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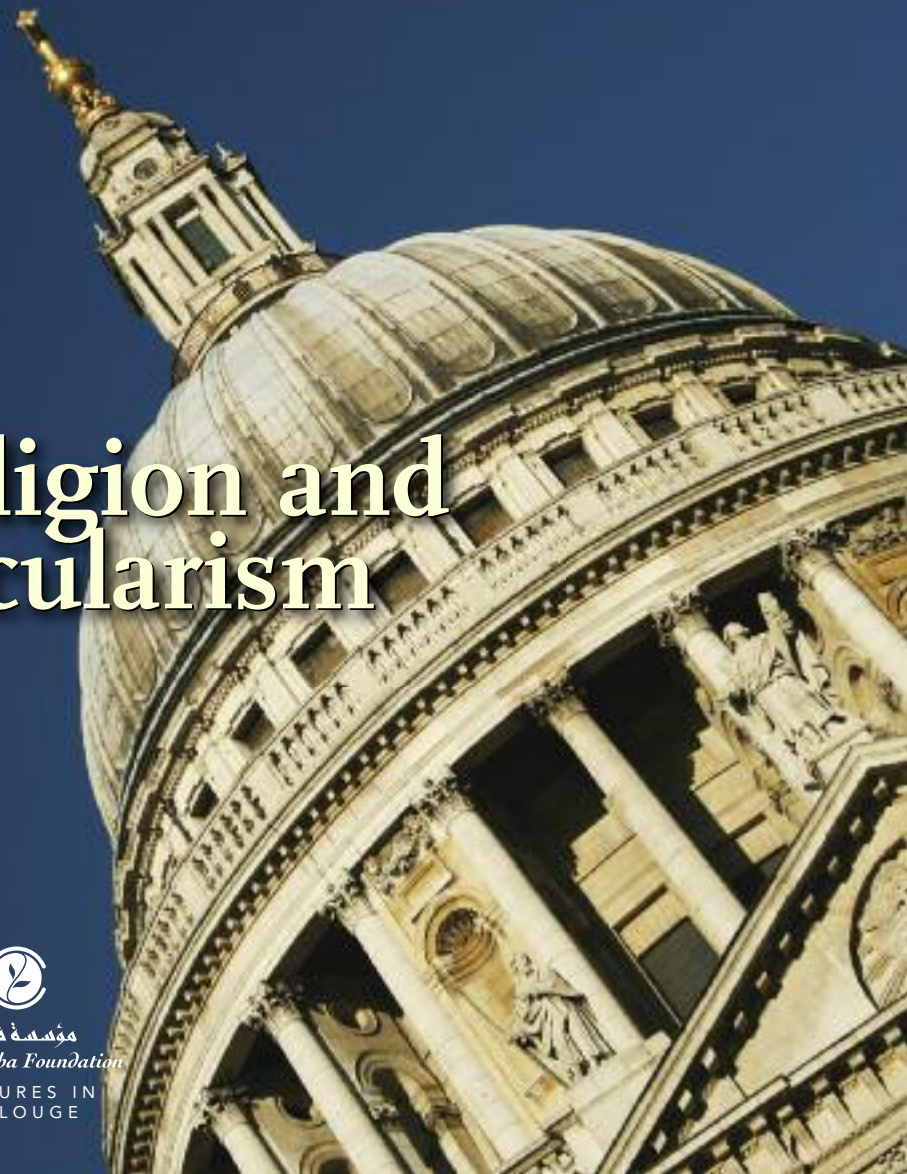
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Religion and Secularism

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CULTURES IN DIALOUGE

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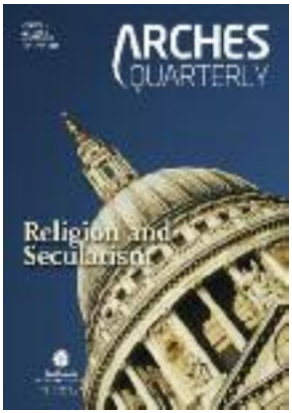
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FROM THE Editor

In this issue of Arches Quarterly, we examine the place of religion and the ascendancy of religiosity in today's secular societies. Whilst debating the collision between religious activism and secularism, we also explore the possibility to accommodate disparate ideas and to foster an appreciation of each others way of thinking, in a milieu of inter-connected world against which, we discuss the boundaries and parameters set by religion and secularism to find convergence and common space.

Venturing beyond the traditional debate on the compatibility of religion and secularism, Arches pays attention to the definition and manifestations of secularism today as it differs from country to country in its treatment of religion. A self-professed secular Muslim philosopher of Islamic Studies whom I once met from North Africa, said "it is absurd to separate religion from society, but we should separate religion from the state." Another scholar explained that "secularism" is a neutral ground for diversity, whereas "secularist" is an ideological-shaped mind-set that excludes God.

Clearly there is a blurring in the definition of secularism. Whilst the Muslim philosopher may be well-intentioned, his premise prevents religion from entering the political arena – thus going against the grains of democracy and freedom.

Lord Phillips in a recent lecture echoed article 10 of the European Human Rights Convention stating "any person is free to preach the merits of his own religion". Whilst this is largely reflected accurately in Britain, it is in stark contrast to other parts of European and Western democracies where secularism is state practice, including some Muslim countries. Despite being elected as a Member of Parliament in Turkey, Dr Merve Kavakci's experience is testament to this when she was famously prevented from serving her term for practicing wearing the Hijab.

Religiosity and faith-based activism – whether in the realm of politics, social or spiritual renewal – is clearly on the rise and this is set to continue for the foreseeable future. Whilst the explanations for this rising trend can be attributed to multiple factors, the question before us is to examine how this shapes society. Samuel Huntington, for instance, would espouse a clash of civilisations, especially that pertaining to the Islamic faith, whilst others would contend that it is through religion that issues of injustice and the promotion of social cohesion and development can be addressed.

We are delighted to be able to present to you an exceptional line of articles that address some of the issues aforementioned. The American scholar of Religion and International Affairs, Professor John Esposito, opens the scene by defining secularism and how it is viewed, namely the diverse Muslim scholarly opinions. This theme is further developed by a conflict resolution expert on interfaith relations, Oliver McTernan, who stresses on the need for dialogue and understanding.

This is followed by a landmark lecture delivered by Lord Phillips, on "Equality before the Law", which is accompanied by a commentary by Robin Knowles QC, while Professor Robert Crane, former advisor to US President Nixon, offers a complementary view on renewing the spirit of justice.

The latter part features case-studies of which the first is by Pastor Bob Roberts, an American who offers a Christian view on the ascendancy of religiosity and the failure of secularism. Dr Merve Kavakci (George Town University, USA), adds to this issue but using the Turkish experiment *Laiklik* and its impact on the Turkish psyche; while Nick Ryan, an award-winning writer and journalist, unravels visions of "Homeland" in the Far Right in Britain. Our final contribution is an important insight by the historian and professor of ethnic minority studies, Humayun Ansari, on the life of the quintessential British Muslim, William Henry Quilliam.

We hope you will enjoy reading the range of perspectives offered in this issue of Arches, and as always, we welcome your valuable contributions, feedback and suggestions.

Abdullah Faliq
MANAGING EDITOR



Islam and Secularism: Exploring the place of religion in secular society

Professor John Esposito

While a popular definition has been that secularism is the political separation of church/religion and state, the implementation of secularism in state formation in the West as well as the Muslim world and elsewhere has been far more complex. In modern states such as France and Turkey, for example, secularism (or laï cisme) has often represented a distinctly anti-religious or anti-clerical doctrine that seeks to control all religious expression and symbols, and abolish them from the public sphere. Under a regime of ' secular fundamentalism' , "the mixing of religion and politics is regarded as necessarily abnormal (departing from the norm), irrational, dangerous and extremist."[1]

In the Middle East, secularism, a political-doctrine that grew out of Christian Europe, is inextricably linked with European colonialism. For many Muslims, the efforts of colonial regimes to impose secular political doctrines from above was the first stage in a far more insidious trend in which secularism, as a comprehensive worldview dominates all areas of life:

"Secularism is no longer a mere set of ideas that one can accept or reject at will, it is a world-outlook that is embedded in the simplest and most innocuous cultural commodities, and that forms the unconscious basis and implicit frame of reference for our conduct in public and in private. The state, far from operating exclusively in a few aspects of public life, has actually dominated most, and at times all of them, and has even penetrated to the farthest and deepest concerns of our private lives."[2]

Proponents of secularism have often seen it as the best means to promote tolerance, pluralism and fairness in a society in which government is not dominated by any one religious ideology. However, as Talal Asad has warned, secularism does not necessarily guarantee peace and tolerance:

"The difficulty with secularism as a doctrine of war and peace in the world is not that it is European (and therefore alien to the non-West) but that it is closely connected with the rise of a system of capitalist nation-states – mutually suspicious and grossly unequal in power and prosperity, each possessing a collective personality that is differently mediated and therefore differently guaranteed and threatened."[3]

Northern Ireland, India, and Sri Lanka for example, are liberal democratic states with a secular constitution that nevertheless have suffered from communal riots.

CONTINUITY & CHANGE

A critical problem faced by religious reformers is the relationship between change and the authority of tradition. The importance of some kind of thread or continuity between tradition and change is critical to the success and effectiveness of social movements. For the majority of Muslims, the classical tradition, legitimated by the consensus (ijma) of the community (in fact by its religious scholars), has been normative. While historically the Sunna [Traditions] of the Prophet has controlled the understanding of the Qur' an, the consensus of religious scholars has ruled over the Sunna, representing the source of religious authority in Islam. In other words, historically in Sunni Islam, the consensus of the past is authoritative and overrules everything. Thus, for example, even if the Qur' an doesn' t advocate hijab or prohibit women from leading mixed gender prayer, the interpretations and practices sanctioned by the past consensus, the classical Islamic tradition, prevail. This outlook is epitomised by the saying: "Consensus is the stable pillar

on which the religion rests." The conservative or neo-traditionalist bent of many religious scholars, madrasas and Muslim populations make this requirement of linking tradition to proposed changes even more necessary.

SHARI'A, SECULARISM AND THE STATE

How one projects the future role of Islam in the modern state depends largely on one' s interpretation of the authority of the past. Not surprisingly, the question of the place of Shari' a and its relationship to political authority has produced sharp disagreements and contentious debate between Muslim scholars of the last century. Two prominent scholars, Abdullahi Ahmed An-Na' im and Abdulaziz Sachedina, provide diverse alternative post-modernist perspectives.

An-Naim' s, a prominent Sudanese-American Muslim scholar and human rights activist, has been a major voice on issues of Islamic reform, human rights and the secular state. Intellectually, An-Na' im advocates a secular state built on constitutionalism, human rights and citizenship – resources that "were totally lacking in all societies everywhere until the modern era."[4]

In contrast to many Muslims, he argues that a secular state, one that is neutral regarding religious doctrine, is "more consistent with Islamic history than is the so-called Islamic state model proposed by some Muslims since the second quarter of the twentieth century."[5] Ironically, he ignores the extent to which the notion that secularism is "neutral" regarding religion is itself a contested issue today,

An-Na' im asserts that religious and political authority stem from different sources and require different skills and, therefore, to conflate the two leads to dangerous confusion. This conflation was only possible, according to An-Na' im, during the time of the Prophet, "because no other human being can enjoy the Prophet' s combination of religious and political authority."[6] Since such harmony is no longer possible, religious and political leaders should instead pursue their autonomy roles so that each side will be strengthened and not subject to subordination or coercion by the other.

An-Na' im believes that the Shari' a must be marginalised in order to save it. No state has the right to enforce religious law, even if it is the religion of a majority of its citizens: "By its nature and purpose, Shari' a can only be freely observed by believers; its principles lose their religious authority and value when enforced by the state."[7] Contrary to much of contemporary scholarship on the origins of Islamic law, An-Na' im denies that Islamic law included both a divine, unchanging element (Shari' a, principles and values rooted in sacred sources) and its human interpretation and application which resulted in Islamic law (fiqh). He writes: "both Shari' a and fiqh are the products of human interpretation of the Qur' an and Sunna of the Prophet in a particular historical context. Whether a given proposition is said to be based on Shari' a or fiqh, it is subject to the same risks of human error, ideological or political bias, or influence by its proponents' economic interests and social concerns."[8]

While the human dimension in both cannot be denied, there are significant differences between sacred texts and human interpretations. An- Na' im' s failure to acknowledge and to formulate his reformist agenda within the context of the significant difference between Shari' a and fiqh, between divine law and the human construction/ interpretation is a major flaw.

Although welcomed and celebrated by a small elite Muslim and non-Muslim audience, An- Na' im' s "Interpretative framework" for broad-based reform, which overlooks or rejects the historical development of Islamic law and thus bypasses Islamic tradition, faces a significant obstacle to its acceptance as a basis for reform.

In contrast to An-Na' im, Abdulaziz Sachedina' s The Islamic Roots of Democratic Pluralism builds a case for democratic pluralism from within an Islamic framework in light of Islamic sources (Qur' an, Hadith, Tafsir).

Sachedina' s argument is predicated on the belief that Qura' nic interpretation was always to discover the meaning of the text as a relevant and "living source of prescriptive guidance for the community."[9] His pursuit

of Qur' anic and traditional guidance in the areas of democracy, pluralism and human rights is placed within the context of broader debates amongst Muslim scholars, both modern and pre-modern. That said, his consideration of the interpretations of the traditional exegetes does not prevent him from suggesting that many of their conclusions are outdated and have done more harm than good in promoting "exclusivist" readings of scripture. He also criticizes those contemporary scholars who, rather than taking a fresh approach to the sacred text, continue to uphold dogmatically the irrelevant interpretations of their medieval predecessors.

The Qur'an provides a solid basis for the shaping of a pluralist, just, and inclusive society

Sachedina' s basic argument is that the Qur' an provides a solid basis for the shaping of a pluralist, just, and inclusive society. His position is based on three core Qur' anic concepts: that humanity is one community; people of different religious backgrounds should compete among themselves to do good; and the necessity for compassion and forgiveness. These three principles concerns not only personal convictions or morality, but also the need to establish an ethical public order consistent with Islam' s role as a "faith in the public realm."[10]

Sachedina takes on some of the most controversial contemporary issues: the legal rights of non-Muslims (dhimmi) in a majority Muslim state, the rules regarding apostasy and retribution, and the practice of jihad and its relation to rebellion and martyrdom.

Despite the fact that numerous examples of tolerance and legal flexibility exist in Islamic community, nevertheless, he maintains, Muslim jurists formulated legal codes relating to the status of non-Muslims that allow for discriminatory practices. These laws are not in accordance with modern conceptions of pluralism and inclusiveness and therefore must be rejected: "Most of the past juridical decisions treating non-Muslim minorities have become irrelevant in the context of contemporary religious pluralism, a cornerstone of interhuman relations."[11]

Sachedina relates apostasy and jihad to freedom of religion and forgiveness in Islam respectively. Both rest on the key concept of fitra, a human being' s natural predisposition towards justice and knowledge of good and evil. This inherent morality reinforces a belief "basic to Muslim identity" that "the divinely mandated vocation to realise God' s will in history was communal as well as individual."[12] Fitra not only forms the basis of a "God-centered public order," it also provides the key to interreligious dialogue because it speaks to the nature of all humans regardless of creed. An Islamic theology of religions for the twenty-first century is one in which law, based on God' s revelation, acts as an instrument of justice and peace in society.[13]

Unlike An-Na' im and others, Sachedina does not believe that, in order to be truly just, the state must implement a full separation of religious and political authority. Nor does he accept the type of religious state proposed by the "fundamentalists" in which Islam has an exclusive claim over authority in the community. Rather, Sachedina argues that the Prophet laid the groundwork for a "universal community" that was subsequently corrupted by the political imperative to subdue people of other faiths and by a reading of traditional sources that lost sight of their original pluralistic intent.[14] By reclaiming the belief that all human beings are "equals in creation," the Muslim community can serve as a model of a religious faith that also calls for justness in society through the creation of pluralistic, democratic institutions.[15]

THE HOLD OF TRADITION: SACRALIZATION AND DE-SACRALIZATION

As previously discussed the critical issue for all reformers is the hold of tradition. Those who, like An- Na' im bypass or ignore the classical tradition fail to come to grips with the reality on the ground and risk reducing the influence and impact of their efforts to the bookshelf rather than becoming a catalyst for change in Muslim societies. In Sunni Islam, the classical tradition, legitimated by the consensus (ijma) of the past has been normative. While historically the

Sunna of the Prophet has controlled the understanding of the Qur' an, the consensus of religious scholars has ruled over the Sunna. In other words, for neo-traditionalists in Sunni Islam, the consensus of the past is authoritative and overrules everything. Thus, for example, even if the Qur' an does not advocate hijab or prohibit women from leading mixed gender prayer and some or many Hadiths are false, the interpretations and practices sanctioned by past consensus, the classical Islamic tradition, prevail. Not to do so is to depart from tradition, to fail to establish a necessary link or continuity between the authority of the past and modern change. This outlook is epitomised in an Azhar saying: "Consensus is the stable pillar on which the religion rests."

An-Na' im is not alone in re-examining the relationship of religion to the state and arguing that a Muslim country can also be secular and rejecting the blind following of tradition. However, some like Nurcholish Madjid (as well as Mustafa Ceric, and Tariq Ramadan) recognise and more clearly the need to acknowledge the force of tradition even as they proceed to engage in wide ranging reformist thinking.[16] Although emphasising the value/merit of classical Islam and its legacy, they do not regard it as an absolute reference point or religious authority but only a tool for solving modern problems.[17]

BUT WHAT DO MUSLIMS REALLY THINK AND WANT?

In what ways are the issues and diverse views in the current debate among Muslim intellectuals and religious leaders representative of the world' s Muslims as a whole? The politicisation of political leaders, scholars, experts and media commentators post 9/11 has created a minefield for policymakers, scholars and the general public, faced with contending and contradictory opinions to key questions about Muslim attitudes towards the West, democracy, Shari' a, and human rights. The data from recent (2001-2007) Gallup polls, in particular the Gallup World Poll of 2007, of residents from more than thirty-five Muslim majority countries enables us to more definitively access global representative responses. Altogether, the survey sample includes "more than 90% of the world' s 1.3 billion Muslims, making this the largest, most comprehensive study of contemporary Muslims ever done."[18]

The Gallup World Poll brings to light how majorities of contemporary Muslims view democracy and its relationship to secularism and religion. Asked about their attitudes towards democracy, many respondents said that political freedoms and liberties are qualities that they admire most about the West.[19] Similarly, democracy is among the most frequent responses given as a key to a more just society and to progress.[20] Cutting across diverse Muslim countries, social classes and gender differences, overwhelming majorities in all nations surveyed (94% in Egypt, 93% in Iran, 90% in Indonesia) said that if drafting a constitution for a new country, they would guarantee freedom of speech, defined as "allowing all citizens to express their opinion on the political, social and economic issues of the day".

