vol. II, *IDENTITY? Theory, Politics, History*, ed. Simon Bekker, M. Dodds, and M. M. Khosa (Pretoria, South Africa: Human Sciences Research Council, 2001), 141-152. See especially 141-142 where Alexander argues, correctly I think, that, "In South Africa, the major social markers of difference, i.e. 'colour' or 'race', language, 'culture', gender, religion and region, as well as 'class', have at different times played a decisive role – either alone or in some combination – as determinants of group or social identity in recent times, however, regionalism has not been a major force for social mobilization… [T]he connection between the theories of nationality (or 'ethnicity', as this is now called) held by the apartheid ideologues, and the development of the idea of 'independent homelands'. 'Language', as defined by them, played the central role in their conceptualization of the Bantu or Black 'nations' which they, in their own terms, were guiding to 'independent statehood'. This historical fact has meant that for most of the post-war generation of black – as well as progressive intellectuals and activists generally – language-based social movements were suspect. Such movements were routinely dismissed or condemned as 'tribalist.'"

of the question of democracy in an Islamic context is the confusion in the West, due to its history, between the proper institutional separation of church and state and the improper extrapolation and extension of this to a separation of religion and politics which are ontologically connected. Officially, Islam has never had an institution like the church, nor has it had a priestly class, so the separation of church and state makes no sense. Neither does the transference of the western notion of a theocratic state, which was based on the power of the church and the priestly class. The separation of religion and politics is irrelevant, illogical, and nonsensical in an Islamic context, which has a hard theological and philosophical commitment to keeping the two together in order to provide ethical and moral parameters for the political order and to show the relevance of religion in its ability to be translated into the political order. Both religion and politics also demand a high singular loyalty which pervades all orders and not the overly simplistic, polytheistic-sounding, two spheres with their respective gods, which is often justified through the current incorrect reading of Luke 20:20-26.

III

It is apparent that the character of democracy and even the nation-state will have a different manifestation in those societies that are dominated by Islam. First of all, the emergence of nation-states and democracy in the West has a particular religious history that cannot be replicated or repeated in other places.

The division of Europe after the emergence of Catholic-Protestant plurality, the Thirty Years War along this plurality, and finally the end of Christendom, led to the Treaty of Westphalia in 1648, which is correctly interpreted as the beginning of the formation of modern nation-states and secular politics in Europe (secular here meaning non-Catholic, and nothing more intellectual than that). Further, the nation-states in the post-Westphalian phase assumed a homogenous ***ethnos*** (after all, the "nation" in nation-state was simply a matter of ethnicity), a homogenous ***ethos*** (linguistic, cultural, social, and ideological – mostly religious/denominational – foundations), a fixed ***topos*** (a territory in which this specific *ethnos* resided and its *ethos* was exercised), and finally

borders beyond which other nation-states with similar characteristics existed.[78] None of this can be repeated in other places unless the West assumes such exclusive omnipotent historical hegemony that what was a product of a particular history in a particular time and location must be universally and atemporally applied everywhere else. This puts the application of such concepts as nation-state and even democracy into jeopardy in Islamic states from their very inception.

This move towards homogeneity in *ethnos* and *ethos* that Europe set into motion in the construction of its nation states, continued to impact their migrant states as well. This is the case particularly in the USA for despite its extreme heterogeneity (vis-à-vis *ethnos*[79] and *ethos*[80]) and its very confused notion of the *topos* (and therefore almost no concept of borders), the new "nation-state" of the USA used the same process and grammar as the European post-Westphalian creation of nation-states. In order to generate a sense of loyalty (for the natural organic loyalty that existed in Europe was not present in the US) a transcendent homogenous *ethnos* and *ethos* had to be generated through new artificial generative myths. So whiteness, immigration of choice, forgetting the differing ancestries, and transcending old European tribal infighting were raised up as part of a new nationalism, all of which *de facto* and *de jure* excluded the Native Americans as well as the African slaves. In place of a common culture, symbols such as the flag, the constitution and even a reworked version of English with Germanic spellings, were generated as a new transcendent *ethos*. They also generated a new myth

[78] It must also be remembered that one of the clauses in the treaty of Westphalia was a re-articulation of the treaty of Augsburg of 1555, that the religion of the prince would be the religion of the state. Whereas the treaty of Augsburg was restricted to Lutheran princes, the treaty of Westphalia expanded it now to include the Calvinist princes also, who had been behind the beginnings of the Thirty Years War in 1618. The Treaty, however, still left the Anabaptists out of this equation. Those who did not want to follow the religion of their particular state had the right to migrate away from it to one which fitted their religious need; thus allowing freedom of religion and movement, but still restricting religion to the determination of the princes. This was a total integration of church and state, despite Luther's rightful demand to separate them. The true political separation of church and state was articulated by Thomas Jefferson and first genuinely exercised in the US. So *de jure* and *de facto* these European states became religious states, which to date is still the reality for most of them, for *de jure* a state religion remains, even if *de facto* very few people practice any religion at all. Thus the quick condemnation of Islam as having a similar configuration when in fact it does not have an analogous ecclesial structure with either that kind of power or organization, is at best ignorance and at worst a condemnation which needs to be brought back to Europe itself.

[79] I am not even talking about the large amount of diversity within the Native American nations and among the blacks who were coercively brought as slaves. I am talking here only about the diversity of heterogeneous European tribal identities.

[80] This was exclusively a European Christian reality with no recognition at all of the native or slave religions and spirituality.

of *topos*, because there was no organic link between the land and the immigrant people. In this story the land was *Terra Nullius* – i.e., "no man's land", or simply empty land, or a land unoccupied by anyone. Through this myth they treated the Native Americans or first nations (*ethnoi*) of America, as non-people. Their land was occupied and stolen, and whenever they resisted **they** were called the barbarians who were doing the aggression. Therefore they were beaten and put into reservations where their every movement was controlled. Through the Louisiana Purchase of 30 April 1803, the theft by another European nation was legitimized forever. Not only did Europeans have the right to this stolen land but their occupation was given a religious legitimation. This was done through the generation of yet another myth – of the Promised Land, and the migration to it, as part of God's covenantal design for those who had faced religious persecution in Europe. So God justified the theft of land by God's chosen people. To work this land, God was equally quickly put into service to justify the theft of the slaves' labour. Such actions were never acknowledged to be the fault of the invading people's immorality, but were regarded as obviously part of God's grand design. Such developments also took place in Australia and South Africa, etc., with similar justifications.

In these immigrant states, the more recent Third World immigrants who are people of colour and not of European origin, find themselves being treated as not-quite citizens. For, while they may be immigrants of choice like the Europeans, they are not white, so they only fulfil part of the requirements of ideological and paradigmatic citizenship. For the other part, however, – in their ethnicity or race – they remain closer to Native Americans and African Americans. Thus while having a highly pluralistic society the emphasis and paradigmatic value still remain highly homogenous and transcendent, and if a demand is made by these people of colour for a different social structure they are told to go back from whence they came. This attitude has been most exercised against Muslim immigrants, both in these migrant states as well as in the European states. Given this attitude, and with an almost ontologically defined paradigmatic citizenry still restricted to white immigrants (no matter how many generations ago they immigrated), the project of building a society which reflects the genuine plurality on the ground is a very difficult one, claims to the contrary notwithstanding. The current use of the terms "multicultural" and "plurality" so

frequently heard in the US and Australia are a false premise because they include no commitment to the giving up of the privileged status accorded to the normatives and paradigms of the white immigrant of choice criteria.

Thus even when the actual heterogeneity of these societies began to be recognized in the West, they still operated on an assumed **homogenous** ethnicity, linguistic, cultural and ideological *ethos*. On this homogenous *ethos*, a multiparty system could be built that would reflect a plurality of **interests**, but the multi-identities and pluralist societies had to be kept in check by continuing allegiance to the homogenous nationalist principles. Liberal political theory in the US in the 1950s post war reconstructive period generated a paradigm based on the not-so-apparent but crucial distinction we have been discussing above, i.e., between plural **politics** (the multi-party system), which was to be encouraged, and plural **society**, which would be disintegrative of the homogenous nationalist principle which had been foundational for the modern nation-state since 1648. In this understanding, the former had to be promoted and the latter had to be, at the least, minimized, if not rejected out right.[81] This homogenous identity and heterogeneous party system was then treated as imperative for democratic processes everywhere, irrespective of the actual realities in non-European societies. Yet, neither of these was functional in non-Arab Muslim societies.

IV

With the development of post-Reformation and post-Enlightenment secularism in the West, religion was privatized for the proper functioning of the state. By contrast, in the Muslim world, Islam from the very beginning was the *grundnorm* for the polity and for the *ummah* – which was a normative transcendent homogenous ideological community rather than one based on homogenous *ethnos*, *ethos*, and *topos*. From its very inception in the early seventh century and through many later developments in Islamic polity over the next 800 or so years, this *grundnorm* function of Islam remained more or less the same. While the idea of Muslim nationhood along these lines was established in

[81] The concept of a plural society was developed by Furnivall, a Dutch sociologist and apologist for colonialism who studied the Dutch colonies of Southeast Asia. The distinction between pluralist societies and pluralist politics is implicit in a discussion of the former in Arend Lijphart, *Democracy in Plural Societies: A Comparative Exploration* (New Haven, CT: Yale University Press, 1977), see especially the first chapter.

Islamic political discourse from its very beginning, the identities of its citizens along ethnic, linguistic or other similar bonds were not subsumed under some paradigmatic homogenous *ethnos* and *ethos* but instead their plurality was maintained but within the Islamic *ummah*. This was seen as a sign of God's mastery and creativity:

> And among His Signs is the creation of the heavens and the earth, and the variations in your languages and your colours: verily in that are Signs for those who know. (*Qur'an* 30:22).

This creativity existed so that people could identify themselves into tribes and nations and in this way they could compete with one another in the doing of the good:

> O mankind! We created you from a single (pair) of a male and a female, and made you into nations and tribes, that ye may know each other (not that ye may despise each other). Verily the most honoured of you in the sight of God is (he who is) the most righteous of you. And God has full knowledge and is well acquainted (with all things). (*Qur'an* 49:13)

Compare this to the traditional Jewish and Christian exegesis of the biblical story of the Tower of Babel in Genesis 11:1-9 in which the human community's plurality is viewed as being part of God's punishment for arrogance:

> Now the whole earth had one language and few words. And as men migrated from the east, they found a plain in the land of Shinar and settled there… Then they said, "Come, let us build ourselves a city, and a tower with its top in the heavens, and let us make a name for ourselves, lest we be scattered abroad upon the face of the whole earth." And the Lord came down to see the city and the tower, which the sons of men had built. And the Lord said, "Behold, they are one people, and they have all one language; and this is only the beginning of what they will do; and nothing that they propose to do will now be impossible for them. Come, let us go down, and there confuse their language, that they may not understand one another's speech." So the Lord scattered them abroad from there over the face of all the earth, and they left off building the city. Therefore its name was called Babel, because the Lord confused the language of all the earth; and from there the Lord scattered them abroad over the face of all the earth.

They key difference between these two approaches is that while the emergence of secular, liberal bourgeois politics in the West demanded social and ethnic homogeneity and allowed a multi-party system within the state, Islam asked for homogeneity in following Islamic law, while allowing for heterogeneity in cultural and social life. So while almost all of the major political theories in the West have argued for the necessity

of this homogeneity as a prerequisite for state formation, Islam has kept claiming the homogeneity on the basis of Islam itself. Since Islamic political theory developed during the heyday of the existence of the Islamic state, with its multi-cultural, social, national, and tribal affiliations, Muslims have had difficulties with the "modern" western concept of a **nation-state** which emerged only after 1648, because Islam's emphasis has always been on **state**-nations, i.e., a single Muslim state encompassing the entire *ummah* (state), which contains many nations (*ethnoi*) within itself. In this context a state characterized and limited on the basis of *ethnos, ethos* and *topos*, is incorrect and unsustainable. The only relevant topographical or geographical character demarcation recognized by Islam is the one grounded in the ideological boundaries of the Islamic state, i.e., *Dar-al-Islam* – the abode of Islam, and *Dar-al-Harb* – the non-Muslim states which is an abode of war or struggle. This topography is therefore not restricted to physical realities but to ideological and spiritual ones.

In spite of this idealization, the historical facts of early Islam give a slightly different picture. Between 622 and 661 AD, the Prophet, and after his death the four rightly guided and pious caliphs *(Khulfa-e-Rashdeen)*, headed all three branches of the government (executive, legislative and judiciary) on the basis of their religious standing. This was the case, however, for only 39 years (from 622-661 AD), and if we take away the rule of the Prophet in Medina from 622 to 632 AD (i.e., ten years), then we have a period of only 29 years for the rule of the *Khulfa-e-Rashdeen*. But even within that time, the fact is that the last three of these four caliphs (viz., Umar, Uthman and Ali), who together ruled for just over 26 years, were murdered by other Muslims for various political reasons. Only the first caliph (i.e., Abu Bakr) being quite old when he took the office, died a natural death after ruling for just two and a half years. There is also a claim in some Muslim traditions that the Prophet himself was poisoned from within the community. This goes to show that even in this "golden age" power was challenged by those within the earliest *ummah* in spite of the religious justifications for this power. The continuing debates on the priority of one caliph over the other and the process of succession (or usurpation as some still see it), which was challenged from the beginning, led to a very early schism between the Shi'a and Sunni factions, and to a further division in the Kharajites (still within the first 39 years). So the character of *Dar-al-Islam* and

Dar-al-Harb and their location is not as easy to distinguish as some would like to claim, especially in the contemporary times in order to promote or create a new consciousness of *jihad*.

The possibility of this kind of state-nation (i.e., an *ummah* based polity, and the distinction between *Dar-al-Islam* and *Dar-al-Harb*) came largely to an end with the colonization of Muslim states that were outside the so-called Middle East, cf. the Mughal rule in India, and the various sultanates that spread through South East Asia.[82] In the Middle East itself, the destruction of the Ottoman Empire after the First "World War," through the direct intervention of the British colonial structure (cf. Lawrence of Arabia), led to the emergence of the first secular polity in Islam – Kamal Ataturk Pasha's struggle for a constitutional democratic modern Turkey which came to fruition in 1923. This was the final nail in the coffin of the medieval Islamic state and all the structures that Islamic political theory, philosophy and theology had generated to date. There was almost no material available to deal with the post-caliphate Islamic nationhood, and also for Muslims living as minorities in states which were controlled by other religions or ideologies. The various revivals of the *Salafi* conservative movement and the others which surfaced such as the *Wahhabi* movement in Saudi Arabia,[83] Qutb in Egypt,[84] and Maududi in India (later Pakistan),[85] could not impede the struggle for, nor the later

[82] That the Muslims were defeated and ruled by people of another faith was a challenge to Islam and its efficacy and brought about a serious crisis of faith, theology and piety. The bigger problem in the context of our discussion, however, was also the inability of Sunni theology and political theory to provide a justification for resisting any existing ruler since all rulers were in place because of the will of God. This lack became critical during the period of European colonization of Muslim lands.

[83] *Wahhabism* is based on the teachings of Muhammad Ibn Abd al-Wahhab, (1703-1791), who felt that Islam had departed from its roots and was in danger of polytheism, and therefore must return to the purity and original teachings of Islam. The movement calls for *tawhid* (strict monotheism), and the literal interpretation of the *Qur'an* and the *hadith* and believes in an Islamic state based on Islamic law and the teachings of the Prophet Muhammad. The movement spread in the early 1900's with the support of the powerful Ibn Saud family and became the established form of Islam in Saudi Arabia after that country was established in 1932.

[84] Sayyid Qutb (1906-66), was an Egyptian scholar, writer, and activist. He followed a strict approach to Islam and rejected modern interpretations of Islamic law. Qutb believed that all laws governing human life must be based on God's word as revealed by the *Qur'an* and that all Muslims had a duty to wage *jihad* against the enemies of what he considered to be true Islam. He condemned governments and societies that did not function in strict agreement with Islamic teaching. Since his death, Qutb's ideas have influenced radical Islamic organizations in Afghanistan, Egypt, the Palestinian territories of Gaza and the West Bank, and elsewhere.

[85] Sayyid Abu'l-A'la Maududi (1903-1979) was dedicated to reviving Islam in India. He established the *Jamaat-e-Islami* Party in Lahore, in what is now Pakistan, in 1941. He assimilated western ideas of activism and oppositionalism to postulate a mechanism of power transfer in an Islamic state.

emergence of, nation-states with large Muslim populations and an Islamic identity (cf. Pakistan, Indonesia, Malaysia, etc.). After the emergence of these post-colonial states, these same *Salafi* Muslim theologians, who had first seen them as heretical, began to demand that these states exercise the full panoply of Islamic political ideals within these highly territorially restricted states. In other words they paradoxically asked for the revival of the caliphate and *ummah*-based Islamic polity inside of individual, topographically and geographically determined Muslim states, without taking cognizance of either the contradiction entailed in such a demand nor the defunctness of the foundational parameters that are necessary for such an Islamic polity. So initially Maududi and other *ulemas* in India railed against the demand for an independent Pakistan for the Muslims of India, because such a demand was fundamentally against the state-nation *ummah*-based Islamic polity, but after its formation they demanded the application of *shariah*, etc., and claimed that their *salafi/wahhabi* understanding of Islam was essential for Pakistan. This contradiction continues to plague the current political and theological debates within Islamic discourse and shows both the anachronistic tendencies as well as the intellectual laziness which prevents them from dealing seriously with the contemporary realities which face Islamic faith and theology.

