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Toward New Democratic Imaginaries – İstanbul Seminars on Islam, Culture and Politics

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Toward New Democratic Imaginaries – İstanbul Seminars on Islam, Culture and Politics

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Preface

Giancarlo Bosetti

This book epitomizes a desire for dialogue amidst a stormy season of conflict. The İstanbul seminars, inaugurated in 2008, exemplify the spirit and intentions of Reset-Dialogues on Civilizations, an association created to promote all that its name implies: the development of a conversation between people that transcends political, cultural, linguistic, and religious borders, facilitating communication between East and West and North and South, from both sides of Samuel Huntington's "fault lines." This annual meeting we hold, greatly anticipated by young scholars of philosophy and social science from all over the world, was started by Nina zu Fürstenberg and myself with a preparatory phase that lasted a few years. This delay was also caused by attempts to hold the event elsewhere – in Tehran and in Cairo – that were met with adversity, such as the arrest and exile of one of our Iranian partners and friends, Ramin Jahanbegloo. At the time, freedom of the press – and freedom in general – in Egypt was restricted by the Mubarak regime, which further complicated all public initiatives.

Our association was created in reaction to 9/11 (2001) and all that followed; it is an attempt to heal the wounds and tensions that, since then, have remained open and unresolved between the United States and the Arab world, between the West and Islam, and between the two shores of the Mediterranean. Even in describing these tensions, generalizations arise that require definition and clarification. The general categories, religious or civilizational, to which we are tempted to reduce current crises, explain little and require many distinctions. What does Islam mean? What comprises the Muslim world? And who represents the Arabs? Bin Laden? Or the Tunisian leaders awarded with the Nobel Peace Prize? And the West? Who represents the West? The destroyed Twin Towers? Bush Jr. and the army occupying Baghdad? Or Obama? Or the British and American hostages who have been beheaded? Or Angela Merkel and the complicated and incomplete European framework?

When we set this project in motion, we wanted above all to oppose the strong inclination, present even among intellectuals, to raise barriers, to end communication, and to withdraw into isolated academic domains while waiting for the dust of explosions and wars to settle. We have entered a season in which, in everyday

conversations and in the media environment in which we are immersed, we continuously observe the attribution of all that is evil to the "other bank" of the river, to the other shore of the sea, and to the other side of the world. This applies to terrorism as it applies to all wars and economic crises. Popular cartoonists in Cairo portray Daesh as a ferocious guard dog on a leash held by Uncle Sam. For how long will they continue to do so? European tabloids indiscriminately hurl accusations at "Islamic bastards," as if one could confuse the responsibilities of bloodthirsty minorities with millions of peaceful human beings. For how long will this continue? When will more clear-headed analyses triumph?

It is difficult to challenge the historic accusations leveled at the United States regarding catastrophic mistakes made in Iran, starting with the deposal of its democratic leader Mossadeq or when, occupying Iraq and getting rid of Saddam Hussein, they installed a Shiite-majority regime, provoking Sunni resentment. On the other hand, it is irrefutable that suicide bombers kill innocent children and teenagers in the name of Islam, but they do this in the name of a "betrayed God," to borrow a phrase from François Hollande, and, in so doing, blasphemously co-opt a religion, as Pope Francis has said. And yet they do it all the same.

Many Muslims rebel against this ("Not in my name," they say) and do not accept that the condemnation of such violence should be postponed until a time when the faults of colonialism have been rectified. However, the world stage today is crowded with irresponsible politicians cobbling together bits and pieces of the truth to create narratives rooted in resentment that fuel their own consensus, on one side and on the other, the danger of sparking never-ending radical hatred is great. It is made more serious by the fact that, on both "shores," one lives in "media bubbles" which, after all, are also different "cultural bubbles" that communicate very little, if at all – and all of this in spite of globalization.

The same event – a war or a terrorist attack, like those that followed the Danish cartoons in 2005, or the attack on Benghazi during which the American ambassador to Libya was killed in 2012 following the release of a satirical amateur film on Mohammed – is reported through totally different narrative frameworks, almost as if they were speaking to different events. The portrayal of the United States by Salafite satellite television stations competes perversely with the portrayal of Islam in European extreme right wing newspapers or by Fox News. To each their own bubble.

Intellectuals can react to this multiplication of distances with serious analyses, through the creation of direct dialogues that bridge these disparate "shores" – and all the shores of the world – and by fighting radicalization, extremism, and violence, as well as trying to analyze their roots using the instruments of their disciplines. The knowledge that comes from such dialogues, from the use of a broad spectrum of human sciences, is what is intended to be presented to the public here: a culture of pluralism, the idea that differences can coexist and respect one another within state and international rule sets that, in different cultural contexts, can assert human rights, the dignity of the person, women's rights, respect for one's own cultural identity and also the freedom of individuals to cultivate and modify it, and the

freedom to practice and defend a religious belief but also to abandon it. It is a reality that is not achieved without problems and conflict.

Dialogue is not itself enough. It must be implemented without the naivety and the snobbism of believing that it can suddenly turn on a magic light that dissolves the shadows. But it is indispensable for not perpetuating radical cartoon-like portrayals of the Other. Dialogue is needed to pin down prejudices, to unmask enemy-focused visions of the world that fuel rancor and enflame public discourse. Ongoing conflicts, violence, terrorism, and fear also polarize democratic societies to the point that all sense of proportion is lost; an external enemy, or even more an internal one like immigrants, becomes the explanatory principle for so many social or economic issues, without regard for pertinence or accuracy. Hence, in much of the Arab world, the West becomes the overall cause of disquiet and economic problems. The opponent, real or imagined, absorbs all the attention paid to public issues following a process one could define as "thinking through the enemy" or in Latin "cogitare per inimicos." It is the atmosphere that produces wars. It summarizes, better than anything else, everything that the İstanbul seminars seek to oppose.

Dialogue is indispensable for paving the way for peaceful solutions, and although we are well aware that it is not enough to end wars, we rely on the fact that it can contain the irreducible terms of a conflict and perhaps be useful for helping us understand the reasoning of others, for facilitating compromise, a modus vivendi while we wait for better days. The answer to this escalation of resentment is therefore not inexistent and impossible "good thoughts" but rather the serious work of knowledge production and of analysis that does not allow itself to be attracted to the magnetism of polarization and instead pursues sobriety with tenacity and through dialogue and debate.

Our dialogues found the best possible location in İstanbul, thanks to a solid and lasting cooperation with Bilgi University, a lively Turkish university with great sense of international openness, located at the extreme end of the Golden Horn. For 9 years, we have never moved from there. We began during a phase in which Erdogan's party, the AKP, which came to power in 2003, had embarked on a cycle of détente following the strict Republican and Kemalist military regime. Motivated by the dialogue established to discuss Turkey's European Union membership, it at last became possible to address in public the subject of Armenian remembrance as well as the rights of the enormous Alawite and Kurdish minorities, as we did and as you will see in this book. This is what makes Turkey a composite country, although this has been forcefully kept semi-hidden under the constitutional dogma of Atatürk's nationalism.

This détente continued to the point that a fully legal Kurdish political party was formed, representing the hopes of the liberal opposition, but which now has drawn to a halt in the face of a worrying involution of Erdogan's power, liberticidal measures against opponents, and the violent repression of street protests. Questions concerning Turkey's democratic future are becoming increasingly louder and more distressing, especially if the country becomes unable to manage the inevitable tensions of a pluralist framework, tensions that have been aggravated by the catastrophe of neighboring Syria, the permanent conflict with the Kurds, and the

repercussions of the war against Daesh, in which Turkey has played a very inconsistent role for a long time. In the aftermath of the July 15, 2016 coup attempt all these dangers have intensified.

These observations are not off topic because the İstanbul seminars have, from the very beginning, served as an extraordinary observatory for the evolution of contemporary societies and political systems, of Arab countries and also European societies dealing with a close encounter with cultural and religious differences, with the challenges posed by globalization and mass migrations, as well as the appearance of multiple paths toward modernization. The first 15 years of the new century have been stormy but also filled with promise. An evolving Turkey moving closer to Europe was one of these promises, especially thanks to its capacity to present itself to Arab countries as a possible reformist and successful solution for Arab nations compared to the harsh alternatives of secular authoritarianism or religious extremism, of secular dictatorships and Islamic theocracies. Should the failure of such a promise be complete, access to democracy and pluralism for Arab countries would suffer renewed and perhaps indefinite delays. The fate of Turkish democracy itself would appear to be in jeopardy. The Tunisian exception, an isolated democracy in the Arab world, proves that there is another way and that, as acknowledged splendidly in the motivation for the Nobel Peace Prize awarded to the country's civil society, this way involves dialogue, compromise, and a considered agreement between secular political movements and religious political ones.

The acknowledgment of religion's re-emergence and powerful role in the public sphere is a characteristic of the post-secular imprint that the İstanbul seminars assumed during the first meeting in 2008, inaugurated by the post-secular philosopher Jürgen Habermas, with a paper that is not published here because it can be accessed on our online journal, *Reset-DoC*.[1] The subject of the relationship between religion and politics, religion and the law, and religion and science is central to any reflection on the contemporary world, in particular for those wishing to nurture the prospect of cross-cultural dialogue and pluralism, to oppose processes involving the radicalization of identity that so often fuel faith. This is the orientation of our work. We believe it is important everywhere and a clear, urgent priority for the Muslim world, from which our seminars have tried to call on the most important speakers to draw pluralist, dialogic, and inclusive inspiration capable of establishing a solid base for an internal critique of extremism within Islamic culture and religion. Among them, in particular, I would like to mention Nasr Abu Zayd, who died prematurely in 2010, after a life spent in exile far from his beloved Egypt and who accompanied our association's first steps as well as those of the İstanbul seminars. He leaves us his voice, one of the seeds of a possible and better future, a future we would like see, which is rich in cultural diversities yet capable of coexisting well together.

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[1] Jürgen Habermas, A "post-secular" society. What does that mean? Available at: http://www.reset-doc.org/story/00000000926. 2008.

Acknowledgments

Giancarlo Bosetti

I wish to thank all those who have supported Reset-Dialogues on Civilizations from the very beginning, who encouraged its foundation in 2004, and who helped orient our work, in particular the scientific committee, the founders, the board of governors, and, later, the advisory board. They encouraged me to transform what was an Italian liberal-socialist magazine, *Reset*, albeit one with many international relations, into what has become a real international association and think tank, finding in İstanbul the best setting for an East–West dialogue. I therefore wish to express my gratitude to all those who have been, or still are, members of these bodies from the very beginning: Abdullahi An-Na'im, Abdou Filali-Ansary, Massimo Campanini, Fred Dallmayr, Maria Teresa Fumagalli Beonio Brocchieri, Timothy Garton Ash, Anthony Giddens, Vartan Gregorian, Renzo Guolo, Hassan Hanafi, Roman Herzog, Ramin Jahanbegloo, Jörg Lau, Amos Luzzatto, Avishai Margalit, Andrea Riccardi, Olivier Roy, Otto Schily, Karl von Schwarzenberg, Bassam Tibi, Roberto Toscano, Nadia Urbinati, Umberto Veronesi, Michael Walzer, Katajun Amirpur, Benjamin Barber, Karen Barkey, Rajeev Bhargava, Akeel Bilgrami, Giovanna Borradori, Marina Calloni, Francesca Corrao, Caroline Gerry, Fuat Keyman, Mohamed Haddad, Joseph La Palombara, Nader Hashemi, Jonathan Laurence, Alberto Melloni, Fabio Petito, Alessandro Ferrara, Ferda Keskin, and David Rasmussen. And among the most generous participants to our seminars, I cannot forget Richard Bernstein, Nancy Fraser, Albena Azmanova, and Maeve Cooke and on the Turkish side Cengiz Aktar, Soli Özel, and Mustafa Akyol. Much affection goes out to all the members of all our boards but especially those who died prematurely and who devoted themselves, to the very last and with particular conviction, to our project, sharing our same persuasions and passions. They include Nasr Hamid Abu Zayd, Silvio Fagiolo, and Krzysztof Michalski.