However, when asked whether they believe that the U.S. will allow people in the region to fashion their own political future as they see fit without direct US influence, the majority in most Muslim countries disagreed. A majority in Jordan (65.8%), Iran (65.6%), Pakistan (54.5%), Morocco (67.7%) and Lebanon (67.7%) believes that the U.S. will not allow people in the region to shape their own political future without U.S. interference.

Similarly, the vast majority of Muslims believe the U.S. lacks credibility in its campaign to promote democracy in the Middle East. A majority in Jordan, Egypt, Iran, Pakistan, Turkey, Indonesia, Morocco, and Lebanon said they do not believe the U.S. is serious about spreading democracy in their region of the world.

Yet, although Muslims do not believe the U.S. is serious about self-determination and democracy in their region, many say political freedom/liberty and freedom of speech is what they admire most about the West. Large percentages also associate a "fair judicial system" and "citizens enjoying many liberties" with Western societies. At the same time, Muslims critique their own societies, indicating that the political freedom is what they least admire about the Islamic/Arab world.

MUSLIM DEMOCRATS OR ISLAMIC DEMOCRACY

However, despite the importance that most Muslims hold for political and civil liberties and freedom of speech, those surveyed do not favor wholesale adoption of Western models of democracy and secularism.[21]

So what, then, is the alternative? Poll data indicate that a majority of the world's Muslims would like to see a religious form of democracy in their countries, at least in the sense that they want Shari'a to be "a" source of legislation though not the only the source.[22]

Like those who believe America is a Christian nation and want the Bible as a source of law, Muslims who want to see Shari'a as a source of law in constitutions can have very different understandings. Some, a minority, expect full implementation of classical or medieval Islamic law; the majority want a more restricted approach, like requiring the head of state to be a Muslim, or creating Shari'a courts to hear cases involving Muslim family law (marriage, divorce and inheritance), or prohibiting alcohol. Still others simply want to ensure that no law is against the principles and values of Islam, as found in the Qur'an.

Surprisingly, with the exception of Pakistan, there is little difference between males and females in their support for Shari'a as the only source of legislation. For example, in Jordan 54% of men and 55% of women want Shari'a as the only source of legislation. In Egypt it's 70% of men and 62% of women; in Iran 19% of men and 14% of women; and in Indonesia 19% of men and 21% of women. In Iraq, 81% of men and women said religious leaders should have a role in drafting Iraqi family law. In Pakistan, 60% of men and 65% of women favor giving religious leaders a direct role in drafting family law, despite the fact that the introduction and especially the application of so-called Shari'a laws in Pakistan have often eroded women's rights in family law, adultery and rape cases.

The considerable amount of support amongst Muslims for Shari'a does not translate into a demand for theocratic government. On the contrary, significant majorities in many countries say religious leaders should play no direct role in drafting a country's constitution, writing national legislation, drafting new laws, determining foreign policy and international relations, or deciding how women dress in public or what is televised or published in newspapers.[23]

RETHINKING ISLAMIC LAW

Any mention of Shari'a usually sets off alarm bells. A common misconception over what Shari'a is and means accounts for both the fears of many non-Muslims as well as the intransigence of many conservatives and religious militants'. At the heart of the problem is the tendency of many Muslims and non-Muslims alike to confuse and thus use the terms "Shari'a" and "Islamic law" interchangeably.

The Qur'an is not a law book. Thus, early jurists created Islamic law, based on sacred texts and human reasoning. However, over time, these man-made laws came to be viewed as sacred and unchangeable. The distinction between Shari'a, divine law, and Islamic law, a human construction, can be clarified by thinking of the Shari'a as a Compass (God's revelation, timeless principles and values that cannot change) and Islamic law (fiqh) as a map. This map must conform to the Compass but it reflects different times, places, and geography. The compass is fixed; the maps are subject to change.

Global Muslim opinion also reflects changing opinions and attitudes, requiring the continuation of a process of evaluation and reinterpretation within the Islamic tradition that began at the time of the Prophet and that still thrives today. Muslim reformers, neo-traditionalist and post modern alike, though often differing in specifics, agree that for Islamic law to remain relevant it must contain an element that changes and adapts to current needs and circumstances. Therefore, the challenge facing reformers is to "differentiate the time-specific and the timeless" in the tradition, to preserve the integrity of the revealed sources but, at the same time, allowing them to speak to the concerns of people's daily lives.[24]

CONCLUSION

Both Muslim opinion globally and there thinking of Islam among many Islamic intellectual-activists reflect the current

rethinking of the relationship of Islam to secularism.

Influential Islamic intellectual-activists and religious leaders, neo-traditionalists and post modernist, across the Muslim world engage in a process of rethinking Islam' s relationship to secularism and modern Muslim states as well as issues of Muslim citizenship in the non-Muslim secular countries of Europe and America.

Citizens in countries in which Muslims are a majority report that, if they had their way, they would opt for greater political participation, freedoms, rule of law but not for a totally secular state. Although Muslim perceptions of what the Shari' a represents and the degree to which it is possible to implement its rulings in society vary enormously, most believers desire a system of government in which religious principles and democratic values coexist. In other words, most Muslims do not view religious authority and political authority as mutually exclusive and see a role for religious principles in the formulation of state legislation.

Muslim reformers in the 21st century, whether secular or Islamically oriented, contend with two realities or hurdles for reform: (1) broad-based Muslim public opinion that favors both greater democratisation and Shari' a as "a" source of law and (2) the need to address the continued centrality and authority of the classical tradition of Islamic law.

While secular reformers ignore or wish to dismiss the relationship of religion to the state in arguing that today a Muslim country can also be secular, many others while admiring and desiring many of the principles and institutions associated with Western secular democracies do not want a Western secular nor an Islamic/theocratic state. Instead they opt for a state that reflects the importance and force of Islamic principles and values as they proceed to engage in wide ranging reformist thinking.[25] In effect, they affirm the importance of the framing narrative and its repertoire that will engage the context of its intended audience is critical to the success and effectiveness of reformers and social movements who engage in the process of rethinking Islam.

John L. Esposito is Professor of Religion and International Affairs and of Islamic Studies at Georgetown University. He is the Founding Director of the Center for Muslim-Christian Understanding: History and International Affairs in the Walsh School of Foreign Service. Professor Esposito specializes in Islam, political Islam, and the impact of Islamic movements from North Africa to Southeast Asia. He has served as President of the Middle East Studies Association of North America and the American Council for the Study of Islamic Societies, Vice Chair of the Center for the Study of Islam and Democracy.

Prof. Esposito is Editor-in-Chief of the 4-volume Oxford Encyclopedia of the Modern Islamic World, The Oxford History of Islam, a Book-of-the-Month Club and History Book Club selection, The Oxford Dictionary of Islam and The Islamic World: Past and Present. His more than 30 books include: Unholy War: Terror in the Name of Islam (a Washington Post and Boston Globe best seller), The Islamic Threat: Myth or Reality?; Islam and Politics; Islam and Democracy and Makers of Contemporary Islam (with John Voll); Modernizing Islam (with Francois Burgat) Political Islam: Revolution, Radicalism or Reform?, Religion and Global Order (with M. Watson), Islam and Secularism in the Middle East (with Azzam Tamimi); Iran at the Crossroads (with R.K. Ramazani); and Voices of Resurgent Islam.

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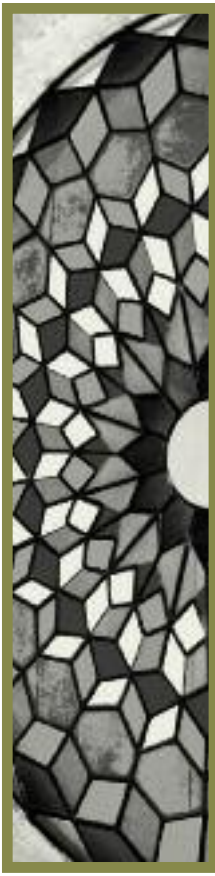
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THE CORDOBA FOUNDATION
Cultures in Dialogue

FOUNDED IN 2005, The Cordoba Foundation (TCF) is an independent Public Relations, Research and Training unit, which promotes dialogue and the culture of peaceful and positive coexistence among civilisations, ideas and people. We do this by working with decision-making circles, researchers, religious leaders, the media, and a host of other stakeholders of society for better understanding and clearer comprehension of inter-communal and inter-religious issues in Britain and beyond.

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If Religion Matters, Dialogue Matters

Oliver McTernan

THE ELECTION OF THE FIRST AFRICAN American, Barack Hussein Obama, to the presidency of the United States has brought a renewed sense of hope to all who seek to live in a world where the rights of all are equally respected. How much of that hope will be realised in the next four years remains an open question. It is reasonable though to think that someone who lived as a child in a Muslim society will be capable of introducing a more nuanced understanding and approach to the Muslim world than we have witnessed in recent years.

The urgent need for the West to rethink its relationship with the Muslim world was underlined for me when I met recently with a group of senior American military officers, all of whom had been on several tours of duty in Iraq. I was asked to help them to reflect on some of the current issues that we are facing today on the global level. It shocked me to discover the extent to which all of them subscribed to the clash of civilizations theory. They really did believe that there was an irreconcilable gap between Islam and the West. In the course of our discussion it became clear to me their attitudes were deeply entrenched. Their belief all Muslim women are oppressed had been shaped more by the impressions they got of life as they drove around the villages and towns in Iraq than by any level of direct and meaningful engagement with the people.

The sad reality is that these American officers are not alone in what I would describe as a drive by analysis of Islam. It is a phenomenon that I have frequently encountered in my work as Director of Forward Thinking at every level of political, social and media life both in Britain and elsewhere in Europe. People' s perception of Islam in the West is shaped more by distant impressions and ignorance than by an informed understanding that comes from dialogue and reading. There is far too little direct engagement on the human and the intellectual level. In such circumstances there is a risk that Samual Huntington' s seriously flawed theory of the Clash of Civilizations becomes a reality. Huntington provides those who lack the intellectual curiosity to inform themselves a convenient paradigm on which to hang impressions that soon become unshakable facts in their own minds.

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It was in the summer of 1993 Huntington published an article in Foreign Affairs claiming that in the post Cold War era, cultural and religious differences would replace ideology as the more probable cause of conflict. When others were celebrating the demise of Communism and what they believed to be the inevitable emergence of liberal democracy as the universal political system of the future, Huntington was predicting that the old divisions of the First, Second and Third Worlds that had been drawn up along ideological lines were giving way to new civilisation differences. He warned these could prove to be even more menacing. He identified these new differences as Chinese [Sinic], Japanese, Indian, Islamic, Western, Orthodox, Latin American and, possibly African. He later developed this theory in his book, The Clash of Civilizations and

Remaking of World Order in which he argued the need for a new paradigm or framework to understand the shifting focus in international relationships.

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The fact that globalisation created greater opportunity for interaction among these diverse civilisations means that people have become more conscious of their differences, and as a consequence, Huntington argues, they are more anxious about where they fit into this new global design. His conclusion is that the possibility for conflict, and especially along what he describes as the "fault lines" where different civilisations meet and have to compete for resources and influence, is greatly enhanced. He sees religion as "possibly the most profound difference that can exist between people". Conflict between states of different civilisations is "greatly enhanced", he claims, "by beliefs in different gods".[1]

The most controversial part of the Huntington analysis is his focus on Islam as the historic enemy of the West. He refutes the argument that the West does not have a problem with Islam itself but only with violent Islamist extremists. Islam is the only civilisation, Huntington claims, that has twice put the survival of the West at risk. The causes of this "ongoing pattern of conflict" go deeper than any transitory phenomena and are rooted in the nature of the two religions and the civilisations based on them. It is a product of the difference and the similarities between these two world faiths, he argues. On the one hand Christianity separates the realms of God and Caesar, whereas Islam recognises no separation between religion and politics. Both religions however are monotheistic, see the world in dualistic, "us-and-them" terms, and are missionary in their efforts to convert nonbelievers to their version of "the one true faith". "From its origins Islam expanded by conquest and when the opportunity existed, Christianity did also" Huntington argues.[2]

A widely shared criticism of Huntington's paradigm is that he portrays the different civilisations and in particular Christianity and Islam as being more homogenised and integrated than they are in reality. Huntington is right in claiming that globalisation has created more opportunity for interaction and as a result people may be more conscious of their differences. What he fails to grasp is not only the dissonance and diversity that exists within the different religious traditions but also the fact that religion is more dynamic than the political and academic worlds have hitherto acknowledged. It is that dynamic feature of religion that gives it the potential to embrace the challenges of the present era and to become a healing rather than a divisive force in a globalised world.

Whatever the shortcomings of his analysis it should be recognised that in claiming that religion is a salient factor that can increase the risk of conflict Samual Huntington was challenging the Western secularist-reductionist mindset that dominated the social and political sciences for the best part of the twentieth century and that dismissed religion as serious player in the international arena.

The 'secularisation thesis' that dominates contemporary Western political thinking is based on the premises that the decline in religion is an irreversible process. The Enlightenment, the secularists argue, challenged the old religious certainties, making science the new paradigm of understanding the world. Religion lingers on as a comforting myth for those who need support in times of personal crisis but having been relegated from the mainstream to the backwaters it has ceased to have any impact on the social or political life in modern society. Religion therefore is seen as an 'epiphenomenon' - it represents something other

than what it appears to be – and as such, they maintain, it has no real role in shaping a new international order.

It is a combination of this lingering belief that secularisation is the inevitable consequence of modernisation despite growing evidence that it may be in retreat[3] and the 'reductionist' approach to problem solving that seeks to reduce what appears complex to something simpler that continues to exclude religion from having a real voice in the world arena. Political leaders and policy makers often pay lip service to the role of religion but in reality there is little evidence that religious concerns or insights are taken seriously. When the combined secularist-reductionist theory is used to analyse conflicts in particular, religion is measured to be nothing more than a surrogate for political power and ambition, an effective mobilising force that can help to gain the advantage over revivals in the competition for land or loot but not in itself a cause of conflict.

Whatever the psychological, social and political factors that trigger violence in fringe or mainstream religious bodies, the religious mindset is itself an important factor that needs to be acknowledged and understood if durable solutions are to be found for many current conflicts. Religion is more than just 'a tool for protest' or 'a useful marketing ploy' to mobilise recruits for a more worldly cause. In recent times we have witnessed that from Belfast to Belgrade, Jerusalem to Jakarta, Kashmir to Khartoum religion is an active and potent factor in conflicts that have cost thousands of lives. The battles over dogmas that marred relationships between states in Europe for the whole century prior to the seventeen-century Treaty of Westphalia have modern day resemblances. People still feel sufficiently passionate about their beliefs to die and to kill for them. Religion is rarely the sole cause but it is central to the meaning of too many conflicts to be ignored or to be regarded as irrelevant in the analysis and search for solutions.

Those who have grown to accept uncritically the 'secularisation thesis' that has dominated political thinking for the best part of the past century may find it extremely difficult to understand that theology and belief can, and indeed do, shape people's political judgements. Religion is not a passive agent waiting to be ignited into a political flame by some unscrupulous political or tribal chauvinist, as Peter Berger would have us believe when he writes, '..upsurges of religion in the modern era, are in most cases political movements that use religion as a convenient legitimation for political agendas based on non-religious interests, as opposed to movements genuinely inspired by religion'.[4]

Religious activists are also capable of being opportunist and of using the political ambitions of nationalist or tribal leaders to gain advantage and privilege for their particular beliefs and traditions.

Religion is more than just 'a tool for protest'

The simple message we need to get across today is that religion matters and needs to be recognised as a genuine factor in the equation if the analysis of any situation is to reflect reality. This can only be achieved if there is a major paradigm shift in the way in which the secular and religious worlds relate to one another. Religious leaders need to challenge the fears and prejudices that have driven relationships between the diverse traditions as well as the wider society, and to focus within their respective faith communities on those teachings within their own diverse traditions that at least implicitly acknowledge the right of others to believe and to act differently. To uphold and to defend the right of others to make truth claims, different from their own, and to act upon them, provided that these are not detrimental to the rights and well being of others, would be a significant step in addressing the risk of allowing the clash of civilisations theory becoming a reality through default.

The realisation that no single tradition is capable of comprehending the truth alone - in all its fullness - can be both painful to an adherent and threatening, especially if he or she has to communicate that awareness to others. And yet this is precisely the nature of the challenge that religion is facing today. The 'exclusivists' within each tradition who insist that 'there is only one way of under-

standing reality and interpreting the sacred' need to be enlightened, encouraged and supported along the path to becoming 'pluralists', those who are totally committed to their tradition but who recognise that 'a diversity of communities and traditions is not an obstacle to be overcome but an opportunity for energetic engagement and dialogue.'[5] Accusations of the relativism or indifferentism should not be allowed to deter religious leaders at whatever level they operate at within their traditions to respond to a crisis that could threaten the very survival of humanity.

Whether we regard ourselves as secular or religious, Muslim or Christian, we share a common responsibility for the security and well being of humanity.

Pluralism is a threat to those whose faith has never matured beyond the cultural or cultic levels. Cultural religion thrives behind high fences as it depends on the words of the creed, the actions of the cult, the letter of the code, and the sense of belonging to community to shape the identity of its adherents. None of these aspects of religion should be seen as an end in themselves. The prime purpose of religious dogmas, worship, laws and community is to enable people to discover the transcendent nearness – the divine presence – in the midst of the human experience. They are props, as it were, that are meant to point the way or sharpen our awareness of God's presence in our lives. Only when people reach the mystical level of belief are they able to deal with the plurality of life without feeling threatened.

In every age, and within each religious tradition, thankfully, there are outstanding examples of individual believers who have managed by thought and example to cross the cultural and religious boundaries, and by so doing have given witness to the essential transcendent nature of religion. To paraphrase the words of a nineteenth-century Russian Orthodox hierarch, the differences between faiths do not reach up to heaven. The example of the thirteenth-century Sultan of Egypt, al-Kamil, is a good illustration. His reputation as 'a just, civilised, man of peace' was confirmed clearly when he chose to enter into a dialogue on faith matters with Francis of Assisi at a time when crusading Christians were besieging his territories. The Sultan's religious advisors saw Francis as a threat to their beliefs that should be eliminated, al-Kamil recognised in the humble unpretentious man who stood in front of him an essential goodness that should be engaged and protected. Neither man succeeded in converting the other through their dialogue but they did develop a profound lifelong respect for each other and their respective beliefs. Francis was allowed to travel freely in the Muslim world. Such examples should provide the challenge and inspiration for believers today.

The political decision makers also need to reassess the marginalised role relegated to religion in the past. There is a real and urgent need to pay genuine attention to the religious values and concerns that shape people's political thinking and actions. A Secular society has a right to expect adherents of the diverse religious traditions to uphold it norms and laws as well as to contribute to the overall common good of that society. Secular society provides the best protection for the rights of religious believers whatever their faith tradition in the sense that each faith group should enjoy equal rights before the law. That said, it is equally important that the political decision makers respect the boundaries between secular and religious life. No government should presume the right to interfere in matters of belief or to promote one theological interpretation to the detriment of others. These are internal matters of faith and should be respected as such. In Britain recently we have witnessed a deeply worrying trend with government ministers openly promoting what they judge to be a 'moderate', and therefore presumably a more politically acceptable, brand of Islam. It is almost as if we are slipping back into a Westphalia mode of thinking that gives the ruler that right to determine the faith and practices of his subjects. This lack of understanding and respect

for the need for boundaries on both sides can only cause greater suspicion and tension within a society. There is a clear need to promote at every level of political decision making a dialogue aimed at promoting awareness and understanding that can help to reshape the secular mindset that tends to dismiss religion as a backward and repressive phenomenon.