Modern nation-states which have majority Muslim populations are either a product of the end of colonialism, or a creation of the direct intervention of the West, through the breaking of the Ottoman Turkish Empire as mentioned above. Except for Iran, most of the non-Arab Muslim states have large heterogeneous ethnic and linguistic communities. Islam has been seen as the transcendent ideology that was to hold these heterogeneous multi-social and multi-cultural societies together. In this sense, Islam was to play the same ideologically transcendent role in these newer Muslim states that secularism did in the West after the collapse of Christendom.

It is now quite apparent that using the rhetoric of Islam as a binding or cohering glue has failed, in spite of the "head in the sand" attitude of some of the Muslim leadership. Islam, as interpreted and used as a tool, clearly failed to provide the cohesive opposition against the state of Israel in the two wars of 1967 and 1973. It failed to provide the necessary integration in the 1971 conflict between what are now Pakistan and Bangladesh. It clearly did not have any kind of irenic and binding force to

stop one Muslim state from attacking another during the Iran-Iraq war of 1980 to 1988. Nor did it stop Iraq's aggression against Kuwait. And it was clearly incapable of bringing Muslim states together against the US during the first Gulf War of 1991. Although one wants to see a homogenous Islamic response to the US and its war coalitions in Afghanistan and Iraq, Islam still does not play either a peace-making role, nor is it able to bind Muslims together in the way that either the West claims or that Muslim leaders would like. It must be said, however, that we have witnessed a lot more cohesion and anti-western unity in the Islamic world over the last five years, than in a long time. This seems to be growing because of a perception in the Muslim world of the character and constancy of the attack against Islam and the daily new manifestations of this attack in Europe and by the US.

V

An Islamic perspective on democratization demands a different understanding of democracy and political order, one that clashes in some very fundamental ways with the liberal understanding of democracy and politics that now dominates international political discourse. If there is to be an international order grounded in a just peace, one has to push for a plurality of political orders and democratic expressions. Peace is most threatened when the historical basis and experience of a particular people is hegemonically thrust upon others who have completely different histories and experiences. This pseudo-universalizing challenges Islamic states most particularly as they possess their own ideals of polity that have a clearly worked out moral and philosophical basis. These have a clear application in their own political orders and thus Muslims would like to experiment with people's participation on a different scale that cannot be judged along liberal political lines.

Chapter Five

Human Rights in Islam:

Surplusity of Sources and Meaning[86]

> for it is not true that the work of humanity* is done
> that we have no business being on earth
> that we parasite the world
> that it is enough for us to heed to the world
> whereas the work has only began
> and human beings* must still overcome all the
> interdictions wedged in the recesses of their† fervor
> and no race has a monopoly on beauty, on intelligence, on strength
> and there is room for everyone at the convocation of conquest.
>
> Aimé Césaire[87]

I

Human rights, though mentioned often when talking **about** Islam and Muslims (and indeed mostly for negative purposes), has not been one of the major issues generally brought up for discussion **with** Muslims. Nor has there been much research done **by** Muslims, on their foundational sources, to look into what they have to say about, or on, the issue of what falls under the rubric of human rights today. Islam and Muslims are generally condemned for the lack of civil and political rights, and democracy, and for violating social and cultural rights, particularly those of women and religious minorities in Muslim societies and countries.

In the course of this chapter I will lay out the parameters and contours of this discussion, covering the little that has been said, and arguing for some trajectories that such a discussion should have. In doing this I will obviously also make certain proposals

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[86]Besides many others, I am most deeply indebted to the following texts for some of the major themes I have developed in this paper: David Little, John Kelsay and Abdulaziz A. Sachedina, *Human Rights and the Conflict of Cultures: Western and Islamic Perspectives on Religious Liberty* (Columbia: University of South Carolina Press, 1988); and L.J. Macfarlane, *The Theory and Practice of Human Rights* (New York: St. Martin's Press, 1985).

[87]Aimé Césaire, "Notebook of a Return to the Native Land" in *The Collected Poetry of Aimé Césaire*, trans., by Clayton Eshleman and Annette Smith (Berkley: University of California Press, 1983), 77. I have adapted the language of the poem slightly to make it gender inclusive: * "Man"; † "His".

for Islamic theologians and scholars to take into consideration, as a part of their own vocation, and hope that in response they will suggest some critical proposals for constructing more acceptable human rights regimes which will have broader ramifications and more comprehensive participation. It must be stated at the outset that this is not meant as some outside imposition or coercion demanding a response, but a very sympathetic invitation to a broad and free ranging dialogue and reappraisal of life in the contemporary world.[88] This dialogical approach is therefore an invitation to a much broader and larger pluralistic look at these issues from the Islamic perspective.

II

The development of an Islamic view of human rights must challenge the lazy and complacent, but highly hegemonic, assumption that the West-generated and West-dominated human rights regimes must have unquestioned universal application. A Muslim approach must also challenge the current assumption underlying these regimes: that they have such a high status that their sacredness and universal efficacy cannot be challenged from any other perspective, especially one with very different foundations and approaches to these issues. Yet it is precisely through such challenges that the efficacy of these regimes are tested and universalized, and it is only through such contributions that a genuinely universal and non-hegemonic regime will emerge that is worthy of the appellation "universal."

It must be immediately recognized that the concept of universal human rights embodies values which not only conflict with other strongly held values and conceptions, but which are incompatible with, and subversive of, certain forms of society and social institutions. A.J.M. Milne has seen the paradoxical implications of this in the UN's Universal Declaration of Human Rights (UDHR) which "professes to be a statement of human rights, irrespective of the particular social and political order under which they happen to live," but which "goes on to enumerate a detailed list of rights which presupposes the values and institutions of a certain kind of social and political order,

[88] The philosophical basis of this dialogical approach is discussed in greater detail in the final chapter of this book.

namely liberal, democratic, industrial society."[89]

Having said this, we must also face the paradoxical fact that there is a clear case for requiring some form of constitutional structure or a fully accepted socio-political contract for all nations with some binding force and even coercive power. All nations should be subject to the rule of law, with legal safeguards against using various forms of discrimination and violence against their own citizens and their rights. This is the fundamental *problematique* we face today and a search for some resolution is always worthwhile. It is obvious that such a search should not mean a compromise produced by coercion of any kind, or an acceptance of anyone's hegemony.

What is also obvious, and must be acknowledged at the very outset, is that the universal claims made in the name of all are often, in practice, claims on behalf of the existing deprived groups or people, against the more fortunate and powerful. Therefore, such claims are at the same time a demand to surrender the privileges which are enjoyed by some at the cost of other members of society. Such is the case in South Africa, where implementing the rights of blacks will invariably entail a surrender of the privileges enjoyed under the apartheid system by whites, and if this does not happen, or is seen not to happen, the level of frustration and the demand for rights will continue to be raised and will become more and more vociferous.

Claims to universal rights must therefore be seen as claims which can establish universal **legal entitlements**, rather than as claims which simply have universal support. As is noted in Article 2 of the UDHR, universal rights necessarily preclude any discrimination or exclusion:

> Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty.[90]

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[89] A. J. M. Milne, "The Idea of Human Rights: A Critical Enquiry," in *Human Rights: Problems, Perspectives, and Texts*, ed. F.E. Dowrick (Westmead, UK: Saxon House, 1979), 33.

[90] Adopted and proclaimed by General Assembly Resolution 217 A (III) of 10 December 1948.

Thus a human right is something of which no one can be deprived without a grave affront to justice: "There are certain deeds which should never be done, certain freedoms which should never be invaded, some things which are supremely sacred."[91]

Yet who will monitor the enforcement of these rights, and does such monitoring require a violation of the jurisdiction and authority of a state and its territorial integrity? Ronald Dworkin makes a distinction between "weak" and "strong" moral rights. The latter are those which it would be wrong for a government to override simply on the grounds that the exercise of the right is not in the public interest, or is contrary to the majority will.[92] This definition can be helpful on a theoretical level but it still leaves us short of some form of global implementing mechanism. This difficulty is exacerbated by the fact that many actions which are done in the name of universal and global principles have been at the expense of the Third World and have ended up extending further the hegemony of the West. In recent years this "Third World" has been exclusively associated with Islam (and Islamophobia), and the "West" has become the exclusive civilizational force with global reach and demand. We must also, therefore, ask how human rights impact cultural and ideological diversity, an issue to which I will return shortly.

III

The state today is being squeezed on two sides. One arm of this pincer is the trans-state, pseudo-universal objectivity claimed by market-based globalization, which is projected as beneficial by those in control of global communications and capital. The other arm of the pincer is the sub-state, identity-based political groups which, in our contemporary essentialist mode of thought, are vilified as tribalists, obstructionists, fundamentalists, and more recently, terrorists. In this context we must re-examine a few important facts about the UDHR and its history. This is necessary not only because globalization has created a new set of conditions, which might change our understanding of the text, but also in order to put the current and ongoing Islamic critique of this text in proper perspective.

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[91]Maurice Cranston, *What are Human Rights?* (London: The Bodley Head, 1973), 67-9.
[92]Ronald Dworkin, *Taking Rights Seriously* (London: Duckworth, 1977), 184.

According to Elie Wiesel, the UDHR has become the sacred text of what he rightly calls a "world wide secular religion."[93] This secularism has become the *lingua franca* of global human rights, just as English has become the *lingua franca* of the global economy. Both serve as lowest common denominators, enabling people to pretend that they share more than they actually do. Pragmatic silence on questions dealing with ultimate concerns has made it easier for the world's very different cultures to sign up and be part of the declaration. In this sense, the declaration's boasted universality is as much a testament to what the drafters kept out, as to what they put in.

When Eleanor Roosevelt first convened a drafting committee in her New York apartment in February 1947, a Chinese Confucian and a Lebanese Thomist (Charles Malik) got into such a heated argument about the philosophical and metaphysical bases of rights that Mrs. Roosevelt concluded that the only way forward lay in West and East agreeing to disagree. That such an arrangement could produce the universality that this document enjoys is a miracle. This miracle is now difficult to sustain and is beginning to be demythologized from various ideological and religious quarters, and in response its universality is being maintained through some very non-democratic, non-accountable and unethical politics.

There was a huge gap between what the signers practice and what they preached. Everyone had something to be ashamed of: the Americans had the Jim Crow legislation still in place in the south; the Canadians had their treatment of native peoples; the Soviets had the Red Terror; etc. The embarrassing state of the existing "is" kept all eyes firmly focused on the future achieving of the "ought."

Ironically the UDHR, though a child of the Enlightenment, was actually drafted when faith in the Enlightenment faced its deepest crisis of confidence. The bastion of the Enlightenment (i.e., Europe) had been involved for over ten years in two very vicious and destructive wars, within a period of just 31 years (from 1914 till 1945). The main founders and inheritors of this Enlightenment, namely the Germans, had been involved in the worst human crimes, which they were able to carry out with impunity because of a lack of any real challenge from the other inheritors of this Enlightenment. The Holocaust

[93] Elie Wiesel, "A Tribute to Human Rights," in *The Universal Declaration of Human Rights: Fifty Years and Beyond*, ed. Yael Danieli, et al (Amityville, NY: Baywood Publishing Co., 1999), 3.

made the UDHR possible, but its influence was also deeply paradoxical. The declaration envisioned a world where human beings, if they found their civil and political rights as citizens taken away, could still appeal for protection on the basis of their rights simply as human beings. Beneath the civil and political rights, in other words, stood the natural rights of humans simply qua humanity. But the Holocaust showed that once civil and political rights were taken away, human beings were defenceless. As Hannah Arendt argued in 1951 in her superb book, *Origins of Totalitarianism*, when Jewish citizens of Europe were deprived of their national or civic rights – when, finally, they had been stripped naked and could only appeal to their captors as plain, bare human beings – they found that even this abject nakedness did not allow them a claim on their tormentors of simple human pity. "It seems," Arendt wrote, "that a man who is nothing but a man has lost the very qualities which make it possible for other people to treat him as a fellow man."[94] The UDHR at its highest idealism therefore set out to re-establish the idea of human rights at the precise moment in history that had shown them to have no moral purchase whatsoever. The Holocaust laid bare what the world actually looks like when natural law is abrogated, when pure tyranny could accomplish its unbridled will. In short, without the Holocaust, no UDHR; because of the Holocaust, no unconditional faith in the Declaration either.

From another perspective, we must remember that while decolonization was under way, the hegemony of the western rights discourse had not yet come under challenge. With India and Pakistan already independent and the Dutch and the French starting to quit their Asian colonies, the waning imperial powers had to concede that the declaration they had signed applied to their existing colonies as a legacy which they themselves had not carried out with their subject peoples. At the same time, the newly independent nations, most of whose leaders had received a western education, did not yet feel impelled to insist upon the radical distinctiveness and genius of their own moral traditions, from the one which had been thrust upon them by their colonial masters. The descent of so many of these newly independent states into dictatorship or civil war had not yet occurred. It was still possible to believe that winning independence and freedom as a state would be enough to guarantee the freedoms of the individuals it contained. The

[94] Hannah Arendt, *The Origins of Totalitarianism* (New York: Harcourt Brace Javanovich, 1973), 300.

emergence of the Asian Tiger economies and the rebirth of radical Islam were still decades away. The great philosophical conflict between "the West and the rest' – which has called into question the universality of human rights – still lay in the future. Thus the time of the UDHR was chairotic, for a year later it would have not worked.

The agreement for the UDHR was possible in 1948 because it belongs to the brief post-war moment when progressive politics was still looked up to and shared by the drafters. Eleanor Roosevelt incarnated the New Deal. John Humphrey, the Canadian law professor who wrote the first draft of the declaration, had links to his country's socialist party, the CCF. The Chileans and Brazilians were strongly influenced by Latin American socialism and the French rights tradition of 1791 was represented by René Cassin, who had been General de Gaulle's lawyer in wartime London. The progressive discourse of the victors of the Second World War provided the intellectual fuel for the drafting committee. Only five years later, the entire scene had changed and progressive politics were on the defensive: the Soviet Union had tested a hydrogen bomb; officials in Czechoslovakia had been killed on orders from Moscow; China had fallen to the Communists; and McCarthy was persecuting the liberal internationalists of the previous era. Republican Senator John Bricker fulminated against the UN human rights document stating it was "completely foreign to American law and tradition." One of John Foster Dulles's first acts as incoming secretary of state was to pull Mrs. Roosevelt off the human rights committee at the UN, proclaiming that the US "would not become a party to any human rights treaty approved by the United Nations." America effectively withdrew all efforts to turn the declaration into a binding covenant. Successive secretaries of state, from Dulles to Kissinger, regarded human rights as a tedious obstacle to the pursuit of great power and their *realpolitik* philosophy.

Pollis and Schwab, in their essay "Human Rights: A Western Construct with Limited Applicability," conclude by expressing a familiar objection to Euro-American ethnocentrism: "Unfortunately not only do human rights set forth in the universal declaration reveal a strong western bias, but there has been a tendency to view human rights ahistorically and in isolation from their social, political and economic milieu."[95]

[95]Adamantia Pollis and Peter Schwab, *Human Rights: Cultural and Ideological Perspectives* (New York: Praeger, 1979), 17.

This criticism is frequently applied to statements of rights that are contained in various internationally recognized human rights documents. The complaint is that there are so many manifestations of a highly parochial cultural and historical experience in these statements that, at certain points, they neither have, nor ought to have, anything definitive to say to peoples with other experiences and traditions. One therefore forces others to the universal demands and claims of these statements purely as an exercise of power and influence, while at the same time claiming universality. In the very way they are implemented they *de facto* if not *de jure* violate the very principles they are claiming to uphold.

This charge is a serious and challenging one. Human rights advocates need to face it squarely and respond to it with precision and care. The charges of western bias and cultural discrimination have been most persistently lodged by Muslims and by western students of Islam, against the statements in various human rights documents concerning the right to freedom of thought, conscience, and religion.

Finally it must be remembered that from 1948 until the Helsinki Final Act in 1975, there were two human rights cultures in the world – one socialist and one capitalist – one giving primacy to social and economic rights, the other putting the civil and political rights of the individual first. Sterile polemics between these two made a genuinely global human rights culture impossible.[96]

Thus when all is said and done the moment of opportunity in 1948 was, in retrospect, brief indeed, so brief, in fact, that one might well ask how a global human rights movement managed to emerge at all. In his well-documented and thorough book, William Korey argues that the global spread of human rights owes much more to non-governmental organizations, like Amnesty International and Human Rights Watch, than it does to governments and even the UN itself.[97]

IV

[96] In the 1980's a demand for a "third generation" of cultural rights emerged, from indigenous peoples who were attempting to secure the space to practice their traditional forms of life. This movement is not unlike the arguments being raised by Muslims, about the false universalizing of the West's very particular cultural form.