Each of the names I mentioned has, at different times, played some role in the over 10-year life of *Reset-DoC*, roles that would deserve a far more generous description.

I'm also pleased to mention Giuliano Amato, who, until he was elected a judge of the Italian Constitutional Court in 2013, generously offered much substantial advice and presided over our scientific committee. He did this from the very beginning when the idea of holding seminars in İstanbul took the shape during a meeting in New York in 2006 with Michael Walzer and other important friends, among them Avishai Margalit, Jean Cohen, Andrew Arato, Giovanna Borradori, and Nadia Urbinati. Seyla Benhabib was also there, certainly not by chance, and brought, successfully, our attention to her hometown as a possible venue for our endeavor toward dialogues. Since then she has devoted time and attention to these seminars, year after year, and, in 2013, she accepted to become the chair of our committee. As our readers can also see from her Introduction to this book, Seyla's work has greatly enriched the prestige of our initiative. I would like to especially thank her, together with Volker Kaul, who co-curated this publication.

Thanks to the many names you have come across in these acknowledgments, and to Jürgen Habermas's aforementioned inaugural participation in 2008, it is not hard to deduce how the imprint of a "critical" philosophical and sociological school of thought has played an important, although certainly not exclusive, role in the history of our seminars. This, I would like to add, is a "post-secular" and Durkheimian imprint to which Massimo Rosati, the Italian sociologist of religion who died suddenly at only 44, contributed, leaving many unfinished projects motivated by a shared experience in İstanbul that also inspired his last book.[1]

I have, so far, left out the names of two people who are members of our boards and who are among the Turkish intellectuals who, together with the Europeans, have continuously played an active role in our encounters. They are Asaf Savaş Akat and Nilufer Göle, and I wish to emphasize here that it was thanks to their intelligence and personal commitment that these seminars were able to take root in İstanbul and become part of an intellectual network that has followed with passion, and, sadly, with increasing apprehension, the social and political evolution of a country and a leadership subject to fast-moving transformations and at risk now of authoritarian degeneration. Finally, I do not wish to forget all those at Bilgi University who worked so hard to provide our initiative with strength and continuity. These include Dean Remzi Sanver and, in particular, our vital partners, Ilay Romain Örs and Murat Borovali, well represented in this book with their contributions. I also wish to mention the names of the members of the board of governors, Francesco Micheli and Pier Gaetano Marchetti, who have been lavish with their advice and the support of their friendship for *Reset-DoC*. Toward Georg Heinrich (Heini) Thyssen-Bornemisza, president of the Nomis Foundation, I need to express a deep feeling of debt for what he did, from the very beginning and with a conviction that honors us to support *Reset-DoC* and the İstanbul seminars, and for providing us with the means needed to implement this initiative as well as his personal attention and participation.

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[1] *The Making of a Postsecular Society. A Durkheimian Approach to Memory, Pluralism and Religion in Turkey*, Ashgate, 2015.

My final thoughts, last, but certainly not least, go to Nina zu Fürstenberg, for whom a thank you would certainly not be sufficient to repay the many debts I owe her. Her role in creating the İstanbul seminars is such that it would perhaps be more appropriate for me to pair her with myself, representing that "us" that is here not to be thanked but to express gratitude for the convergence of the precious human factors that have made possible this small and much-loved collective challenge.

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Nasr Abu Zayd (1943–2010) served as professor of literature and linguistics at Leiden University and held the Ibn Rushd chair of Islam and humanism at the University of Humanistic Studies, Utrecht. He is an internationally recognized expert on modern Islamic thought, critically approaching classical and contemporary Islamic discourses. Abu Zayd got political asylum in the Netherlands in 1995, after several years of severe religious prosecution, and finally a formal court decision that led to his apostasy in Egypt. He is the author of *Reformation of Islamic Thought: A Critical Historical Analysis* (2006), *Rethinking the Qur'an: Towards a Humanistic Hermeneutics* (2004), and *Voice of an Exile: Reflections on Islam* (2004).

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The Honor Code: How Moral Revolutions Happen (2010), and most recently *Lines of Descent: W. E. B. Du Bois and the Emergence of Identity* (2014).

Asma Barlas is professor of politics at Ithaca College and, for 12 years, served as the director of the Center for the Study of Culture, Race, and Ethnicity. Her research focus is Islam, Qur'anic hermeneutics, Muslim women, as well as the politics of violence. She delivered the Spinoza Lectures at the University of Amsterdam on *Re-understanding Islam: A Double Critique* (2008). She published the following other monographs: *Islam, Muslims, and the U.S.: Essays on Religion and Politics* (2004), *"Believing Women" in Islam: Unreading Patriarchal Interpretations of the Qur'an* (2002), and *Democracy, Nationalism, and Communalism: The Colonial Legacy in South Asia* (1995).

Seyla Benhabib born in İstanbul, Turkey**,** is the Eugene Meyer Professor of Political Science and Philosophy at Yale University since 2001 and has been Lecturer in the Yale Law School for 6 terms. She has previously taught at the New School for Social Research and Harvard Universities, where she was Professor of Government from 1993 to 2000 and Chair of Harvard's Program on Social Studies from 1996 to 2000. She was Director of Yale's Program in Ethics, Politics and Economics from 2002 to 2008. She has been President of the Eastern Division of the American Philosophical Association in 2006–2007 and a member of the American Academy of Arts and Sciences since 1995. She is the Chair of the Scientific Committee of Reset-Dialogues on Civilizations and a member of the Executive Committee of İstanbul Seminars.

Professor Benhabib is the recipient of the Ernst Bloch prize for 2009, the Leopold Lucas Prize from the Theological Faculty of the University of Tubingen (2012), and the Meister Eckhart Prize (2014; one of Germany's most prestigious philosophical prizes). A Guggenheim Fellowship recipient (2011–2012), she has been research affiliate and senior scholar in many institutions in the US and in Europe such as Berlin's Wissenschaftkolleg (2009), NYU's Strauss Center for the Study of Law and Justice (2012) and the European University Institute in Florence (Summer 2015).

Her work has been translated into 13 languages. Her most recent books include: *The Reluctant Modernism of Hannah Arendt* (1996; reissued in 2000)*; The Claims of Culture. Equality and Diversity in the Global Era*, (2002); *The Rights of Others. Aliens, Citizens and Residents* (2004), winner of the Ralph Bunche award of the American Political Science Association (2005) and the North American Society for Social Philosophy award (2004), *Another Cosmopolitanism: Hospitality, Sovereignty and Democratic Iterations*, with responses by Jeremy Waldron, Bonnie Honig and Will Kymlicka (Oxford University Press, 2006); *Dignity in Adversity. Human Rights in Troubled Times* (UK and USA: Polity Press, 2011); *Gleichheit und Differenz. Die Würde des Menschen und die Souveränitätsansprüche der Völker (*bilingual edition in English and German: Mohr Siebeck, 2013); *Kosmopolitismus ohne Ilusionen. Menschenrechte in turbulenten Zeiten* (Suhrkamp 2016), and *Exile, Statelessness, Migration. Jewish Themes in Political Thought* (Princeton University Press 2017).

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Giancarlo Bosetti is the director and one of the founders of Reset-Dialogues on Civilizations. He is the editor-in-chief of the online journal www.resetdoc.org and of *Reset*, a cultural magazine he founded in 1993. He was vice-editor-in-chief of the Italian daily *L'Unità*. He is currently a columnist for the Italian daily *La Repubblica* and has taught at the University of La Sapienza and University of Roma Tre. Among his books are *La lezione di questo secolo* (a book interview with Karl Popper, 2001), *Cattiva maestra televisione* (with essays by Karl Popper, John Condry, and Pope John Paul II, 2002), and *Il fallimento dei laici furiosi* (2009). He recently wrote an introduction to the volume *Omnia mutantur. La scoperta filosofica del pluralismo culturale* (2013), with contributions of Richard Bernstein, Salvatore Veca, and Mario Ricciardi.

Cemil Boyraz is assistant professor at the Department of International Relations at İstanbul Bilgi University. He holds a PhD in political science with a dissertation about the political economy of nationalism, analyzing the case of the post-1980 privatization process in Turkey. His research interests concern Turkish politics and foreign policy, international relations theories, theories of nationalism, international

political economy, and labor movement. He has articles and book chapters on the Kurdish question, political Islam, neo-Kemalism and Alevi question in Turkey, and global political economy and an edited book on the political participation of the youth in Turkey published in 2010. He is currently working on the role of the post-colonial critique in the international relations, the question of democratic autonomy and ideas of (con)federalism, and contemporary debates about the changing structure of the global labor in a comparative perspective.

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Alessandro Ferrara is professor of political philosophy and director of the Center for the Study of Post-secular Society (CSPS) at the University of Rome "Tor Vergata," as well as former president of the Italian Association of Political

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of Society (1977), *The Voice of the Eye* (1981), and *Solidarity: Poland 1980–1981* (1983). Beginning with *Le retour de l'acteur* (1984), he concentrated on a theory of agency and published recently *Nous, sujets humains* (2015).

Michael Walzer is a professor emeritus at the School of Social Science at the Institute of Advanced Studies (IAS), Princeton. Michael Walzer has written about a wide variety of topics in political theory and moral philosophy, including political obligation, just and unjust war, nationalism and ethnicity, economic justice, and the welfare state. He has played a critical role in the revival of a practical, issue-focused ethics and in the development of a pluralist approach to political and moral life. Walzer's books include *Just and Unjust Wars* (1977), *Spheres of Justice* (1983), *Thick and Thin: Moral Argument at Home and Abroad* (1994), *On Toleration* (1997), *Arguing About War* (2004), and most recently *The Paradox of Liberation: Secular Revolutions and Religious Counterrevolutions* (2015); he has served as editor of the political journal *Dissent* for more than three decades. Currently, he is working on issues having to do with international justice and the new forms of welfare and also on a collaborative project focused on the history of Jewish political thought.