Whether we regard ourselves as secular or religious, Muslim or Christian, we share a common responsibility for the security and well being of humanity. None of us can afford to ignore the challenge of allowing events on the ground to create the level of polarisation that could so easily allow the flawed theory of a clash of civilisations becoming a reality. At the global and national level we need to create space for a real and genuine dialogue. The West in particular needs to learn to listen again to the Muslim world.

A few months after ' nine eleven' I was invited to a meeting in New York aimed at promoting greater dialogue and understanding between the Muslim and non-Muslim worlds.

The first session was supposed to allow the Muslim scholars and activists to share their insights to what was happening within their own faith community. It was not long however before the Western participants began to intervene and so I soon found myself listening to Western interpretations of what was happening in the Muslim world. It struck me at the time that what was happening within that conference room was a symptom of what was happening at the national and global level. The Western tendency to interpret rather than to hear what Muslims have to say still prevails. There may be many reasons for this but I suspect it is partly driven by an unconscious prejudice that Islam has little or nothing to offer the West.

We seem to have forgotten how much Islam has contributed over the centuries to the development of Western thought and culture.

I began this article by describing the lack of nuance understanding of Islam that I discovered among a group of senior American military. Let me conclude with a story that exposes my own ignorance with regard to a fellow Christian group. Recently I took part in a meeting in Lisbon that brought together under the umbrella of the Alliance of Civilisations a group of Muslim activists, European secularists and American southern Evangelicals. The aim was to share one another' s different perspectives and to examine ways in which we could work together to make the world a safer place for people of all beliefs and none. In the course of the discussion I soon began to realise my own blindness to nuance with regard to American evangelicals. Hitherto I had tended to group them all together as zealous proselytisers who had a very limited world view. I was challenged as I listened to a prominent Texan pastor explain how he guides his followers to understand why they are building hospitals and schools in some of the poorest parts of the world. Their aim he said is not to evangelise or proselytise but to practice the compassion the Gospel teaches. I was moved even further when I heard how his own entrenched attitudes towards Muslims had changed as he moved through the simple process of getting involved with them on the practical level, coming to know them as individuals and lastly coming to understand their beliefs. It struck me that his from hand, to heart to mind formula, as he described it, is an excellent model for addressing and overcoming divides that can threaten our human security at any level.

ENDNOTES

1. The Clash of Civilizations and the Remaking of World Order, Samuel P.Huntington, Simon & Schuster Touchtone 1997 edition Page 254

2. Cf. Page 211

3. Alan Aldridge, Religion in the Contemporary World, A Sociological Introduction, Polity Press, Cambridge, 2000, pages 89-122.

4. Peter L. Berger, Secularism in Retreat, National Interest, Winter 1996-7 pages 3-12.

5. Diana Eck, Encountering God: A Spiritual Journey from Bozeman to Banaras, Boston, Beacon Press 1993, page 13.

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Equality before the Law

Lecture by **Lord Phillips, Lord Chief Justice of England and Wales**

In 1903 two young immigrants arrived in England. They were Sephardic Jews and had eloped to this country from Alexandria because they understood that England was a country in which they would enjoy freedom. Not merely freedom from their families, who did not approve of their marriage, but freedom under the law from all forms of discrimination. They believed that England was a country where all were treated equally, regardless of their colour, race, religion or gender. They were my maternal grandparents, and to a large extent they were correct. England was a country that prided itself on the freedom accorded to those who lived here.

But, as we shall see, this very freedom permitted some who lived here to discriminate in the way that they treated others. It is only in my own lifetime that the law has moved to outlaw almost every form of discrimination, so that those who live in this country really are entitled to be treated as equals.

I propose to explain to you the ways in which the law has changed, with the result that Muslim men and Muslim women are entitled to be treated in exactly the same way as all other men and women in this country. And there is, of course, another side to this coin. Rights carry with them obligations, and those who come to live in this country and to benefit from the rights enjoyed by all who live here, also necessarily come under the same obligations that the law imposes on all who live here. The title of my talk is ' equality before the law' , and it may be helpful to consider at the outset what ' the law' is. The law that I am to talk about is the set of rules that govern how we live in society. They are rules made by those with authority to make them and rules that are enforced by those with authority to enforce them.

In some countries those who make the law are the same as those who enforce it. In this country that is not the case. We have what is known as the separation of powers. Parliament makes our laws. The government administers the country in accordance with those laws and, if anyone alleges that an individual or a government authority has broken the law, it is the judges who have to determine whether the law has been broken or not and, if it has, to rule on what sanction or remedy is to be imposed.

The judges of this country are independently appointed. We are fiercely proud of our independence. When we are appointed we take an oath or affirmation that we will administer justice ' to do right to all manner of people after the laws and usages of this realm' . We act in accordance with that oath. We treat equally all who come before us, regardless of whether they are men or women, regardless of their race or religion and whether they are rich or poor.

We are not influenced by the wishes of the government, and no Government Minister would dare to attempt to influence a judge to decide a case in a particular way. Each individual judge is independent, which means that I as Lord Chief Justice would not think of directing another judge how to decide a case. So I can give you this assurance. Any man or woman who appears before a judge in this country will receive equal treatment in the administration of the law. The judge will treat each litigant in the same way. But the judge' s duty is to apply the law, whether he agrees with the law or not. So the important question is not ' does the judge treat everyone equally?' but ' does the law treat everyone equally?' In any society the answer to that question depends upon the motives, the beliefs, the attitudes, the prejudices or lack of prejudices of those who make the law.

At this point, you will forgive me I hope, as I must say a little about history, for our law today is, to some extent, a product of this country' s history. Before this country became a democracy, those responsible for the laws were not very enthusiastic about equality. There is a popular perception that the freedoms that we all enjoy had their root in the Magna Carta. That is a misconception. Before the Magna Carta England had a feudal system, in which the King was supreme. Below the King came the noblemen and below the noblemen the serfs. The law imposed by the King was imposed for his own benefit and made very substantial demands on his noblemen, who themselves made exacting demands on their serfs. The King' s rights included, by way of example, the right to dictate to whom the widow of a nobleman should be re-married. Ultimately the nobles revolted against the demands made on them and the Magna Carta set out an agreement made by King John in 1215 that he would moderate those demands. Thus Chapter 8 of the Charter provided ' no widow shall be forced to marry so long as she wishes to live without a husband' . It is not for provisions such as these that the Magna Carta is remembered, but for the following pledges:

"No freeman shall be arrested or imprisoned or disseised or outlawed or exiled or in any way victimised, neither will we attack him or send anyone to attack him, except by the lawful judgment of his peers or by the law of the land. To no-one will we refuse or delay right or justice".

This came to be regarded as setting out the fundamental rights of British citizens. King John subsequently renounced the agreement that he had made in Magna Carta, but later Kings agreed to abide by an amended version and so this became an important part of the law. Magna Carta dealt with relations between the subject and the State, in the form of the monarch. Other laws dealt with disputes between the King' s subjects. How were these laws created? Initially they were created by judges, appointed by the King to act on his behalf in resolving those disputes. The law created by the judges came to be called the ' common law' . The common law covered aspects of life common to most societies – the right to own property, rules in relation to inheritance, the right to compensation if one person injured another and so on. These are aspects of what we call civil law; the law governing the reciprocal rights and duties of citizens towards each other. But the judges created another kind of common law – the law that we call criminal law. This law exists not for the benefit of the individual citizen, but for the benefit of society as a whole, and it lays down acts that are prohibited because they are antisocial.

Those who break those laws commit crimes against the state and are liable to be punished by the state. In the old days we used to talk about crimes as being a ' breach of the king' s peace' . Examples of acts that have always been recognised as crimes are murder, rape, assault and theft.

The common law still exists and, indeed, it is the foundation of the law that is applied today. But it has been largely replaced by statute law, that is law enacted by Parliament, and that is the usual way that laws are made in a democracy. The supremacy of Parliament dates back to 1689 when King William III signed the Bill of Rights this provided for free elections and freedom of speech in Parliament and removed the power of the King to suspend the laws which Parliament had passed. Under the parliamentary system the people elect representatives who then make the laws that govern the people.

I said earlier that laws tend to reflect the motives, beliefs, attitudes and prejudices of those who make the law. Parliament tends to enact legislation that reflects the attitudes and wishes of the majority of the electorate. If everyone has the right to vote that is a fact that tends towards laws which apply equally to everyone. But for a very long time not every citizen of this country had the right to vote. Men tended to dominate society and to consider that they were more important and superior to women. When parliamentary democracy was introduced to this country, it was a very biased democracy, because only men were allowed to vote and only men were allowed to become members of Parliament. So it is perhaps not surprising that the laws passed by Parliament tended

to discriminate in favour of men.

Slowly there was a change in attitude, a change that was partly brought about by protests of the women themselves. In 1918 Parliament voted for a limited right to vote for women and permitted those eligible to vote to become Members of Parliament. In 1928 women gained the right to vote to the same extent as men. Thereafter, so far as relations between the citizen and the State were concerned, women came to be treated equally with men.

There were other respects in which prejudices on the part of those who made the laws resulted in inequality of treatment of citizens of this country. This was certainly true of religion. Historically Christianity has been the religion of the majority of the British people, but the United Kingdom has a long tradition of accommodating other religions. This has not always been the case however. Jews came to this country with William the Conqueror in 1066. But in 1290 all Jews were expelled from Britain by the Edict of Expulsion proclaimed by King Edward I. They were allowed back in 1656 by Oliver Cromwell and have since then been a valued element of our society. Paradoxically at that time we had a much less charitable attitude to some members of the Christian faith. The history of the Christian religion has been marred by schism and, in particular by strife between the Protestant and the Roman Catholic branches of the faith.

King Henry VIII broke with the Catholic Church in 1534 and after that, with one or two very short exceptions, Protestant Christianity has been the official religion of this country. In 1700 an Act of Parliament provided that the sovereign had to be a member of the Church of England and that remains the position to this day.

Laws were passed that discriminated severely against Catholics, so that they were prevented from owning property, inheriting land, joining the army, holding public office or voting. It was only at the end of the 18th Century and the beginning of the 19th Century that a series of Acts of Parliament ere passed removing all these disqualifications.

I have so far been concentrating on the negative side of our history; areas where our laws have positively discriminated on grounds of race, religion or gender. In general, however, the approach of our law has been that of liberty. As Sir John Donaldson, one of my distinguished judicial predecessors, put it in this way:

"The starting point of our domestic law is that every citizen has a right to do what he/she likes, unless restrained by the common law or by statute".[1]

That statement today is true not merely of British citizens but of anyone who is lawfully within this country. Personal liberty is a right to which the courts of this country have long attached the highest importance. Anyone who is deprived of his liberty, whether by the state or by anybody else, can bring proceedings in the courts to challenge the legality of his detention. One way that he can do so is by the writ of habeas corpus, a remedy that has existed since the 17th Century. A famous example of this remedy was Somerset' s Case in 1772. A Mr Stewart had purchased an African slave called Somerset in Jamaica and had brought him on a visit to England, not bringing him ashore but keeping him detained in the ship which was to take them both back to Jamaica. A gentleman called Granville Sharpe, who was vehemently opposed to slavery brought habeas corpus proceedings before the English court claiming that Somerset was being unlawfully detained. His claim succeeded and Lord Mansfield ordered that Somerset should be released. This set a precedent and led the Lord Chancellor to say in a subsequent similar case "As soon as a man sets foot on English ground he is free".[2]

But freedom of individuals from State interference can itself lead to unequal treatment in the way that those individuals behave towards each other. Life in a modern society involves the interdependence of those who live and work together. There is scope for discrimination in many areas if the law does not place restraints on the way people may behave. I have already described how women were not given the vote until 1918. But this was not the only way that a male dominated society tended to discriminate against them. The first university col-

lege for women was not opened until 1869. By 1910 there were over a thousand women students at Oxford and Cambridge, but they still had to obtain permission to attend lectures and were not allowed to take a degree. It was not until 1918 that the first woman became entitled to qualify as a barrister, and the first woman solicitor was not admitted until 1922. Until more recently employers were permitted to refuse to employ women, or to offer women employment on less generous terms than male employees.

It is only in my lifetime that Parliament has legislated to stamp out discrimination in all areas and aspects of society. The catalyst for change was perhaps the horrifying racism of the Nazi regime in Germany before and during the Second World War. This led in 1948 to the Universal Declaration of Human Rights, which included the following statement:

"recognition of the inherent dignity and the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world".

More significantly, the United Kingdom helped to draft and, in 1951, signed the European Convention on Human Rights. This required all the signatories to ensure that there was no unlawful interference with the fundamental human rights set out in the treaty. Furthermore Article 14 of the Convention provided:

"The enjoyment of the rights and freedoms set forth in the Convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status".

The requirement to ensure equal treatment applies in respect of the fundamental human rights protected by the Convention. In 1998 the Human Rights Act was passed which requires all public authorities to comply with the Convention, so that individuals now have a legal right to compensation if they are subject to discrimination by agents of the government in relation to their fundamental human rights.

In 1976 the United Kingdom ratified a Convention that imposes a general obligation to prohibit civil and political discrimination. Article 26 of the International Covenant Rights provides:

"All persons are equal before the law and are entitled without any discrimination to the equal protection of the law. In this respect, the law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status".

I propose to outline some of the laws that Parliament has passed to ensure that people in this country receive equality of treatment. I say some of them, because in 2000 it was calculated that there were no less than 30 Acts of Parliament, not to mention statutory Regulations and Codes of Practice, dealing with discrimination.

The prohibition against racial discrimination is a good place to start. There has been legislation prohibiting discrimination on the grounds of race for over 40 years, but the most important statute is the Race Relations Act 1976. This prohibits anyone from treating a person less favourably on the grounds of race; that means on the grounds of ' colour, race, nationality or ethnic or national origins' . No longer could a landlady hang a sign in her window saying ' Bed and Breakfast. No blacks or Irish' .

Perhaps the most significant area where the prohibition against discrimination matters is in relation to employment. People cannot be refused employment on the ground of their race. There has been quite a lot of litigation, however, as to what constitutes a racial group for the purposes of the Act. Jews, Sikhs and gipsies have all been held to be protected by the legislation. In 1976 the House of Lords ruled that it had been unlawful for a school to exclude a Sikh boy on the ground that he refused to cut his hair.[] The House of Lords held that Sikhs were historically descended from a recognised group and thus qualified as a racial group.

That case can be contrasted with a decision of the Court of Appeal ten years later. A Rastafarian had been refused a job as a van driver because he refused to cut his hair.[3] The court held that Rastafarians did

not constitute a racial group.[4] Muslims have been held not to fall within the definition of a racial group. In a decision in 1998 The Employment Appeal Tribunal observed that "Muslims include people of many nations and colours who speak many languages and whose common denominator is religion and religious culture".[5] Thus they form a group defined by religion rather than race. I shall refer to legislation that prohibits discrimination on the ground of religion in a moment. First, however, I would like to deal with discrimination on the ground of gender.

The Sex Discrimination Act 1975 forbids discrimination against women and provides that a person discriminates against a woman if he treats her less favourably than he treats or would treat a man. Once again the most important area where this applies is probably the field of employment, but the prohibition is of general application. I remember a famous case when I was practising at the Bar where a woman brought proceedings against a well known wine bar frequented by barristers and journalists in Fleet Street called El Vino. They had a strict rule that only men were allowed to drink standing at the bar – women would only be served if they were sitting at a table. This rule was supposed to be out of consideration for women, but the court held that it constituted wrongful discrimination. This may not seem to be a case where the right involved was of great importance, and it is a fact that many of the cases brought to court have not involved the most serious forms of discrimination, being concerned with dress, or length of hair. I now want to consider the protection that the law provides against discrimination that can be of great significance; discrimination on the ground of a person' s religion.

ARTICLE 9 OF THE HUMAN RIGHTS CONVENTION PROVIDES:

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

This human right is one that, as I have already said, this country has long recognised. In this country everyone is free to follow their own religion. The different Christian denominations can build their own churches, Jews can build synagogues, Hindus can build temples and Muslims can build mosques, of which the mosque here is a magnificent example, and each of these is free to practise his own faith in his own way.

There is another fundamental human right that is relevant in this context, and that is freedom of speech. Article 10 of the Human Rights Convention provides:

' Everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference.

Freedom of speech has long been prized and protected in this country. Any person is free to preach the merits of his own religion, and freedom of religion includes the right to change one' s faith, or apostasy.

These religious freedoms of which I have been speaking relate to the relations between those practising a religion and the State. Many States are less ready than the United Kingdom to permit the practice and preaching of religions other than that officially recognised by the State. But, just as in other fields, it is possible for one citizen to discriminate against another on the grounds of a person' s religion or belief. Until recently there was no law in this country that prohibited such discrimination. European Law was ahead of English law, and it was in order to give effect to a European Directive that, in 2003, Regulations were introduced that prohibited discrimination in the field of employment on the ground of a person' s religion or belief.[6] In 2006 the Equality Act extended the prohibition against discrimination on the ground of religion or belief to cover other areas such as the provision of goods, facilities and services, the letting of premises and the provision of education.

Let me try to summarise the position. British law has, comparatively recently, reached a stage of development in which a high premium is placed not merely on liberty, but on equality of all who live in this country. That law is secular. It does not

attempt to enforce the standards of behaviour that the Christian religion or any other religion expects. It is perhaps founded on one ethical principle that the Christian religion shares with most, if not all, other religions and that is that one should love one' s neighbour. And so the law sets out to prevent behaviour that harms others. Behaviour that is contrary to religious principles, but which is detrimental only to those who commit it, is not, in general, contrary to our law. A sin is not necessarily a crime.

Those who come to live in this country must take its laws as they find them. British diversity is valued and the principles of freedom and equality that the law protects should be welcomed by all. Laws in this country are based on the common values of tolerance, openness, equality and respect for the rule of law. Whilst breaches of the requirements of any religion in the U.K. may not be punished by the law, people are free to practise their religion. That is something to be valued.

I said that the law sets out to prevent behaviour that harms others. In a modern society there are many ways in which the behaviour of some can harm others, and there have been passed thousands of laws and regulations that are designed to try to prevent such behaviour. These laws and regulations can run into conflict with the freedoms that I have been discussing. The law can sometimes, quite unintentionally, have an adverse impact on a particular minority. Where this happens we will sometimes be able to make exceptions in order to prevent this. Let me give you two examples. Regulations require special headgear to be worn in a number of different situations. Advocates are expected to wear wigs, policemen to wear helmets, servicemen to wear caps, construction workers to wear safety helmets. These regulations would have a discriminatory effect on Sikhs, who could not comply with them because they do not cut their hair but encase it in the turban, and so Sikhs have been given an exemption from complying with these requirements.