[97] William Korey, *The Promises We Keep: Human Rights, the Helsinki Process, and American Foreign Policy* (New York: St Martin's Press, 1993).

Let us now turn to the topic of how western scholarship has handled the issue of human rights and Islam. This is by no means a new issue, for Muslims have been raising questions on the various international human rights documents from the very beginning. Despite that being the case, most western analysts view Islam as being fundamentally authoritarian in character, and as such **the** fundamental contradiction to western social and political values. The questioning of human rights documents is simply perceived as further evidence of this view. The position adopted in much western scholarship on the relation of Islam and Islamic culture to western (and assumed Christian) notions concerning the organization of society and human rights, is that Islam and the West are on opposite poles with respect to these important issues. Some scholars have argued that because Islam has such a pervasive role in all aspects of life it has a stranglehold on all those societies where it is the majority position, and that this significantly affects all important political decisions and outcomes. Adda Bozeman concludes that Islamic culture is **not** guided by notions of right or principle, as the West understands them. Instead, it is characterized by the governance of personalism and pragmatism, where ruling authority is "illegitimate and coercive almost by definition."[98] Similarly, Max Stackhouse has indicated that Islam is a religious tradition ill-suited to democratic conceptions of society for it does not present the individual with those opportunities for freedom of action and association that are characteristic of western Christianity (in certain cases).[99] Even such a sound scholar as James Piscatori, who holds that Islam teaches respect for life and property, practices tolerance and fraternity, and "unquestionably shares much of the spirit of the present human rights movement," says that Islam "does not advance the basic idea of inalienable rights, nor does it avoid distinguishing according to sex and religion." In short, "Islamic theory does not present a notion of the rights of the individual. Rights do not attach to men ***qua*** men. ... It is more appropriate to refer to the ***privileges*** of man."[100]

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[98]Adda B. Bozeman, *The Future of Law in a Multicultural World* (Princeton: Princeton University Press, 1971), 76.

[99]Max Stackhouse, *Creeds, Society, and Human Rights* (Grand Rapids, MI: Eerdmans, 1984), 40. Here Stackhouse advances the above brief comment on Islam which he already developed in two earlier essays: "Democracy and the World's Religions," *This World* (1982): 108-120; and "Theology, History and Human Rights," *Soundings* 67 (1984): 191-208.

[100]James P. Piscatori, "Human Rights in Islamic Political Culture," in Kenneth W. Thompson, ed., *The Moral Imperatives of Human Rights: A World Survey* (Washington: University Press of America, 1980),

Given such evidence, what is one to think of the proposal that Islam and the West (which is generally but falsely regarded as universal) have much to talk about in relation to human rights? If one follows Bozeman and Stackhouse, it seems the dialogue is over before it has begun! And while Piscatori's discussion is more nuanced, his findings indicate that the best one can hope for is a limited exchange, particularly with respect to freedom of conscience.

But these views are based on only very partial information and for that reason they are very misleading if not completely false: for the approaches used by these scholars are either based on the analysis of particular texts, or on the analysis of one strain of Islamic political theory, or they are *ad hoc* studies of individual countries, each of which do not cover some very important factors. A closer examination of the arguments of Bozeman and others reveals a gap of major import. This gap lies in the failure to pay close attention to what Muslim thinkers themselves have to say about human rights, especially freedom of conscience. Even where there is some attention to Islamic self-statement, as in Piscatori's article, it is limited to the point of view of one school or party within Islam. It is plain enough that western culture is characterized by diverse perspectives on human rights. Should one not expect a similar diversity within other world cultures and ideological frameworks? How is one to evaluate the necessary cultural complexity of a tradition without more extensive attention being paid to the statements of various representatives of these cultures and ideologies? I contend that the texts and traditions of Islam, like those of other religions, can be used to support a variety of political systems and policies. Country specific, descriptive studies are too narrow to be of much use in finding patterns that will help us understand the varying relationships between Islam and politics across the Muslim world. Hence, a new approach to the study of the connection between Islam and politics is called for.

V

Let me begin to delineate what this new approach to the connection between Islam and human rights might look like by discussing the particular right to freedom of religion. I propose we start here for this was a key issue of contention in the UDHR. It is also a central issue because Muslims define the borders of the Islamic world in terms of

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157-158, 144.

the concept of *ummah* – the community of believers. The relevant point here is that matters of faith are at the very heart of Islamic civilization and human rights focused on this question therefore affect this civilization more deeply and poignantly. So if we can sort out the issues around religion and human rights we are well on the way to developing a paradigmatic Islamic approach to human rights.

Faith may be seen and understood in terms of the outcome of two quite different kinds of experiences. The first is the faith one has by virtue of being born into a society or a community where all, or virtually all, of the members have a particular tradition of belief or sets of beliefs. The second, in contrast, is that faith which comes through personal conviction, which is a matter of the individual struggling, possibly against parental, social and other pressures, to arrive for herself/himself at the truth. I will deal with the specific issue of the universal right to freedom of conscience and freedom of religion within the religious sources, specifically in Islam, as compared to those enshrined in the various declarations and documents dealing with human rights in the international context.

Any discussion of Islam and religious liberty must begin with the stipulation that a dialogical approach requires a greater appreciation of the statements of Muslims on matters of human rights. Further, it is important to know the extent and nature of the disagreements among the various representatives of Islam on these matters. One example is the very early disagreement (in 1948) between the representatives of Saudi Arabia and Pakistan at the UN with respect to Article 18 of the UDHR, which states:

> Everyone has the right to freedom of thought, conscience and religion; this right includes the freedom to change his religion or belief, and freedom, either alone or in community with others in public or in private, to manifest his religion or belief in teaching, practice, worship and observance.[101]

A number of Islamic countries (in particular, Saudi Arabia) attempted to delete this article. Failing that, they blamed others - Lebanon, for example - for supporting it, because, they contended, the rights of Lebanese Muslims would be compromised by such wording. On the other side, Sir Zafarullah Khan, the foreign minister of Pakistan,

[101] *Human Rights Documents*, 98th Cong. 1st Session, 1983, Committee Print, 66.

manoeuvred to get some of the other Muslim leaders to become a party to the UDHR, but by no means did all become signatories to it.[102]

Objections were raised by some of the same countries against the somewhat more elaborate version of the right to religious freedom contained in the *International Covenant on Civil and Political Rights*, which stated: "No one shall be subject to coercion which would impair his freedom to have or to adopt a religion or belief of his choice" (Article 18, Sec. 2). And Article 26 of the Covenant added another new stipulation which guaranteed equal protection of the law against any form of discrimination "on any ground such as race, ... sex, ... [or] religion."[103]

More recently, objections from much the same quarter were raised in reaction to the draft version of the *Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief.* In spite of the fact that they did have some limited effect on the final version of this declaration, which was adopted by the UN General Assembly on 25th November, 1981, there was quite a negative reaction by Muslim political officials. There was also the question of the wording of Sections 1 and 2 of Article 2 of this declaration, concerning legal discrimination "on grounds of religion and other belief" – specifically concerning the clause, "any distinction, exclusion, restriction or preference based on religion or belief."

VI

In the light of these criticisms we must look at some of the historical practices of Muslim states vis-à-vis the religious minorities residing in them. Even though, as is well known, non-Muslim monotheists (*dhimmis*) - namely Jews, Christians, Zoroastrians, and some others - are traditionally treated more tolerantly than polytheists and other kinds of "disbelievers," they were hardly accorded full and equal rights. So long as they lived peaceably, they were allowed to practice their religion (in a subdued manner), but they were nevertheless required to pay a tax (*jizzya*) to the Islamic state - described by one

[102] Ironically, Sir Zafarullah Khan could not even be a provincial minister today, let alone the foreign minister, because he was an Ahmadi and Ahmadis have been classified as non-Muslims (i.e., religious minorities) in Pakistan since 1974.

[103] *Human Rights Documents, op. cit.*, 85.

Islamic scholar as "a form of punishment of unbelief."[104] What is more, Muslim authorities sometimes prohibited *dhimmis* from marrying Muslims and from conducting certain forms of business. According to traditional Islamic law, *dhimmis* were required at times to wear distinctive clothing and to live in houses smaller than those of Muslims. Finally, in certain Islamic states non-Muslims are prevented from occupying high public office, as, for example, in Pakistan and most Arab states, where the head of state must be a Muslim. In short, the record shows that non-Muslims in Muslim countries do not enjoy the rights to religious liberty in the same measure as Muslims. Or, as Majid Khadduri put it, "As a subject of the Muslim state [the *dhimmi*] suffered certain disabilities which reduced him to the status of a second-class citizen."[105]

The conflict, then, seems clear. The articles on freedom of religion and conscience in various human rights documents appear, at important points, to run afoul of much established and official Muslim teaching about the treatment of apostates and protected non-Muslims. There are at least four possible strategies that could be adopted in the face of this conflict.

First, one might simply advocate retracting all statements in favour of freedom of religion and conscience, or rewrite the existing statements so as to make them innocuous. There are problems with this response. Are all human rights statements to be retracted or emasculated whenever they encounter opposition? More to the point, there is actually little interest in the international community, or among Muslims, in taking such a radical step. Muslims, like others, seem committed to giving human rights status to freedom of religion and conscience, so long as those rights are properly restricted according to traditional teachings.

Second, one could argue that existing freedom of religion statements allow Muslim states, along with everyone else, the discretion to define religious tolerance and its limits in whatever way they see fit. This would then allow Muslims the right to follow their own consciences, and thus act on their internationally guaranteed right to religious liberty. There are problems with this approach, however. One is that tolerating all

[104] Majid Khadduri, *War and Peace in the Law of Islam* (Baltimore: Johns Hopkins Press, 1955), 198.

[105] *Ibid*, 196. Just to make my own position clear, I do not believe that ultimately there is such a thing as a second class citizen: either one is a citizen or one is not, there are no gradations. If certain people's rights are curtailed simply because they are not Muslim then such people are non-citizens.

possible policies and views, even the most intolerant ones, yields a contradictory result, especially when intolerance toward certain beliefs can be enforced. Also, existing statements on the right to religious liberty explicitly include prohibitions that contradict certain Muslim policies and practices.

Third, one might cling to existing statements of the right to religious liberty and attempt to enforce them internationally by means of the same devices that the US has employed from time to time when enforcing other civil, political, and economic rights. There are, no doubt, special problems of feasibility in this case, as the experience of the US demonstrates: enforcing these statements is not the easiest thing to do when one has an unwilling population and even unwilling enforcing agencies in many cases. Such efforts are fiercely resisted by those who feel that the enforcement of such rights will entail a reduction of their privilege and therefore the resistance becomes verbal and physical.[106] Moreover, without an agreement stipulating that a belief in freedom of religion entails tolerating any belief, even those that enforce intolerance, it does seem that the cultural differences over this question create some subtleties and perplexities for human rights advocates that are not present in respect to the more notorious violations, such as gross mistreatment of prisoners, political opponents, etc.

Finally, **fourth**, one might use the contemporary debate between westerners and Muslims over freedom of religion and conscience as an occasion for reconsidering the foundations and character of a belief in such a freedom, both in the western and Islamic traditions. If, upon critical examination, the conflict between western and Islamic views concerning something so important and basic as a right to freedom of religion and conscience turns out to be much less clear and consistent than has been alleged then it seems we shall have some reason to call into question the universality of human rights on these issues and show their "limited applicability."

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[106] South Africa has experienced something similar since 1994, as the democratic state has implemented various programs such as Black Economic Empowerment, etc., to raise the standard and status of the majority, which had been seriously deprived through the 300 years of colonial experience and the more recent apartheid policies and structures. Now those who enacted, enforced, and systematically benefited from that system of deprivation, pejoratively call these new state programs a "gravy train" for the blacks, not recognizing, even after all the hullabaloo of the Truth and Reconciliation Commission, that the whole colonial and apartheid structure was created as a well oiled and planned gravy train for whites, that was based on the theft of land and labour of the native population, and when that was not sufficient, on the theft of imported labour as well.

I have adopted the fourth strategy for I am convinced that the subject of human rights in general, and the right to freedom of religion and conscience in particular, has suffered in the West from a fashionable but unconvincing belief in relativism, and in the Islamic world from a failure to subject the *Qur'anic* foundations of Islamic faith to rigorous and sympathetic re-examination to meet contemporary needs. It has also suffered in the Islamic world from a failure to acknowledge the internal complexity of the Islamic tradition in regard to those matters, as well as the history of struggle on these issues.

VI

For our dialogue on religious liberty to proceed further, we must probe more deeply into the meaning of the *Qur'anic* text. More than that, we must attend to certain ways of interpreting the *Qur'an* which Muslims consider to be significant or authoritative. But since the *Qur'an* itself does not deal with the western concept of individual cognitive conscience (the Cartesian *res cogitans*), especially vis-à-vis its ability to guide and even have coercive rational power in matters of faith, directly or systematically, one has to be involved in two lines of inquiry simultaneously. The first requires an examination of the *Qur'anic* exegetical material in order to discover what interpreters of the Islamic scriptures have understood regarding the relevant concepts; and the second requires an analysis of this material so as to show what constitutes tolerance or freedom of conscience and religion in Islamic revelation. This investigation, it is hoped, will demonstrate the reasons for the deep tension in the Islamic experience between a tolerant, pluralist spirit, on the one hand, and a more regimented, exclusivist stance on the other.

On the basis of the information given in Muslim exegetical works, it is possible to discern three basic Muslim approaches to *Qur'anic* interpretation:

Traditional - which largely uses the exegetical traditions of the early community to explicate the "occasions of revelation" of the text;

Mystical - interpretation through extensive allegorization of the *Qur'anic* language, in order to apprehend the **inner** meaning of the text; and

Theological - expounding theological viewpoints held by the proponents of various schools of *Qur'anic* interpretation;

I am largely concerned with the second approach to understanding the *Qur'an*. Theological exegesis of *Qur'anic* material has been dominated by the proponents of two major schools of dialectical theology: the *Mu`tazalite* and the *Ash`arite*. It was in the works of these two schools that questions of ethical knowledge were treated in detail from the viewpoint of conflicting ethical theories. The *Mu`tazalite* approach found its best exponent in Mahmud b. `Umar al-Zamakhshari (d. 1144). His commentary has exercised great influence in the Sunni world, although his theological influences have consistently been either opposed or rejected. Fakhr al-Din al-Razi's (d. 1209) commentary marks the consummation and pinnacle of *Ash`arite* exegesis and includes material from all possible areas of Islamic scholarship to support the *Ash`arite* thesis regarding divine omnipotence.

In his essay "The Ethical Presupposition of the Qur'an," George F. Hourani has ruled against using the traditional (or classical Arabic) exegesis of the *Qur'an* to determine the nature of its internal ethical concepts "essentially because they [classical exegetes] belonged to schools of theology or jurisprudence which had taken up positions on the question at issue - often for complex historical reasons arising subsequently to the Qur'an."[107] At the same time he acknowledges that the *Qur'an* "by its nature and purpose is not a theoretical book of theology and therefore takes up no explicit positions" on the related question of ethics. Accordingly, Hourani admits that in order to study the *Qur'an* in this way one must look for its assumptions. He proceeds to analyze ethical terms and sentences in the *Qur'an*, taking into account the historical and philological contexts as he understands them, and he concludes convincingly, though with due caution, that to some extent the "exercise of human ethical judgement independent of revelations is permitted by the *Qur'an*, but no precision emerges about the extent." Thus Hourani leaves little doubt that historical and philological considerations are necessary for understanding the *Qur'an* **in its own terms**.

Theologically we have to examine the apparent paradox between the liberal spirit represented in many passages of the *Qur'an* and pose them over against other statements

[107] George F. Hourani, "The Ethical Presupposition of the Qur'an," *The Muslim World* 70 (1980): 1-28

which demand the use of force for the achievement and creation of a just social order, which is one of the central ideals of Islamic revelation. In his brilliant work on the *Qur'an*, Fazlur Rahman has shown that the aim of Islamic ideology, as it emerges from the *Qur'an*, is to create a just society, to "command good and forbid evil" (3:104, 110; 9:71). This would constitute a moral obligation "taken to be binding upon and available to all," and one to which "all people may be held accountable."[108] Further, Rahman considers the implementation of Islamic theology as representing the social dimensions of *taqwa* (keen moral perception and motivation). Rahman concludes that "with all its concern for a liberal pluralism for institutions and basic individual freedom, the Qur'an, under certain conditions, admits that the state, when representing society, is paramount."[109] But at this point he forgets the essential division of Islamic jurisprudence, into *ibadat* (God-person relationship) and *mu`amalat* (person-person relationship), which does point to a sort of recognition of religious and interpersonal moral obligations. Due to the complexity of the *Qur'anic* materials, the distinction has not been conceptually worked out, however, it is certainly not difficult to show that Islam, like other world religions, postulates a foundational division between two sorts of laws of behaviour - "the ways of Allah," on the one hand, and "the ways of the world," on the other. The more sensitive question is whether the ways of Allah, after all, are systematically conceived in reference to a belief in the irreducible differentiation of the human person from this-worldly causes and constraints. In other words, is there a law of the spirit, of the inner life, that from an Islamic point of view is sharply distinguished from the laws of the outer world, including civil life? I suggest very tentatively here that the answer is affirmative. It is a verdict that has the most important consequences for understanding the idea of religious freedom in Islam.