Introduction

İstanbul Seminars. Toward New Democratic Imaginaries

Seyla Benhabib

It is hard to think of an issue that has surprised and outraged world public opinion in recent decades as much as the phenomenon of contemporary radical and Jihadi Islamism. Even the instability of the categories with which we continue to refer to ISIS (the Islamic State in Iraq and Syria) or ISIL (the Islamic State in Iraq and the Levant) is a sign of the perplexities that these movements, of which ISIS is only the tip of the iceberg, are causing. The "Levant"[1] is a term which refers to the Eastern Mediterranean and would historically include ancient cities such as Alexandria as well as Salonica. It is a term that evokes a cosmopolitan past in this region when Muslims, Jews, and Christians, who could have been ethnic Turks, Albanians, Maronites, Greeks, Italians, Egyptians, Lebanese, and many others, lived with each other, traded with each other, and built cities together. This cosmopolitan past of the Eastern Mediterranean is irrevocably lost, and ISIS that mistakenly evokes its name would have been one of its central enemies.

Lying behind this terminological instability is a profound change in the nature of the military and political conflicts ranging from Tunisia in the west to the Afghan mountains in the east and from the Arabian peninsula in the south to the streets of Paris, New York, and London in the north but extending to İstanbul, Mumbai, Karachi, and other world cities as well. A large swath of the Muslim world is in the throes of unprecedented socioeconomic and cultural and religious convulsions. Non-state military groups appear and disappear with dizzying speed, producing off-shoots, sleeper cells, and transnational followers all over the world. They have

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[1] The term derives from the Italian *Levante*, meaning "rising," implying the rising of the sun in the east. The name *Levant States* was used to refer to the French mandate over Syria and Lebanon after World War I. See https://en.wikipedia.org/wiki/Levant. It is unclear whether ISIS means to evoke this more recent past or an earlier one. But as with the term "Andalus," used by Osama bin Laden, and which referred to the Golden Age of coexistence between Jews, Christians, and Muslims on the Spanish peninsula between the tenth and thirteenth centuries, the "Levant" evokes mystery as well as nostalgia and a sense of lost grandeur.

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added to the de-territorialized ideology of the global "umma"– the Muslim community of believers – the powers of the new electronic means of communication such as the World Wide Web, Facebook, Twitter, and other social media sites (cf. Devji in this volume). When compared with the archaic brutality of the executions undertaken by ISIS in the form of beheadings by the sword, it is hard not to be bewildered by this bizarre mixture of premodern hatreds advertised by postmodern means. Together with the disintegration of the nation-states in this region, we are facing a return to a kind of "postmodern feudalism,"[2] that is, the emergence of regimes and movements that absorb the accoutrements of modernity in technology and communication while rejecting modernity's legacy of individualism, egalitarianism, critical thought, and political autonomy.

The rise of National Socialism in the middle of the last century posed for the world the following question: how could a modern, industrial nation, in the heart of Europe, and heir to the best of the European Enlightenment, give rise to such a regressive race ideology and barbarism, producing industrialized death factories that decimated not only the Jews of Europe but unleashed a war that led to the loss of 60 million lives altogether? The rise of radical Jihadi Islamism has not yet caused such worldwide destruction, but it suggests another world-historical dilemma: what are the sources of the instabilities and convulsions of the MENA region that are pulverizing the modern state form (with very few exceptions), and why are these teachings proving so attractive and beguiling for many in these societies and in democracies all over the world? Should our answers to these puzzles begin with features of Muslim culture(s) and aspects of Islam as a religion? Should we ask whether Islam and modernity or Islam and democracy are compatible? (For critical perspectives, see Ahmed in this volume.) Should we rather focus on the fact that as a UNESCO report, "Arab Youth: Civic Engagement and Economic Participation, observed, "Nearly every country has a massive 'youth bulge,' with half of its population under the age of 25" and many of whom are unemployed?[3] Or rather, should we scrutinize the end of the secular nationalist ideologies of state-building such as Ba'athism, Nasserism, Kemalism, and Gaddafi's little red book and the ideological vacuum they have left behind? And in asking all these questions, how can we avoid the traps of "Orientalism" in Edward Said's words,[4] of "othering" the peoples of these regions as if time and space stood still for them and as if their history were not deeply enmeshed with that of Western modernity? (See Devji, Hashemi, and Bligrami for critiques of this point of view.) How can we avoid considering the Middle East as if it were just some strategic placeholder until we, in the West, had to note how annoying and dangerous "they" could be to "us"? The concept of

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[2] Observing these paradoxical developments, some years ago Benjamin Barber coined the phrase "Jihad vs. McWorld." Indeed, as Jihad has gone global, it has learned to master the tools of the McWorld. See Benjamin Barber, *Jihad vs. McWorld. Terrorism's Challenge to Democracy* (New York: Random House, 1995).

[3] Cited in: Paul Danahar, *The New Middle East* (London: Bloomsbury, 2014), p. 6, fn. 5.

[4] Edward Said, *Orientalism* (New York: Vintage Books, 1979); and *Culture and Imperialism* (New York: Vintage Books, 1994).

"Middle East" did not even exist "before an American Admiral, Alfred Thayer Mahan, referred in a 1902 edition of London's *National Review* to 'The Middle East,' observing to his readers that he would 'adopt a term which I have not seen…'."[5] The Middle East as a concept originates with geopolitical anxieties on the part of Western military advisors. Something of that remote anxiety and watchful concern remains to this day about this region of the world that is neither Western nor Eastern. Although it borders with and is itself part of the Mediterranean basin, often considered the origin of European antiquity and civilization, it is sharply demarcated from it. Where does Europe end and the Middle East begin? On the shores of Alexandria? On the Thracian part of İstanbul which itself straddles Asia and Europe? What about Cyprus, Rhodes, Crete, the Greek Isles, and Sicily: are they Oriental or Western? And above all, who decides?

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The present volume documents the collective undertaking of a group of scholars, academics, political activists, and policy makers, who in 2008, initiated a series of yearly and still-ongoing seminars, called "İstanbul seminars by Reset-Dialogues on Civilizations," at İstanbul's Bilgi University. Our goal was to provide a counter-narrative to the then-very influential theses of "the clash of civilizations" (Samuel Huntington)[6] and "Islamo-fascism," (Paul Berman, Christopher Hitchens)[7] by showing not only that conversation and cooperation across civilizations and cultures had existed throughout millennia but that these traditions of dialogue urgently needed reviving. Against the term of "Islamo-fascism," which seemed to string together a religion, a culture, and a political movement, we sought to explore democratic and subversive political struggles in Muslim countries, whether secular or religiously inspired, and we tried to examine frameworks for reconciling Muslim teachings with democratic institutions. The term "Islamo-fascism" grants groups like ISIS, Al-Qaeda in the Arabian peninsula, Jaish-al-Nusra, Boko Haram, and others what they aspire to in the battle for hegemony over Muslim minds and hearts, namely, that they and they alone act in the name of Islam. Many contributors to this volume argue that another Islam is possible.

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[5] Quoted in Danahar, *The New Middle East,* p. 15, fn. 20.

[6] Cf. Samuel Huntington, *The Clash of Civilizations and the Remaking of the Modern World* (New York: Knopf, 2007). Huntington's theses are discussed and refuted by Ahmad, Abu El Fadl, and Hashemi, among others (all in this volume). As Bilgrami states it elegantly: "The clash or conflict between civilizations is not nearly as bad if it is a genuine clash, rather than a *conquest* passing off in neutral terms as a 'clash'." Akeel Bligrami, "Islam and the West: Conflict, Democracy, Identity" (in this volume).

[7] Cf. Paul Berman, *Terror and Liberalism* (New York: W.W. Norton, 2004); Christopher Hitchens, *The Enemy* (Kindle Edition: 2011).

Why İstanbul?

In the last decades, Turkish political developments have been the focus of a great deal of interest. In 2002, the Islamist Justice and Development Party (the AK Party) came to power and has since won four elections in 2007, 2011, and most recently in November 2015, after the June elections of that year yielded neither electoral majorities nor likely coalition partners. The dominance of the AK Party was both a reflection of and itself a catalyst for a series of breathtaking transformations of Turkish society, economics, and culture that had been slowly building up since the 1980s.

Established in 1923, after one of the first anti-imperialist struggles of the twentieth century against the Western powers that had divided up the Ottoman Empire and Anatolia among themselves, the Turkish Republic faced a daunting task: creating a new nation out of the motley mixture of languages, cultures, and religions of an aging empire that would be capable of self-government in a modern state. In the process of the violent founding of the Turkish nation, from 1915 onward, the genocide of the Ottoman Armenians took place under the fog of war. Encouraged by promises of national self-determination made by Woodrow Wilson, the Ottoman Armenians, who had been among the most Westernized and liberalized sectors of the population, formed militias in the northeastern parts of Turkey in particular to fight against the ruling Turkish Union and Progress Party with the goal of gaining self-determination. They were decimated by the forces of the army, with significant help from local civilians as well as Turkish and Kurdish militias. Nearly one and half million Ottoman Armenians perished. Mustafa Kemal Atatürk, whose dislike of the Union and Progress Party and its leaders, Talat and Enver Pashas, is well documented, nonetheless kept quiet about the Armenian genocide and accepted that some of those guilty of war crimes would become part of the first Turkish national assemblies as representatives.[8]

The modern Turkish nation, not unlike many others, was born in war and violence and consolidated itself through the repression of memories of otherness. As Ernest Renan, the great historian and observer of modern nations, noted, not only was a nation "une plebiscite de tous les jours" ("a plebiscite everyday") but one also needed to have forgotten – that is "on doit avoir oublié" – those memories of war and extermination in order to be able to coexist into the future.[9]

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[8] See Taner Akcam, A Shameful Act: *The Armenian Genocide and the Question of Turkish Responsibility* (New York: Henry Holt Publishers, 2006); Fatma Müge Göcek, *Denial of Violence: Ottoman Past, Turkish Present, and Collective Violence Against the Armenians, 1789–2009* (Oxford: Oxford University Press, 2014). Cf. also, Seyla Benhabib, "Of Jews, Turks and Armenians: entangled memories – a personal recollection," in: *Journal of Genocide Research*, vol. 17, No. 3(2015), pp. 363–372.

[9] Ernst Renan, "What is a Nation?," text of a conference delivered at the Sorbonne on March 11, 1882, in: Ernst Renan, *Qu'est-ce qu'une Nation?*, trans, by Ethan Rundell (Paris: Presses-Pocket, 1992)

Although the most traumatic and shameful among those events that "one needed to have forgotten," in Renan's terms, was the Armenian genocide, nonetheless it was not the only past that needed to be repressed. Atatürk abolished the caliphate, the religious associations called "tarikats" and "tekkes," and the ancient Ottoman script and introduced a new Latin alphabet for a new Turkish vernacular; he modernized the dress code and adopted French Republicanism and the Swiss civil code as the guiding political and legal documents for the country. In an astonishing feat of top-down modernization, he steered Turkey away from an old and multicultural Empire toward a homogenizing modern nation-state.

The AK Party in Turkey represents the return of this repressed Islamic past. This process had started much earlier already in the late 1970s and 1980s with the formation of parties like *Refah* (Welfare), *Anavatan* (Motherland), etc. But the Turkish military, deeply loyal at the time to the modernizing ideals of Kemalism and its utopian promise of a homogeneous nation, living under a secular constitution (cf. Boravali and Boyraz in this volume), was unaccepting of the slow Islamization and growing post-secularism of the country. After a series of military coups and a Turkish Constitutional Court threat in June of 2008 to outlaw the AK Party if it were to push for the abolition of the head scarf legislation in institutions of higher learning (see more below),[10] the Turkish army and the AK Party reached a modus vivendi.