Principles of Shari' a prohibit the earning or paying of interest. This means that a conventional mortgage offends the principles of Islam. The banks managed to devise an alternative system of financing house purchases that did not offend Shari' a principles. This involved the bank itself buying the house and then reselling it to the Muslim purchaser. There was one problem with this. English taxation law charges stamp duty on a house purchase and under this system of mortgage stamp duty had to be paid twice, once on the sale to the bank and again on the resale to the purchaser. This was not fair and so the law was changed in April 2003 so that stamp duty only had to be paid once on an Islamic mortgage. This example brings me onto the topic of Shari' a law. It is not a topic on which I can claim any special expertise, but I have been reading quite a lot about it in preparation for this talk. I have also recently been on a visit to Oman and discussed with lawyers there the manner of the application of Shari' a law in that country.

It has become clear to me that there is widespread misunderstanding in this country as to the nature of Shari' a law. Shari' a consists of a set of principles governing the way that one should live one' s life in accordance with the will of God. These principles are based on the Qu' ran, as revealed to the Prophet Muhammad and interpreted by Islamic scholars. The principles have much in common with those of other religions. They do not include forced marriage or the repression of women. Compliance with them requires a high level of personal conduct, including abstinence from alcohol. I understand that it is not the case that for a Muslim to lead his or her life in accordance with these principles will be in conflict with the requirements of the law in this country.

What would be in conflict with the law would be to impose certain sanctions for failure to comply with Shari' a principles. Part of the misconception about Shari' a law is the belief that Shari' a is only about mandating sanctions such as flogging, stoning, the cutting off of hands, or death for those who fail to comply with the law. And the view of many of Shari' a law is coloured by violent extremists who invoke it, perversely, to justify terrorist atrocities such as suicide bombing, which I understand to be in conflict with Islamic principles. There can be no question of such sanctions being applied to or by any Muslim who lives within this juris-

diction. Nor, when I was in Oman, did I find that such penalties formed any part of the law applied there. It is true that they have the death penalty for that intentional murder, but they do not apply any of the other forms of corporal punishment I have just listed.

It was not very radical to advocate embracing Shari'a Law...

It remains the fact that in Muslim countries where the law is founded on Shari' a principles, the law includes sanctions for failure to observe those principles and there are courts to try those who are alleged to have breached those laws. The definition of the law and the sanctions to be applied for breach of it differ from one Muslim country to another. In some countries the courts interpret Shari' a Law as calling for severe physical punishment. There can be no question of such courts sitting in this country, or such sanctions being applied here. So far as the law is concerned, those who live in this country are governed by English law and subject to the jurisdiction of the English courts.

In February this year I chaired a lecture given by the Archbishop of Canterbury in the Royal Courts of Justice on the topic of Civil and Religious Law in England. It was a profound lecture and one not readily understood on a single listening. It was, I believe, not clearly understood by all, and certainly not by sections of the media which represented the Archbishop as suggesting the possibility that Muslims in this country might be governed by their own system of Shari' a law. That is certainly not what he was suggesting. On the contrary he made it plain that there could not be some subsidiary Shari' a jurisdiction which, I quote, "could have the power to deny access to rights granted to other citizens or to punish its members for claiming those rights". Speaking more specifically of apostasy he said "In a society where freedom of religion is secured by law, it is obviously impossible for any group to claim that conversion to another faith is simply disallowed or to claim the right to inflict punishment on a convert".

A point that the Archbishop was making was that it was possible for individuals voluntarily to conduct their lives in accordance with Shari' a principles without this being in conflict with the rights guaranteed by our law. To quote him again "the refusal of a religious believer to act upon the legal recognition of a right is not, given the plural character of society, a denial to anyone inside or outside the community of access to that right".

The Archbishop went on to suggest that it might be possible to contemplate, and again I quote, "a scheme in which individuals retain the liberty to choose the jurisdiction under which they will seek to resolve certain carefully specified matters". He suggested by way of example "aspects of marital law, the regulation of financial transactions and authorised structures of mediation and conflict resolution".

It was not very radical to advocate embracing Shari' a Law in the context of family disputes, for example, and our system already goes a long way towards accommodating the Archbishop' s suggestion. It is possible in this country for those who are entering into a contractual agreement to agree that the agreement shall be governed by a law other than English law. Those who, in this country, are in dispute as to their respective rights are free to subject that dispute to the mediation of a chosen person, or to agree that the dispute shall be resolved by a chosen arbitrator or arbitrators. There is no reason why principles of Shari' a Law, or any other religious code should not be the basis for mediation or other forms of alternative dispute resolution. It must be recognised, however, that any sanctions for a failure to comply with the agreed terms of the mediation would be drawn from the laws of England and Wales. So far as aspects of matrimonial law are concerned, there is a limited precedent for English law to recognise aspects of religious laws, although when it comes to divorce this can only be effected in accordance with the civil law of this country.

Those who provide financial services in this country are subject to regulation in order to protect their customers and that regulation accommodates financial institutions or products that comply with Shari' a principles. There are three Islamic banks authorised by the Financial Services

Authority to carry on business in the United Kingdom. A number of Sukuk issues have been listed on the London Stock Exchange. In May this year Europe's first Islamic insurance company or "takaful" provider was authorised by the Financial Services Authority. Speaking earlier this year, Kitty Ussher, the Economics Secretary said

"We want to make sure that no-one has their choice of financial services limited by their religion, and to help ensure that Muslims have the same access to financial services as anyone else in Britain."

Having heard what I have had to say this evening, some of you may be thinking ' this equality in law is all very well, but some of those in authority with whom we come into contact do not treat us as equals and, anyway, how can we be expected to know our legal rights when we are not lawyers?' As to the first point I am well aware that Muslims sometimes feel that they are being unfairly singled out simply because a small minority, who purport to share their religion, have ignored its teachings by turning to a violent extremism that is a threat to society. There are I know here this evening some whose job it is to enforce the law and to them I would say this. It is not enough that all in this country are entitled by law to equal treatment. It is up to you to make sure that you, and those for whom you are responsible, treat every man and woman on equal footing, entitled to the same personal dignity and respect.

As to the problem of knowing what your rights are, that is a problem shared by most citizens who are not in a position to pay for legal advice. Happily here the London Muslim Centre has supported the provision of a ' pro bono' legal advice service, that is, the provision without charge by volunteers of legal advice and representation to Muslim and non-Muslim alike. I strongly commend that service and those who generously provide it. There are now about 1.6 million Muslims living in this country. They form a vital and valued element of British Society. They are well represented by a variety of groups and individuals, including the Muslim Council of Britain, whose aims include the fostering of better community relations and working for the good of society as a whole. That aim is undoubtedly promoted by this impressive Centre, whose buildings appropriately embrace one of the East End's oldest synagogues, fostering Jewish-Muslim relations which have been described as the best in the country. I know that this centre does much to encourage inter-faith relations and community cohesion – one of its stated aims. It has – as I said at the beginning - been a privilege to have been invited to talk to you here today.

If I may summarise the message that I have sought to give, the courts of this country offer the same justice to all who come before them, regardless of gender, race or creed. The point is sometimes made that this is not easy to accept when the judiciary is not representative of those whom they are judging. Judges are now appointed by an independent appointment Commission and they are appointed on merit. The Equal Treatment Advisory Committee, whose members represent all parts of the legal profession, is working hard to assist judges in recognising the role of social and cultural differences in the determination of cases before them. There has, however, been a dearth of applicants from the ethnic minorities for appointment to the bench. Both the Appointments Commission and the judiciary are concerned about this. I have no doubt that there are, in the Muslim community, many men and women alike who would make outstanding lawyers and outstanding judges. It is important that they should recognise that they have a valuable potential role to play as judges, administering the law of this country to all who come before them, without fear or favour affection or ill-will.

Keynote speech by Lord Phillips of Worth Matravers as Lord Chief Justice of England and Wales, delivered at the London Muslim Centre – 3 July 2008.

ENDNOTES

1. A-G v Observer td [1960] 1 AC 109.
2. Shanley v Harvey 2 Eden 126 (1762)
3. Mandla v Dowell [1983] AC 548
4. Crown Suppliers v Dawkins [1993] ICR 517
5. Nyazi v Rymans (10 May 1998 – unreported)
6. The Employment and Equality (Religion or Belief) Regulations 2003



Commentary on Lord Chief Justice's Lecture on Equality Before the Law

Robin Knowles CBE, QC

If ever there was an important speech, it was the one delivered by Lord Phillips of Worth Matravers as Lord Chief Justice of England & Wales at the London Muslim Centre, on 3 July 2008. As Head of the Judiciary across England and Wales, Lord Phillips' visit could not have been more welcome, timely or important. This was an evening and a speech that, I hope, will have a positive legacy.

There are five points of significance about the speech and the evening as a whole.

First, the venue. In the heart of the large Muslim population in the East End of London, it is estimated that over 10,000 people visit the London Muslim Centre (and the Mosque within) each week. A number of the leading, well respected, Muslim organisations have links or a presence at the Centre, including the Muslim Council of Britain, the Muslim Safety Forum and Islamic Forum of Europe.

The *second* point of significance was the audience. The London Muslim Centre welcomed an immediate audience comprising Muslims and non-Muslims; members of the general public; leaders from politics, education, religion and journalism; judges, lawyers and students; ambassadors, doctors, academics, police officers and charity workers.

The wider audience was equally diverse, with coverage through the BBC, Sky, and a number of other television channels, as well as through the national, regional and local press.

The identity of the speaker was the *third* point of significance, and obviously so. The message given by the fact that the Lecture was being delivered by the Lord Chief Justice of England & Wales was in some ways just as important as the content. The fact of the Lecture was, rightly, regarded as of national significance. Never before had a Lord Chief Justice of England & Wales visited the London Muslim Centre, home to so many of the Muslim faith.

The *fourth* point of significance was the theme addressed by Lord Phillips. Lord Phillips' message of "Equality before the Law" was one with resonance and currency for Muslim and non-Muslim alike. It was divided into two key components: equality and understanding. The theme was supported by the valuable opening remarks made by Dr Muhammad Abdul Bari, General Secretary of the Muslim Council of Britain.

As to equality, across the country, at this particular time, one of the key issues for ordinary members of the Muslim community, and of the wider community as a whole, is to know that the law is there for them as equally as it is for everyone else. The Lecture was arranged in order to take the opportunity to deal publicly with that issue. Lord Phillips drew on many resources to show that the law is indeed there for everyone, equally, and that the judiciary, with the strength derived from its independence, is determined to uphold that law.

Lord Phillips was categorical about the approach of the judiciary in administering the law:

"...Muslim men and Muslim women are entitled to be treated in exactly the same way as all other men and women in this country. And there is, of course, another side to this coin. Rights carry with them obligations, and those who ... benefit from the rights enjoyed by all who live here, also necessarily come under the same obligations that the law imposes on all who live here.

The judges of this country are independently appointed. We are fiercely proud of our independence. We treat equally all who come before us, regardless of whether they are men or women, regardless of their race

or religion and whether they are rich or poor.

Turning to the law itself, Lord Phillips pointed out that "... the judge' s duty is to apply the law, whether he agrees with the law or not." So the important question is not ' does the judge treat everyone equally?' but ' does the law treat everyone equally?' As to this, after a historical review, he summarised the position in these terms:

"British law has, comparatively recently, reached a stage of development in which a high premium is placed not merely on liberty, but on equality of all who live in this country. That law is secular. It does not attempt to enforce the standards of behaviour that the Christian religion or any other religion expects.

Finally, dealing with those whose task it is to enforce the law, Lord Phillips said:

"Having heard what I have had to say this evening, some of you may be thinking ' this equality in law is all very well, but some of those in authority with whom we come into contact do not treat us as equals and, anyway, how can we be expected to know our legal rights when we are not lawyers?' As to the first point I am well aware that Muslims sometimes feel that they are being unfairly singled out simply because a small minority, who purport to share their religion, have ignored its teachings by turning to a violent extremism that is a threat to society. There are I know here this evening some whose job it is to enforce the law and to them I would say this. It is not enough that all in this country are entitled by law to equal treatment. It is up to you to make sure that you, and those for whom you are responsible, treat every man and woman on equal footing, entitled to the same personal dignity and respect."

As to understanding, the importance of understanding – of Muslim culture, heritage and faith by non-Muslims, and of non-Muslim culture, heritage and faith by Muslims – was brought out clearly by the Lord Chief Justice. He made it clear that understanding is one of the keys to equality.

Lord Phillips emphasised the important role played by the Muslim Council of Britain and the London Muslim Centre in this regard.

Among the areas where understanding is important is that of understanding what the law is in England and Wales and what it is not. Similarly with Shari' a Law, the Lord Chief Justice also took care in the course of his speech to bring out what the Archbishop of Canterbury had recently said about this and what he had not said. The combined contribution of their speeches in this respect is considerable.

Of course the extensive national press and television that followed focussed on what was said (or not said) by the Lord Chief Justice about Shari' a Law. That part of Lord Phillips' speech was obviously important but those who were there, or who can take the time to read this copy of the speech, will see that it was also about much, much more.

The *fifth* and final point of significance about the evening was its organisation. With the support of the London Muslim Centre, the Lecture was arranged by "Pro Bono in the LMC", a pro bono project that, in a small but tangible way, has already helped bring Muslim and non-Muslim members of the community into more frequent contact.

As the Lord Chief Justice said:

"As to the problem of knowing what your rights are, that is a problem shared by most citizens who are not in a position to pay for legal advice. Happily here the London Muslim Centre has supported the provision of a ' pro bono' legal advice service, that is, the provision without charge by volunteers of legal advice and representation to Muslim and non-Muslim alike. I strongly commend that service and those who generously provide it. *(See pictures overleaf)*

Robin Knowles CBE, QC practises at the Commercial Bar as well as appearing in the Commercial Court, the Chancery Division and the appellate courts. From 2005 to 2007 Robin was Chairman of the Commercial Bar Association (COMBAR), the professional association of the Commercial Bar of England & Wales. He sits part-time as a Deputy High Court Judge, and as a Recorder in the Crown Court.

Robin has a long-standing commitment to legal pro bono work. He is the Chairman of the Bar Pro Bono Unit, Chairman of Pro Bono in the LMC, a trustee of LawWorks (the Solicitors Pro Bono Group), a trustee of the Royal Courts of Justice Advice Bureau and a member of the Attorney General's National Pro Bono Coordinating Committee (and of its International Committee). He is involved in a wide range of initiatives, aimed at the encouragement and coordination of pro bono work across the legal profession, improving access to that work, and building relationships between the legal profession and other sectors including the voluntary sector. He was awarded the CBE for services to pro bono legal services in the 2006 New Years Honours List. Knowles is a member of the Bar Council's General Management Committee. He is a Bencher of Middle Temple, and also a member of Gray's Inn.









Initiated by Mizan Hussain and supported by Khadija Ali, the Pro Bono in the LMC (London Muslim Centre), started in 2007. It provides a trusted "signposting" service to those felt inhibited, for cultural or other reasons, in approaching a law firm or advice agency directly for legal help.



Thank God for Justice: Renewing the Spirit in Uncertain Times

Professor Robert Dickson Crane

In the name of God, who is both the essence of mercy and the most Merciful

Every Muslim, at the beginning of whatever one does or intends to do, asks for the blessing of God by invoking His name in this way.

One might call this the Islamic invocation of the trinity. God, the Father is the essence of power, God the Son is the essence of mercy, and God the Holy Spirit is the essence of wisdom. Like Meister Eckhart, who succeeded St. Thomas Aquinas in the chair of theology at the University of Paris, we understand this as honouring the attributes of God Who is beyond number, beyond existence, and even Beyond Being.

My Thanksgiving Day talk today is entitled "Thank God for Justice" because justice is the combination of power, compassion, and wisdom, the Abrahamic trinity.

On the back of my card for the Abraham Federation are three quotes. The first is from Deuteronomy 16:20, "Justice, Justice, Thou Shalt Pursue." The second is from Pope Paul VI, Si vic pacem, laborate justitiam, "If you want peace, work for justice." And the third is from the Qur'an, Surah al An'am 6:115, Wa tama'at kalimatu Rabika sidqan wa 'adlan, "And the Word of your Lord is fulfilled and perfected in truth and in justice."

The central task of the great scholars in all three of the Abraham religions has been to develop holistic methodologies to explore what transcendent justice may mean in the design of God for the universe and how we creatures may best pursue it.

Justice may be defined as right order in a coherent universe. Transcendent justice assumes that the universe has purpose beyond its mere existence. Justice assumes that sentient human beings are part of this order and therefore that every human being by nature seeks justice as a higher purpose than mere life and liberty, because life and liberty are primarily products of justice. We should be thankful that we as sentient beings have both the capacity and the instinctual inclination to understand the concept of justice and that we have our life and the freedom to pursue it.

Now down to the practice of justice and then we will go back again to the theory. I almost always avoid discussion of justice in the Holy Land, because emotions can distract from a higher understanding that we must shift from policies of power to a new paradigm of justice in all domestic and foreign policies. On the other hand, the Holy Land is a good case study, because the dilemmas in the Holy Land today are a microcosm of the world. If the Jews are not free to fulfil their divine destiny there, as the twentieth century's greatest spiritual leader, Rebbe* Abraham Izaac Kook, prophetically said that they can, must, and will do, then there is no future for human civilisation.

Almost twenty-five years ago, a close colleague of mine in congressional lobbying, Rabbi Herzl Kranz, discussed his concern for the security of Jews in Israel. I said, "What we need is justice!" His eyes lit up and he exclaimed, "Yes, justice! The Arabs must go!" And then he gave me Rabbi Meir Kahane's book, They Must Go: How Long Can Israel Survive its Malignant and Growing Arab Population? (1981)

Here we get to the issue of premises. As the philosopher Cicero said two thousand years ago, "Before you discuss anything whatsoever you should first agree on premises and terminology." Rabbi Kahane's basic premise was his goal of an exclusivist religious state, at least for Jews, though I doubt that he would have recognised the justice of a Christian state and certainly not a so-called Islamic one.

In fact, we are dealing here with a paradigm that comprises a spectrum of three premises. In his recent book, Religious Pluralism in America: The Contentious History of a Founding Ideal, the dean of historians of religion in America, William R. Hutchison, propos-

es a framework of three premises for interfaith relations. The first one is "tolerance." This means, quite simply, "I won't kill you yet." The second is diversity, which is somewhat more expansive and means, "You're here damn it, and I can't do much about it." The third and highest premise is "pluralism," which means "We welcome you because we each have so much to offer and learn from each other."

Hutchison's thesis is that in the history of America we consistently think we are one level higher than we actually are, while most of us seem insistently to act as if we were one level lower.

If we want to aspire to, much less live in, a world of pluralism, we must find common purpose. "Pluralism by participation," Hutchison writes, "implies a mandate for individuals and groups ...to share responsibility for the forming and implementation of the society's agenda." This is the difference between suicide by assimilation and both survival and prosperity by integration so that everyone can share the best of the other. Perhaps the highest wisdom of interfaith understanding and cooperation calls us to recognise the truth and wisdom of the prophets, each of whom left the same message expressed in the words of Jesus, "I am the way, the truth, and the life." (John 14:16)

Last summer at the International Institute of Islamic Thought (IIIT) in Herndon, Virginia, twenty scholars from around the world spent a month discussing what this means as a framework for faith-based justice and faith-based reconciliation, which now is the framework for all of the IIIT's work.