Simply on the basis that there is strong evidence in the *Qur'an* that true religious belief is a deeply inward personal matter, a matter of the heart, there are firm grounds for several quite unexpected affirmations of religious tolerance and forbearance in the *Qur'an*. There is, to begin with, Surah 109, "The Unbelievers":

> Say: "O unbelievers, I serve not what you serve and you are not serving what I serve, nor am I serving what you have served, neither are you

[108] Fazlur Rahman, *Major Themes of the Qur'an* (Chicago: Bibliotheca, 1980), 44.
[109] *Ibid*.

serving what I serve. To you your religion, and to me my religion."

Even more pointedly, the *Qur'an* states, "No compulsion is there in religion" (2:256). These are words that begin to make one think of the emphasis placed upon the irreducible voluntariness of religious belief. In fact, the *Qur'an* stresses that an individual's spiritual destiny is strictly between the person and Allah. Other people, including the Prophet, have no power to coercively alter an individual's religious beliefs, nor, for that matter, any responsibility to try. Presumably genuine submission or surrender to Allah's will, along with the appropriate dispositions of gratitude, devotion, steadfastness, etc., must come from the heart, and must involve the deepest and most intimate kind of personal consent and commitment. If that is true, then compulsion and external interference would appear to be the antithesis of Islamic faith. The *Qur'an* says as much in various *surahs*:

> Had God willed, they were not idolaters; and **We have not appointed thee a watcher over them, neither art thou their guardian** (6:108; emphasis added).
>
> Those who have made divisions in their religion and become sects, thou art not of them in anything; **their affair is unto God**, then He will tell them what they have been doing (6:160; emphasis added).
>
> And if thy Lord had willed, whoever is in the earth would have believed, all of them, all together. **Wouldst thou then constrain the people, until they are believers** (10:99; emphasis added).
>
> So we have appointed to every Prophet an enemy - Satans of men and jinn, revealing tawdry speech to each other, all as a delusion; yet, had thy Lord willed, they would never have done it. So **leave them to their forging** (6:113).

In these passages the *Qur'an* leaves no doubt that it regards idolaters to be profoundly in error, however, "their case will go to Allah." They are, it would appear, thereby excused from punishment, compulsion, and other civil disabilities in relation to their religious beliefs and practices.

But how then shall we explain the obvious references in the *Qur'an* to the use of force in regard to idolaters and unbelievers? Some have argued that the message of the *Qur'an* is preoccupied with what might be called the political threat of religious unbelief:

> They [the disbelievers] wish that you should disbelieve as they disbelieve, and then you would be equal; therefore take not yourselves friends of them, until they emigrate in the way of God; then, if they turn

> their backs take them, and slay them wherever you find them; take not to yourselves any one of them as friend or helper. (4:89)
>
> This is the recompense of those who fight against God and His Messenger, and hasten about the earth, to do corruption there: they shall be slaughtered, or crucified, or their hands and feet shall alternately be struck off, or they shall be banished from the land. That is a degradation for them in this world; and in the world to come awaits them a mighty chastisement. (5:33)
>
> Fight those who believe not in God and the Last Day and do not forbid what God and His Messenger have forbidden - such men as practice not religion of truth, being of those who have been given the Book - until they pay the tribute out of hand and have been humbled. (9:29)

These passages are supplemented by certain statements of the Prophet, as reported in the *hadith*, "He who changes his religion must be killed,"[110] and by other reports from the same source that apostates were occasionally punished by losing hands and feet before being killed. Accordingly, apostasy has come to be included in Islamic law as one of the *hudad* (capital crimes). How then should we explain these references? The conflict at this point would appear to be acute between conventional Islamic interpretation and the prescriptions of the human rights documents concerning a right not to be subject to "coercion which would impair [one's] freedom to have or adopt a religion or belief of his choice."[111]

A major area of disagreement between Islam and the human rights documents is therefore freedom of religion. The *Qur'an* vigorously denounces those who renounce Islam, for "the Devil has seduced them" away from the true faith (67:25). The major historical example is the revolt of the tribes after the death of the Prophet in 632 AD. Abu Bakr, and jurists since then, condemned secession from Islam (*ridda*) as doubly heinous: It is not only a violation of the compact of submission made with Allah, but it is also a breach of contract with his representatives on earth. It is, then, an offence both against God and against the state: it is both apostasy and treason. Far from having the right to become non-Muslim, the Muslim faces the death penalty as a sanction for such a change.[112]

It is difficult to adjudicate the issues between these two positions and indeed even

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[110] *Bukhari* 52:260.

[111] International Covenant on Civil and Political Rights, Article 18, Section 2.

[112] Piscatori, *op. cit.*, 145.

more difficulties are raised by the question of whether there is one way of responding to the *Qur'an* that is more "Islamic" than others. In a sense what is called for is a definition of orthodox Islam, the achievement of which is extremely difficult, since there does not seem to be any agreed-upon mechanism within the Muslim community to establish it (aside from the relatively loose and in some ways uncertain legal principle of consensus). The most that can be suggested is that orthodox Islam involves the conception that being human or living well involves responding to the *Qur'an* and following the practices and sayings of the Prophet. That is certainly a minimal definition, but it provides a certain framework by which one might begin to deal with the question of how Islamic the contemporary approach to the issue of rights is. However, even this approach is sometimes critiqued because it is argued that such an Islamic modernism, with its notion of rethinking tradition and its acceptance of liberal patterns of social organization, is or was more a function of western influence than of Islamic principles. This criticism is easily discredited, however, if the struggle is genuinely grounded in exegesis and hermeneutics of the *Qur'anic* injunctions and text rather than a quick apologetic move to the West.

While it is not my purpose here to do a full exegesis of each of the above quotes, I will say in summary that a careful review of the context in which the above references occur reveals that the only permissible use of force is defensive. That is, if non-Muslims themselves **initiate** the use of force for the purpose of military conquest or religious persecution, or in breach of a solemn treaty, **then and only then**, it would appear, is forceful reaction justifiable. If this description is accurate, then the distinctions as well as the symmetries between "morality" and "religion" are very much in play here: these passages justify force as retaliation for persecution and the threat of destruction. These, presumably, are all appeals to basic moral requirements - either to keep promises and treaties, or to protect a community's basic welfare and security against aggression. So construed, these injunctions to use force against unbelievers are grounded in emergency conditions, which consist of moral rather than religious provocation. That is, unbelievers are liable to punishment and coercion not primarily because of the beliefs they hold, but because of their manifest moral violations. This account at least appears plausible, particularly because it provides a way to combine the strong emphasis on religious

freedom in various *Qur'anic* passages with the defence of compulsion against apostates and others.

The Prophet's campaign to solidify and extend his political authority depended on religious as well as political loyalty from the contending factions. His struggle to subdue Medina and Mecca by creating an intricate confederation was wrought out of severe and constant struggles against these religio-political factions, and stability was constantly threatened by one or another of them. I would argue that it is these facts that help explain the intensity of some *Qur'anic* utterances concerning apostasy and the reasons for recommending the use of force in some cases against apostates. In other words, the *Qur'an*'s frequent justifications for coercion and punishment against apostates, and even unbelievers, is in retaliation for breaking their covenant with the forces of the Prophet (and thus with Allah). In short, forceful countermeasures against an aggressive initiation of force are "morally" justified by conditions that are believed to bind all human beings, regardless of religious identity or affiliation.

Having examined some of the Islamic positions on freedom of conscience and religion, we see that this tradition shares with Christianity a common framework within which to think about freedom of conscience and religious liberty. Many of the categories are even mutually applicable in a most illuminating way. Thus, current human rights formulations, along with the important notions that underlie them, are by no means necessarily irrelevant to religions and cultures outside the western ideological framework. Granted, similarities between just two traditions do not prove the universal case to be true. But it is a start and we must pursue it.

VII

In closing, two general points are worth stressing. First, in studying Islamic concepts, it is critical to remember that Islam developed as a religious phenomenon and political reality almost simultaneously, with a difference of only some 12 years (if one sees the activity in Mecca following the first revelation in 610 AD as exclusively religious, and the migration to Medina in 622 AD, resulting in the establishment of the city state (*polis*), as being clearly both political and religious). Early political events shaped subsequent interpretation and interpretive trends of Islamic theology and

ideology, sometimes without due regard for fairly obvious *Qur'anic* teaching. In the context of the extremely rapid expansion of Islamic political power and hegemony in the region, the deep *Qur'anic* impulse toward religious freedom steadily lost ground, both in practice, and, more tragically, in theory as well. This was because the emphasis shifted to a strong concern to defend the new empire and faith against both aggression from outside and insurrection from inside by the conquered peoples. This led to a highly reduced status for those who did not convert (to that of "second class" citizens as Majid Khadduri calls them, or non-citizens as I see it) and to at least intermittent persecution when these minorities were seen as having subversive potential. It also led to violently aggressive assaults against neighbouring peoples. Thus the solely defensive use of force (*jihad*) gradually gave way to more aggressive legal and political policies internally and to a violent foreign policy. That such an internal policy went against the practices and policy of the Prophet, i.e., his *sunnah* and *hadith*, was not taken into account. This is particularly true in the designation of non-Muslims as *dhimmis*, i.e., those for whom the Muslim *ummah* was officially "responsible" (but in fact it was nothing more than a condescending euphemism for minorities having to pay a special tax – *jizzya*). If one looks at one of the very central religio-political documents of early Islam, viz. the Constitution of Medina, one finds that the word *ummah* is applied to **all** the residents of Medina, irrespective of their religious commitment. We know that in Medina there were some Muslims, a large number of Jews, unbelievers, *Hanifis* (those who were not "people of the book" but were Monotheists), and even some Christians. It is therefore most ironic that while claiming rigid Islamic orthodoxy based on the *Qur'an*, *sunnah,* and *hadith*, conservative Muslims do not want to follow the Prophet but instead resort to a policy established by the caliphs of treating the minorities as *dhimmis*. Even if they were the *Khulfa-e-Rashdeen* – the rightly guided caliphs – it seems odd that the practice should trump that of the Prophet.

A second point worth noting is that notions underlying existing international human rights formulations in regard to freedom of religion and conscience are indeed relevant to cultures outside the West, including, it cannot be doubted, Islam. There are, without question, significant differences between the West and Islam in these matters. These are of course the result of a variety of dissimilar cultural and historical

experiences. But there are also striking and revealing commonalities. Further, the theological and ethical implications of the *Qur'anic* teachings maintain the universality and objectivity of basic spiritual and moral truths, and hence share the western understanding that, in matters of conscience, all human beings are not only equal but equally accountable for any violations. It is therefore correct to conclude with confidence that there is much concurrence regarding the underlying commitments of Islam and the West to religious liberty. Both traditions share a common framework within which human beings may think about freedom of conscience and religious liberty.

A Moral and Philosophical Inquiry into Terrorism, its Contemporary Shifting Definitions and Meaning

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I

Since the events of 11th September 2001, terrorism has been a particularly prevalent subject of discussion as both a major policy concern around the world, as well as a key theoretical problem in all kinds of social and human science discourses. This is not to say that terrorism is either a new concern or problem or that it was not a widespread dilemma prior to this: the activities of the IRA, PLO, Basque Separatists, Tamil Tigers, etc., were well known, as were the older versions of Bader Meinhof, Red Brigade, etc. However, the sheer scale of the destruction of the World Trade Center, and to a much lesser degree the Pentagon, the symbolic importance of these targets (as well as the third one which was missed), and the fact that the attacks took place on American soil, the sole global power and the securest place which had never suffered such a terrorist attack before, drastically changed the West's perception of terrorism. Suddenly, terrorism and terrorists became a homogenous reality rather than a disparate phenomenon carried out by various terrorist groups, operating in different countries/regions, for different political purposes. Now, stated or unstated, all terrorists were assumed to be Muslim, and conversely, most Muslims were assumed to be terrorists. Profiling of Muslims became common place: a dark bearded man, walking down the street, was a potential suicide bomber, a fact tragically proven in the death of Jean Charles de Menezes.[113] Of course western leaders have been quick to disassociate themselves from this absolute essentialization of all Muslims as terrorists, saying that it is not Islam which they are targeting. The same leaders, however, are equally quick to point out that Muslim

[113] Jean Charles de Menezes, a 27 year old Brazilian national living in London, was mistaken by London police for a terrorist two weeks after the 7th July London Underground bombings, and a day after a further failed bombing incident, and was therefore shot dead (seven times in the head and once in the shoulder) on 22nd July, 2005.

fundamentalists are indeed the enemy of freedom and democracy, and the "war on terrorism" seems, in essence, to be a war on Muslims, or at least on those Muslims whom the West does not like. So the existing apparent attitude is that while not all Muslims are terrorists (profiling of young Muslim men notwithstanding), all terrorists are indeed Muslims.

II

In the era prior to 9/11, all discussions of terrorism, whether carried out on political, philosophical or socio-moral grounds, were approached mostly under two broad and distinct headings:

a. **Insurgent or revolutionary terrorism**, i.e., terrorism carried out by non-state actors such as guerrilla armies and small groups of insurgents with the goal of challenging or changing the *status quo*; and
b. **State or repressive terrorism**, which is carried out by official, organized political entities.[114]

When dealing with these two categories of terrorism on moral and ethical grounds there was a tendency among those involved in the discussion to think in terms of "means-end" criterion. That is, first, whether any means can be utilized to achieve certain ends; and second, whether certain means can be justified even though they are violative of the ends which they are trying to achieve. Some scholars have justified any means for the sake of proper ends (teleological utilitarian ethics), while others have tended to negate the justificational ability of any ends, however noble, if they are achieved through violent means which threaten life, property, and public order (deontological categorical imperative ethics).[115] In both instances, there is a clear tendency to tear means and ends apart and make moral judgments on each of them separately. However, as Aristotle correctly perceived, in a philosophical and ethical discourse this is at best a distorted methodology and at worst it is simply unethical. For any judgment that one makes on any

[114] Compare the typologies of terrorism in the following works: E. V. Walter, *Terror and Resistance: A Study of Political Violence* (New York: Oxford University Press, l969); P. Wilkinson, *Political Terrorism* (London: Macmillan, l974); and R. Shultz, "Conceptualizing Political Terrorism: A Typology," *Journal of International Affairs* 32:l (Spring/Summer l978), 7-l5.

[115] Compare, for example, the works of Robert Friedlander, *Terrorism: Documents of International and Local Control* vol. 1 (New York: Oceania, l979); P. Wilkinson, "Can a State be 'Terrorist'?" *International Affairs* 57:3 (Summer l98l), 467-472; and R. M. Hare, "On Terrorism," *Journal of Value Inquiry* l3 (Winter l979), 24l-249.

action (in this case terrorism) is simultaneously a judgment on both means and ends because they are not discrete in themselves: together they constitute the whole of the action which demanded the ethical reflection in the first place.

Further, in dealing with the problem of terrorism on moral grounds, scholars tended to approach these two types of terrorism from two different, though not mutually exclusive, criteria. In the case of insurgent/revolutionary terrorism they appealed to international law, specifically where it deals with issues of civilian life and property, and the larger issue of public order.[116] But in the case of state/repressive terrorism they looked more to philosophical and moral issues involving the role of the state and the larger concept of security, and where it comes into conflict with the issues of civil and individual liberties, rights and responsibilities, and the broader issues of justice, both legal and material. This conflict has to be dealt with both at the inter- and intra-national levels, according to the international regimes in place and the charter of rights generated and upheld by the state itself.[117]

Despite the tendency to see these two categories of terrorism as being phenomenologically different, there was a desire to achieve a common, objective, overarching definition of the larger phenomenon, which would not simply be self-serving but would provide indices, parameters and trajectories for judgment on those acts which are or can be classified as terrorism.[118] The argument was that while the acts of terrorism had a plurality of definitions and meanings, because of the different motives and perpetrators underlying these acts, and the plurality of actual and potential victims of the acts of terrorism, they in fact reflected a deeper underlying commonality and unity which needed to be brought out for the creation of an objective definition.