What accounts for this party's continuous electoral success, even in the face of strong evidence of the repression of media and journalists, corruption, authoritarianism, and lawlessness among the party leaders and officials, is its capacity to evoke and give voice to those groups who were never convinced by or benefited from the top-down modernization first initiated by Kemalism and after the subsequent market liberalization reforms that started in the 1980s. Nonetheless, the institutions established by Kemalism – the Turkish multiparty system, the representative assemblies, the army, the schools, and to a lesser extent, an independent judiciary – have proven that they are able to withstand the test of time. Most surprisingly, a civil society and an economic sector that had been dominated by the reformist civil-bureaucratic elite of the Kemalist era were able to emancipate themselves from their yoke and open themselves to world markets through various liberalization measures with mixed results. In this process, the neutralization of the significant workers' movements active throughout the 1970s by both the military and the Islamist parties helped the development of the industrial sector.[11] Whether or not the AK Party intended to bring about all these transformations – undoubtedly it did not – its

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[10] See, for a detailed analysis, Seyla Benhabib, "The Return of Political Theology. The Scarf Affair in Comparative Constitutional Perspective in France, Germany and Turkey," in: *Dignity in Adversity. Human Rights in Troubled Times* (Cambridge, UK and Malden, MA: Polity Press, 2011), pp. 166–184; here pp. 178 ff.

[11] For a comprehensive overview of the transformation of the Turkish economy, and the complex state and market interactions, see the instructive interview with Nilgun Onder in: http://www.hurriyetdailynews.com/interview-nilgun-onder-on-neoliberalism-and-state-intervention-in-turkey-since-1980.aspx?pageID=238&nID=92415&NewsCatID=386 *Hurriyet, Daily News*.

leadership became the "occasion," rather than the "cause," for them.[12] It is this coming-together of a revolt against a nationalist and stultifying past, combined with a state-protected free-market Islamism, oriented toward a never-quite successful, Ottomanist pluralism, that characterizes the Turkish democratic experiment with moderate Islam. The roots of this Turkish experiment lie in the contradictions of the republican period of founding.

Among the most recalcitrant political problems facing Turkey remains the Kurdish question. Kurdish and Turkish nationalisms have mirrored each other in their continuing denial of the existence of the other and in their inability, until very recently at least, to envisage a mode of coexistence and democratic pluralist citizenship. Where Turkish nationalist politicians have insisted on the unity of the nation and its territorial integrity, Kurdish nationalists and separatists, led by the Kurdish PKK Party, have followed a Third-Worldist model of national struggle and territorial secession. Only recently, with the rise of the HDP (*Halklarin Demokratik Partisi* or *The Peoples' Democratic Party*) and its entry into the Turkish parliament, have views began to develop that envisage "a multicultural and differentiated understanding of constitutional citizenship as a constitutional norm of 'living together in diversity'" (Keyman, in this volume).

Even if it is superficial to treat Turkey as a poster child for the compatibility of Islam and multiparty democracy, nonetheless, the AK Party in recent years is claiming the ideological leadership of a kind of Sunni Islam throughout the Middle East and promoting its own model. In that sense, special attention to the Turkish experiment with an Islamist party is warranted. İstanbul, the capital of the old Ottoman Empire, and the jewel city of the new republic, has become the site of a historical and cultural struggle to remake it by erasing its republican and cosmopolitan roots, replacing them instead with a neo-Ottomanist-Islamist and consumerist fantasy land (cf. Ilay Romain Örs in this volume). Precisely because all these historical contradictions and memories are like throbbing veins running very close to the surface of İstanbul's epidermis, it remains the most beguiling city in which to feel and experience the contradictions of contemporary Muslim societies.

The New Legitimation Crises of the Arab States

Although the Turkish experiment remains unusual in the MENA region, it continues to have widespread appeal. In part because the sultan of the Ottoman Empire was also the caliph of all Muslims, Turkey's encounters with modernity and its attempts to retain something of its Muslim identity in the transition from empire to republic have always had repercussions beyond its borders. Habib Bourguiba, the founder of

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[12] Seyla Benhabib, "The Gezi Park Protests and the Future of Turkish Politics: An Interview" with Begum Adalet, Defne Over, Onur Özgöde, and Semih Salihoglu, *Dissent Magazine* (September 9, 2013) available at: https://www.dissentmagazine.org/online_articles/the-gezi-park

modern Tunisia, considered himself a follower of Atatürk, and Tunisia won its independence from France in 1957.

More significantly, the experience of modernization from the top against the old regimes of sultans, emirs, khans, and others, often initiated by youthful military officers who were once loyal to such regimes, is a well-known pattern throughout the region: General Gamal Abdel-Nasser overthrew King Farouk via the Free Officers Movement in 1952 and then ruled from 1954 to 1970. In Syria and Iraq, the Ba'athist parties, espousing a mixture of Arab nationalism and socialism, first entered the parliament in Syria in 1954. In Iraq, after the July 14, 1958, revolution which overthrew the Hashemite monarchy, the Ba'ath party members initially supported Abd-el Karim Qasim but took power via a coup of the regional branch of the party in 1963. Among those who had to go underground as a result of intense in-party fighting and purges was Saddam Hussein himself. Pakistan, established after the partition from India in 1947, had its first president, Muhammad Ali Jinnah, but after that, it was ruled by a succession of military leaders. Pakistan made the transition to civilian rule first in 1988 with Benazir Ali Bhutto who was in power for two terms before she went into exile; she was murdered by the Taliban upon her return to Pakistan in 2007. After her second term in office, she was replaced by General Pervez Musharraf who then proceeded to govern first in a military and then in a civilian capacity from 1999 to 2008.

The territorially bounded state structure, protected by a standing army, administered by a civil or military bureaucracy, basing its legitimacy upon a written constitutional document, and accepting more or less varied forms of political representation, is the generalized model of the modern state as such. All over the Muslim Arab world, as erstwhile secularizing and modernizing authoritarian military and civilian regimes in Egypt, Libya, Tunisia, Syria, and Iraq have collapsed (with Lebanon and Jordan teetering) under the power of their own contradictions or through foreign intervention, this paradigm is experiencing a profound crisis of legitimacy. Caught between the waning logic of top-down modernization and secularization rhetorics, on the one hand, and the rise of Islamist movements for whom not the state but the "umma" of the faithful is the point of reference, on the other, the Arab Middle East is in the throes of unpredictable transformations.

In "Creative Destruction" (in this volume), Lisa Anderson argues that what made the Arab Spring uprisings of 2011 unique is that they marked "the beginning of the end of the state system introduced into the Middle East by the twentieth century imperial order." Emerging out of the demise of the Ottoman Empire and still caught in the imperial games of their erstwhile colonial masters, these states were nurtured during the Cold War by the competing logic of superpower interests. But "In the absence of public institutions which responded to and represented local interests, people organized around those still vibrant alternative forms of community that existed—the exchange networks of informal economies or the kinship systems of extended families and the ethnic and religious communities of language, sect and confession" (Anderson, in this volume). None other than Osama bin Laden was a sharp observer of the failures of this system and based his rhetoric of the Islamic *umma* on the demonstrable weaknesses of these regimes to deliver economically

and socially and through institutions of education for the growing population of the young. The increasing attraction of Islamist political parties and the rise of extraterritorial ethnic and tribal politics, evidenced by the success of ISIS and the increasing polarization between Sunni and Shiite populations within countries and across borders, are caused in part by the failures of this state structure to deliver.

How have the Islamist parties that have come to power after the Arab Spring themselves fared? The so-called Arab Spring appears to have been replaced by a harsh winter. Egypt's Muslim Brotherhood has been overthrown by a military coup; its followers have been routed by the police and the military, its leaders including Mohammed Morsi imprisoned, and its funds confiscated, and in December 2013, an Egyptian military court declared the organization "terrorist." The weak Syrian uprising along the model of the Arab Spring has resulted in a civil war with intense sectarianism and factionalization. Five million Syrians have become refugees and even more have become internally displaced persons in their own country. Iraq, which never was part of the Arab Spring uprisings, after the fall of Saddam Hussein and the long US occupation, continues to be in the throes of sectarian battles between Sunni and Shi'a forces. While in the northeast of the autonomous Kurdish region of Iraq, a modicum of stability and civil life has been established, it is into the vast vacuum of power in territories that extend from Damascus to Basra that ISIS has stepped.

Some participants in İstanbul seminars whose articles we have not been able to include here have argued that the inability to disentangle religion and politics in Egypt, and particularly to remove the constitutional clause declaring Islam to be the religion of the state, was common to Islamists and their opponents (Article 2 of the Egyptian Constitution). The 2012 Egyptian Constitution in its Article 4 stipulated that legislative questions related to shari'a law had to be addressed in consultation with the official religious institution, al-Azhar, thus diminishing the power of the legislative branch. And, in violation of international law, this constitution guaranteed freedom of religion only to the followers of the 3 monotheistic religions. Above all, as Amr Hamzawy notes, "New laws on the exercise of political rights, election procedures, and political parties have not stipulated a ban on the use of religion for political, electoral, or partisan purposes. This provided a legal loophole for the use of religious slogans in politics and prevented the imposition of penalties on groups exploiting religious spaces for electoral campaiging and other political purposes."[13]

So far, the only country in which Islamist parties have been able to attain any kind of electoral stability is Tunisia with its Ennahda Party. While Ennahda has been criticized for its neo-authoritarian political maneuverings and growing religious anti-liberal zeal,[14] nevertheless a successful coalition of religious and secular parties

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[13] Amr Hamzawy, "On religion, politics and democratic legitimacy in Egypt. January 2011-June 2013," in: *Philosophy and Social Criticism: RESET* Dialogues İstanbul Seminars *2013*, vol. 40, no 4–5 (2104), pp. 401–405; here p. 402.

[14] Hamadi Redissi, "The decline of political Islam's legitimacy: The Tunisian case," in: *Philosophy and Social Criticism: RESET Dialogues* İstanbul *Seminars 2013*, vol. 40, no 4–5 (2104), pp. 381–391.

has been established. Even more impressively, the first piece of legislation in a Muslim country explicitly based on gender equality and non-discrimination has been adopted. (See Grami in this volume.) In recognition of these efforts, the Nobel Committee awarded the Tunisian National Dialogue Quartet composed of members and activists from trade unions and employer's associations, human rights NGOs, and members of the Bar Association its Peace Prize for 2015.

The Women's Question

Perhaps no other question about Islam and Muslim cultures exercises liberals and democrats all over the world as much as the status of women. In recent years, and particularly for Muslim migrant communities living in Europe and elsewhere in the West, this issue has been a lightning rod. Along with debates about mosques and minarets, observant Muslim women's items of clothing – from the headscarf to the chador and to the *burqa* – have been subjects of intense disagreements. According to Nilufer Göle, this visibility of Islam in public expresses a form of agency and an open manifestation of religious difference that signals "the tumultuous transition of Muslims from the status of the invisible migrant-worker to that of visibly Muslim citizenship" (Göle in this volume).