Aside for a couple of Wahhabis who were invited to provide a wide spectrum of thought, we reached consensus on two things. First, we agreed that we should further develop methodologies and even lead the way to derive truth and justice heuristically from three sources. These are, first, Haqq al-Yaqin, which is divine revelation, second, 'Ayn al-Yaqin, which is natural law or the Sunnat-Allah observable in the physical universe, including our own human nature, and, finally, 'Ilm al-Yaqin, which is the intellectual processing of the first two.

Second, we reached agreement on the purposes of what we might call transcendent justice or even metalaw but what Muslim scholars refer to by the traditional term Maqasid al-Shari'a. This is the classical Islamic normative law known variously as the Maqasid or purposes, the Kulliyat or universal principles, and the Dharuriyat or essentials of universal jurisprudence. This whole subject is clarified in my article in the current issue of The American Journal of Islamic Social Sciences, entitled "Human Rights in Traditionalist Islam: Legal, Political, Economic, and Spiritual Perspectives." The state of the art in the development of holistic methodologies for the study of justice is best shown by Dr Jasser Auda's tome, Maqasid al-Shari'ah as Philosophy of Islamic Law: A Systems Approach, which was published this year by IIIT as part of a whole library of books now appearing on the subject.

Among the seven irreducibly highest principles developed more than half a millennium ago by Al-Shatibi, who was the greatest of the classical Islamic scholars on the subject, the first maqsud is Haqq al-Din. During the past six hundred years, this has been ossified to mean "protection of true belief," meaning protection of Islam as an organised and politically approved religion. Beginning in 1946 with the publication of the book entitled, Treatise on Maqasid al Shari'ah by the Grand Mufti of Tunisia, Ibn ' Ashur, and reaching broad acceptability today half a century later, this first principle of classical Islamic thought about justice is understood to mean "freedom of religion" in the true sense of pluralism. This is blindingly clear throughout the Qur'an but much less so in the Hadith, many or most of which are either spurious or related by witnesses who had their own biases in understanding what they had heard.

Next come three sets of pairs. The first pair consists of Haqq al-Haya and Haqq al-Nasl, which mean the duties, respectively, to respect the human person and life itself and to respect the nuclear family and communities at every level that derive from the sacredness of the human person. The first one includes the elaborate set of principles that define the limitations of "just war" theory. The second one includes the principle of subsidiarity, which recognises that legitimacy expands upward from the community or nation to the state.

The second set consists of two responsibilities related to institutionalising economic and political justice: Haqq al-Mal and Haqq al-Hurriyah. Throughout much of Islamdom, this second pair of responsibilities has been observed, more often than not, in the breach.

Even when the principles have been acknowledged, the derivative lower level, known as Hajjiyat, of institutionalised implementation has been ignored.

The third pair of Maqasid consists of Haqq al-Karamah, the duty to respect human dignity especially in regard to gender equity, and Haqq al-'Ilm, the duty to respect knowledge, including the secondary level of implementation known as freedom of thought, publication and assembly. The historical trend of these last two Maqasid is now strongly upward because educated Muslim women are gaining recognition as equal to men in the Ijtihad of scriptural analysis known as the intellectual or "third" jihad: Wa jihidhum bihi jihadan kabiran, "And struggle to understand it [divine revelation] in a great jihad" (Qur' an, Surah al-Furqan 25:52).

Beyond the intellectual development of these universal principles, which increasingly in the West are now known expansively as natural law, and beyond the philosophical debate over whether positivist or man-made law is the only kind of law accessible to human knowledge, is what Yves R. Simon' s The Tradition of Natural Law: A Philosopher's Perspective (on page xxi) calls "a connatural grasp of the idea via inclination."

Here we come to the essence of my talk and the real reason why we should be thankful for our awareness of a transcendent justice and of the responsibilities that this enjoins upon us. The grand master in this aspect of justice is the Rebbe Abraham Izaac Kook, whose wisdom has so grievously been distorted and perverted by his self-styled followers, the Gush Emunim in the modern Settlers' Movement. He was Chief Rabbi of Palestine from 1919 until the beginning of the first great Palestinian national-liberation movement in 1935. He taught that every religion contains the seed of its own perversion, because humans are free to divert their worship from God to themselves. The greatest evil is always the perversion of the good, and the surest salvation from evil is always the return to prophetic origins. Rebbe Kook's wisdom has been collected in Abraham Isaac Kook, The Lights of Penitence, The Moral Principles, Lights of Holiness, Essays, Letters, and Poems, translation and introduction by Ben Zion Bokser (Paulist Press: N.Y., Ramsey, Toronto, 1978), published in The Classics of Western Spirituality: A Library of the Great Spiritual Masters under the supervision of Seyyed Hossein Nasr, Fazlur Rahman, Huston Smith, and others.

The greatest evil is always the perversion of the good, and the surest salvation from evil is always the return to prophetic origins.

The fundamentalist Gush Emunim makes the sacrilegious error of turning his spiritual teaching into a call for secular nationalism of the most extreme kind. Abraham Isaac Kook's entire life spoke his message that only in the Holy Land of Israel can the genius of Hebraic prophecy be revived and the Jewish people bring the creative power of God's love in the form of justice and unity to every person and to all mankind. "For the disposition of the Israelite nation," he asserted, "is the aspiration that the highest measure of justice, the justice of God, shall prevail in the world." Universally recognised as the leading spokesman of spiritual Zionism, Rebbe Kook went to Jaffa from Poland in 1904 to perfect the people and land of Israel by bringing out the "holy sparks" in every person, group, and ideology in order to make way for the advent of the Messiah.

This was the exact opposite of "secular Zionism," which resulted from the assimilationist movement of 19th century Europe, compounded by the devastating blow of the holocaust to traditionalist Jewish faith. Thus alienated from their own culture, and vulnerable to modern nationalist demagoguery, a growing portion of the Jewish nation came to elevate control over physical land to an ultimate value and goal, and therefore to transform the land of Israel into a golden calf.

As a Lurianic Cabbalist, committed to the social renewal that both confirms and transcends halakha, Rebbe Kook emphasised, first of all, that religious experience is certain knowledge of God, from which all other knowledge can be at best merely a reflection, and that this common experience of "total being" or "unity" of all religious people is the only adequate medium for God's message through the Jewish people, who are the "microcosm of humanity."

"If individuals cannot summon the world to

God," proclaimed Rebbe Kook, then a people must issue the call. The people must call out of its inner being, as an individual of great spiritual stature issues the call from his inner being. This is found only among the Jewish people, whose commitment to the Oneness of God is a commitment to the vision of universality in all its far-reaching implications and whose vocation is to help make the world more receptive to the divine light by bearing witness to the Torah in the world.

This, he taught, is the whole purpose of Israel, which stands for shir el, the "song of God." It is schlomo, which means peace or wholeness, Solomon's Song of Songs.

But he warned, again "prophetically," that, when an idea needs to acquire a physical base, it tends to descend from its height. In such an instance it is thrust toward the earthly, and brazen ones come and desecrate its holiness. Together with this, however, its followers increase, and the physical vitality becomes strikingly visible. Each person then suffers: The stubbornness of seeking spiritual satisfaction in the outer aspect of things enfeebles one's powers, fragments the human spirit, and leads the stormy quest in a direction where it will find emptiness and disappointment. In disillusionment, the quest will continue in another direction. When degeneration leads one to embrace an outlook on life that negates one's higher vision, then one becomes prey to the dark side within. The spiritual dimension becomes enslaved and darkened in the darkness of life.

Rebbe Kook warned that "the irruption of spiritual light from its divine source on uncultivated ground yields the perverse aspect of idolatry. It is for this reason that we note to our astonishment the decline of religious Judaism in a period of national renaissance." "Love of the nation," he taught, "or more broadly, for humanity, is adorned at its source with the purest ideals, which reflect humanity and nationhood in their noblest light, but if a person should wish to embrace the nation in its decadent condition, its coarser aspects, without inner illumination from its ancient, higher light, he will soon take into himself filth and lowliness and elements of evil that will turn to bitterness in a short span of history of but a few generations. This is the narrow state to which the community of Israel will descend prior to an awakening to the true revival."

"By transgressing the limits," Rebbe Kook prophesied, the leaders of Israel may bring on a holocaust. But this will merely precede a revival. "As smoke fades away, so will fade away all the destructive winds that have filled the land, the language, the history, and the literature." Always following his warning was the reminder of God's covenant:

In all of this is hiding the presence of the living God. It is a fundamental error for us to retreat from our distinctive excellence, to cease recognizing ourselves as chosen for a divine vocation. We are a great people and we have blundered greatly, and, therefore, we suffered great tribulation; but great also is our consolation. Our people will be rebuilt and established through the divine dimension of its life. Then they will call out with a mighty voice to themselves and to their people: "Let us go and return to the Lord!" And this return will be a true return.

We cannot know whether the catastrophe that Rebbe Kook foresaw was merely a warning, or whether the true return is already taking place, but he was confident of the end result. The Rebbe always sharply defended the validity of both Christianity and Islam as religions in the plan of God, and proclaimed that, "the brotherly love of Esau and Jacob [Christians and Jews], and Isaac and Ishmael [Jews and Muslims], will assert itself above all the confusion [and turn] the darkness to light."

For this we should be thankful.

A Thanksgiving Day talk at Temple Solel, sponsored by The Bowie Clergy Association's Annual Interfaith Worship Thanksgiving Service 2008 Bowie, Maryland USA – November 26, 2008

* "Rebbe" refers to a leader/mentor of a Hasidic Movement.

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A GROWING FAITH

A Christian Perspective on the Ascendancy of Religiosity and the Failure of Secularism

Pastor Bob Roberts, Jr

WHY SECULARISM FAILED

The prophets of secularism are what the Old Testament would call false prophets because their prophecy did not come true. If anything, the opposite of what they said would happen actually occurred! Secularists are not good at prophecy. The idea that the more men are educated, enlightened and understand science and reason, the less they will need God, and the more society will advance, has proven to be false. God is viewed by secularists as ancient superstition and an obstacle to further development. In his book Honest to God, John A.T. Robinson writes, "..when we have refined away what we should regard as the crudities and literalism of this construction, we are still left with what is essentially a mythological picture of God and his relation to the world." (Robinson, 1963). History and philosophy as well as science have proven them wrong. It is odd that many scientists are moving closer towards the idea of God. Contra to the declarations of Dawkins[1] and Harris[2] stands Francis Collins[3] who believes in the monotheistic God along with others in the scientific world, who speculate about something ' supreme' beyond the reaches of science as we know it.[4]

WHY IS SECULARISM IN DECLINE AND FAILING PEOPLE?

Secularism has brought us a greater understanding of the importance of empirical discovery and reason. However, to look at physical laws apart from the realities of philosophy, emotion and relationships is to cut us off from the deepest sources of fulfillment and meaning. Humans are far more than robotic tissues and firing synapses coming off the Darwinian assembly line placed in biologically predetermined functions like ants on a hill. In the end, we are people, human beings, each unique and valuable in our own way. To ignore science and reason is to jettison a great source of development and opportunity for every human being on the planet.

To ignore faith and God is to deny humanity's greatest moral compass for determining right and wrong. If we are merely the products of natural materialism, can we have any sense of morality or even discuss it?

On the other hand, to ignore faith and God is to deny humanity' s greatest moral compass for determining right and wrong. If we are merely the products of natural materialism, can we have any sense of morality or even discuss it? Ignoring faith also denies man his greatest source of inspiration, longing, desire, and the transcendence of present realities that compels us to re-creation of a better future. Vishal Mangalwadi[5] and others have convincingly argued it was only out of the context of Europe' s historic Christian faith that the scientific revolution could have taken place. The more we know about God, the more we want to learn and discover about Him and His creation. This is God' s world with the forces and patterns he created governing it.[6]

WHY RELIGION IS ON THE RISE

Religion is on the increase. In a recent meeting of Vietnamese diplomats and state department officials which I attended, the Vietnamese officials were discussing religion and rule of law discerning how a historically communist government would position itself

and respond to religion in Vietnam. Religion in Vietnam is growing and the government must determine how they will respond to this growth. I advised them, "You will not stop it. It will only continue to grow." And it does continue in every form: Buddhism, Animism, Christianity, etc. It is common knowledge that Christianity is exploding in China. Places

I separate my Christianity from Americanism

where Christianity and other religions have been banned and outlawed are the very places where it is now flourishing.

Religion is on the rise because people are still creatures looking for the ultimate truth and searching for meaning and purpose in their personal lives. It is on the rise because we all need a compass to give us direction, and we all need a source of hope and inspiration in life during those times when we want to give up. Religion is on the rise because the world is moving so fast people are looking for roots to stabilise themselves to be able to stand in the midst of a spinning gravity that is leading to who knows where.

The past one hundred years has proven this case. People are looking for truth and meaning anywhere, even outside their own cultural religious heritage. I don' t view this as negative. Truth embodied has to be explored or it will never be truth embraced. To say you are a Christian, Muslim or Buddhist purely because that is what your family has practiced for centuries cannot ensure an enduring faith that will sustain that particular religion into the future. Any religion will crumble on the ash heaps of history if its truths are merely historical transmissions and not personally embraced truths.

However, there is a problem that emerges in the name of faith and religion when we speak in the name of God. As I attended a meeting of Islamic leaders from around the world this became evident. I watched them debate the role of Islam in light of other world religions and challenge one another of the danger of speaking ' for Allah' or ' in the name of Allah' . I see the same problem in Christianity. Whether I agree or disagree with the politics of Iran, when I hear well known evangelical pastors calling for a missile strike on Iran in the name of God, as an evangelical, it scares me. Is it not a move to a new attitude of Crusading? I am appalled and dumbfounded that Christian leaders would dare speak for God in such a situation. Either they have an unusual direct line to God, in which case their life should be near perfect, or they are the epitome of narcissism, using God, and will stand in a position of unusual judgment before Him one day.

For some Muslims, separating religion and rule of law is seen as impossible. Some American Christians would prefer to combine the two. There is a better way. We must be aware that, as people of faith, we do not separate our positions, thoughts, and views from our belief in God. A person makes decisions, laws, and relationships based on their whole being which includes their understanding of God. He will be present in all we do, think, or say if we are followers of God. One of my heroes is Gandhi. Gandhi was a Hindu, yet meditated on the Gospels (Injil) and in particular the Sermon on the Mount.[7] Gandhi was known as a deeply holy and religious man filled with wisdom and insight. He changed his nation. Yet, he didn' t plant a flag for Christianity or Hinduism. Instead, his faith was present in his life and actions. It permeated all he said and thought, inseparable from that which he was. Yet, he did not speak in the name of God or inject a particular faith that all must follow. As a result, he has been of massive value to all of us, not just Hindus. Gandhi teaches us to let the actions of our lives be a blessing to humanity to cause others to inspect the basis of our faith, beliefs and convictions. This type of living goes beyond the mere proclamation of who I understand God to be.

In other words, Gandhi lived Hinduism by practice, without having to make his good conduct seen as necessarily Hindu. The same can be attributed to Prophet Muhammad, who his wife ' Aisha describes as "living the Qur' an", i.e. he embodied the Qur' an in practice.

When we can live out our faith in action, it changes our perspective. In terms of my view of society and politics, I have been quoted as saying, "I separate my Christianity from Americanism". As a young person, I would observe American policy in light of the Bible trying to bridge the two. Ultimately, I came to the conclusion that if I bridged my life, rather than policy, to the teaching of Jesus (Isa) in the Bible, I would be a better servant to all of

humanity. When I began to do this and then traveled to other cultures and discovered the world was far bigger and different than my own small paradigm, I came to realise that much of what I believed really was not from the teachings of the Bible, but had emerged merely from my own culture. I saw I had ' Christianised' my political positions based on my cultural paradigms. I have come to see that I have to separate my faith from my culture at times because I can unwittingly use my faith to endorse my culture and politics. If I don' t, there is no room for dialogue with you. If you don' t, there is no room to engage me.

HOW DO WE EMBRACE OTHER FAITHS

This leads us to a very critical discussion that makes everyone nervous, yet nevertheless must be addressed - how are we to embrace faiths that are different and even counter to our own?

First, we should respect every faith. We are all on a journey of discovering ultimate truth and who God is. If we belittle another' s faith or patronise them we set up an ' us against them' mentality. I feared Islam and viewed it as a ' competitor' in the religious market. I had an ' us against them' mentality. Then I got to know some imams that needed help in Central Asia. In partnership, we became good friends. They went out of their way to be hospitable towards me and treat me with respect. These imams are my friends to this day. If I disagree with the belief system of a religion, it is not necessary for me to vilify the followers of that religion. The only false prophets Jesus ever spoke about were his own that had become hungry for money or power.

Second, as Gandhi said, we should never compromise our faith for the sake of appeasement. To deny what we believe about truth or recalibrate truth to fit with our preferences and situations is to put ourselves in the role of God. I want to dialogue with Muslims who really believe the Qur' an and will give me honest answers to my questions. We do not change the laws of electricity and tell someone it is ok to stick their finger in a live open socket because we do not want to offend them. We tell them the truth! The same must be so about faith. The real conversation must take place between ' evangelical' Christians and Muslims, not liberal Christians and liberal Muslims. The former dialogue at the core of their faith and are the ones who must work to resolve the tension. I am an evangelical; I want to know and be friends with and have conversations with Muslims who hold to the fundamental belief and tenets of their faith.

I like what Gandhi told a group of Christian missionaries in India who asked for advice, "First, I would suggest that all of you Christians, missionaries and all, must begin to live more like Jesus. Second, practice your religion without adulterating it or toning it down. Third, emphasise love and make it your working force, for love is central in Christianity. Fourth, study the non-Christian religions more sympathetically to find the good that is within them, in order to have a more sympathetic approach to the people." (Jones, 1948).

There are places in the world where differing religions co-exist... Freedom of religion at its very core is freedom of thought which determines the framework and authority of one's life.

Third, we should make room for every religion and never force our religion or politics upon anyone else. Christianity learned the hard way that when religion has to rule by the sword, compulsion, or decree, it is no religion at all. Any religion, Christian or Islam, that fears the interaction of its believers with believers of other religions must be very shallow or weak and ultimately it will not stand on its own merit. There are places in the world where differing religions co-exist. This does not mean there are no problems. It does mean everyone gets to express their faith. Freedom of religion at its very core is freedom of thought which determines the framework and authority of one' s life. To deny a man the right to his own mind is slavery in its worst form. America will not be able to control the growth of Islam in America, nor should it. The Middle-East will not be able to control the growth of Christianity, nor should it either. Advances in technology and air travel have connected the world as never before. It is time for faiths to stand independently, not piggyback on race, government,

tribe, etc. If there is any lesson to be learned from Communism regarding the spread of religion, it is to leave it alone! The more Communism tried to imprison, kill or persecute religious followers, the more those religions grew!