III

While these two approaches to the understanding of terrorism (i.e., from the

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[116] See for example the work of J. Dugard, "International Terrorism: Problems of Definition," *International Affairs* 50 (January l974), 67-8l; R. Friedlander, *op. cit.*; and the proceedings of a panel entitled, "Terrorism and Political Crimes in International Law," *American Journal of International Law* 67 (November l973), 87-111.

[117] P. Wilkinson, *op. cit.*; E.V. Walter, *op. cit.*; M. Hughes, "'Terrorism' and National Security," *Philosophy* 57 (January l982), 5-26; A. Arblaster, "Terrorism: Myths, Meaning and Morals," *Political Studies* 25 (l977), 4l3-424; C. Wellman, "On Terrorism Itself," *Journal of Value Inquiry* l3 (Winter l979), 250-258.

[118] Compare, for example, E. V. Walter, *op. cit.*; R. Shultz, *op. cit.*

perspective of the *status quo,* and from that of those wishing to change the *status quo*) have conspicuously diverse interpretations of the moral status of terrorism, foundationally they are part of the same political and philosophical tradition, differing only in the interpretation of the moral efficacy of the *status quo*. The divergence of interpretation on this emerges because of the different locations of the interpreters within the hierarchy of a given political order; and because of differing loyalties to the various symbolic configurations that are possible within a given moral horizon (e.g., the appeal to "efficiency" and "peace," rather than to "justice" and "participation" as the central political and societal symbols within democratic discourse). The differing interpretations are a product of the combination produced by the inter-play of these two factors, and specifically by which of them one begins the discourse with.

Behind these factors also lies a highly pervasive, and dare I say false, understanding of temporality (i.e., perception and understanding of time). Notions of past, present, and future, seen as uni-linear (i.e., moving along a straight path from past, through present, to future) act as determinants of this temporality. What is overlooked in this simple and shallow, but all-embracing, temporality is the actual way time unfolds in human existence. The fact is that in human experience the past and future comes together in a present which becomes the place where they interact and play out their respective significances. For humans are always influenced and informed by their past, motivated and galvanized by their future, and their present – the most fleeting of all temporal realities – is the place where these pasts and futures interact for the sake of the future rather than the present.[119] Any moral judgment that we make on an act in the present is thus based on the influences of our past, of our ideology and world view which are formed by it and by the projected future we seek. One must also look for similar processes in those who commit an act of terror. Temporality, therefore, plays a central role in moral judgement which is not always fully recognized and given its due place in moral reasoning.

The further problem we face in making a moral judgement on any act (in this

[119] For an excellent discussion of this notion of time and temporality for the human and its dwelling, see M. Heidegger, *Being and Time*, trans. by J. Macquarrie, and E. Robinson (New York: Harper and Row, l962); and *On Time and Being*, trans. by J. Stambaugh (New York: Harper and Row, l972). Also see H. Arendt, *Between Past and Future* (New York: Penguin Books, 1993).

instance the act of terrorism) is the tendency to concentrate only on the act itself independent of its protagonists and the location of the interpreter. This judgement though pretending to be objective is simply untenable, for in this approach to moral judgement there are three distinct but related claims being made by the moral enquirer. *First* that the temporality of the enquirer has nothing to do with the protagonists or the act of terrorism under consideration. And therefore, *second*, that the act which is being evaluated has some sort of autonomous existence, apart from the temporalities of its protagonists and those who are making the moral judgement on the act. Thus, the act acquires a life of its own once it has been acted out. Finally, *third*, because of the two previous claims, the interpretation or definition of terrorism poses no other moral problem except in its disruption of certain accepted and unquestioned socio-political mores and norms. Thus, Brian Jenkins of the RAND Corporation can argue:

> If we define terrorism by the nature of the act then, not by the identity of the perpetrators or the nature of their cause, an objective definition of terrorism becomes possible.[120]

While this has been the classical method for evaluating the moral character of an act, its untenability becomes apparent when we inquire into the foundational assumption of this perspective: the unquestioned moral superiority of the enquirer, who by looking exclusively at the act is totally disqualifying or negating the causes that lie behind it. There is a clear but unstated arrogance of superiority that lies behind such a position, which totally negates the other whose act is being evaluated in isolation and is therefore *ipso facto* condemned without ever giving voice to the causality which motivated the act in the first place. This logic is simply not defensible because the enquirer looks into the morality of the perpetrator but never admits to doing so. S/he thus assumes the validity of his or her own morally superior position by such an "objectivity" which is not dealing at all with the perpetrator. And because superior, so the logic proceeds, then necessarily the enquirer's position is more truth-bearing than the position of the other who challenges the foundation of this superior position. The position of the one who is not named (while his/her act is evaluated), is not only not given any status at all, it is also condemned for its attack on the "temple of truth" which is always embedded in the *status quo*.

[120] B. Jenkins, *A Strategy for Combating Terrorism* (Santa Monica: RAND Paper Series, P6624, May l98l), 6-7.

I therefore want to argue that there is a direct correlation between one's own ideological stance and one's interpretation and understanding of the ideological praxis of the other whose act one is evaluating. Here ideology is not simply a generic motivational structure; it is an unquestioned moral configuration through which one lives out one's life and makes moral judgments of all kinds. Thus, the inadequacy of any moral inquiry is not so much in terms of its failure to recognize the moral configuration under girding its own ideological stance, but in its implicit claim that such an ideology does not exist at all – and even if it does exist – it does not have the power I am claiming it has.

A more serious inadequacy lies in the illusion that it is always possible, indeed desirable and necessary, to create a distance from one's ideology when making judgments on the moral character of particular acts and the unmentioned perpetrators. In any moral evaluation we must come to terms with the impossibility of an unbiased or neutral perspective, and recognize that we are living in a world where we **must** share our moral horizon with the "other," who may make different, perhaps fundamentally contradictory, judgments based on a different value system, and whose own ideological framework would therefore present serious challenges to our own.

The answer, much as it is desired by those in power, cannot be to seek total uniformity based on some pseudo-universal which can be achieved only through the violation of the democratic principle and by highly coercive hegemony. Contrary to this, I am proposing that given the nature of moral inquiry we are pushed to actively affirm the demand for diverse expressions of reality and human dwelling, which should be manifested fully in our socio-political life together. At the same time we must quest for a kind of world order and international comity in which life becomes more meaningful for all, through the contribution of all, rather than through some pseudo-transcendent hegemonic norm created on the basis of power. This means we should seek to understand individual terrorists, terrorist groups, and terrorist states in light of their aspirations and goals which, though differently expressed from our own, have the same basic quest as ours, i.e., to make life meaningful and international interactions truly participatory, just, and sustainable. Thus the goal of any moral inquiry is not some cold, impersonal, and "value free" objectivity, and to assert this is absurd especially when we take full cognisance of the multicultural, pluralistic and highly differentiated human communities

in which we live and with whom we interact more and more as our close neighbours.

This becomes critical in the context of dealing with a highly volatile problem such as terrorism. The appropriate method for evaluating these problems must begin with open acceptance of one's own "prejudgments" and prejudices, one's own socio-historical location, and one's political ideology and genealogy of morals. Only when we do this honestly do we have the right to both question and challenge the prejudgements that lie behind an act of terrorism, for then we will not be making a flat universal claim but looking for an interactive and participatory way of dwelling together.

IV

In all the discussion and definitions of terrorism above religion was not seen as being overtly involved in either of these two categories.[121] Since 9/11 this has changed. Now all terrorists are seen almost exclusively by their religious identity, that of being Muslim. People from Muslim countries and with Muslim identities have begun to be profiled and targeted, and many are still incarcerated without even the possibility of *habeas corpus* which has long been established as a major and critical human rights instrument to protect people from repressive states and incarceration. [122]

The identification of terrorism with Islam first began with the end of the Cold War, especially when some of the people who had taken an active role as *mujahideen* in Afghanistan against the Soviet Union began to shift their attention to the other major power, namely the USA. The tactics used by the *mujahideen* while fighting communism and communists in Afghanistan were highly praised and funded by the US, but they were quickly dubbed terrorists when they began to change their strategies to include challenges to the West and western interests. So after the withdrawal of the Soviet Union in 1989,

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[121] Ironically, however, during the same period the Irish Republican Army (IRA), with its clear Roman Catholic identity was still one of the leading terrorist organizations, and the Ulster Defence Association (UDA) and Ulster Freedom Fighters (UFF), which had begun to do their own terrorist acts, were clearly Protestant organizations.

[122] A writ of *habeas corpus* is a "fundamental instrument for safeguarding individual freedom against arbitrary and lawless state action" (see the Lectic Law Library at www.lectlaw.com). A *habeas corpus* **petition** is filed with a court by a person who objects to his own or another's detention or imprisonment. A **writ** of *habeas corpus* is a judicial mandate to a prison official ordering that an inmate be brought before a court so it can be determined whether or not that person is imprisoned lawfully and whether or not he should be released from custody. The **right** of *habeas corpus* – i.e., the right to file a petition for a writ of *habeas corpus* – has long been celebrated as the most efficient safeguard of the liberty of the subject. Albert Venn Dicey (1835-1922) a British jurist and constitutional theorist stated that the Habeas Corpus Acts "declare no principle and define no rights, but they are for practical purposes worth a hundred constitutional articles guaranteeing individual liberty" (see http://en.wikipedia.org/wiki/Habeas_corpus).

their status changed almost immediately. From being allies against communism, they were suddenly seen as a threat, and then as **potential** terrorists, and after 9/11, exclusively as Muslim terrorists.

Thus of the two categories discussed above, the first (viz., insurgent or revolutionary terrorism) was reconfigured to apply exclusively to Muslim terrorists; and the second (viz., state or repressive terrorism) was reconfigured to apply, first, to Afghanistan's Taliban regime, and later to Saddam Hussein's regime (especially once the falsehood of weapons of mass destruction was fully exposed and a new justification had to be found for invading Iraq). So despite the popular academic understanding which saw the nature of the act as the most objective and relevant way of defining terrorism, as we argued earlier, today the judgement about the perpetrator/actor has become the most critical, objectivity be damned. Previously when the actor was considered at all, as noted above, the key distinguishing feature was the actors' political location (e.g., state vs. non-state), with the distinction being the long standing and seemingly relevant philosophical difference between a "legitimate" political entity (e.g., a state), or an illegitimate actor (e.g., revolutionaries who self-proclaim to represent the nation). Post 9/11 this political location and categorization has also been replaced by a religious one (viz., Muslim or non-Muslim), with both state and non-state Muslim actors being defined as the main perpetrators of terrorism.

With this shift from using mainly political categories and replacing them with religious ones, any pretence to objectivity is now gone. Instead the attempt is more to be truly ideological and to couch this ideology and prejudice in clear overtones of superiority. Thus whatever acts Muslims do (whether as states or as insurgent revolutionaries) are to be condemned as terrorist, and whatever acts westerners do, whether as states (such as the US invading Iraq) or as individuals (e.g., the guards at Abu Ghraib or Guantanamo Bay) – while perhaps unpleasant or distasteful – are perceived as absolutely necessary to maintaining any possibility of a moral (i.e., western) order. The best example of this new reality is the way the US has justified its pre-emptive acts in Afghanistan and the similar logic behind the first arguments for attacking Iraq (which were also quickly used by the state of Israel as a cover for all kinds of gross and humiliating violations of the Palestinian people and the continued theft of the

Palestinians' land and livelihood, and thus their very existence). It is not that the West has set aside the definition of state/repressive terrorism; rather it is now the case that states are only seen as the agents or catalysts of terrorist acts when these are perpetrated **against** the West. At times the sophistry gets very confusing, for while the Taliban and Saddam Hussein regimes were repressive/terrorist states according to the old definition (for the terroristic ways in which they dealt with their own citizens), they are now again defined as such, but now primarily because of their Islamic identity and their anti-western stance. In this flurry of confusion of categories, the West hides its own terroristic acts, nihilism and anarchy.

V

While the discussion and definition of terrorism I reviewed above made important contributions to the overall discourse and the various issues surrounding the problem of terrorism, within that scholarship there was an unfortunate tendency to gloss over the multiple moral questions evoked by this problem. In other words, the moral discussion tended to be extremely monovalent in character, because of an over-emphasis of the empirical phenomenon. One does such a reduction at the cost of truth and real understanding. Such an approach always impairs any moral inquiry because of its inability to look at the multiple significances and complexities which any major moral issue presents and which cannot be reduced to the apparent empirical level alone. Hence it is not surprising that we saw the categories shift so radically when the empirical particulars changed.

Given the space and context, it is not my intention here to provide some form of political, philosophical, social, or moral foundation to deal critically with the problem of terrorism. I am not even attempting to provide a new abstract ideal and/or comprehensive definition of terrorism which can be applied across the board. Rather, I want to delineate the problem of terrorism as such, which any system or definition must come to terms with. For an analysis and judgement of the problem of terrorism that seeks to come to a fuller understanding of the **moral** task which this phenomenon poses, and one which entails an investigation, must handle three aspects simultaneously, namely: the intellectual dimension, the socio-moral dimension, and the politico-philosophical dimension.

By the "intellectual" dimension I mean a scholarly attempt to deal with those issues which pose a fundamental challenge for our understanding, especially when it is confronted, as it is today, with what appears to be a bewildering plethora of definitions and explanations about the nature and character of the problem surrounding terrorism:

> …terrorism is the purposeful act *or* threat of violence to create fear and/or compliant behaviour in a victim and/or audience of the act *or* threat.[123]
>
> …the internal objective and defining end of every act of terrorism is coercion.[124]
>
> Terrorism, in the most widely accepted contemporary usage of the term, is fundamentally and inherently political. It is also ineluctable about power: the pursuit of power, the acquisition of power, and the use of power to achieve political change. Terrorism is thus violence – or, equally important, the threat of violence – used and directed in pursuit of, or in service of, a political aim…the other fundamental characteristic of terrorism: that it is a planned, calculated and indeed systematic act.[125]
>
> …terrorism is, above all else, an assault upon the state and it has industrial democracy as its primary target. [126]
>
> …terrorism is engaged in when there is no immediate hope of deposing the government; it may be intended as a prelude to revolution, but it is not revolution.[127]
>
> …state terrorism – the most dangerous brand of violence, the most often practiced at the most comprehensive scale.[128]

As the reader can plainly see, most of these are very egocentric from the side of the one who is providing the definitions and explanations. In other words what we have in these definitions is a basic clash between the position of the *status quo* which looks for efficient maintenance of "peace" and the given order of things at any cost (the paradox of holding such a position is clearly lost on the *status quo*), and that of those who are looking to change the *status quo*, are involved in "acts of terrorism," and who seek both emancipation from such an order and a more just and participatory society at any cost.

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[123] M. Stohl and G. Lopez, eds., *The State as Terrorist: The Dynamics of Governmental Violence and Repression* (Westport, CT: Greenwood Press, 1984), 11.
[124] C. Wellman, *op. cit.*, 25l.
[125] B. Hoffman, *Inside Terrorism* (New York: Columbia University Press, 1998) as reproduced in excerpts in *Terrorism and Counterterrorism: Understanding the New Security Environment*, eds. R. D. Howard and R. L. Sawyer (Guildford, CT: McGraw-Hill/Dushkin, 2003), 3-24, see esp. 4. Hoffman was the director of the Washington, D.C. branch of the RAND Corporation and the head of their terrorism research unit.
[126] R. Friedlander, *op. cit.*, l07.
[127] R. M. Hare, *op. cit.*, 244.
[128] U.N. Document, A/AC. l60/l, par 3, 30.

While the former position clearly has a negative evaluation of terrorism, as a disruptive factor against the efficient and "peaceful" running of the given political order, the latter suggests a more positive evaluation of terrorism. Firstly, it recognizes the importance of participation and justice in political life, and secondly it makes an assumption that the given political order does not allow such justice and participation to emerge. Therefore they find no other recourse but to destroy the political order in order to create such a space.

This is not to say that the means employed are right or that they should be separated from the ends which are sought. It must be stated quite categorically that all acts of terrorism contain an element of nihilism, and therefore are to be condemned. But it must simultaneously be acknowledged that this nihilism is bound up with, and is produced by, the forms of power, order, and peace which the *status quo* maintains and which also contains a certain level of unexamined and active nihilism (as well as violence, which is often more pervasive and persistent than the violence associated with an intermittent and random act of terrorism, but goes unnoticed because it occurs on a small scale on a daily basis, rather than in one exceptional episodic "event"). With state or repressive terrorism, this nihilism of the given political *status quo* does not leave open the possibility of transformation. Thus, it denies the political aspirations of its marginalized and oppressed populations, and negates the possibility of a different moral structure altogether. It therefore does not provide any alternative approach but a nihilistic response from those who feel kept out.