A great deal has been written about the symbolic politics of the *hijab* in Europe and elsewhere.[15] Less attention has been paid to the unfolding of such symbolic politics in Muslim countries themselves. Particularly in Iran, and its repressive morality police under the reign of Ahmadinejad, women have been in the forefront of protests. The unsuccessful Green Revolution demonstrations of 2008 and 2009 were marked by the face of a young woman student, Neda Agha Soltan, who was shot by a sniper on June 2009. Katajun Amirpur introduces the term "gender apartheid" to characterize the measures that followed the Iranian revolution of 1978–1979. "Women's rights to divorce and child custody were limited; the age of consent for girls was at first lowered to 13, later again to 9 years, and polygyny was legalized. A woman's testimony in court legally was to be worth only half a man's, and the same applied to the compensation payable in case of lethal accidents… A woman's life, as a logical consequence, is deemed worth only half a man's" (Amirpur, in this volume). Notwithstanding such discrimination, women in Iran, according to Amirpur, make up two-thirds of the student body; they are parliamentarians, teachers, members of the police force, mayors, and taxi cab drivers. Recounting the humorous political campaign called "Men in Hijabs" (actually in chadors), Amirpur

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[15] See Nilüfer Göle, *The Forbidden Modern. Civilization and Veiling* (Ann Arbor, Michigan: University of Michigan Press, 1996); Joan Wallach Scott, *The Politics of the Veil* (Princeton New Jersey: Princeton University Press, 2007); Christian Joppke, *Veil: Mirror of Identity* (Cambridge, UK: Polity Press, 2009).

concludes that "… in the Iranian public discourse, 'the woman question' has come to be viewed as part of the question of democracy" (in this volume).[16]

Equally significant transformations have taken place in Morocco and Tunisia, further demonstrating that the women's question is crucial to the democratization of these societies. Negotiations concerning women's rights in both countries have unfolded within a triangular conceptual space marked by interpretations of the shari'a, each country's indigenous political and constitutional traditions, and the transnational activism of NGOs, often interpreting international agreements such as the CEDAW, to which both countries are partners. Tunisia, of course, addressed the women's question in the wake of revolutionary ferment that erupted after President Ben-Ali fled the country on January 2011 (cf. Grami in this volume), whereas Morocco remains one of the few successful and prosperous monarchies in the Arab world in which the efforts of the Royal Advisory Commission initiated by the king but peopled by civilians and experts played a major role in the reform of the Personal Status Code (cf. Guessous in this volume).

Adopted in 1958, after Morocco's independence, the Moroccan Personal Status Code was based on a conservative version of the Malikite school of jurisprudence which claimed that women are inferior to men and have to stay under the perpetual guardianship of their male relatives – either the father, the husband, or the brother. Women had restricted rights in the areas of marriage, divorce, custody of children, family finances, etc. The new family code removed many of the denigrating terms undermining the dignity and equality of women and introduced principles of partnership and sharing responsibility; 18 years of age was defined as the age of consent for both men and women, thus blocking many marriages of minors as young as 12 or 13, and women were freed from the need to acquire authorization from their male "guardians." While it was not possible to abolish polygamy, it remained an exception and was strictly regulated. New judicial procedures facilitating divorce particularly for victims of domestic violence were introduced, and each spouse was entitled to hold his or her estate separate from the other.

Unlike Morocco's reform process, guided from above but met with enthusiasm from below, Tunisia's path to gender equality was rockier, with long and drawn-out struggles between the Ennahda Party, more conservative Salafi Islamist groups, and secularists (cf. Grami in this volume). But in January 2014, the Tunisian parliament, with a vote of 159 out of the 169 who participated, decided to enshrine gender equality in the constitution via Article 20: "All male and female citizens have the same rights and duties. They are equal before the law without discrimination."[17] Yet as Grami observes, because of the continuing provocations by Salafi fundamentalists and extremists who continue to demand polygamy, early and forced marriages,

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[16]Amirpur's article was written before the election in June 2013 of Hassan Rouhani as Iran's president and the successful conclusion of the nuclear negotiations concerning Iran's nuclear capabilities in 2015.

[17]Agence France-Presse, "Tunisia Gender Equality: National Assembly Approves Constitutional Article Giving Women Equal Rights," http://www.huffingtonpost.com/2014/01/07/tunisia-gender-equality_n_4547963.html. Accessed on December 16, 2015.

restrictive divorce rights for women, and the wearing of the *niqab* (chador plus face veil showing only the eyes or nose), full gender equality in Tunisian society may remain "a utopian vision unless a concerted effort by societal forces transforms these visions into reality" (in this volume).

Both in the Moroccan and Tunisian struggles around gender issues, women's groups did not dismiss Islamic law and texts but attempted to use them to further their causes. Moroccan activists argued that the Qur'an and the *Hadiths* had been subject to conservative masculine interpretations; they contributed to more women friendly *ijtihad* and rewrote gender equality into these religious texts by using Islam's founding principles – *Maqasid*. To describe these interpretative undertakings, Guessous introduces the felicitous term "cultural deconstruction–reconstruction."

In the event of Tunisia, though, women's intervention in the process of Islamic "deconstruction–reconstruction" led in unexpected directions as well. "The Silent Sisters," as the Ennahda deputies inside the parliament are called, defended the thesis – also widely shared by the Muslim Brotherhood and other Islamist groups – that women and men are not "equal but complementary" and that they have different roles to play in society. They created a civil society network called "Union des Femmes Libres" for the defense of Arab and Islamic identity. According to Grami, this includes 4 other organizations: "Haouwa" (Eve), "Femmes Tunisiennes" ("Tunisian Women"), "Femmes et Complémentarité," (Women and Complementarity), and "Tounissiet" (Tunisian Women). This network organized a campaign against CEDAW which did not succeed.

Yet the presence of these women's groups engaging in processes of religious and cultural "deconstructions–reconstructions" suggests larger issues: How should women of faith approach their religious traditions? How can they reconcile, in Ayelet Shachar's words, their identities and their rights? Must they compromise one or the other? Is it possible to envisage accommodations in law, in politics, and in religion? Asma Barlas opposes liberalizing and secularizing interpretations of the Qur'an, viewing the secular project "in Muslim societies as a form of self-harm" (in this volume). Rejecting Abu Zayd's "democratic hermeneutics," she envisages a form of "liberatory Qur'anic hermeneutics to Muslim women's struggles for rights and equality." We do not know what form such hermeneutics would take exactly, but it is clear from the variety of voices included in this volume that many Muslim women would not view the secular project in Muslim societies as "a form of self-harm."

Religious Revivals, Democracy, and Secularization

In "After the Arab Spring," Michael Walzer doubts that an emancipatory hermeneutic furthering women's interests and strong movements for religious revival are compatible. "Can there be a democratic revolution and a religious revival in the same place, at the same time?," he asks (Walzer in this volume). Walzer considers the national liberation movements of India, Israel, and Algeria. "In these three

countries," he observes, "in the years after World War Two, national liberation movements committed to establishing secular and democratic states succeeded in doing just that (democratic in only two of my cases, but secular in all three)—and then, some 25 or 30 years after independence was won, these states were challenged by a militant, politicized, revivalist religion. Three very different religions, three very different countries, but the timetable of the challenge was roughly the same." What went wrong? Walzer asks if there is some element in the revival of religious fundamentalist movements that works against democracy, in particular liberal democracy. He identifies the certainty that there is a single truth as a factor that makes it difficult for these parties to share power with others. Furthermore, if there is indeed a single authoritative truth, then there are some who are knowledgeable about it and others who are not. "Wherever orthodox or fundamentalist religion is dominant, women are counted as part of the demos, but they are not equal citizens; they have little say—at any rate, less say than they should have–in shaping the life of their own communities" (in this volume).

One objection to Walzer's diagnosis is that it ignores the colonial past of Algeria and India and its contribution to de-democratization processes. Recalling the 1953 coup against Musaddeq, the elected prime minister of Iran, and the thwarting of democracy in Bahrain from 1974 to 2005, Irfan Ahmad urges more focused attention to the anti-democratic influence of Western powers on Muslim countries in general. Through a case study of the Jamaat-e-Islami in India and its eventual participation in parliamentary democracy, he encourages a shift in the debate about Islam and democracy from exclusive focus on textual normativity to demotic praxis.[18]

In "Rethinking Religion and Political Legitimacy Across the Islam–West Divide," Nader Hashemi raises some further puzzles that would challenge Walzer's thesis: He refers to the results of a poll conducted in 2007 by Gallup showing that "large majorities of respondents in the countries surveyed cite the equal importance of Islam and democracy as essential to the quality of their lives and the future progress of the Muslim world." (Hashemi, cited in this volume) To make sense of this deeply perplexing poll data, Hashemi singles out key moments in the history of the trajectory between religion and politics that set the Islamic world and the West along different paths. His provocative thesis is that "Muslim societies never had the need to think about secularism in the same way that the West did, for no pressing existential crisis resulting from debates on religion-state relations existed where a concept like secularism must be posited as the solution to a pressing political dilemma" (in this volume). The Muslim world did not experience Wars of Religion such as between Catholicism and Protestantism. The so-called Treaty of Westphalia (1648), which historically is mistakenly considered to be a treaty about the origins of the modern state, was in fact a treaty concluding conflicts and rivalries between

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[18]Abdelmajid Charfi also calls attention to the long-lasting conflict between Israel and Palestine as a factor in the Muslim World's anti-Americanism and its "warlike and arrogant policies" (in this volume).

Protestant and Catholic princes in the election of the Holy Roman Emperor.[19] The principle which this treaty gave rise to, "cius regio, eius religio" – whose rule whose religion – diverges completely from the Muslim understating of the "umma" of the faithful which is a transnational community. Hashemi thereby calls attention to the "political theology" of the West behind the trajectory of Western secularization.

Islam in Europe: Political Theologies of the Present

Diverging trajectories regarding religion–state relations and secularization processes do not only exist between so-called "Islam" and the "West" which are in fact essentializing terms that act as placeholders for complex sociocultural and historical constellations. As Alain Touraine observes, there is no *single* paradigm of religion–state relations even in western Europe, let alone one that is shared between Europe and the United States.[20] Likewise, there is no single path to modernity and secularization (Touraine, "Many Cultures, One Citizenship," in this volume). Nonetheless, the presence of Muslims in predominantly Christian Western societies who are not just migrants but first- and second-generation citizens of these countries sets in motion a dialectic of religion and public life which is full of tension and conflict at the present. Let us reflect on this by returning once more to the women's question: the drama about religion, gender, and equal rights is playing out not only in the majority-Muslim countries of the MENA region but also in these societies of migration, giving rise to demands for new configurations of public and private life.