We should not be kind and help others merely to promote our religion; we should be kind and help others because our religion has transformed us and we love people.

There are two things that, if done, would change the conversation dramatically and immediately open a new era of cooperation. One: From America, we should value the Palestinians as much as we do the Israelis. What does this have to do with religion? The Evangelical Church has allowed speculative theology to determine who the church should and should not support in the West Bank and Gaza. All the Bible teaches for certain, that we know of, is that Jesus is going to return one day. How and when he returns is sheer speculation. In the meantime, a Christian' s mandate is to show God' s love to every creature including Palestinians. I have personally become very committed to this; especially given the fact most of us in America are immigrants. Every nation in the world has people of other tribes living within it. We must share our immigrant experiences, both successes and failures, with Israel to partner in learning the lessons of the coexistence of differing people' s within a country.

Two: If the Middle-East would allow Christians to worship openly it would have a profoundly positive impact on how the West views, not just the Middle-East, but Islam. Muslims can and do build Mosques in America and the West. There are some Middle-Eastern nations where churches are permitted, but it is far from everywhere and these churches come nowhere near enjoying the same rights as Islamic houses of worship. Just as the Palestinian issue is significant for the Middle-East, and sadly not understood in the West, so is the freedom of religion significant for the West, though not completely understood in much of the Middle-East.

Fourth, we should emulate the best of our faith. Many passages in the Bible and the Qur' an are similar. There are passages in the Bible and in the Qur' an that say we should do good works so men will see God. Faith should not be associated with frowns, scowls, or harsh looks, but warm, loving, and embracing smiles inviting us all to hope. Instead of focusing on speculative theology, we should focus and live the passages that deal with how we treat others.

Fifth, love should be the driving principle for all we do. I have yet to meet a man of any religion that does not love his family and people. I have never experienced a single culture in which people do not want to marry, have children, and live in harmony with others. Even the harshest of people long for love and intimacy. It' s time for Muslims and Christians to join to proclaim God is the answer!

Sixth, we should have friends of differing faiths. It may actually help us be better followers in our own faith. Our church has a strong relationship with the Vietnamese government having worked there for many years in development projects. Working within a different culture and with different people with different views of God has led me to examine my own view of God, even my motives for doing good works. I was forced to ask myself a fundamental question, "Am I serving people to convert them, or because I am converted?" We should not be kind and help others merely to promote our religion; we should be kind and help others because our religion has transformed us and we love people.

Seventh, talk is cheap and of little value if not first demonstrated. We should come together and serve humanity as Christian, Muslim, Hindu, Buddhist, Animist, Secularist, and yes, even Atheist. I had the privilege of meeting the Grand Mufti of Bosnia, Dr Mustafa Ceric, and I have great admiration for him. We discussed the need for less rhetoric and for more opportunities to work together. Jonathan Sacks' books, The Dignity of Difference (Sacks, Dignity of Difference, 2003) and The Home We Build Together (Sacks, The Home We Build Together, 2008) have influenced me greatly. In The Home We Build Together, Sacks' primary message is that we should all build society together. He proposes the way we will do that is

to meet and serve together. When we dig ditches together, when we sweat together, and when we live life together, we begin respecting one another. This, hopefully, will move us towards liking and eventually loving one another. This will not mean we agree on everything. This does mean we will value one another. Not too long ago I was in a country that was going through a war. I' m good friends with a key tribal leader there. I did not tell him I was coming because I knew he would feel obliged to meet me at the airport. I also knew he might lose his life if he were seen with me. His father had been murdered a few months earlier. I disembarked from the plane, and was surprised to see my friend there to meet me. I told him he shouldn' t be there that I didn' t expect it. He told me that I was his friend and he would die for me. Here was a Muslim, who doesn' t agree with my religion, willing to die for me a pastor of another faith.

Eighth, there should be ' political' separation of church and state. I know this is a Western concept/ideal. I' m aware of the Shari' a law tradition to some degree. I still believe this separation is critical for the whole world which is now ever so connected with people migrating across the face of the globe. I have read the Qur' an once, and am trying to read it again to understand it. There are passages in the Qur' an that talk about non-Muslims participating in society. Perhaps we don' t need to use Western terminology. The idea is of a pluralistic world, how do we make sure everyone participates and respects varying views? Growing up in my conservative Christian culture, I strongly desired to see religion and government come together. As I read the names of nations such as the Islamic Nation of Pakistan I would think, "Americans are primarily Christians so we should be named a Christian nation." If my cultural wishes had come true, it would not be good for the Muslims that live in the United States today. If faith is present in the lives of its adherents, then it is present wherever its adherents are, even if it is unspoken. In the Old Testament, the book of the Jews and Christians, a prophet named Jeremiah talks of how God will write his laws not on stone tablets but on the hearts of people. In the New Testament, the Injil, Jesus tells Peter to put his sword away when officials came to arrest him to be crucified. Jesus tells Peter his kingdom is not one that will be maintained by the sword. Anytime Christianity has picked up a sword in the name of God, it has lived to regret it. Let nations fight if they must, but not in the name of God.

To deny that there is a current clash of civilisations is to be the emperor with no clothes or an ostrich with his head in the sand.

To deny that there is a current clash of civilisations is to be the emperor with no clothes or an ostrich with his head in the sand. We must not deny that there is hope in civilisations coexisting peacefully. We must avoid a winner takes it all scenario with each party believing the winner will be the one with the most guns. To adopt such an attitude denies the sovereignty of God. We must make a better way.

ENDNOTES

1. Richard Dawkins: British ethologist, evolutionary biologist, and author of many books, most recent being "The God Delusion" (2006).

2. Sam Harris: Author "The End of Faith" (2004) and "Letter to a Christian Nation" (2006)

3. Francis Collins: American physician-geneticist who was a leader in the Human Genome Project (HGP) and author of "The Language of God: A Scientist Presents Evidence for Belief" (2006)

4. Such as Michael J. Behe and William A. Dembski among others

5. Vishal Mangalwadi: International lecturer, social reformer, political columnist, and author of thirteen books.

6. Genesis 1:1,2

7. Matthew 5 - 7

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Turkish Experimentation with *Laiklik* as a Form of Secular Fundamentalism

Dr. Merve Kavakci

Turkey holds significance as a country with a large Muslim population, yet with a secular state tradition. This paper examines the underlying reason behind the espousal of secularism in the Turkish Republic, its unusual characteristics that render it amenable for questioning, some of the reverberations of Turkish secularism in the society both in public and private spheres, and how the republic succeeded to produce and reproduce secular discursive discourse to maintain hegemony about religio-pertinent matters moving away from a generally accepted form of conciliatory secularism, to extreme form thereof.

THE ORIGINS OF TURKISH SECULARISM

Turkish Republic stands with distinction among the countries of its region. It is on, what is called, Anatolia where the East meets the West and through which the passage between the two continents, Europe and Asia becomes possible. It is comprised of some seventy five million, almost all Muslim population. In addition to its geographic distinction and demographic traits, the republic carries a wealth of historical baggage as the successor of once upon a time, an invincible Ottoman Empire. Ottomans, in addition to the land of Anatolia, ruled a large part of the Middle East, Northern Africa, and Central Eastern Europe for around six hundred years as the major power in the world. Their unity was predicated upon the concept of "Ummah" i.e. the global Muslim community with a single goal of "disseminating the message of Islam."

The founding fathers of the Turkish Republic, comprised of the then Ottoman and now Turkish intelligentsia, made an informed decision to construct the new Turkish identity not around the concept of Ummah but the nationalist "Turkish-ness." The change came at the end of a two hundred year old intellectual discourse pertaining to the empire's lagging behind as a result of lack of ability to reform itself politically, militarily and socially. The diagnosis, mostly concurred by the intelligentsia, was that religion was the underlying reason goading the fall behind. Hence the "panacea" they argued, was to marginalise Islam in order to alleviate its clout in public sphere so that Turks could close the chasm between the developed Western societies and themselves. They dubbed the process the westernisation project.

Within this context and sense of urgency, the founder of modern Turkey, Mustafa Kemal Ataturk introduced sundry reforms[1] that would transform Turks into a European nation among which were the adoption of the Latin alphabet, unification of education, introduction of Swiss Civil Code in lieu of Islamic law, after the dismantlement of sultanate and the caliphate consecutively. The paramount of all, nevertheless that resonated with the real essence of "change" Turks embarked themselves in, was the espousal of secularism, i.e. the separation of state affairs from religion – and not vice versa as the paper will affirm – namely *laiklik*.

The concept was first introduced to the Turkish elite via their French cohorts during the education of the former in the latter's land when the former was exposed to the ideals such as revolution, emancipation, liberation and rights. The official inclusion of *laiklik* among the republican values, came though relatively late in 1937, fourteen years after the republic was established. Despite this relatively late arrival, *laiklik* would rise up, in the years to come, to be the fundamental sine qua non of the Turkish state's

regime, transforming the context of secularism from separation between the state and religion to the containment, deconstruction and reconstruction of the latter in the hands of the former.

As a result, this, somewhat not so ubiquitous take on the relationship between the two, namely, *laiklik* would become the trademark of the Turkish westernisation project, rendering Turkey worthy of high praise by the Western world as a unique Muslim country that coalesced its religious past with its secular present and future. As *laiklik* gave the state more control over how Islam should/should not (or must/must not) be lived, it became more restrictive and stifling on the "rights and liberties" of Turkish citizens. This would grant *laiklik* its fundamentalist characteristic with zero tolerance rendering it, in analogy with religious fundamentalism, what I would coin "secular fundamentalism."

EXAMPLES OF *LAIKLIK* EXERCISES

Laiklik plays itself out in a wide spectrum within the public life from intervening with the way one chooses to dress, to the schools one chooses to send their children or the people whom one befriends. One of the well recognised forms of *laiklik* exercises, indeed, constitutes itself in the infamous ban on wearing the headscarf in Turkey. The ban was first implemented in 1981 after the coup de' tat that brought a military government to power, and since then the headscarf ban has been part of the dress code of federal employees and the students at the higher education institutions. Albeit originally intended to regulate only the attire of these two groups, the headscarf ban disseminated to other facets of public life including the Parliament, the courtroom, the hospitals, the military grounds and the like, in time.

The author of this paper was not permitted to take her oath of office as an elected MP in the Turkish Parliament because she chose to wear an Islamic headscarf, despite the lack of a regulation mandating her to uncover her head. Hatice Sahin was denied from providing her testimony as a defendant before a civilian court in Ankara when the judge decreed that a public space like that of the courtroom would not tolerate the headscarf.[2] Among ample similar examples that take place outside of the realm of federal offices and university grounds includes the revealing cases of Bircan[3] and Kilinc.[4] The former was an elderly female patient who sought emergency care at a state hospital in Istanbul but was denied service due to her "covered" photograph on her ID card. She passed away before her son was able to renew her ID picture in which she would be bare headed. Bircan, in the eyes of the state, was not in compliance with the *laiklik* principle of the republic to deserve immediate attention. The latter is a public school principle with a headscarf who takes her headscarf off on school premise and puts it back on as she leaves to be compliant with the principle of *laiklik*. At a case she brought against her school which denied her from serving as the principle based on her headscarf, the Council of State also decreed against her arguing that she would constitute a "bad example" to students who might run into her while wearing a headscarf en route between the school and her residence.

As *laiklik* gave the state more control over how Islam should/should not (or must/must not) be lived, it became more restrictive and stifling on the "rights and liberties" of Turkish citizens

The first example refers to the intrusive nature of *laiklik* that violate basic human right to healthcare access. On the other hand, the second example, portends to the expansive nature of *laiklik* that regulates not only the school grounds as the public realm but the "streets" as well. Along these lines, recently a group of women with headscarves were denied, as visitors, from attending their sons' inauguration ceremony to start their military service at an open military ground.[5] Women were taken out and left to watch the ceremony from behind the metal fences. This example refers to the exploitive nature of *laiklik* that undermines women's roles as viable taxpayers responsible for rearing their sons as soldiers to protect the country.

By preventing them from watching the ceremony, the state was sending the women the message: You must raise your children ready to sacrifice their lives for the sake of this country but this will not grant you the right, as their mothers, to see them take oath of active duty. This also signifies that the ban does not make a distinction between the women who provide and receive service but treat both groups in equally discriminatory manner. While the original "intent" of *laiklik* was deemed to be a separation between state and religious affairs, which falls upon the realm of "providing service", the fact that women like Bircan or the mothers of military servicemen were denied from "receiving service" refers to a blatant denial of citizens' rights raising the question of what constitutes the context of citizenry and its implications.

Finally, in this category, the case of Abdullah Yilmaz sheds lights to the selective nature of *laiklik*.[6] Yilmaz is a public school teacher who ranked second on a national examination conducted by the Ministry of National Education, granting him the right to serve in a foreign country. His appointment however did not go through due to a national intelligence report which stated that his wife was a woman with a headscarf. His case is currently pending at the European Court of Human Rights in Strasbourg. The aforementioned examples depict that *laiklik* exercises authority over the private realm of one' s life as much as the public realm which renders it meddlesome with a series of taboo-like qualities.

Another aspect of *laiklik* exercise manifests itself in the treatment of the graduates of Imam Hatip Schools (IHS). Foremost, the existence of these schools simply attests to the unique nature of Turkish secularism i.e. *laiklik*. IHS are state schools which provide extensive religious education that were originally intended to bring up the religious leaders and preachers of modern Turkey. However, over the decades IHS became appealing institutions for parents who wanted their children to acquire religious knowledge along with positive sciences, aggregating students from different social, economic and political background to serve in numerous fields later in public life. At a theoretical level, IHS stands as examples of how *laiklik* operates, while separating religion and state affairs from one another, brings state into religious affairs without any reservation. In other words, the state assumes authority over religious affairs with the intent of containing the latter so that religion will not be monopolised by certain groups who might work against the former. By doing so the former however, establishes a monopoly of its own over religion rendering itself the only source of religious knowledge hence performing antithetical to the core principle of secularism.

Nonetheless, the case of IHS became more incredible after the state introduced a new measure to lessen the appeal of these schools, amongst what makes a large part of the Turkish society. A new provision was introduced after a noticeable period of a political turmoil which was marked by the 1997 election victory of Islamist Welfare Party (WP), and the ensuing post modern coup de' tat of 1998 that led to the party' s closure by the Constitutional Court due to its "threat to *laiklik*".

The opposition, while promoting the military coup and WP' s closure argued that the party had its basis in the youth of IHS ready to be recruited by the Islamist politicians. The fact that most of the leading figures in the party including the then the mayor of Istanbul, Tayyip Erdogan, who is the current PM were graduates of IHS helped the opposition to garner support for their argument. Ironically, the Turkish state, having created IHS itself out of the apparent "need" to meet the needs of its preponderantly Muslim population was now altering its perception and looking for ways to ward off people' s interest in IHS.

Many in academia or in the military who had relatives attending IHS would invariably be victims of espionage, where their names would find their way into the black lists of the state merely to serve as the cause of their demotion, loss of current position or their jobs.[7] Similar method of espionage would often be resorted to inform "authorities" – whoever and wherever they might be – who visited and conversed with whom, for instance, on holidays.

Furthermore, in order to deter people

from sending their children to IHS, the Parliament enacted new laws, such as, increasing the mandatory education from five to eight years and closing down the junior high section of the IHS, with the intent that this would be a stumbling block for the youngsters who would want to take a couple of years off after completion of five year mandatory elementary education to pursue the study of hifz education.[8]

Moreover, the Parliament decreed that the graduates of IHS would not be treated on equal basis with the graduates of any other school in OSS (Central University Examination).[9] The exam scores of the former would be multiplied by 0.3, thus creating a 20-25 point gap that deliberately down-graded their qualifications. The current Justice and Development Party (AKP) government, albeit religiously oriented at the outset, failed to eliminate this discriminatory clause which came to be known as the "coefficient problem."

Finally *laiklik* reverberated itself in another enactment in 1998, when the Parliament coveted religious education in private realm, namely the household and privately owned institutions. This new decree brought a ban on to reading and teaching of Qur' an to children under the age of twelve. The ban is effective both on the confines of the home environment and outside except at specific state institutions which offer "limited" courses for these children during the summer recess.

This meant parents had to wait until their child was at least 12 years old in order to learn to read the Qur' an, unless they choose to send the child to state regulated courses in the summer break. At these state organised courses, the state supervises and controls what kind of Islamic education is given to the children and to what extent. The state strives to produce its Muslim subjects equipped with the knowledge of Islam to the extent that it finds it fit. This ban on the teaching of Qur' an is currently in effect often entailing investigations and prosecutions for people and children who defy it. However the ban does not extend to the teachings of the Old or the New Testament to Christian or Jewish children, that is to say, the exercise of *laiklik*, the Turkish state does not extend the coverage of this law to the less than one percent non-Muslim minority of Turkey. The basic assumption underlying this discrepancy, one might think, is that the state might not yet feel "threatened" by the minority population of the republic.

New [*laiklik*] decree brought a ban on... reading and teaching of Qur'an to children under the age of twelve.

DECIPHERING THE CODE OF *LAIKLIK*

The aforementioned examples of the implementation of the "one of a kind" Turkish secularism, share one commonality: the oxymoronic representation of state' s encroachment over matters of religion, in other words, separation on one hand while rejection of that separation on the other. While an ultimate secularism where state and religious affairs would follow separate trajectories without having to interfere with one another remains as a utopia which states can only strive towards, to not do what might make one' s experience come as close to this utopia as possible reverberates with the reality of Turkish *laiklik*. Moreover, the Turkish experiment with secularism in the form of *laiklik* proves that to deviate from the norm of utopian secularism through manipulations of code, encroachments of different sorts as depicted in various examples is a product of informed decisions that are carried out advertently.

On that note, the state finds pride in its espousal of a "different" kind of secularism i.e. *laiklik* which would, according to it, be the only viable tool to deal with, what the secular fundamentalist refer to as, "the special circumstances of the Turkish nation". That is to insinuate that the state wants to present itself with the message as follows: it is not that the state does not want to contextualise secularism in the way that most of the Western democracies do where there would be space for religious freedom and expression, as much as there would be space for state affairs independent of reli-

gious clout, it just cannot afford to do so.

The reason why it "just cannot" is due to, they argue, the special nature of Turkish politics, vulnerabilities of the Turks and the ability of the Islamist discourse to entice the gullible nation by exploiting these vulnerabilities. With that, the state justifies its encroachment over matters of religion time after time, asserting itself as the major stake holder hence the main legitimised source of power on matters of religion and continue to produce and reproduce its hegemony over religion time and again.