VI

In order to truly understand terrorism it is important to realize that there are many different factors involved in this complex phenomenon. One way of approaching an act of terrorism in order to make a moral and ethical judgement would be to liken it to performing art or a theatrical performance, enacted in a particular way to convey a particular message to a particular audience, extremely dark, tragic and deadly though such a performance may be. The reason for approaching the ethical task this way, through the performing arts is not because of a concern for an aesthetic judgment but to make a more comprehensive moral and ethical judgement because the classical four baskets of

ethical discourse, decision-making and analyses do not work well in this case. The four classical ethical baskets in which all ethical categories are usually thrown are:

1. *Deontogical ethics*, based on categorical imperatives and absolute laws which are universal both in terms of time and space;
2. *Situational ethics*, based on the situation and circumstances and therefore with no real permanent moral code;
3. *Teleological ethics*, based on the ends and goals (*telos*) which are being served (which can be altruistic or egoistic) and can be very utilitarian in approach; and
4. *Character or virtue ethics*, based on building virtuous citizen in the service of some collectivity, whether the polis or some other such institutions.

While we like to apply categorical imperatives and make deontological judgments on the acts of "the other" whom we do not like or consider our enemy, or as a threat, we justify our own violations of exactly the same categorical imperatives by either appealing to some situational demand and appropriateness, or some teleological concern. At the same time we also claim ethical virtues as our exclusive largesse and negate any possibility or capacity of such virtue in those whom we are wont to call uncivilized and barbarians, i.e., our enemy (and this is not a fixed category either). This Manichean dualism is differently stated in various ideal western expressions, cf., double predestination, "children of light and children of darkness," etc. It is in this context that I am proposing a different approach to ethical judgment, with performing art as the paradigm with a text, the staging of the play, the different actors who perform in a play, the audience(s) and the critics.

a. ***The text (i.e., act or threat of terror)***: This is a very fluid thing for the same act can be interpreted differently, depending upon who perpetrates the act and who are its intended victims. A particular action may be regarded as terrorism when authored by one group, yet when the same action is carried out by a different group it may be seen as an act of freedom and liberation. That is to say, similar actions carried out by different perpetrators may be regarded as either terrorism or freedom fighting depending on whether or not the interpreter supports the aims of the perpetrator.
b. ***The actors (i.e., terrorists)***: Those who perpetrate the "terrorist" act. This is not as simple as one might think, for overnight an actor can be reclassified from freedom fighter to terrorist – the same people and the same acts get redefined based on the

point of view of the critics/interpreters who have the power to control interpretation and discourse. To quote my old friend Eqbal Ahmed,

> …terrorists change. The terrorist of yesterday is the hero of today, and the hero of yesterday becomes the terrorist of today. In a constantly changing world of images, we have to keep our heads on straight to know what causes terrorism and how to stop it.[129]

c. ***The target audience***: An act of terrorism usually has two audiences: the first is the one for whose sake and in whose name the act is committed; and the second are those in whom terror is meant to be evoked. The latter are the **victims** (targeted subject) of the act of terror, and they are by definition "innocent." (By contrast, the freedom fighter's victim is a member of the corrupt and evil *status quo* establishment.)

The first question one must ask is: What ideology is being invoked or what power is being opposed? And even more critically, which people are the terrorists trying to make aware of their cause? For while terrorist acts can be hugely destructive, as in the case of the World Trade Center, what separates them from other grossly violent "acts of war" is that the main intended effect is not merely the amount of physical destruction or death caused, but the multiplier effects: the goal of the act is not merely or even mainly the destruction of the people who experience it directly. Primarily the targets are all those who merely view the event at a distance and begin to ask, why? who? etc. In other words, terrorism is essentially a symbolic phenomenon and hence my use of the analogy of a play to interrogate its nature. So,

> … terror is a violent way of expressing long-felt grievances. It makes the world hear. It's normally undertaken by small, helpless groupings that feel powerless. We still haven't done the Palestinians justice, but at least we all know they exist. Now, even the Israelis acknowledge them. Remember what Golda Meir, prime minister of Israel, said in 1970: There are no Palestinians. They do not exist. They damn well exist now.[130]

d. ***The critics/interpreters***: Who is the interpreting subject of the act? Who gets to decide whether the act is "terrorism" or "freedom-fighting"? Interestingly, these are perhaps the most active participants in a terrorist scenario, for it is not the act of violence itself, but the **conversation about the act**, which provides the act with its

[129] E. Ahmad, "Terrorism: Theirs & Ours" in R. D. Howard and R. L. Sawyer, eds., *op.cit*., 46-53, esp. 48.
[130] *Ibid*, 51.

force and meaning,[131] and the control of this remains largely with the real, system-wide power, i.e., the interpreters. As E. Ahmed noted above, acts of terrorism are the form of fighting engaged in by the weak, for they lack the means to engage in other methods. But even using this means in a very powerful way (as happened on 9/11), the terrorists still have no control over the response to their act.

VII

In summary I am convinced that without a proper consideration of the intellectual, socio-moral, and politico-philosophical dimensions, any discussion of terrorism will be, more or less, a repetition of arguments which have been proposed over and over again *ad nauseam*, which ultimately provide no clarity or deeper understanding.

Any moral judgment on the problem of terrorism must involve three inextricably related factors: (1) the self-conscious consideration of the historical locatedness of the interpreter who interprets an act of terrorism or defines its formal character; (2) inquiry into the ideological dogmas in and through which a person or persons make certain moral judgments about the problem of terrorism; and (3) the identification and consideration of the moral imperatives of the interpreter and how s/he sees a just, participatory and sustainable social order when faced with an act or the possibility of an act of terrorism.

What I have tried to do is to shift the focus of the moral inquiry into the problem of terrorism away from the classical emphases of only focussing either on the act(s), or the actor(s) of terrorism, to an inquiry into the moral dimension involved when we look at terrorism itself (including that of the inquirer). I am convinced that part of the problem we face is precisely the inattentiveness to the dual nature of moral reflection. As long as the problem of terrorism is seen exclusively as a problem "out there" – as a problem generated by others against us – and as long as one does not ask the question of **why** these acts are occurring in the first place, we will never come to a fuller, and therefore potentially transformative, understanding of the moral task which the problem of terrorism presents.

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[131] For a good discussion on this see D. Apter, "Political Violence in Analytical Perspective," in *The Social Effects of Globalization: Political Violence and Social Movements*, ed. D. E. Apter (Basingstoke: Palgrave, 1996).

Chapter Seven

Religious Demands for Justice: The Ecumenical Challenge

We will see,
It is definite that we too will see.

The day that has been promised,
The day that has been ordained for all times.
The day when the hard mountain of cruelty and oppression
will explode and will be blown away like wisps of cotton.

The day when this earth will pulsate and quake
under our feet, we who are deprived.

The day when over the heads of despots
lightening will angrily flash.
When all the idols will be thrown out
from this sacred world, the sanctuary (the *kaba*) of God.

We who just stand in lines of prayer (*ahle-safa*).
We who are despised and destitute,
rejected from the sacred sanctuary (the *haram)*
will be made to sit on the throne (*masnad*).

The day when all the crowns will be tossed into the air
and all the thrones will be destroyed.

That day, the only name that will remain
will be that of Allah.
Who is both hidden and present,
the revealer and the revealed.

The cry "I am the truth" will rend the skies,
Which is I, you and all of us.

And sovereignty will belong to the people
Which is I, you, and all of us.

("We Will See," by Faiz Ahmed Faiz)

The poem I have translated above is a wonderful example of religious concern for justice. It uses all the religious metaphors and symbols (and therefore I have left some of the religious words in parenthesis), and interprets them in an emancipatory and egalitarian way which is foundational for any concern for justice. What is of special and existential significance to me is that the poet is a Pakistani Muslim with radical leanings. He is not overtly critiquing the external powers-that-be or the colonial structures, although these may also come under the judgment of this critique. Instead, his open and frontal attack is an internal critique of a nation which was made almost exclusively for the Muslim minority of British India. What is fascinating is that he is evoking totally Islamic symbols to critique this Islamic society. Rather than enlightenment rationality, modernity and science, he evokes critical and even at times not so orthodox Islamic elements for this scathing critique and his apocalyptical hope and expectations.

Such an approach toward religion is, I believe, the one that has to be adopted if religion is to be liberated from sterile rituals, theological casuistry and orthodox dogmatism. All these, individually and collectively, lead to a stasis and petrification which allows neither vibrant, robust and dynamic religiosity, nor a contextually sound faithfulness. Only when such an approach is adopted is it possible to integrate religion with human destiny in both its most mundane as well as its most sublime sense. This, however, is not an easy task, as it is quickly challenged from both the top and the bottom of the community. One can ignore the challenge from the top, seeing in it the mere gyrations and desire, by those in power and in control of religious symbols, rituals, and dogma, to preserve the(ir) *status quo*. The challenge from the bottom is much tougher to combat, especially if the central issue is of justice as we stated above. The poor, living at the minimum levels of material and educational existences, find in ritualized religion a solace which cannot just be snatched away without providing a critical replacement. Therefore a response to the latter requires a lot more work than the sheer negation of the powerful at the top. These, however, are the concerns of justice and must be faced if religion is to be removed from its status as a well-used handmaiden of the powerful and the rich, and instead placed on its feet (in right order) to serve the cause of justice and righteousness which God demands. However else we define God (as creator, merciful,

beneficent, saviour, etc.), the one central element that is constantly emphasized is that our God is a God of *adal* and *insaf*, i.e., justice and righteousness.

In order to meet these tasks we will have to challenge and go beyond those who thrive on human-free uncontaminated laboratory-type intellectual abstractions, which, in the very act of claiming to be "value free," both support and enjoy the patronage of the *status quo*. Thus they are incapable of challenging the *status quo*, yet they hide behind the claim of "objectivity" in the face of gross human suffering and pain. At the same time we will have to fight against the paternalistic acceptance of a religion which accedes to the miserable existence of the poor, either as the product of human sinfulness, when truly crass; or seeing religion as providing comfort and succour for the poor by holding out the promise of justice in the after life as a placation. Both the bad "*quid pro quo*" theology and the pseudo-comforting "pie in the sky" theology make a mockery of a God of justice and righteousness while shirking the religious responsibility of justice as a vocation for the faithful. Religion will have to transform itself into a powerful instrument of social transformation or remain a central ideology of the powerful with their use of God like any other tool in their arsenal. Religion has to be seen as a source capable of challenging the decrepit, false, and unjust social order, with its built-in socio-economic, legal, and political mechanisms of injustices which perpetuate the privileges of the powerful. This can come about only if religion returns to its normative ideals, and roots itself again in justice – in other words, if it returns to its origin in a certain class of people. In the monotheistic faiths this class is clearly defined. To give just a brief summary:

- The Jews were nobody when God heard their cry. Indeed, they were slaves in Egypt and oppressed by the Pharaohs (the latter seeing themselves as gods). God heard their cry and responded in justice[132] and liberated them.[133] At the same time God punished the oppressor, both through the curses and through the victory of the oppressed and the crushing of the oppressor.[134] Moses, God's tool for this, was chosen for this task not while he was in Pharaoh's household, in a position of power, but when he was on the run, deprived of his status as "the son" of the

[132] Exodus 2:23-25; 3:7-10; 16-17; 4:31; 6:5, see especially 7:4 where the acts of justice are mentioned in this context.
[133] Exodus 5:1.
[134] Exodus 2:23-73:20-22.

daughter of Pharaoh, and no longer able to exercise any of the power and privilege that went with that status.

- Jesus came from Nazareth, a place out of which nothing good could come.[135] He was born to a "single mother," in the extremely poor condition of a manger, which the church sanitized and sacralised, not acknowledging the fact that where animals eat they also defecate. This was not some hygienic animal farm of the 21st century but a stable of two thousand years ago in the heat of the Middle East where things ferment within minutes. He was crucified at Golgatha where the colonial regime crucified criminals and others whom they thought were politically challenging their occupation of Palestine. He did not pay attention to the rich but preached and lived among, and for, the poor.[136]
- The Prophet Muhammad was himself an orphan and was deeply concerned about the poor and the oppressed: it is written in the *Qur'an* that God "has sent amongst the unlettered an apostle from among themselves to rehearse to them His signs, to sanctify them, and to instruct them in Scripture and Wisdom."[137] Ali Shariati, the Iranian theologian, points out a tendency in Islam for other prophets to also be part of the masses and not a part of the ruling establishment or ruling chieftains (with a few exceptions like David and Solomon).

Given that Islam, like Judaism and Christianity, has a strong tendency to speak to and on behalf of the poor, below I shall concentrate on the ideals and normatives of justice in Islam and how these reflect that concern for the poor, rather than on the flat pragmatic application of justice in Islam. That is not to say that any norm ever escapes, even for a moment, the reality of its application, otherwise it cannot be a norm for the human community this side of history. Normatives are never transcendent ideals, as the religious power brokers and priestly types would like to maintain, rather they are always raised within, and for the sake of, the human community, which of course also always entails the dimension of power.

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[135] John 1:46.
[136] c.f. Luke 4:18-19.
[137] 62:2.

This has not always consciously been the case in contemporary approaches to issues of human community. Instead there has been a tendency to claim an objectivity which loses sight of human contingencies. But Islam from the very beginning has overtly understood that norms are for human communities located in history: indeed, the revelations to the Prophet came in the context of particular problems and questions, and as solutions to issues raised in the community. This is true both of the early Meccan, as well as the later Medinan revelations. Those who are acquainted with the methodology of *Qur'anic* exegesis know that most of the revelations pertaining to socio-economic and similar matters came as answers to questions put to the Prophet, or to the problems which the Prophet faced in the community.

However, one of the fundamental problems one frequently encounters in a dialogical situation is the tendency to compare the normatives (or ideals) of one's own faith with the practices of the other, and vice versa. This approach is adopted primarily to put down the other. Such an approach not only prohibits understanding and genuine conversation across religious boundaries, it also leads to the ossification of the interpretive possibilities of one's own sacred texts, thus limiting their fullest application in a given contemporary situation. More than this, however, it leads to a hermeneutic which is always oriented toward past interpretations of sacred texts. By always looking to the past as being a golden time, it limits the possibility of real guidance in the present, and towards a just future.

Scholarly approaches to Christian-Muslim relations have also had an inclination to take the "ideals" in both religions as a starting point and, therefore, to neglect the actual historical realities of both communities. On its part, western scholarship towards Christian-Muslim relations has been dominated by a post-Enlightenment "rational" epistemology which seeks an "objective" and "prejudice-free" truth. Adherence to theologically pristine ideals, free from the vicissitudes of concrete history, however, can exist only in the mentally constructed laboratories of objectivity and not in actual human situations. Muslim scholarship, by contrast, has been inclined to be apologetic when dealing with the relationship between the two religious communities, showing a predisposition to point to some ideal reality in Islamic history. This approach is, in fact, either a revival of some imagined "golden age" (an *in illo tempore*) that never really

existed in the present stated form, or an apocalyptic hope which remains divorced from reality, and is not drawn into the present to stimulate religious activity in the polity. Thus all of the dominant western and Islamic approaches, to some measure, shun the present historical reality and are, therefore, unable to provide any guidance towards the resolution of human suffering and dislocation.

For the last three centuries, religious communities around the world have faced the challenge of having to prove their relevance to the contemporary human situation. Secularism, which was introduced because of particular historical contingencies in the West,[138] has itself been pushed to the sidelines of history in the recent decades. This is because it did not prove to be the panacea it claimed to be: during the heyday of the modern (secular) era we witnessed numerous wars with massive destruction. We have also witnessed the continuing escalation of tools with greater and greater destructive capabilities, and such ironic military strategies as "MAD" (Mutually Assured Destruction). We continue to see large gaps between rich and poor, both within and between nations, as well as massive oppression and dislocation of peoples everywhere in the world.

Faced with these extreme levels of gross human suffering, we cannot afford to be optimistic and look for easy answers. Nor can we afford to be pessimistic, immobilized by our own gloom and predictions of doom. We have the luxury of neither an easy secular solution nor an easy religious option. But this does not mean we can give up and live for ourselves, reducing religion to a private affair or possession. The answer to our quagmire, I believe, does still lie with religion. Not with a religion which distorts reality and promotes the *status quo* and the power of the powerful. But a religion which is both prophetic and political. By political I do not mean the use of religion for the sake of manipulating people to promote the cause of the powerful. Rather, both prophetic and political in the sense that religion should quest after justice and seek to make possible what seems impossible.

This quest for justice, which is central to a kind of political life in which power is used in the service of others rather than for mastery over them, is the common factor in

[138] These include the religious wars of the 16th and 17th centuries, especially the Thirty Years "Bloody War", which resulted in the "Document of Concord" drafted by Hugo Grotius and the "Treaty of Westphalia" in 1648.

the prophetic traditions of the monotheistic religions. In fact the **central** focus of this monotheistic tradition emphasizes that, "To know God is to know Him in justice and peace". Peace (*shalom, salaam*), itself, can be understood only in the context of justice and must never be separated from it. This, I would argue, rather than all the doctrinal minutiae which lead to nothing but arcane religious posturings, is the most solid basis for inter-faith dialogue.