Ayelet Shachar, who has reflected deeply about the dilemma of "rights vs. identities" throughout her work,[21] is sympathetic to Asma Barlas's claim that to gain their equal rights women should not need to give up their faith or their cultural identities. In order to protect the corrosion of their identities, all religious and cultural groups monitor the family unit with special vigilance, because it is the main chain of transmission both biologically and culturally. In many Western democracies, therefore, migrant groups are increasingly asking secular authorities to adopt a hands-off, non-interventionist approach, "placing civil and family disputes with a religious or cultural aspect beyond the official realm of equal citizenship," and in the hands of private arbitration tribunals, run by "guardians of the faith" (Shachar in this vol-

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[19] For the very influential standard account, see Leo Gross, "The Peace of Westphalia, "1648–1948, *The American Journal of International Law*, Vol. 42, No. 1 (Jan. 1948), pp. 20–41, and for the revisionist account, Andreas Osiander, "Sovereignty, International Relations and the Westphalian Myth," 55, no. 2 (Spring 2001) *International Organization*, pp. 251–287.

[20] As Anthony Appiah states it eloquently: "Every proposed theory of the West has to account for the great internal diversity both of European cultures and of those influenced by them around the world, and every serious historical account both of Europe and Islam has to recognize the long-standing, substantial and ongoing interdependence of their intellectual and religious traditions." In: "Misunderstanding Cultures: Islam and the West," in this volume.

[21] Ayelet Shachar, *Multicultural Jurisdictions. Cultural Differences and Women's Rights* (Cambridge: Cambridge University Press, 2001).

ume). General trends toward "choice of law" and forum-shopping are increasing, and resort to alternative dispute resolution mechanisms in liberal democracies is spreading.[22] This context enables religious minorities to present legal claims for alternative dispute resolution mechanisms while endangering precisely those who are most vulnerable to the loss of equal citizenship rights and protection by the state, i.e., women and children.

Shachar examines proposals by a Muslim organization in Ontario to establish a private "Islamic court of justice" (*darul qada*) to resolve family law disputes among consenting adults. She shows how the condition of Muslim women who feel bound to follow their community's divorce requirements is quite analogous to the condition of Orthodox Jewish women who, likewise, get married according to rabbinic strictures. In both cases, religious law places an asymmetric power in the hands of the husbands to accept or reject a divorce that may have been already recognized by secular state authorities.[23] Being placed in such a condition not only has consequences for women's personal future, but the status of their children from future unions remains "outside the law," just as the disposition of their own property and assets remains precarious. Shachar advocates a model of "regulated interaction" between state authorities and religious ones along a "joint governance model." This would involve dividing social arenas such as education, family law, criminal justice, and immigration into "'sub-matters': multiple, separable yet complementary, legal components'" (in this volume). Shachar thus encourages cooperative jurisdictions between religious and state authorities to respect both rights and religious cum cultural identities.

The tolerant, pluralist, and accommodationist model of multiple jurisdictions and multicultural citizenship that Shachar has advocated here and elsewhere is a difficult one for many countries of the world to follow. The whole world is not Canada and the unique Canadian experiment with "multiculturalism" and "interculturalism," even if, as Charles Taylor notes, it may have much to recommend to European societies in dealing with Muslim migrant communities, is unlikely to be followed by them[24] (Charles Taylor, "Interculturalism or Multiculturalism," in this volume).

None other than France, the motherland of "Les Droits de l''Homme and de Citoyen" (The Rights of Man and Citizen"), has been convulsed by recent conflicts concerning the integration of its Muslim population into the mainstream of the

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[22] For a general discussion of these trends, see Seyla Benhabib and Judith Resnik, *Migrations and Mobilities. Citizenship, Borders and Gender* (New York: New York University Press, 2009); on the Canadian case in particular, cf. Audrey Macklin, "Particularized Citizenship: Encultured Women and the Public Sphere," in Benhabib and Resnik, *Migrations and Mobilities,* pp. 276–304.

[23] This is known as the problem of the "get" in Orthodox Jewish communities, when a husband refuses to grant the wife a divorce, thus refusing to set her free of the marriage bond.

[24] Fuat Keyman, in his "Rethinking the 'Kurdish Question' in Turkey: Modernity, Citizenship and Democracy," (in this volume) is also indebted to these Canadian insights and arrangements. For a succinct analysis of the epistemological problems involved in essentializing the language of "multiculturalism," see Richard J. Bernstein, "The Specter Haunting Multiculturalism," in this volume.

economy and society while experiencing violent and deadly conflict about the cultural and media representation of Mohammed in particular. (Recall the deadly attack on the offices of the satirical weekly *Charlie Hebdo* in January 2015 and the massacres in Paris, committed by ISIS in November 2015.) Certainly, France has not been unique in this regard, although the loss of life it has experienced is only surpassed by the attacks of September 11, 2001, on the World Trade Center in New York. The Mohammed caricature controversy first began in liberal, Protestant, social democratic Denmark, and it was in the ultra-liberal Netherlands that Theo van Gogh was murdered by a Moroccan militant for his production of a film in which the verses of the Qur'an were written upon the body of a naked Ayaan Hirsi Ali.[25] The confrontation between an "obscurantist Islam" and an "avant-garde European defense of liberty" has been a symbolic morality play that has been re-enacted multiple times in many European countries. Yet what singles out the French encounter with Islam from these other countries' experiences is the momentous legacy of French universalism and its historical role in the construction of Muslim "difference."[26]

Precisely because the French Republic, declared in 1789, became an expansionist empire under Napoleon Bonaparte's rule and precisely because its universalizing "mission civilisatrice" (civilizing mission) was spread throughout the Mediterranean, France, for the MENA region, is not only the colonizing power par excellence but also the symbol of the modern secular republic to be emulated. More than the British or the German ones, it is the French path to secularism and secularization that has been followed by the modernizing elites of Algeria, Tunisia, Morocco, Turkey, Syria, and Lebanon. (Both Charfi and Touraine call attention to this fact.)

France's colonial past has led to the presence of large numbers of ex- and post-colonials such as Algerians and Moroccans of the first or second generation to reside on its territory. Along with a significant number of new migrants from countries like Turkey, Iran, Pakistan, and Afghanistan, and together with migrants from Muslim African republics such as Mali, contemporary France has become a crucible rather than a melting point for the negotiation of all these religious and cultural differences. Is it simply a coincidence that "l'affair du foulard," (the scarf affair) began with the objections of a school principal of African origin, M. Chenier, to the

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[25] On the Danish caricature controversy, see Jytte Klausen, *The Cartoons that Shook the World* (New Haven, CT: Yale University Press, 2009), and Ian Buruma, *Murder in Amsterdam. The Death of Theo van Gogh and the Limits of Tolerance* (New York: Penguin, 2006). Also, Olivier Roy, *Secularism Confronts Islam,* trans. by George Holoch (New York: Columbia University Press, 2007).

[26] For a controversial account of the *Charlie Hebdo* massacres, blaming French society's failure to integrate its Muslim population and particularly the youth, see Emmanuel Todd, *Qui est Charlie? Sociologie d'une Crise Religieuse* (Paris: Editions Seuil, 2015); for a recent account of the state of French republicanism, see Patrick Weil, avec Nicolas Truong, *Le Sens de la République* (Paris: Bernard Grasset, 2015). Cf. also my reflections on the *Charlie Hebdo* massacres, "Piety or Rage? On the Charlie Hebdo Massacres," www.resetdoc.org/story/00000022481

wearing of this item of clothing by Muslim school girls in the city of Creil?[27] Appointing himself an arbiter of French universalism, M. Chenier declared that an item of clothing that so manifestly displayed religious difference had no place in schools which were to be, to use an expression of Edmund Burke's, "little platoons" of a universalist, civic model of citizenship. Religious difference belonged in the private and not in the public sphere. That this rather simplistic differentiation between the religious and the public spheres, which would confine religion to the private domain alone while assuring that the public sphere is devoid of any religious symbolism, is neither conceptually nor politically convincing. This can be observed by the ongoing controversies and conflicts throughout Europe about the place of Muslim – and also Jewish – manifestations of religion in public life.

It has often been noted that the migration of religious faith and its manifestations into the private sphere (a term that still requires precision) is a Protestant phenomenon, privileging the inward declaration of faith by the individual in the presence of his or her God without unnecessary intermediaries. Of course, historically no Protestant sect has ever been so individualistic and so anti-institutionalist in its manifestations. Nor has the manifestation of faith, whether Catholic or Protestant, ever abandoned the public square wholly. Church bells still ring on Sundays in Christian countries; Christmas mass is held everywhere in one form or another; Christian symbolism is omnipresent in various forms, from crosses in classrooms to imageries of Christ and his travails on the façade of buildings, etc. What is meant then when it is said that the only acceptable presence of religion in liberal democracies is one that respects the separation of church and state? And what can this mean for Muslims as well as Jews?

Both Islam and Judaism, for the faithful, are religions of ortho-praxis, dictating regular prayers at various points of the day, demanding certain disciplines of the body in the form of ablutions and dietary restrictions such as Halal or Kosher meat, as well as requiring the wearing of certain items of clothing. It is little known that Orthodox Jewish women are as little permitted to show their hair to strangers outside their family circle as are Muslim women. Many of them circumvent this demand by wearing "wigs" in public – a practice that some young observant Muslim women also began to emulate! How then can such forms of religiosity become merely "private" and be confined to the "familial sphere"? Neither in Judaism nor in Islam can one pray alone; nor can one keep a Kosher or a Halal household alone. As Nilufer Göle asks (in this volume), can one build a mosque without minarets and ask a muezzin not to sing the Ezan? Such questions were never fully resolved, whether in the MENA region, in Europe, in India, in Canada, or elsewhere; at the most, in certain historical periods, certain dominant identities assumed normativity and reduced others who did not share it either to assimilating or "passing",

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[27] For extensive discussions, see Benhabib, *The Claims of Culture: Equality and Diversity in the Global Era* (Princeton, NJ: Princeton University Press, pp. 94–104), and S. Benhabib, *The Rights of Others: Aliens, Citizens and Residents* (Cambridge, UK: Cambridge University Press, 2004, pp. 183–198), and Francois Gaspard and Farhad Khosrokavar, *Le Foulard et la République* (Paris:Découverte, 1995).

marginalization and often also to migrating to other shores, where such repressed identities could be more easily expressed.

In our societies, with the loss of faith in the teleological story of modernity as bringing with it inevitable processes of "disenchantment" (Entzauberung) and secularization, such conflicts of accommodation and integration have come to haunt our "post-secular" present. And the more emphatically a certain kind of universalism has developed that privileges "hidden normativities," by taking for granted certain understandings of the human, the citizen, the public, and the private, the less capable it is of accommodating such dilemmas of difference and identity.

In their famous critique in the *Dialectic of Enlightenment*, Adorno and Horkheimer argued that one of the principal weaknesses of a certain kind of enlightenment was to equate "equality" with "sameness," thereby not only denying but expunging difference and otherness to the point of destruction.[28] Our age has not overcome this dialectic of universality and particularity and equality and difference. Yet, if this is so, what normative and institutional principles of coexistence can accommodate equality and difference?

Political Liberalism and the Challenge of Hyper-pluralism

For Adorno and Horkheimer, at that dark moment in human history in 1944, when the Notes for the *Dialectic of Enlightenment* were composed, the only answer to this question seemed to be a critical reconstruction of the genealogy of Western rationality and a utopian plea for its transcendence by what they called "the overcoming of identity logic."[29] While the continuing relevance of their deep insights into the structures of repression and domination enabled by certain forms of Western rationality cannot be denied, their totalizing critique of reason left little room for a normative defense of the project of liberal democratic constitutionalism itself. And it is no coincidence that whenever that project is in crisis, as it is in our times, such a critique of Occidental rationality will find fresh followers.[30] But the challenge of our times is not to repeat the conceptual errors of a totalizing critique of reason which cannot justify its own standpoint; rather it is to defend a politics of coexistence and mutual respect based on the insight into the inevitable multiplicity of worldviews and religions which late modernity has bequeathed us.