ENDNOTES

1. See History of Modern Turkey by Bernard Lewis for a detailed discussion of Ataturk's reforms.

2. Ayse Kadioglu, "Muslim Feminist Debates on the Question of Headscarf in Contemporary Turkey," in Contemporary Islamic Thought, Ibrahim M. Abu-Rabi ed. (Oxford: Blackwell Publishing Ltd, 2006), 609-623

3. TBMM tutanaklari (the compiled records of the hearings of Grand National Assembly of Turkey) " www.tbmm.gov.tr/tutanak/donem21/yil2/bas/b097m.htm

4. Nazli Ilicak, "Sokaktaki Tehlike: Basortusu," Bugun, 2/11/ 2006

5. http://www.timeturk.com/Basortulu-anneler-yemin-torenine-alinmadi-33949-haberi.html

6. Yenisafak, 2/24/2006

7. Yenisafak, 1/19/2006

8. Hifz refers to the memorisation of the Qur'an by heart.

9. OSS is an examination similar to SAT or ACT in the American education system. It is taken only annually.

Dr. Merve Kavakci is a Lecturer of International Affairs at George Washington University's Elliott School of International Affairs. She is a consultant for US Congress Commission on Security and Cooperation in Europe, a columnist for Turkish daily Vakit newspaper. Prior to her academic career she served as the head of foreign affairs of Welfare-Virtue Party's Women's Commission. Dr Kavakci was elected to the Turkish Parliament, the Grand National Assembly of Turkey in 1999. However she was prevented from serving her term by the secular fundamentalists due to her headscarf. Dr Kavakci's political party was closed down, her Turkish citizenship was revoked, banning her from politics for a period of five years. She took her case to European Court of Human Rights and won in 2007.

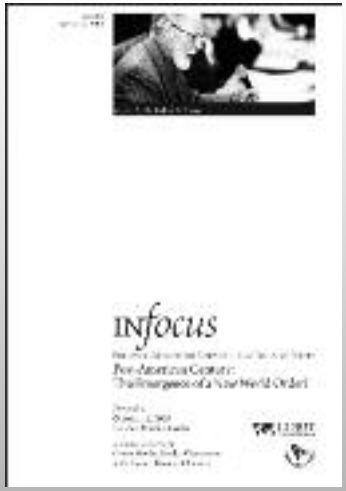
Dr Kavakci has received several national and international awards, including "Women of Excellence" by NAACP (2004); Public Service Award in Tribute and in Recognition of Efforts for the Advancement of Human Rights; Muslim Women's Empowerment by International Association for Women and Children (2000); Service to Humanity Award in Vienna (1999); and Mother of the Year Award in Ankara (1999).

Dr Kavakci holds a doctorate in Political Science from Howard University; she awarded the Edward Mason Fellow and a Bachelor of Science in Computer Engineering from University of Texas at Dallas. Prior to that Kavakci attended the Medical School of Ankara University, however she was prevented from completing this due to the headscarf ban. Dr Kavakci is the author of several books, including Scarf-less Democracy-Basortusuz Demokrasi and has committed the entire Holy Qur'an to memory.

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Into a World of Hate:
Unraveling Visions of 'Homeland', the Far Right in Britain

Nick Ryan

IT WAS A COLD, WET, AUTUMN DAY WHEN I FIRST met him. The rain slid over the train windows, blanketing the hills which rise so suddenly as you cross the English border into Wales.

' All right, mate!' he called out affably, if a little self-conscious. The wind whipped his words quickly away. He stood part-way down the narrow platform, his left arm resting casually against a railing. A crumpled blazer was wrapped about his body – once slim, now with a touch of soft around the midriff – and a tie was teased into the air by the squall. He gazed at me with an odd, almost fixed stare. I returned the look, noting his boyish haircut, the kind you had when you were 10 years old. Despite his nervousness – eagerness? – at meeting a member of the 'liberal' media, he seemed keen to talk.

My encounters with Nick Griffin, then simply a rising star within the far-right British National Party (BNP), and now its leader, would see me introduced to a network of white supremacists spanning the globe. The chain ran right the way from British soccer hooligans, through to Loyalist paramilitaries, US Presidential candidates, Middle Eastern Holocaust deniers, former members of the Baader-Meinhof gang and the ultranationalist politicians surging within the heart of Europe. Against a backdrop of rising racial violence and tensions over asylum seekers, I travelled through this world, in some cases even living with the extremists. As someone who had covered refugee stories and human rights issues for many years, it was a difficult, intense experience.

I wanted to write something as a warning to the mainstream, for those who so casually dismissed the Far Right and other extremists as simply "nutters". For the same people who would so often parrot the phrase, "I'm not racist but..." when they complained to me about immigrants. The story of my six-year journey is told in my book, Homeland: Into a World of Hate (Mainstream Publishing).

At that time of our first meeting, back in 1998, many pundits had already written off the BNP. Nick Griffin was an unknown face, except to long-time anti-fascists. A Cambridge graduate from a middle-class, Tory background, he would seem to have little in common with the thuggish cohorts of the neo-Nazi fringe (despite such a 'moderate' image, I discovered he'd actually been involved with the Far Right since the tender age of fifteen). The BNP was viewed as a squalid, disorganised bunch of rabid racists, with little chance of electoral success. Its leader John Tyndall, who'd once headed the National Front (NF), believed in forcible repatriation for all immigrants, and the party found it hard to distance itself from an association with Sieg-Heiling skinheads. Even Griffin himself told me many supporters were simply "beer patriots". It had lost its single council seat, in the Isle of Dogs (Docklands in East London), shortly after Derek Beackon was elected to the position in 1993.

The irony was that as we sat and talked in a Thai restaurant near his home town, Griffin explained his vision for the "electoral road opening up". Even then this involved jumping onto single-issue bandwagons – creating "influence circles" for war veterans or disaffected farmers, for example, or campaigning over housing and pedophiles in the local community – often in areas suffering from poor integration and failing local government. He talked of divided communities in northern England, amidst his somewhat unconvincing denials of anti-Semitism (this was the man who'd written about Jewish power in the media, boasted of updating a book called 'Did Six Million Really Die?' and who'd received a suspended prison sentence for inciting racial hatred in 1997).

In order to win his trust, I had to sit back and

listen. During our meetings, Griffin would talk of "violent Islam" and Asians in the same breath, how the Far Right would begin to rise within a couple of years, in an area dominated by Asians, "where there is a problem with Asian gang violence against white people". A tumble of vitriol presaged further attacks on Islam, hinting that most Muslims were religious fanatics. I did not realise then what an ominous ring these words had to them.

Of course, it wasn't language designed to appeal to me, nor other liberal-minded folk. The message was intended for those in divided, dislocated areas of the country, disaffected by mainstream politics and likely to turn to a protest vote. The BNP strategy was simple: focus on local politics, local issues and local people, and you might have a chance of gaining power. Like many of his European far-right contemporaries, Griffin was following a model set in place by Jean-Marie le Pen and the Front National (FN) in France. The hostile media, myself included, was simply another way to pass on the message, through 'scare' stories. Most of us naively obliged.

By the time of our second encounter, and his ascension to party leader, Griffin had dropped the forcible repatriation policies, and begun revamping the party's website, imitating that created by Le Pen's former deputy, Bruno Megret. Megret, a suit-and-tie far-right orator, had split from his old boss to create a group called the Mouvement National Republicain (MNR), with whom BNP members remain in contact to this day.

Slowly, I won Griffin's trust. Over the course of the next four years, our meetings – invariably in the small towns dotted around his Welsh smallholding, occasionally over the border in Shrewsbury too – would see me introduced into his network.

But as Griffin's BNP produced its leaflets about Asians and Islam, I tried to work out what was driving the man. If he was the 'moderate', the suit-and-tie Haider [the highly-successful Far Right leader elected in Austria, recently killed in a car crash] figure, where was the evidence he'd ever done anything else with his life? Then aged in his 40s (now nearly 50), I could find little suggestion of any other career, despite the expensive private education and Cambridge degree. I kept wondering about his upbringing, and how his old undergraduate friends would see him now. He'd even married a lady from the movement, a nurse, whom I later met when introduced to his family. I also had to endure various bizarre situations (or so they seemed to me), such as helping the BNP leader carry a slaughtered pig from his car into the local butcher shop. Was this some crude test for Jewishness? If so, it failed.

Further ironies followed. As the race hate campaigns built in the northern communities, I learned how Griffin had travelled out to Libya, seeking support from Gaddafi's minions back in 1988, when Griffin was a leader of the NF and Gaddafi was considered beyond the pale by the West. Furthermore, he and his buddies had contacted Louis Farrakhan's militant Nation of Islam about forging a possible alliance. Somewhat ironic, given his penchant for lumping together 'Asians', 'Muslims', 'asylum seekers' and 'terrorists' all in the same sentence. In fact, you could trace this trend to many others in the extreme Right: from the Ku Klux Klan members I witnessed, seeking alliances with Palestinian groups; to German neo-Nazis joining marches against "Zionism" with perhaps otherwise naive young Muslims. I met a former ideologue behind the neo-Nazi gang Combat 18 (C18), an ex-Benedictine monk who had flirted with a Satanic organisation called the Order of Nine Angles, before reverting to Islam and now worshipping at the Birmingham Central Mosque. Time and again, I bore witness to erstwhile enemies on the fringe uniting against some perceived threat. It was a worrying and disturbing trend.

In between our encounters, I also met members of the International Third Position (ITP), a shadowy Catholic organisation with links to Italian fascists groups, which Griffin had helped form after the National Front's collapse. He wrote off the experience, in typical smug fashion, as "allowing my youthful enthusiasm for perfect ideas to run far beyond what' s politically possible".

Yet the BNP had also created the neo-Nazi hooligan gang, Combat 18, which I'd investigated back in 1996-7. That gang had been created as a "stewarding force" inside the BNP during the early 1990s, to protect its meetings and marches from left-wing and anti-fascist attacks. Although membership of C18 was soon proscribed by the BNP, as it busied itself threatening other right-wingers, in reality the

borders between the two was blurred. C18 members had links to Loyalist paramilitaries in Northern Ireland and the violent white power music scene, Blood and Honour. In the midst of my investigations, the gang descended into civil war and murder. Griffin denied any connections with C18 and claimed that he was on its leader's "stab list".

In 2001 I joined BNP members on the campaign trail during the General Elections. It was a strange time. On the borders of London and Kent, the party's (then) publicity director was a shy, fervid young man, with ramrod intensity, and a clear hero-worship of his leader. He also lived in a veritable pigsty, together with the party's local parliamentary candidate, a man with a dozen previous convictions and a sister once heavily involved in the upper echelons of the Green Party.

As we walked the quiet, suburban streets, another supporter began opening up about his alienation from his family in Manchester, lamenting that his father was a 'c***' who did 'f*** all for me'. He later went on to enter national news, when he sued his trade union for banning him from membership. As for me, I soon realised that, despite the frequent paranoia about outsiders and the media, these men – and my book was nothing if not about male identity – were desperate for belonging, brotherhood; to have their stories heard. Once they started talking, it was hard to get them to stop.

My 'friendship' with Nick Griffin later allowed me access into the international world of white supremacy. Just as the party was surging to a 16 percent showing in Oldham (north of England), I was at the Washington DC home of its American fundraiser, Mark Cotterill. An enigmatic and highly intelligent figure, sporting a military-style moustache, Cotterill was a strong Loyalist supporter and former member of the National Front. He'd tried to infiltrate a local Conservative Party campaign and had recently been booted out of Pat Buchanan's Reform Party presidential campaign. How ironic that Griffin's father turned out to be part of Iain Duncan Smith's Conservative Party leadership campaign, too.

Cotterill escorted me to a business conference of 'white nationalists', down in a hotel in North Carolina. The Council of Conservative Citizens (C of CC) was an umbrella group of white racists, born out of the White Citizens Councils of the 1950s. There, I encountered many Buchanan fans, and would go on to meet the man himself not long after. My journeys in America saw me introduced to the neo-Nazi National Alliance, which owned white power music businesses in Europe, and whose leader, William Pierce, had written books found in the possession of people such as Timothy McVeigh and the London nail-bomber, David Copeland (himself an ex-BNP member).

Back in DC I attended a Holocaust 'revisionist' conference, sporting many international figures. One was Buchanan's campaign manager, a friend of the notorious historian, David Irving. From there I headed south to Virginia,

Large-scale right-wing networks called the *Kameradschaften* ('comradeships', a Nazi-era term) were calling for a Fourth Reich.

staying with David Duke's (ex-KKK leader, turned politician, a close friend of Griffin) local representative, before heading deep into Arkansas and the racist, anti-Semitic ministries of Christian Identity. All these meetings were arranged by Griffin's network in the States, and Mark Cotterill.

Only a couple of years ago, Griffin was travelling out to Germany for a conference with David Duke and the neo-Nazi National NPD (Nationaldemokratische Partei Deutschlands) political party, which the German government has tried to ban, as well as Italian and other political extremists. Another of the figures he encountered there was Horst Mahler, the former Baader-Meinhof gang member and now a lawyer for the NPD, who'd served time for armed robbery. Like me, Mahler had been invited to an international conference of Holocaust deniers in Beirut, a unique gathering of the extreme Right movement and assorted ' Islamic' scholars from the Middle East.

In the former east Germany, I witnessed where the dislocation and disaffection brought about by mass change – in this case, reunification – could bring us. Large-scale right-wing networks called the *Kameradschaften* ('comradeships', a Nazi-era term) were calling for a

Fourth Reich. Many local skinhead gangs had declared 'liberated zones' in rural towns and villages – liberated of foreigners and left-wing opposition, that is – and there was a tremendous level of violence and racial intimidation in these areas.

Governments across the Western world are seeking to head off the threat from the far right: often by co-opting their most populist elements.

I often wondered about these strange scenes as I walked the streets of east London. What could the worlds of Holocaust denial, rabid fringe groups and conspiracy theories have to do with everyday life, and politics, on the streets of Britain? We had our problems, sure. But why would we trust crackpots and authoritarians with our bin collections, council tax and possibly even law-making in future?

HOW LITTLE I REALLY UNDERSTOOD

I began observing the rise of the BNP on the outer fringes of east London, in Barking and Dagenham, unthinkable only a few years ago. The Bangladeshis of the East End had helped to see off the Far Right back in the 1990s, yet here it was, raising its ugly head again as it secured a dozen seats on the local council and firmly planted its flag on the soil of the most powerful city in Europe. Richard Barnbrook, its Barking leader, got elected onto the Greater London Assembly earlier this year: a man who' d once made a homoerotic movie as an arts student, whom I regularly witnessed with a beer can in his hand, was now collecting a £52,000 salary funded by the taxpayer, for a party which favored pre-Industrial Revolution economics and a return of ' immigrants' from these shores.

Watching these men (and they were, and are, still mostly men) canvass for votes, I was struck by how lacking in charisma many seemed to be. In the working men' s clubs and pubs of Dagenham, older white voters spoke openly of their concerns about housing, about immigration and their children' s future. Labour had ' betrayed' them they argued; they would trust politicians no more. Yet at the first sign of a carpet-bagger and populist coming from the extreme Right, it seemed they would jump into his arms and welcome him as a saviour. I, and many others, could never see ' how' the BNP would actually ' save' anyone: its politics was the message of the victim, always about looking back to a mythical past.

As my meetings continued, I wondered how anyone could be swayed by such obviously opportunistic words? Griffin's tight, high voice and somewhat lacklustre demeanor, for example, did not indicate he was the powerful orator he might believe himself to be. Yet the disaffection breeding within traditional Labour strongholds would lead the BNP to claiming nearly 60 council seats, a Greater London Assembly (GLA) position and begin aiming its sights on a electing an MEP. Labour' s voters are most likely to swing to the BNP but it has began taking votes in traditional Tory areas, too. Perhaps not simply a result of BNP 'modernisation', rather wider social disaffection and a protest against the political system. Not only that, but there have been secret talks between the BNP and the UK Independence Party (UKIP) – its one major electoral threat – taking part in the wings. We are living in a time of single-issue politics and the BNP will now have its eyes on the protest vote, and European elections, next summer.

There are wider issues at work propelling the rise of extremism, of course. Fears about job losses, housing, the breakdown of traditional communities, the pace of change and lack of certainty. There is almost an industry these days in rose-tinted glasses: I' d be a rich man if someone gave me a penny for every time I was told how great it used to be...

My industry, the media, has its part to play too. As Griffin himself said: "One could today be forgiven for thinking that the editors of five of Britain' s national daily papers – The Daily Star, The Times, Daily Mail, Daily Express and Daily Telegraph – had suddenly become BNP converts." As David Blunkett, and then successive Home Secretaries after him unleashed ever-more populist measures to clear up the asylum seeker 'problem', I read messages from neo-Nazis as far away as Australia and Germany, parading words from The Daily Mail and The Spectator on their email lists, claiming the mainstream now agreed with their views on immigrants.

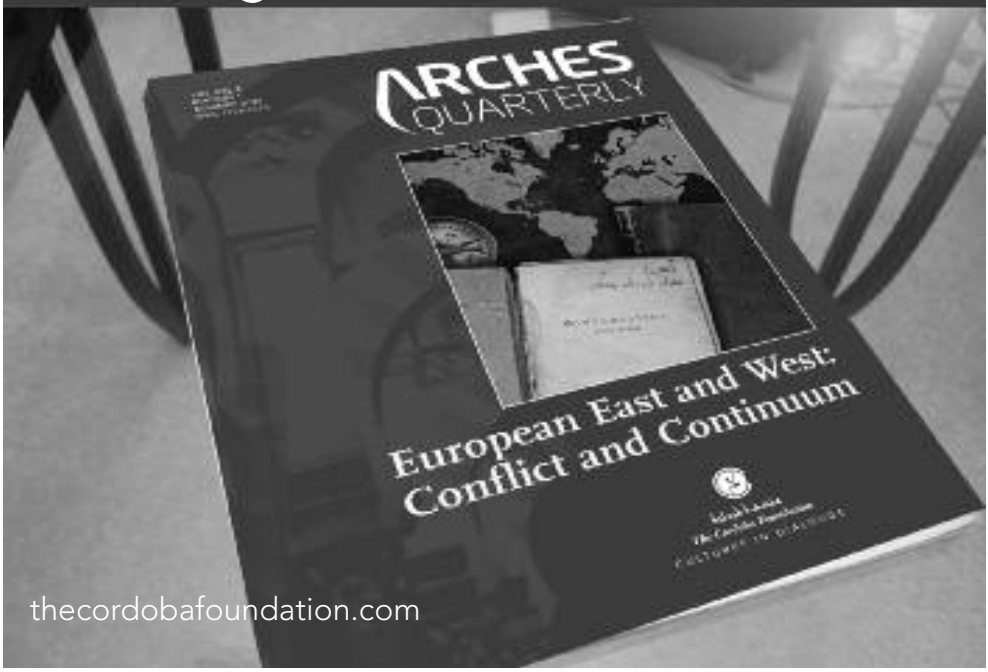
Whether we will ever face a far-right party governing more than a council remains to be seen. Governments across the Western world are seeking to head off the threat from the far right: often by co-opting their most populist elements, critics argue. With the spread of fear – over asylum seekers, Islam, the War on Terror (and more importantly the impending recession) – the signs are not encouraging.

In 1928 Hitler had only 2.6% of the vote; by 1933 he was in power. Is the Far Right such a threat as the Nazi Party was back in the Thirties? Not yet. But it is a warning. A rise in support for extremist and single-issue groups is a sign of pressure building beneath us all. We all must guard against anyone – anyone – promising simplistic solutions, black and white answers, to a world which is shaded in many colours.