According to the Jewish scriptures[139] we see God only in God's acts of justice, and justice is the goal of human life. Further, if Thomas Aquinas is right, and the goal of human life is towards the Good, and that Good is always God;[140] and if Micah is right in seeing the goal of human life as doing justice,[141] then the goal of human life, which is towards God, is towards justice. And vis-à-vis Islam, the following verses are good examples of the same theme that runs through the whole of the *Qur'an*:

> The Word of thy Lord doth finds its fulfilment in truth and in justice, none can change His words ... (6:115).
>
> We sent aforetime our apostles with Clear Signs and sent down with them the Book and the Balance (of Right and Wrong), that men may stand forth in justice... (57:25a).
>
> Say: "My Lord hath commanded justice; and that ye set your whole selves (to Him) at every time and place of prayer, and call upon Him, making your devotion sincere as in His sight..." (7:29).
>
> O ye who believe! Stand out firmly for justice, as witnesses to Allah, even as against yourselves, or your parents, or your kin, and whether it be (against) rich or poor; for Allah can best protect both. Follow not the lusts (of your heart), lest ye swerve, and if ye distort (justice) or decline to do justice, verily Allah is well-acquainted with all that ye do. (4:135).
>
> Allah commands justice, the doing of good, and liberality to kith and kin, and He forbids all shameful deeds and injustice ... (16:90).

Given this prophetic and political teaching, any religion which manipulates laws, codes and rituals, as an appendage of the establishment and the *status quo*, has lost its origin and goal, and has entered a state of inertia. For at this point, religion is not serving its own **stated** goals, but has become, through the manipulation of ritual by its priestly class, a handmaiden of the oppressive powers-that-be. If the sacred texts of Jews,

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[139] See for example Jeremiah 9:24, Isaiah 5:16, or Psalms 103:6-7.

[140] Thomas Aquinas, *Summa Theologiae* vol. II (New York: Random House, 1945).

[141] "What is good has been explained to you, man; this is what Yahweh asks of you: only this, to act justly [or to do justice], to love tenderly and to walk humbly with your God." Micah 6:8.

Christians and Muslims are any criteria, it is only the prophetic reminder of the origin, task, and goal of religion (located in justice) which can take religion out of this inertia. For if religion is reduced to purely personal, moral and pietistic structures, without any space for social and political life, then it is of no consequence. It is reduced to being a slave of the powerful and an appeasement for the conscience. **Religion is either going to be dynamically prophetic and political, or ultimately it is of no consequence**.

By grounding religion once again in justice it regains both a role in the contemporary situation, and a foundation for critiquing its own self-indulgent tendencies. The church, in confusing the separation of church and state (an institutional question) with the separation of religion and politics (a question of normatives in human society), has also dislocated the centrality of the question of justice. Islam officially has no institution similar to the concepts of church and clergy, and so did not suffer from exactly the same problem in exactly the same way, but it has produced its own distortions of a similar nature. The move from Mecca, which was a period of classical prophetic tradition, to Medina, provided the opportunity to organize a state on the basis of these normative injunctions. The church did not get this kind of opportunity till the conversion of Constantine, which was some 300 years after the event of Christ. This makes for a great difference in the approach of religio-political questions in the two religions. In spite of this difference, however, the concern for justice remains central for both religions theologically as well as in their contemporary faithfulness.

Another issue which needs to be highlighted in this discussion about religion and justice is that since we live in history we cannot, nor should we, claim to be free from biases as such. Neither can we claim the ability to transcend our actual location this side of history. For such a claim would patently disqualify the historicalness of our experience and the relevance of revelation for this history. Therefore the tendency of ritualistic and self-pietistic religion to claim a non-biased universality, when replying to the demand that they side with the economic and political victims of history, is not valid. For any unbiased location is always at the cost of the oppressed and in the service of the oppressor, for who else can remain unbiased in the face of the vast suffering and pain experienced by the oppressed. Furthermore, such a ritualistic and self-pietistic religion, more so than other kinds of religion, also claims a very specific particularity and

exclusivity on the basis of its self-proclaimed **orthodoxy**, at the cost of developing or practicing an orthopraxis.

By contrast, the emphasis of a prophetic and political religion is on **orthopraxis** rather than on orthodoxy, and it is precisely at this point that we discover there is a much larger commonality in the quests for justice which is the normative (the "ortho") of this praxis. Prophetic religions, while claiming a certain universality towards the acceptance of others, despite religious differences, also claim a particularity, and even a bias, vis-à-vis the economically and politically weak and the victims of the systems of power. They also, therefore, work for the transformation of those structures which produce the weak and the victimized; this is their foci of justice. It is here that true and genuine participation across religious boundaries can occur; for the bias towards justice is the one common ground, against which all other differences between their religious worlds become insignificant.

Mere moral posturing will not be sufficient to galvanize the imagination of the people and mobilize them to transform the structure. Instead, we must see where the liberating and emancipating elements of our religions lie. We will have to focus our attention on the development of shared and emancipatory spirituality rather than accepting oppressive and ritualistic piety imposed from the top for its own purpose, as the only representative of religious spirituality. It is only in this way that we will find the means to fight the realities of the world that we all face, now that our world has become thoroughly interdependent, to the point where it has been called a "global village" by Marshall McCluhan. I personally do not like the concept of global village because it reduces our vision of reality to that of a single community and not to the plurality which exists in cities. So I prefer the term "global city" for its more ethical vision which enables it to resist the homogeneity of the traditional village situation which is now being imposed on us by corporate globalization.[142] However we define it, what is clear is that the current global interdependence, though having many advantages, has also increased the power of those who control the rules.

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[142] For an excellent discussion of the difference between community (village) and society (city) see Ferdinand Tönnies, *Gemeinschaft und Gessellschaft*, trans. by C. P. Loomis as *Community and Society* (East Landsing: Michigan State University, 1957). Though this book is now quite dated his critique remains highly valid.

The best of human hopes for the future, which surfaced in the heady days of the 1960s and 70s, have faded. They have been either ignored, and thus become part of the dusty filing cabinets of some international bureaucracy, or they have been financially "whitemailed" so that they now exclusively serve the powerful nations. Or they have succumbed to the massive gap within the bi-polar (North-South) division of the world which is even more entrenched and enhanced, now that the East-West division has become largely irrelevant. Dependency and debt crises have become part and parcel of the reality impinging on all citizens of the South, debilitating their lives and imagination. We also face growing economic strains due to the militarisation of our areas in the service of various ideological battles which have little or nothing to do with us. This also demands our immediate attention and must not be stymied by religious divisions. In addition, our local elites participate in the international game and are as much a cause of the dislocation and dehumanizing of the people as are the international powers; they are, in fact, the direct agents of the international power elites. However, they are also the ones, who, in order to get the continuing support of the people, evoke religious symbols cynically for their own ends. A great example of this was Pakistan's former military dictator, Gen. Zia-ul-Haq, and I can multiply these examples *ad nauseum*.

These realities and their vicious dehumanizing effects do not discriminate on the basis of religious boundaries. So the point of conflict for all those who believe in God, as the God of justice, are not the religious boundaries, but the boundaries of power, which are located largely in the North (a location which is more than just a geographical point).

The unique multi-religious character of Africa and Asia, along with their common problem of poverty which they share with all the countries of the South, demands that we seek a network of people who take their religious vocation seriously, not by stressing confessional boundaries but by transcending these boundaries in the struggle for justice, self-determination and human liberation. It is the struggle for justice which is the common factor in the Jewish prophets of the Old Testament, in Christ's preaching and in the message which the Prophet Muhammad brought in Mecca, and for which he also was despised. As a Christian I can say, *vox victimarum vox Dei* (i.e., "the cries of the victims are the voice of God"). This for us is fully manifested in the cross and in this context the good news of Jesus remains for us a prolonged passion narrative. A similar emphasis can

be found in the *Qur'an* in its understanding of justice and the practice of faith. So to reduce Islam to a system of laws which came about in a particular time and place is to do a great disservice to that great religion and its message. For "God loveth not that evil should be noised abroad in public speech, except where injustice hath been done..."[143] The same feeling can be found in the following *hadith*: "The Messenger of God was asked which is the best *jihad*? And he replied: 'a word of truth (spoken) before a despotic overlord.'"[144]

Justice and human liberation, however, will not be given their true place as long as the Islamic theology developed in the medieval era – where it was indeed useful – is treated as an immutable benchmark for theology and polity today. Islamic theology and polity has to see itself as a powerful force for emancipation, and its zeal has to be channelled towards transforming *zulmi* (oppressive) structures. This is the same force which was unleashed by the Prophet at Mecca, and the same zeal which made him condemn the rich and the powerful and seek justice; and for which he, in turn, was condemned by the rich and powerful of Mecca. This same zeal and force led Christ to the cross.

Also in both cases, however, the movement towards creating a powerful empire (post-Constantinian Christianity and post-Ummayyid Islam[145]), transformed the religions of justice into religions of the *status quo*. A large part of our theological and political thinking has emerged from, and has been dominated by post-Constantinian Christendom or post-Umayyad Islam. For us to look toward strategies of emancipatory religiosity and justice, therefore, will demand a negation of these imperial structures. It will mean an attempt to capture both the spirit of justice which lies behind both religions and the bias toward the victims inherent in both religions at their start, as well as their mutual, unequivocal condemnation of the rich and powerful. It is this emancipatory religiosity, and not the secular state (as is often argued), that will provide the way to a better and more just society.

This then is the challenge that the concern for justice poses for us across religious boundaries: to generate a new ecumenism for the 21st century. It demands the removal of

[143] 4:148

[144] Ahmad b. Hanbal, 3:19; 4:31,315; 5:251

[145] And in a more modern example, the creation of the state of Israel for Judaism.

idols, the tossing of the crowns in the air and the destruction of all the thrones. These are the prerequisites for the sovereignty of God and the sovereignty of the people,

which is I, you, and all of us.

Postscript

Islamophobia Hiding behind Freedom of Speech: The Cartoon Controversy

In the past few months, as this book was in the final stages of editing, a major controversy erupted in the West and the Islamic world with the publication of series of 12 cartoons commissioned to vilify the Prophet Muhammad in *Jyllands-Posten*, a right-wing Danish newspaper. They portrayed him as a terrorist, and an encourager of suicide bombers, among other things. The publication of these offensive images sparked off a great outcry in the Islamic world, causing major loss of life and destruction of property around the world. The initial publication and the subsequent Europe-wide defense of these cartoons – in the face of Muslim pain and outrage – was grounded on the right to the freedom of speech, which was repeatedly stated to be one of the cornerstones of civilization. The implication was that if Muslims could not accept this provocation with grace, they were not civilized. This is such an obvious case of Islamophobia that I felt impelled to react to it in writing. My first response, co-authored with two eminent leaders from the South African Islamic community, Naeem Jinnah, president of the Muslim Youth Movement, and Saleem Wali, former chairperson of the Freedom of Expression Institute, appeared in a South African weekly newspaper, *The Mail and Guardian* (February 10-16, 2006): 24-25, followed shortly by an abridged version in *St Michaels' News* (Easter ed., April 2006): 6. I anticipate a future publication in *The al-Mushir* (a Pakistani journal on Christian-Muslim dialogue) and in other journals as well. However, this issue is so topical to the subject of this book that I also felt it had to be in here, if only as a postscript.

These cartoons must be named for what they are, an expression of unmitigated hate speech, and not, as some would claim, a matter of freedom of speech and expression. Their publication is being justified on the sacred and high ideal of the freedom of speech without ever actually questioning the intentions behind such a publication, which should be used as the yardstick in such controversies.

The attempts to hide behind freedom of speech while generating xenophobia, racism, and, more critically in the recent years, Islamophobia, have been a rather cynical and convenient camouflage used in the West. Islam and Muslims have often been disparaged, under the supposed licence of freedom of speech, expressly to evoke their sensibilities. When they, predictably enough, react negatively to this disparagement, they are condemned as being incapable of either understanding, or having the ability to live, in the "civilized" societies of the West. Such arguments would carry no substance if those making them were not controlling the current *status quo*. These arguments should be seen for what they are – incontrovertible nonsense – and shown for what they are – a hypocritical and cynical use of high ideals for perpetuating hatred for and negation of the other.

Jyllands-Posten and many Europeans have justified the publication of these cartoons by invoking the ideal of protecting the freedom of speech. They have, however, conveniently conflated the current situation with a legitimate political problem – that of

an individual or publications fighting against the state – which is of course the right place for such a struggle, but is totally untrue in this case. In the case of these publications the state is not suppressing their rights of expression, but is actually a willing partner and promoter in perpetuating such hate speech and the vilification of Islam by the press. The struggle of freedom of speech here actually entails fighting for the rights of vulnerable minorities against an overwhelmingly racist, xenophobic, cultural suppression in Europe of which the media like *Jyllands-Posten* and others are full partners, not the ones vulnerable to the state. It must be recognized that all universal claims made in the name of all are more often than not, in practice, claims on behalf of the deprived and vulnerable groups. They are also therefore conversely a demand on some to surrender certain privileges which are exercised at the cost of the other. The self-righteous argument for the freedom of speech is thus galling and must be challenged because the rights of free speech and expression are **always** limited by a rightful acknowledgement of necessary corresponding responsibilities, including the need to take cognizance of, and safeguard, the rights of others, especially those who are the most vulnerable in the society.

These responsibilities are recognized in the key human rights documents which the global community acknowledges and the West uses to support and ground its arguments. *The Universal Declaration of Human Rights* (UDHR), which was adopted by the UN's General Assembly in 1948 and is binding on all UN members, categorically declares in several places:

> **Article 1**: All human beings are born free and equal in dignity and rights. … and should act towards one another in a spirit of brotherhood.
>
> **Article 29(2)**: In the exercise of his rights and freedoms, everyone shall be subject …to such limitations as are determined by law… for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society.
>
> **Article 29 (3)**: These rights and freedoms may in no case be exercised contrary to the purposes and principles of the United Nations.

Similar limitations are also in place in the *European Charter on Human Rights* (1950):

> **Article 10(2)**: The exercise of these freedoms [of expression], since it carries with it duties and responsibilities, may be subject to such … restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or the rights of others …

The *International Covenant on Civil & Political Rights* states:

> **Article 20 (2)**: Any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law.

It is interesting that these responsibilities are even a part of the Danish Penal Code under Section 140, which prohibits blasphemy and any person from publicly ridiculing or insulting the dogmas of worship of any lawfully existing religious community. Section 266b authorizes criminal prosecution and conviction of any person "who publicly or with the intention of dissemination to a wide circle of people makes a statement or imparts other information threatening, insulting or degrading a group of persons on account of

their race, colour, national or ethnic origin, belief or sexual orientation..." Furthermore, nine European countries, quite correctly, have laws against Holocaust denial, in response to the horrors of the Nazis' "final solution" which also began with the use of cartoons vilifying Jews – showing them as rats, etc.

It is possible that those who are hiding behind freedom of speech and expression, and calling loudly for their protection are ignorant of these caveats, if one, however reluctantly, were to give them the benefit of doubt. But given the recent developments and many other recent crises one has to say that this is a rather convenient ignorance, given their continuing tendency to the combination of Islamophobia, racism and xenophobia that lies behind this and other recent controversies in Europe. What is at stake in this controversy, then, is the very protection of freedom of speech and expression from its vile and specious use by the *status quo* over the vulnerable and the weak. One only equates the two issues (i.e., hate speech and freedom of speech) if one is morally bankrupt, ethically deficient, or lacking in basic common sense.

So it is **precisely** because I hold the freedom of speech and expression as sacred rights, to be protected, upheld and practiced in all societies, that I must condemn the publication of these blasphemous and hurtful cartoons and ask the state of Denmark, as well as other European counties, to treat this and other such acts of hate speech, of vilifying neighbours, and propagating anti-immigrant xenophobia and racism, as crimes that must be prosecuted. Because even as we affirm the sacrality of these rights, we also affirm that they are but a few of the many rights we uphold as sacred in international and national laws, regimes, and protocols, and must therefore not be allowed to trump all these other rights.

If the attack in these cartoons was honest, it should have at worst targeted al-Qaeda, bin Laden and his coteries, or the Muslim fundamentalists who are seen as the threat to the current order of things by the West. By instead using foul depictions of the Prophet Mohammed to represent these acts, the cartoonist did not attack the people responsible, but instead hit Islam's foundations of faith and its ontology. It is like saying that since Israel and the US are overtly and unashamedly perpetuating state-terrorism, they should be depicted by making a mockery of Moses and Jesus as either being terrorists or encouraging if not directly perpetuating terrorism. Such an act will be clearly intended as hate speech and no claim of freedom of speech will provide it the hiding place it seeks.