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[28] See Theodor Adorno and Max Horkheimer, *Dialektik der Aufklärung* (1944). 7th edn. (Frankfurt: Fischer Verlag, 1980). English trans, John Cumming, *Dialectic of Enlightenment* (New York: Herder and Herder, 1972).

[29] For a critical reconstruction and commentary on this concept, see Seyla Benhabib, "From *The Dialectic of Enlightenment* to The *Origins of Totalitarianism. Theodor Adorno and Max Horkheimer in the Company of Hannah Arendt,"* in Benhabib: *Dignity in Adversity*, pp. 20–41.

[30] The influence of Nietzsche on Islamist intellectuals such as Sayyid Qutb has been well documented. See, for example, Roxanne Euben, *Enemy in the Mirror. Islamic Fundamentalism and the Limits of Modern Rationalism* (Princeton, NJ: Princeton University Press, 1999).

As David Rasmussen notes in his essay, "The Emerging Domain of the Political" (in this volume), this question is at the origins of modern political thought since Thomas Hobbes. How can one achieve peace and stability in a polity marked by competing and plural conceptions of the good? A significant group of thinkers, beginning with Hobbes himself and continuing with Friedrich Nietzsche, Carl Schmitt, and Samuel Huntington, never believed that political stability could be achieved without violence, coercion, and conflict. And even then, when stability and peace prevailed for some periods of time, the conflict between "friend" and "enemy" remained an ever-present, existential dimension of the political. The Islamist jihadists of today can certainly find intellectual and spiritual sources for their ideology in Western sources.

This bellicose intellectual tradition is challenged by those who, including in some formulations Hobbes himself, believe that the task of politics is to enable a life of peace, coexistence, civility, and certain levels of material well-being, all within a framework for the free pursuit of one's conceptions of the good. The most forceful defense of this liberal project in the last century was John Rawls's theory of the political. Rasmussen (in this volume) characterizes Rawls's conception as "the emerging domain of the political," that is, the likelihood that citizens can reach reasonable agreement among themselves about the terms of their collective cooperation, and would respect the multiplicity of comprehensive religious, cultural, metaphysical worldviews in a liberal democratic society. How can such an agreement come about without the imposition of faith on others and the denial of the legitimacy of their worldviews? Rasmussen summarizes Habermas's restatement of Rawls's question: "In other words, in order for the state to assume political neutrality the political emerges as a phenomenon distinct in its own right from the comprehensive religious doctrines that exist within a growing pluralist society" (in this volume). Yet comprehensive religious doctrines may and hopefully do have the resources within themselves to arrive at such an "emergent concept of the political" from within their own interpretive traditions and histories.[31]

Alessandro Ferrara names this challenge "hyper-pluralism." He begins by noting that while political and religious pluralisms have commanded strong appeal as the only recipe for keeping the clash of civilization off the radar screens, the reasons for justifying such pluralism are quite difficult (Ferrara, "Reflexive Pluralism," in this volume). He names the view that presumes to possess the only argument for the acceptance of pluralism, "liberal monopluralism," and argues that in a "society that has finally become aware of the resilience and persistence of religion, of the positive contributions brought by religions to social life, of the need to eliminate the asymmetrical burden shouldered by religious citizens within democratic secular institutions and the need to accommodate religious voices in the public arena," we need a paradigm shift to a more radical form for "reflexive pluralism." How can we justify

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[31] The best argument to date that Islam has such resources has been made brilliantly by Andrew March, also a participant in İstanbul seminars, but not represented in this volume, in his: *Islam and Liberal Citizenship. The Search for an Overlapping Consensus* (Oxford: Oxford University Press, 2009).

pluralism and toleration beyond the circle of those who already subscribe to the idea of free and equal citizenship?

Ferrara's proposal is to accept the "burdens of judgment" and "epistemic humility" by engaging in a form of conjectural reasoning in order to highlight "what would bring to exemplary realization a value core from which we start the conjecture" (in this volume). He illustrates such conjectural reasoning about pluralism by engaging in an internal reconstruction of certain narratives in Christianity and in Judaism.

Nasr Abou Zaid and Khaled Abu el Fadl each provide a brilliant illustration of this kind of conjectural reasoning about pluralism through their interpretations of Qur'an and Islamic teachings. In the battle for the hearts and minds of contemporary Muslim believers, Abu Zaid occupies a special place. Exiled from his native Egypt for his historical and contextual approaches to interpreting the Qur'an, considered blasphemous by the religious orthodoxy, he gained political asylum in the Netherlands and was professor of Arabic and Islamic studies at Leiden University, until his untimely death at the age of 66 in 2010. He died before he could experience the beginnings of the Arab Spring in 2011 in his native Egypt.

Accepting that, for the believer, the Qur'an "is a message and a revelation," as Abou Zaid states, Khaled el Fadl reconstructs three critical categories of Islamic theology – *haqq*, *hikma*, *and ma'arifa* – to capture the nature of this message. It is his claim "That the Islamic tradition can serve as a catalyst for hope and moral progress." In a striking turn of phrase, he writes (in this volume) that "The Qur'an, in the Puritanical-Salafi imagination, became as if a military manual setting out the marching orders of the high commands." Against this superficial, authoritarian, and bellicose reading of the Qur'an, Abou el Fadl proposes that "Democracy and human rights will flourish in Muslim societies by anchoring their principles and processes in Islamic normativities, and not by clashing with embedded Islamic norms"[32] (in this volume).

Conclusion

We initiated the İstanbul dialogues precisely because we had faith that such "normativities" may be present in Islam and that we ought to learn more about these and converse with those who believed in them. The result has been this rigorous and wide-ranging collection of essays that raises some of the fundamental questions of our times in politics, philosophy, morality, culture, and religion. We are still guided by a democratic hope that the human spirit is generous, that the human mind is capable of entertaining the challenge of many forms of difference, and that dialogue, disagreement, and contestation are always preferable to war and violence.

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[32] In this volume, see Abdullahi An-Na'im ("The Constant Mediation of Resentment and Retaliation") and Fred Dallmayr ("Whither Democracy? Religion, Politics and Islam") explore further the presence of such "normativities" in Islam.

A Note on the Text

With very few exceptions, we have not asked the authors to update their essays since they were published in the *Philosophy and Social Criticism, Reset-Dialogues* issues. We chose this route in order to document the hopes as well as disappointments, frustrations as well as joys of our participants, as they observed the unfolding of events in the MENA region, in Turkey, Europe and elsewhere from 2008 to 2013, before the recent July 15, 2016 coup attempt in Turkey. Our hope is to provide the readers with a kaleidoscope of reflections that are time bound, reacting to immediate political developments, and timeless, reflecting on some of the most perplexing questions of religion, culture, and coexistence.

Part I
Struggles Over Political Legitimacy: The Arab Spring, Al-Qaeda, and Gezi Park

Chapter 1
Foreword: Contemporary Conflicts, Political Legitimacy and Islam

Volker Kaul

The articles in this section discuss the origins of contemporary conflicts with a particular focus on the Arab world and the Middle East. These extend over two decades of an ever-growing spiral of violence, starting from the rise of global terrorism and culminating in the civil wars following the Arab Spring. To some extent, these conflicts are not radically different from other wars that have occurred since the end of the Cold War in Sub-Saharan Africa, Latin America, the Balkans and parts of Asia. Unlike the so-named 'old wars', these 'new wars' do not take the form of inter-state conflicts in which organized political units engage in warfare; they are substantially conflicts within the political units themselves, often leading to outright state failure (Kaldor 2012).

What are the driving forces of such conflicts? To what degree can these new conflicts be explained as products of 'greed' or are they rather the outcome of 'grievances'? Those defending the greed-thesis claim that poverty, underdevelopment and inequalities are the crucial factors motivating violence (Collier et al. 2003). By contrast, the proponents of the grievance-thesis hold that new wars are essentially identity conflicts and motivated by struggles for the recognition of long-oppressed cultures, ethnicities and religions (Kaldor 2012).

This discussion is therefore the following when it comes to the question of global terrorism and the near-total failure of the Arab Spring, with the notable exception of Tunisia (see article by Amel Grami (Chap. 29) in this volume): Is Islamic terrorism a matter of rage or piety, as Seyla Benhabib puts it poignantly in her analysis of the Charlie Hebdo massacres (Benhabib 2015)? Do conflicts in the Muslim world have a socio-economic background or are they of religious origin? The policy implications are naturally very different. If the economy is the issue, then redistribution and economic justice are part of the solution. If on the other hand religion and faith are

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the problem, some form of post-secular constitution and policies might have to be implemented (see Part III in this volume).

The essays here all try to provide an answer to the question whether Islam in particular is truly the source of the conflicts taking place in large parts of the Muslim world and between the Muslim world and the West. They add important insights to enlarge the scope of the current 'greed' versus 'grievance' debate. The answers given here concerning the role of Islam in ongoing conflicts can be divided into three groups. According to the first group, Islam is not the primary issue in the conflicts analyzed (Anderson, Devji). A second cluster of articles defends the position according to which Islam and, more generally, identities turn conflictual only at those moments when freedom and democracy are restrained (Göle, Keyman, Borovalı/Boyraz, Örs). Thirdly, Michael Walzer claims that fundamentalist strains in Islam and in other religions are in fact the root cause of conflicts.

1.1 Non-religious Sources of Conflicts

Both Lisa Anderson and Faisal Devji agree that the reasons for the rise of political Islam and the jihadist upheaval currently under way in the MENA region are not religious in nature. In their view the structural cause of the success of Islamic fundamentalism is to be found in the legacy of the (post-)colonial state and the end of the Cold War, resulting in a political vacuum on the national as well as on the international level.

For Anderson, the success of Islamic movements must be understood within the context of the failure of the postcolonial state. Given the fact that the 'imported' states in the Arab world never achieved substantial sovereignty nor financial and economic self-sufficiency[1] and became increasingly unable to provide for the welfare of their citizens after the retreat of the two superpowers from the region, Islamic groups such as the Muslim Brotherhood, Hezbollah and Hamas substituted the state in important policy fields, notably in the provision of basic social services. It is the disillusionment with and the loss of trustworthiness and legitimacy of public institutions that explains the popularity and attraction of political Islam. But as Anderson concludes, "religious sentiments and particularistic affiliations (…) will probably not survive the construction of a the new order."

According to Devji, "it was the loss of geopolitics in a global arena that had been created by the Cold War, which provided the context for Al-Qaeda's emergence." Al-Qaeda, insofar as it pretends to protect the Muslim *ummah* from western violence, is the mirror image of a new morality, a non-statist understanding of international politics based upon the notion of humanity. The resulting War on Terror, warfare against 'rogue states' and humanitarian interventions undermined the political legitimacy of states and eroded further the international order "blurring the distinction between national and international politics." Today, "the human race still enjoys no positive reality, but by lending its name to an international order whose politics is increasingly defined by humanitarian considerations rather than

ideological or even merely political rivalries, it has transformed all this order's enemies into figures of the inhuman whose annihilation can be contemplated with equanimity." In Devji's analysis, religiously motivated violence will cease once states reconstitute politically the international order and address effectively planetary challenges such as food security and climate change.