Nick Ryan is a writer and consultant producer. He spent six years amongst an international network of far-right extremists for his acclaimed book, Homeland. He has travelled far and wide, from the refugee camps of the former Yugoslavia, to civil war in Kurdistan, the kung fu masters of south-eastern China to the neo-Nazi gangs of the UK.

As a freelance journalist, Ryan has been a consultant for various non-profit groups, and acted as a consultant producer on a variety of TV projects, including Sky One series "Ross Kemp on Gangs". He was awarded a Special Commendation from the International Federation of Journalists (1999) and longlisted in 2005 for the Paul Foot Award for Campaigning Journalism, sponsored by Private Eye magazine and The Guardian.

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The Quintessential British Muslim: Abdullah William Henry Quilliam (1856-1932)

Professor Khizar Humayun Ansari

November 2008, saw Barack Hussein Obama elected as the 44th President of the United States of America – arguably the most extensively practising Christian nation of the West – despite being falsely accused of being a 'radical', madrasa-trained, closet Muslim, who, in Sarah Palin's words, had been 'pallying around with terrorists'.

Obama had to emphasise again and again his faith in Christianity and his rejection – somewhat disingenuous but politically understandable – of any element of Islam in his early upbringing to nullify the impact of the Islamic 'folk devil'. In the past two decades, Islam and Muslims in Britain too have been the subject of widespread suspicion, fear and threat. Terrorist atrocities and political discontent are more often than not attributed to "fanatical Muslims", hell-bent upon the "destruction" of Western civilisation. Islam has been conjured up as a dangerous, powerful force, irrational, intolerant, violent, and primitively patriarchal – an alien presence incompatible with the values, institutions and temper of British people. It has become the archetype 'Other'. The imagery of the Iranian Revolution in 1979, the public burning of Salman Rushdie's The Satanic Verses in January 1989, the attacks of 9/11 and 7/7 have all combined to confirm a degree of antipathy towards Islam and Muslims in the Western popular mind that has few precedents in the past.



The perception that Islam lacks roots in the British soil has been deployed to set boundaries that categorise, alienate and exclude Muslims, by calling into question their emotional ties, loyalties and claims of belonging to this their homeland (a version of 'this is our country and by implication not yours', the claims to greater entitlement are frequently, if not always explicitly, asserted). British Muslims are viewed as a huge problem in need of a solution and much media, political, and academic attention and energy is focused upon an attempt to understand them. The difficulty in achieving this understanding is that the 'radical' minority of Muslims has come to be seen as broadly representing the whole of the British Muslim community – a community inaccurately portrayed as undifferentiated, isolationist and immune to processes of change. Ignoring the reality of Muslim life, its diversity has been cast aside, creating a homogeneous and monolithic image that has thrown up a series of negative stereotypes which militate against constructive and harmonious interaction. Instead of mutual goodwill, division, distrust and Islamophobia has resulted.

Radical Islam has become, in many ways, a highly visible vehicle for "protest politics", but it could be argued that it is so for only a very small minority of disenfranchised Muslims. Moreover, its specific methods of articulating such grievances are a wholly recent phenomenon. In the past, Muslim discontentment was articulated in other ways. By looking at the life and times, and ideas and activities, of William Henry Quilliam – leading British Muslim of the late nineteenth and early twentieth centuries – this paper seeks to demonstrate the historical heterogeneity of Muslims in their political attitudes and to show that, more often than not, strategies adopted by different strands of Muslims

in Britain have been inescapably shaped by their context – by factors such as time and place – and must not be attributed to a generic perception of a supposed "Muslim psyche". Quilliam's story is proof that Britain has its own Islamic heritage. But while a whole spectrum of British Muslims are seeking to invoke Quilliam to validate their own brands of Islam, even a cursory glance at his life immediately reveals a more complicated personality. After all, who was Quilliam? Why did Quilliam convert to Islam and begin propagating his new faith in late Victorian Britain? How did Quilliam's "British identity" shape and affect his religious practice and the way that he propagated Islam? What were the tensions between Quilliam's British and Muslim identities and how did he negotiate them in the age of high imperialism? Finally what is Quilliam's relevance for today?

QUILLIAM'S BACKGROUND

Quilliam was born into a solid middle-class family in Liverpool in 1856. His family's involvement with Methodism and the temperance movement drew him to both at a young age. He qualified as a solicitor and quickly became extremely successful. His private life was not straightforward though. A married man, he had a lengthy affair that suggested a relative disregard for the Christian sexual morality and its ideal of monogamy. Turning first to Unitarianism and Deism, it then proved a short step to Islam, which, doctrinal similarities with Christianity notwithstanding, appeared to him to be a more rational faith. In 1887, after a trip to Morocco, Quilliam made his conversion to Islam public, setting out his religious views in a pamphlet entitled The Faith of Islam.

Slowly, a congregation began to emerge at his house in Liverpool. His propagation soon encountered intense hostility. Quilliam found himself insulted, ridiculed and stigmatised "as a species of monomaniac", and regarded by some as a lunatic and a fit case for a straitjacket. His cultivation of an eccentric and colourful image – confidently donning flamboyant 'Eastern' robes, riding through the streets of Liverpool on a white Arab stallion wearing a brightly-coloured fez, with his pet monkey invariably sitting on his shoulder – only served by adding exoticism to his new faith and its adherents.

Quilliam's story is proof that Britain has its own Islamic heritage

In the context of rising hostility towards the Ottoman empire in late Victorian Britain, Quilliam's system of religious belief was pronounced as absurd and ridiculous. "With some good points", it was deemed to be "blended with so much unmitigated nonsense and it is a belief so foreign to Western minds, that its chances of success here are evanescent": "It is an exotic ... un-English religion".[1] He was evicted from the house in Mount Vernon Street which, at the time, he was using as a Mosque because the landlord "would not have any person occupying his premises who did not believe and preach the saving efficacy of Christ Jesus' blood".[2]

Consequently, Quilliam moved to 8 Brougham Terrace in 1889, where he established the Liverpool Mosque and Institute (LMI) in 1891. However there was no let up in the opposition that Quilliam and his congregation faced. Mohammed's Islamic creed, was pronounced by critics in the local press as "Eastern humbug", which as history had proved, had been "hand in glove with cruelty, murder, moral and imperial decay, and barbarous ferocity".[3] On one occasion, a mob, numbering several hundred, assembled in front of the Mosque and greeted the muazzin's[4] call to prayer with "discordant yells and loud execrations", and pelted him with mud, stones and filth. Likewise, as worshippers were leaving the Mosque, they were pelted with missiles. Eventually the police appeared at the scene and the mob dispersed. In justifying this violent reaction – lobbing bucketfuls of missiles and fireworks into the building – a local newspaper commented that:

"to hear the muezzin here it is most incongruous, unusual, silly and unwelcome, and the man who stands howling on the first floor of a balcony in such a fashion is certain to collect a ribald crowd."[5]

In these comments of the Liverpool Review of 1891, there are arguably echoes of the Bishop of Rochester's recent complaint regarding the calling of the Adhan (call to

prayer) out aloud in some Mosques today.

What was it that generated the extreme vitriol in this period against Islam and Quilliam? Such reactions, often laced with a large portion of bigotry and intolerance, and combined with inaccurate and misleading history, drew upon the memory of the Crusades and the charge of Muhammad's imposture to give them the moral rectitude which made lawlessness and disorder, deemed reprehensible under other circumstances, necessary and defensible.

By the end of the nineteenth century, the demise of the Ottoman Empire had come to seem inevitable, certainly as far as European powers were concerned. Its likely collapse opened up tantalising prospects for British imperial ambitions, particularly in terms of territorial expansion. Thus, a revived "moral crusade" was enacted against the Ottoman state, in order to uproot "the Turkish tyrant".[6]

Medieval anxieties between the realm of Christendom and Islam were deliberately re-ignited. British politicians and the press alike embarked upon a systematic campaign of criticising the Ottoman Empire in order to rally popular support. Even some quarters of the British clergy contributed to the debate denouncing Islam as a "nauseous abomination".[7] This was further reinforced by previous Victorian depictions of Islam in art and literature. Critical images were reproduced in popular forms such as newspaper cartoons, music-hall songs, novels and religious journals, and from the beginning of the twentieth century in photographs and cinema. Respectable newspapers and journals such as The Times, The Contemporary Review, and The Nineteenth Century published diatribes condemning the Ottoman Empire. Almost symbiotically, anti-Muslim sentiment was fuelled by British foreign policy decisions, and the stands taken by British governments encouraged anti-Muslim sentiments.

Under these circumstances, it was perhaps surprising that Quilliam was able to gain as many converts as he did. Between 1888 and 1908, some 600 in all, and mainly from the professional middle-classes converted to Islam. The premises in West Derby Road were enlarged: by the mid-1890s, the LMI comprised a Mosque, a madrasa, a library and reading room, a museum, a boy' s boarding and day school, a day school for girls, a hostel for Muslims and an office for a literary society. The complex also contained a printing press. The LMI conducted Friday congregational prayers and celebrated the many annual Muslim festivals.

The first funeral prayer according to Muslim custom was held in the Institute in 1891, and many weddings thereafter were solemnised according to Islamic traditions. The Institute also brought out a weekly and monthly publications[8] dealing with a whole host of national and international issues concerning Muslims. These were circulated internationally. Quilliam – a staunch believer in the solidarity of the Muslim Umma – travelled widely and built up important contacts in the Muslim world. The importance of the Liverpool community was recognised in the conferment on Quilliam in 1894 by the title of Shaykh al-Islam of the British Isles by the Ottoman ruler and the Amir of Afghanistan. It was further underlined by his nomination as Persian consul for Liverpool by the Shah of Persia.

How then was this success achieved? Quilliam adopted a variety of innovative approaches to achieve conversion. He quickly realised that if he were to counteract anti-Muslim antagonism and if he were to encourage favourable opinion, he would have to communicate his ideas in an idiom that his audience could readily understand. Bearing in mind the social and intellectual environment in which the LMI was carrying out its missionary work, Quilliam directed his attention mainly to the people with whom he already was familiar with and whose concerns he had shared and championed for years, such as his "old temperance friends".[9]

By drawing parallels between Muhammad and English heroic figures such as Granville Sharp, Thomas Clarkson and William Wilberforce, he sought to have the former recognised as one of the "noble band of emancipators"[10] and "benefactors of mankind"[11] – to whom "the very nation who traduced them has since raised statues of honour".[12] He was English and therefore, people from the majority population could not as easily dismiss his views as ' alien' as might have been the case if they had come from a

person with a different ethnic origin or culture. To demystify Islam and encourage converts, Quilliam highlighted the similarities of the three great Abrahamic faiths and their shared origins. Turning towards his largely Protestant audiences, he emphasised the continuity between Christianity and Islam. He attempted to make connections with the religious practises of potential converts and so create a sense of receptive familiarity.

This approach was reflected in many of the LMI' s activities which were similar to the "good works" being carried out vigorously by non-conformist Christians, especially the Unitarians. For example, Quilliam' s Medina Home for Children was founded as a refuge for unwanted children who were cared for and brought up as Muslims. Another example of the Institute' s concern with the people in the locality was its annual celebration of Christmas day from 1888 by providing meals for and entertaining hundreds of the poor.

Regarding Christmas, the Liverpool Muslims' view was that although they rejected the divinity of Jesus, they honoured and respected his memory as a prophet. They sought to show also "in a most practicable manner that the religion of Islam inculcates almsgiving to the deserving poor and the needy as one of the pillars of the faith".[13] Thus, it was their duty they declared, to feed the "poor ill-clad Christians in a Christian city neglected by the followers of their own creed".[14] The LMI also built bridges with interested Christians by adopting a form of ritual to which people were accustomed and with which they felt at home: morning and evening services were organised on Sundays where hymns, many taken from Christian evangelists but adapted by Quilliam to be "suitable for English-speaking Muslim congregations",[15] were sung. In these ways, Quilliam was clearly trying to construct an indigenous, British, Islamic tradition.

However, despite his best efforts harmonious co-existence proved to be a near impossibility in the aggressive milieu in which his community was located. Quilliam found it hard to stomach what he perceived were grave distortions of his religion and the Muslim Umma in Britain. In his edicts (or fatwas), he questioned the virtue of Muslim imperial subjects fighting on behalf of the Empire against their fellow brethren in the Sudan – in so doing he indirectly called into question the ability of Muslims to be loyal to both Britain and their religion.

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On the Armenian Question, he defended the Ottomans in 1895 from criticism that he regarded as unbalanced and unfair; when Gladstone tried to mobilise mass support for his demand that the government should take punitive measures against Turkey, Quilliam pre-empted Gladstone's[16] speech in Liverpool by calling a meeting of his congregation to redress the balance. He talked of England, virtually preaching a new crusade against Islam,[17] but hypocritically ignoring "Christian atrocities" elsewhere. In 1897, he accused "the British Christian Logic" of double standards for extolling an American as a hero for killing innocent women and children in the crowded streets of Istanbul while denouncing an Afghan fighting for his homeland "as a traitor and a rebel" as his land is "raided and his wives and children slain". His warning that such a crusade might be answered with a jihad was dismissed by the press as a hollow threat, and his criticisms were rejected as "un-British", or even treasonous.

Allegations that his Muslim faith took precedence over his loyalty to the Crown, however, were unfair because Quilliam revered the monarchy and by extension (though with some reservations), the existing British Empire. There is considerable evidence for this. He offered special prayers on the occasion of Queen Victoria' s birthday and celebrated her Diamond Jubilee at the LMI in 1897. In 1899, Quilliam sent Victoria a ' celebratory telegram' which conveyed

'the loyal felicitations of the British Muslims.' When she died in 1901, he promptly sent a telegram 'conveying the heartfelt condolences of the British Muslims' to Edward VII, whose portrait appeared on the cover of the next edition of the Islamic World. Despite such actions, the fact that Quilliam's loyalties were nevertheless still questioned was due to his unprecedented boldness as a British Muslim leader and his confidence that his British and Muslim identities were reconcilable. Quilliam remained unabashed and unapologetic about his twin loyalties:

"If it be a crime to place duties of religion before those patriotism, then I am verily guilty..The Muslim's first and paramount duty and allegiance is to God, the Prophet and Islam, all other claims are of secondary and minor importance."[18]

This 'political' phase in Quilliam's religious career came to an abrupt end in 1908 with his sudden, and mysterious departure from Britain, probably for Istanbul. Following Sultan Hamid's deposition, Quilliam (using the French name Leon)[19] returned to England in late 1909, drawn back by family ties. He occasionally attended meetings of groups sympathetic to Islam as well as those held by the growing Muslim community in London, but did not pursue his defence of Islam or Muslim leaders as passionately as he had done prior to 1908. With Britain pitted against Turkey by the end of 1914, he was more anxious than he had ever been in Liverpool to demonstrate his loyalty to Crown and country and, in fact, repudiated his earlier rhetoric about religion taking precedence over patriotism: "Our Holy Faith enjoins upon us to be loyal to whatever country under whose protection we reside."[20] He wrote to Grey, the Foreign Secretary, pledging his absolute loyalty to the British Crown and, moreover, offering his services to the government in promoting "loyalty amongst the Muslims throughout the Empire."[21]

Quilliam kept a low profile for the duration of the Great War, though one of many rumours that surfaced after his death suggested that he may have carried out "valuable secret service work for England"[22] during the conflict. Yet, at the end of the war his efforts to ensure that a defeated and humiliated Turkey received a fair hearing occasionally threatened to undermine his attempts to appear loyal to Britain.

So, how do we evaluate Quilliam? On the one hand, his feelings regarding 'conflicting' loyalties reflected the predicament of many of Britain's Muslim subjects during the First World War, something that resurfaced again more recently during the two Gulf wars and remains with us in Afghanistan. On the other hand, while 'radical' Islamists today distance themselves from Western liberal democracy and its processes, Quilliam chose to remain engaged with existing social and political structures. At no point did Quilliam or his congregation call for the creation of a distinct "Islamic state" for the Muslims of the empire; nor did he or his followers advocate violent acts in pursuit of their aims.

But is he relevant today? As Yahya Birt, a keen and perceptive observer of Islam in Britain has succinctly put it, "in a way, [Quilliam's] mixture of local public service and global political concern makes [him] an oddly resonant figure for young British Muslims today – a marionette for our anachronistic fears and hopes".[23]

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ENDNOTES

1. 'Moslemism in Liverpool', Liverpool Review, 28 November 1891.The Crescent, Liverpool, 1 July, 1896
2. The Crescent, Liverpool, 1 July, 1896
3. Ibid.
4. The person who calls fellow Muslims to prayer, at the prescribed times.
5. 'Moslemism in Liverpool', Liverpool Review, 28 Nov 1891.
6. Norman Daniel, Islam, Europe and Empire, Manchester University Press, 1966, p.37.

7. Muslim Outlook, 20 November 1919.

8. The Crescent was an eight page weekly and The Islamic World a thirty-two page monthly.

9. See 'Preface to the Second Edition' of his lecture, 'Fanatics and Fanaticism', delivered at Vernon Temperance Hall, Liverpool in 1890.

10. Ibid., p.10.

11. Ibid., p.21.

12. Ibid., p.10.

13. The Crescent, 1 January, 1896.

14. Ibid.

15. M.M. Ally, 'History of Muslims in Britain, 1850-1980', Unpublished MA dissertation, University of Birmingham, 1981, p.58.

16. Gladstone had concluded that Islam was 'radically incapable of establishing a good and tolerable government over civilised and Christian races'. Norman Daniel, Islam, Europe and Empire, p.398.

17. "The Christian Powers are preparing a new crusade in order to shatter the Muslim powers, under the pretext that they desire to civilize the world". See, The Crescent, 22 April 1896, pp.681-682.

18. The Crescent, 10 June 1896, p.793.

19. In April 1915, The Islamic Review, introduced Quilliam as "brother Professor Haroun Mustapha Leon…a true believer for 33 years". He is described as "a philologist", "a geologist" and an "Honorary member of many learned societies in Europe and America". See, p.182.

20. 'Mussulmans and the War', 1914, NA, FO 371/12/2173.

21. 'Moslems and Turkey', 1914, NA, FO 371/12/2146.

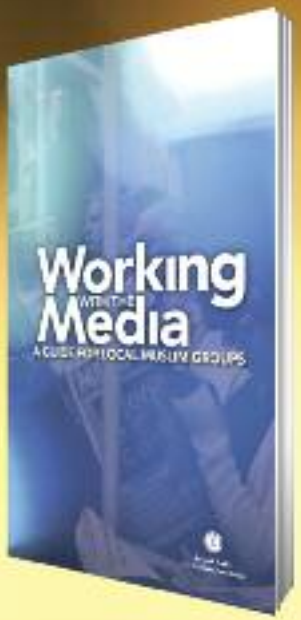
22. Daily Herald, 23 September, 1933, p.1.

23. 'Abdullah Quilliam: Britain's First Islamist?', http://www.yahyabirt.com/?p=136/

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