It is clear that *Jyllands-Posten* published these images *in order* to inflame Islamophobia in its readers, and to incite the sensibilities of Muslims. Just three years earlier the same paper, rightly I might add, refused to publish blasphemous cartoons of Jesus, stating that they would offend readers and create an outcry.[146] So they were aware that such cartoons are highly offensive. Thus the publication of the cartoons of Prophet

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[146] See, Gladys Fouché, "Danish Paper Rejected Jesus Cartoon," in www.MediaGuardian.co.uk (February 6, 2006),

> "Jyllands-Posten, the Danish newspaper that first published the cartoons of the prophet Muhammad that have caused a storm of protest throughout the Islamic world, refused to run drawings lampooning Jesus Christ…The Danish daily turned down the cartoons of Christ three years ago [in April 2003], on the grounds that they could be offensive to readers and were not funny." The editor in charge said that, "I don't think Jyllands-Posten's readers will enjoy the drawings. As a matter of fact, I think that they will provoke an outcry. Therefore, I will not use them."

Mohammed was clearly meant as a hate speech to offend Muslims through consciously denigrating and maligning them, and the newspaper knew the effect such cartoons would have, their present claim to ignorance notwithstanding. Therefore, this should be treated as a criminal act and prosecuted by the Danish state, **precisely** in order to protect the sacredness and efficaciousness of the rights of free speech and expression and to fulfil its own Penal Code. Because these rights are sacred, the cartoon controversy must be seen as a violation of free expression and **not** as a protection of it.

It is especially important for the state to take action in this case because since 2001, Denmark has become increasingly xenophobic and racist. It is not only experiencing a rise in the number of hate crimes against Muslims, but the political right is scapegoating the estimated 2% Muslim population in order to gain politically.[147] A case in point is the rise of *Dansk Fokeparti*. Formed only in 1995, it won 13.3% of the vote in 2001, thus becoming the third largest party. Having joined the centre-right governing coalition, within six months it forced the adoption of one of the most anti-immigration policies in Europe. When the Prime Minister of this coalition hides behind freedom of speech in order to not hold *Jyllands-Posten* accountable, his motives cannot but be seen as a highly suspect and dubious.

To use this controversy as an example of Samuel Huntington's intellectually banal but very dangerous treatise about an inevitable "clash of civilizations" is simply to reinforce the existing prevalence of xenophobic, racist and anti-Islamic prejudices in Europe, and by extension, in other parts of the world. It becomes a self-fulfilling prophesy, just as the cartoon controversy is. If you show the Prophet Mohammed as a terrorist, you know **in advance** Muslims of deep conviction and with a strong commitment to their faith will find that portrayal or indeed any portrayal of the Prophet, to be offensive, sacrilegious, and blasphemous and they will react. Just think of how Christians would react to a cartoon depicting Christ as a prison guard violating Geneva Conventions in Guantanamo Bay or Abu Ghraib? Or to a cartoon showing Jesus wearing a crown of nuclear bombs instead of thorns, representing the so-called "Christian World" and its immense nuclear destructive power? Christians would be correct to see the intent as **clearly** *mala fide* and that the issue at stake is **not** freedom of speech but conscious vilification. And if some Christians responded with angry actions, we would understand this. *Jyllands-Posten* refused the earlier cartoons of Jesus, and knowingly solicited these blasphemous cartoons of the Prophet Mohammad to illicit **exactly** the kind of response that has come to pass. To paraphrase the American civil rights leader, Martin Luther King Jr., "first they cut off my limbs and then they call me a handicapped." In that instance the reference was to the US system which kept African Americans deprived, and then used their low socio-economic status to "prove" their inferiority. **Such an inversion of causality is not only illogical but highly immoral and must be condemned vociferously.**

These cartoons were meant to be inflammatory, showing total disrespect, as well as a total lack of moral or aesthetic maturity. They are the moral equivalent of a group of skin heads, full of testosterone and cheap beer, engaged in football hooliganism, violence and destruction. These football hooligans could be taken as being totally reflective of

[147] See, *CIA – The World Factbook – Denmark*: http://www.odci.gov/cia/publications/factbook/geos/da.html, which gives this percentage based on July 2005 estimates.

European cultural, social and religious immaturity and barbarity, just as the emotional hyperbole of some mullahs' sophistry is taken by most westerners as the fullest expression of the Islamic world. But if we hold that view then we must similarly hold that the rantings of such Christian fundamentalist mullahs as the Rev. Pat Roberson, the Rev. Jerry Falwell, the Rev. Franklin Graham and others, are the paradigmatic expression of all Christianity. If these huge numbers of morons were taken as the absolute criterion of western civilization, and the latter was judged in light of their being and actions, I would like to see the West sit back quietly and respect the freedom of speech of those who make such a foolish equation!

When these debates erupted the world was promptly reminded, at tedious length, that the West is a secular society that follows western ideals of tolerance and open debate, even if they offend. But freedom of speech was never intended to be a *carte blanche* to be used by cultural, social, political and ethnic morons or even the elites for that matter. It has always been curbed by a very high sense of responsibility, as is the case with all freedoms. I cannot smoke in most places in the US; or urinate in the Trafalgar Square as a form of freedom of expression. I cannot shout "fire" in the middle of a movie house and start a stampede, nor burn or desecrate the "Stars and Stripes" and assert that I was expressing my freedom of speech. This is because all freedom entails certain clearly defined curbs, limits and responsibilities as I stated above. In all these cases my freedom of expression comes up against the potentiality of limiting or impinging other peoples' freedoms, space, health, etc. Thus the state establishes laws against certain types of freedoms of expression. Why should religious hate speech not be subjected to similar curbs, limitations and responsibilities? If I can be punished for banal acts of impinging on public space, I should certainly be punished if I incite the feelings of over a billion people, and evoke violence, death and destruction of property which are far more heinous acts. This inconsistency raises a simple question of the rationality and maturity of western society. For if it stands by and does nothing, the state, which is charged with maintaining public peace, is equally culpable for inciting hatred and the violent acts that can follow from inflammatory speech.

If any civilization is showing immaturity in the current debate - immaturity of reason, common sense, political knowledge, humanity itself, - it is the West, for not being able to see its bigotry, prejudice, and open Islamophobia, instead doing nothing and quickly hiding behind the "higher principle" of freedom of speech. To be intolerant, to generate intolerance, and to show a lack of respect for other religious communities, their beliefs and practices, and to make an obscene mockery of its foundations, are the telltale signs of that "red neck" immaturity so well expressed by European football hooliganism.

This and similar controversies in Europe in recent years are used to assert that Muslims are incapable of learning, grasping and living within the so-called western European culture. This purported inability of Muslim people and Islam to adjust to the western societies and cultures in which they live is then used as an argument to make a demand for them to go back to the countries of their origin. But if this is the criteria to be applied, then Europeans have a major crisis on their hands, for they have been the most migrant of all peoples, invading and inhabiting all of North and South America, New Zealand, Australia, and southern and South Africa, etc. And in those migrations they have not only maintained their own brand of religion and culture, but they have forcefully imposed these wherever they went, at the point of their colonial bayonets if necessary.

Furthermore, this argument about the supposed inability to adjust culturally is simply false, for wherever one encounters immigrants in Europe one is astonished to realize that a majority speaks not only the local European language but in most cases is equally adept at the use of the local dialect as well. Within less than a generation (i.e., 40 years) some even speak *only* the languages of their adopted countries, barring some cultural, ritual and religious terminologies.

By contrast, consider the situation of Europeans who even after living outside of Europe for 6-20+ generations still can't even greet native peoples in their local languages. One has to go with a Sherlock Holmesean magnifying glass to find Europeans in North or South America, Australia, New Zealand or Southern Africa who have the ability to carry out even the briefest and most basic of conversations in the languages of their lands of adoption. And we must totally forget about Europeans learning the religion, rituals, cultures and symbolic universes of the peoples of the places they now want to call home. When some Europeans (and these were very few and far between) did learn some of the local languages, they were mostly Christian missionaries, seeking a more efficient means of preaching to, and converting the heathens, or anthropologists in the service of their respective empires, seeking a more efficient means of colonization. And tragically, in many many places, Europeans chose the far "easier" solutions of massive genocide of the native peoples or, when generous, their complete dislocation to barren reservations or "Bantustans."

The instances where Muslims have reacted violently around the world are now being taken as yet another piece of evidence of what is wrong with the Islamic world; without any notice of the causalities that produce such reactions. It is like saying the Second Intifada was the fault of the Palestinians instead of noticing what actions have been taken by Israel on all sorts of fronts, including Arial Sharon's provocative September 2000 visit to the site known to the Muslims as the Al-Aqsa Mosque, their third holiest place, after the Kabbah and the Prophet's mosque in Medina, and which to the Jews is known as the Temple Mount. It is to ignore that globally the major media outlets are beyond the reach of Muslims and as such their freedom of speech is effectively denied, so they must turn to the streets as their only form of expression. This is a classical political tactic: to define your enemy as the aggressor and thereby cover your own initial act of aggression.

I am indeed deeply saddened by the loss of life which has resulted in Pakistan, India, Nigeria, Libya, and elsewhere, as this crisis has unfolded. And I strongly condemn those leaders who are cynically manipulating the legitimate anger of the people for their own ends, for it does a disservice to the struggle of Muslims in Denmark and elsewhere who are attempting to gain their rights and obtain proper redress for this wrong. It is also a disservice to ordinary Muslims who have gone into the streets in order to articulate their anger at the structural impediments that exist globally to their ability to live with full human dignity. I sincerely hope the Danish state will reconsider its extremely inadequate and wrong response to these cartoons, and that this incident will serve as a wake-up call to other western states – they must enforce their national laws and international treaty commitments to defend the human dignity of all members of their populations, including their Muslim populations, and they must re-examine their foreign policies to make them more compatible with promoting global conditions of justice and peace.

Glossary of Arabic Terms

Adhan Call to prayer (*salat*).

Adl Justice, especially distributive justice dealing with social, economic, political, environmental issues.

Ahad Literally "only." In Islamic theology, *ahad* means One Alone, unique, none like God. Al-Wahid is one of the names of Allah.

Aql Intelligence, intellect, mind, understanding.

Ayatollah Sign of God. Title given to highly ranked religious scholars in Shia'ism.

Caliph Literally successor; refers to the successor of the prophet Muhammad, the ruler of the Islamic world

Dar al-Harb precinct or areas of struggle, or areas outside Muslim rule; generally the non-Islamic world

Dar al-Islam The precinct, area, abode, or land of Islam

Dhimmi "Protected person"; Jews and Christians as people of the book (*ahl-e-Kitab*); sometimes expanded to include others, such as Buddhists, Sikhs, Hindus, and Zoroastrians, whose right to practice their religion is allowed or tolerated under Islamic law, but with lower legal and political status.

Fatwa legal opinion of an Islamic scholar (*alim*), it is binding on him and on those who follow his teaching.

Fiqh jurisprudence built around the shariah by custom and interpretation. The word literally means "deep understanding", refers to the understanding of the Islamic laws.

Fitna Generally means trial or tribulation and also refers to any period of disorder, such as a civil war, or the period of time before the end of the world or any civil strife. In Islamic it particularly refers to the crisis that emerges following the murder of the second Caliph Uthman.

Hadith recorded saying or tradition of the prophet Muhammad validated by chains of witnesses (*isnad*); with biography of the Prophet (*sira*) these comprise the sunnah and act as one of the foundation for the development of shariah.

Hajj or ***haj*** pilgrimage to Mecca once a year during specific month of the lunar calendar. Sunnis regard this as the fifth Pillar of Islam with a requirement of performance once in one's lifetime but under well defined restricting conditions.

Haram Sacred sanctuary.

Hijra Literally, "migration". In Islam it refers specifically to Prophet Muhammad and his followers' emigration from Mecca to Medina in 622.

Hudud Literally, limits or boundaries. Usually refers to limits placed by God on man; penalties of the Islamic law which are described in the Qur'an.

Ijma The consensus of either the *Ummah* (the Muslim community or just the *ulema* (scholars) - one of four bases of Islamic Law. More generally, political consensus itself.

Ijtihad The process of making a legal decision by independent interpretation of the legal sources, the Qur'an and the Sunnah. During the early times of Islam, the possibility of finding a new solution to a juridical problem. Has not been allowed in conservative Islam since the Middle Ages.

Imam literally, leader; e.g., a man who leads a community or leads the prayer; the Shi'a sect use the term only as a title for one of the twelve God-appointed successors of Prophet Muhammad.

Imamate successorship of Prophet Muhammad and the leadership of mankind.

Insaf Juridical justice.

Islam "Submission to God". The Arabic root word for Islam means submission, obedience, peace, and purity.

Isnad Chain of transmitters of any given hadith.

Isnah process of validating the hadith; citation methodology.

Jahiliya The time of ignorance before Islam was realized; describes polytheistic religions.

Jahl Ignorance, arrogance.

Jamia A "gathering"; i.e., a university, a mosque, or more generally, a community or association.

Jihad Struggle. Any earnest striving in the way of Allah, involving personal, physical, intellectual or military effort, for righteousness and against wrong-doing. "Lesser Jihad": fighting to protect Islam from attack or oppression. In such fighting, no woman, child or innocent civilian is to be harmed, and no tree is to be cut down. Shi'as believe that only Prophet Muhammad and the twelve Imams had authority to declare positive jihad of the lesser kind. "Greater Jihad": internal struggle for the soul (*nafs*) against evil, e.g., to overcome the temptation to sleep when it is time to pray the morning prayer is a greater jihad.

Jizya A tax specified in the Koran (9:29) to be paid by non-Muslim males living under Muslim political control.

Ka'bah Cube-house; the cube-shaped building in Mecca toward which Muslims pray as well as around which the Hajj is performed.

Khalifa Caliph, more generally, one performing the duties of khilafa.

Khilafa Human's trusteeship and stewardship of Earth; most basic theory of the Caliphate; flora and fauna as sacred trust; accountability to God for harms to nature, failure to actively care and maintain.

Khulfa-e-Rashdeen the four rightly guided and pious caliphs, who headed all three branches of the government (executive, legislative and judiciary) on the basis of their religious standing. These were Abu Bakr, Umar, Uthman, and Ali.

Kitab Book; The Qur'an is often referred to as "Al-Kitab"

Kufr In Arabic - ungratefulness and disbelief; in Islam it is referred to speaking, disbelief in God and denial of the truth.

Mecca The holiest city in Islam where the Prophet was born and where Muslims perform the Hajj.

Medina Simply the "city"; Medinat-un-Nabi means "the City of the Prophet." See hijrah.

Mufti An Islamic scholar who is an interpreter or expounder of Islamic law (*Sharia*), capable of issuing fataawa (plural of "fatwa").

Muezzin A person who performs the call to prayer.

Mujahid A fighter for Islam; plural *mujahideen*.

Qiyas By analogy - foundation of legal reasoning and thus *fiqh*.

Qur'an Muslims believe that the Qur'an is the literal word of God and culmination of God's revelation to mankind, revealed to Prophet Muhammad starting in the year 610 A.D.

Sahabah Companions of the Prophet Mohammed.

Sahih A hadith which is "sound in *isnad* (chain of transmission)". A technical attribute applied to the "isnad" of a hadith.

Salaf (Righteous) predecessors/ancestors. In Islam, *Salaf* is generally used to refer to the first three generations of Muslims.

Salafi An adherent of a contemporary movement in Sunni Islam that is sometimes called Salafism or Wahhabism. Salafis themselves insist that their beliefs are simply pure Islam as practiced by the first three generations of Muslims and that they should not be regarded as a sect. Most do not like to be called Wahhabis now, although this name was acceptable in the past.

Salaam Peace.

Shaheed "Witness". More specifically refers to a person killed whilst striving in Islam, a martyr. Often used in modern times for deaths in a political cause (including victims of soldiers, deaths in battle, suicide bombers, etc.)

Shariah "the path to a watering hole"; the eternal ethical code and moral code based on the Qur'an and Sunnah; basis of fiqh

Shi'a A follower of Prophet Muhammad and his successors (the twelve Imams), the first being Ali. Shi'as constitute the second largest sect in Islam.

Shura Consultative or advisory body.

Majlis-i-shura Advisory council

Sira Life or biography of the Prophet Muhammad; his moral example - with hadith this comprises the sunnah.

Sunnah the "path" or "example" of the Prophet Muhammad, i.e., what the Prophet did or said or agreed to during his life. He is considered by Muslims to be the best human moral example, the best man to follow.

Sunni The largest sect in Islam.

Surah Chapter in the Qur'an which is comprised of 114 suras.

Tafsir Exegesis, particularly such commentary on the Qur'an

Tawheed Monotheism; affirmation of the Oneness of God. Muslims regard this as the first part of the first Pillar of Islam (*Shahdah*), the second part is accepting Muhammad as Messenger. The opposite of Tawheed is *shirk* (associationism with God).

Ulema The scholar leaders of Islamic society, including teachers, Imams and judges. Singular is *alim*.

Ummah The global community of all Muslim believers; international personhood of Islam.

Zakat Tax, alms, tithe as a Muslim duty; Sunnis regard this as the fourth Pillar of Islam. It is neither charity nor is it derived from Islamic economics, but a religious duty and social obligation.

Zinnah Sexual activity outside of marriage (covering the English words adultery and fornication).