Devji's approach is relevant for a critique of the greed-paradigm, since it tries to show that along with the rational interests of actors also values, which, even if clearly non-religious in origin, might play a role in the explanation of religious violence. Devji's contribution gives rise to the question to what extent religious fundamentalism is brought about by truth regimes such as the norms of the international system.

1.2 Oppression, Religion and Conflicts

The articles by Göle, Keyman, Borovalı/Boyraz and Örs all confirm the relevance of the grievance-paradigm. From their point of view, religion and identity are neither instruments to achieve well-being or political power, but are important sources of a person's agency, autonomy and dignity. Accordingly, any attack on religion and identity puts a person's integrity and freedom at risk and might trigger resentment, and in extreme cases, also violence.

Nilüfer Göle's analysis of the 'minarets-mosques' debate emphasizes the role Islam plays for the self-realization of Muslims in Europe and their integration as citizens in the European public sphere. She writes, "Islam has become a political and cultural resource for the singularization of immigrants, for their quest for recognition." Muslims express their faith in "aesthetic forms, dress codes, or architectural genres," such as the veil and the minarets, and these forms of "Islamic visibility [signify] disobedience to secular and cultural norms, and dissonance against tacit consensus that underpins European publicness." This is the reason why the veil and the minaret stirred so much controversy. Religious difference becomes thus the foundation of politics, the public sphere and citizenship. "Muslim actors manifest their difference by means of religious difference, but in doing so they manifest also their citizenship." Therefore the Swiss ban on minarets and "the definition of a public space which is identified with a pre-established national community can create only tensions and exclusions."

Fuat Keyman reconstructs the Kurdish question in Turkey in its historicity and emphasizes that only recently did Kurds formulate their discontent in terms of ethnic recognition and nationalism. This gives reason to think that identity politics and the war with the Turkish state to which it has given rise to are, after all, the result of the underdevelopment of the Kurdish region. However, Keyman insists that despite the fact that the Kurdish problem "has been subject to reconstructions and modifications, the Kurdishness of the Kurdish question has endured" and has to be dealt with in ethno-political terms and not from a socio-economic perspective alone. The Kurdish question has its origin in the Republican constitution of the Turkish state

that is conceived in opposition to pluralism, religion and multiculturalism and "which necessarily involved the subjugation of its Other, i.e. the Kurdish identity, Islamic identity and non-Muslim minorities."

Murat Borovalı and Cemil Boyraz further analyze this legacy of Kemalism on the basis of a survey among major Kemalist associations. They investigate the prospects of today's major opposition party, the Republican People's Party (CHP), founded by Mustafa Kemal Atatürk and for many decades the country's ruling party, to accept and recognize the existing religious, ethnic and political pluralism in Turkey. Given that many of the Republican ideals, in particular secularism and nationalism, have been put increasingly into question in Turkey over the last two decades, the Turkish Republican milieu proposes a form of 'civil Kemalism' as an answer to the challenges of pluralism. Yet, as Borovalı and Boyraz conclude, civil Kemalism does not give up the core values of Kemalism[2] and therefore does not contribute to the consolidation of democracy in Turkey.

Interestingly enough, the Gezi protests in İstanbul, which are at the center of İlay Romain Örs' essay, were not sparked by republican, secular politics that aimed to exclude religion from the public sphere, but were precipitated by cultural conflicts around the reconstruction of Taksim, one of the iconic sites of İstanbul and of the Turkish Republic. In 2013 the ruling and Islamic-oriented AK Party of the then prime minster Recep Tayyip Erdoğan (since 2014 President of Turkey) decided to destroy Gezi Park near Taksim Square and to build a neo-Ottoman replica of artillery barracks housing commercial activities. Many Turkish citizens interpreted this decision as a highly symbolic attempt of the government to impose an "Islamist, neo-Ottoman ideology" and "to cloak İstanbul's identity in a banal Islamic architecture," rejecting the multiple narratives and memories present in Turkish society. According to Örs, people occupied and tried to prevent Gezi Park from being destroyed, since Taksim Square with its Ottoman cosmopolitan past and Republican present represented precisely the diverse "historical trajectories within a globalized framework" that protesters wanted the government to recognize and respect.

1.3   Religion as Source of Conflicts

If there is sufficient empirical evidence that oppression of identities gives indeed rise to conflicts, those very identities themselves can become a source of conflict as well. In this case, it is not oppression, but religion and identities themselves that lead to conflict. This is Michael Walzer's thesis. He asks: "Can there be a democratic revolution and a religious revival at the same time, in the same place?" Analyzing the cases of India, Israel, Algeria and countries from the MENA region in the aftermath of the Arab Spring, his answer is, "apparently not." Democracy cannot come about in a time of "religious revival, religious enthusiasm, religious militancy," unless these very religions are reformed and, in particular, fragmented, as was Protestantism during the American Revolution. "And yet there isn't in the Islamic world today anything that resembles denominational pluralism. The reformers and

the sectarians have not created new religious organizations that demand recognition, toleration, and state disengagement." "Until that changes, I think that Islam will be mostly (not necessarily and not everywhere but mostly) hostile to democratic politics."

Walzer believes that the hostility of revivalist religions toward liberalism and democracy has two reasons: the certainty that there is a singular and absolute truth and the hierarchical organization of society that this mandates. In particular the insistence on a single truth makes it difficult for religious believers "to compromise with, or share power with, or yield power to, people who reject this truth."

Walzer's claims challenge the grievance-paradigm and, in fact, suggest a different paradigm for explaining conflict, one not dissimilar to the idea of a clash of civilizations. If Walzer is right, certain kinds of religions are the driver of conflicts themselves quite independently from their social and political contexts. Defenders of the grievance-thesis, such as Keyman and Örs, are also well aware that identity politics risks turning into some form of ethno-nationalism and religious fundamentalism. And precisely for this reason, Göle and Keyman refuse standard forms of communitarian demands for the recognition of identity claims within a normative and legal framework. According to Keyman, only a post-nationalist, differential citizenship, that nonetheless is strongly grounded in a common constitution guaranteeing equal rights, can prevent religious and ethnic pluralism from turning into anti-democratic identity politics.

Still, in order that a differentiated, yet universal citizenship may gain political legitimacy, religions and ethnic identities must accept and tolerate others and not turn into the militant and fiercely ideological versions described by Walzer. The grievance-paradigm needs therefore to clarify why, if identity politics are indeed legitimate, identity conflicts are not justified.

Notes

1. For a further discussion on the nature of the postcolonial state see also Bertrand Badie (2000) and Jean-François Bayart (2009).
2. In contemporary political philosophy we can find parallel attempts to make a civic interpretation of republicanism compatible with more traditional liberalism. See in particular Philip Pettit (1997).

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Chapter 2
The Public Visibility of Islam and European Politics of Resentment: The Minarets–Mosques Debate

Nilüfer Göle

Abstract The public visibility of Islam reveals new political stakes in European democracies around issues of immigration and citizenship. By focusing on the societal debates and the controversies around the construction of mosques and minarets, this article explores the ways in which Islamic difference is manifested, perceived and framed in public life. The 'visibility' of Islam in public is conceptualized as a form of agency, a manifestation of religious difference that cannot be thought independent of the materiality of culture, namely aesthetic forms, dress codes, or architectural genres. It is argued that the debates for or against the banning of the construction of mosques and/or minarets reveal the tumultuous transition of Muslims from the status of the invisible migrant-worker to that of visibly Muslim citizenship. The public visibility is approached therefore as a radically disruptive, transgressive, provocative form of transformative agency that is intrinsically related to the political process of becoming citizens.

2.1 Lost 'Innocence' of Mosques

Islam acquires new cultural forms, subjectivities and public visibilities as it passes from eastern lands to Europe. In this process of transition Muslims face unprecedented issues, both at the level of their everyday life experiences and in terms of

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Islamic theology and law. Muslims find themselves outside the Muslim lands (*dar-ul Islam*), follow Islamic prescriptions in a secular environment, discuss Islamic law without an Islamic state, and discover themselves as a minority group. The displacement of Islam with its reterritorialization in Europe alters the religious practices and subjectivities of Muslims, but also involves 'autochthones' and defies citizens to redefine the place of religious difference in secular Europe. Far from taking place in a linear and quiet process of immigration, adaptation and accommodation, the eruption of Islamic presence in public life disrupts the shared collective imaginaries and self-perception of Europeans. During the last three decades, one witnesses the ways in which the visibility of Islamic signs and symbols in the European public life becomes a major source of cultural dissonance and political dispute. Debates on the construction of minarets and mosques in the European landscape are such examples. On the one hand they illustrate the process of reterritorialization of Muslims and concomitantly the visibilization of Islamic religious signs and symbols in Europe. On the other hand the debates on the construction of mosques and minarets reveal the ways European publics deal with Islamic religious and cultural difference. In sum, the debates over construction of mosques cease to be an issue only for citizens of Muslim confession, but become a concern for all, a public issue that both divides and reassembles citizens of different political convictions, religious confessions and national origins.

When and how does a familiar object, a religious sign, become visible to public eye and a matter of public debate? For Muslims a mosque with its minarets is not only a place of worship but also a cultural artifact that is part of a familiar landscape. Furthermore a mosque is also a public space open to all pious citizens, a space of religiosity and sociability, it is not a monument that is isolated and stands on its own but is surrounded by a complex, comprising seminar rooms, *hammam*, bookstores, shops. It was during the Iranian Islamic revolution of 1979 that mosques became a focus of attention as they represented places from where the revolutionary fervor and preaching spread out.[1] Therefore not only in European contexts, but also in Muslim-majority countries, mosques, became a visible site that crystallizes the convergence of different issues related with urbanism, pious publics and political Islam.

We can speak of the 'loss of innocence' of mosques in modern times, as they become sites that are not merely confined to the needs of the pious and local inhabitants but draw political attention and public debate. In other terms, the mosque as a religious public sphere is no longer restrained within the boundaries of a community of believers, but claims its visibility and participation in the public sphere at large, both at national and global scales, thereby defying the divide between religious and secular spheres, between personal piousness and secular publicness. Before discussing the European context in which mosques become a source of politics of suspicion and resentment, I will evoke some elements of the ways mosques focus public attention, a battleground among citizens in a Muslim-majority country such as Turkey.

How can the historic and cultural symbols of Islam in a Muslim-majority country like Turkey cease to be parts of the field of a familiar, peaceful and immutable heritage, and begin to develop a new visibility in public and awaken religious and political divisions? One should therefore approach the public sphere not as a fixed, established entity, but as a malleable process of 'visibilization', awareness and confrontation of differences, and ask when and how a symbol, or an object, which is to us so familiar as to have become imperceptible, becomes one day 'visible' – nay, ostentatious and disturbing to the eyes of a public.

İstanbul with its mosques and the silhouettes of its long-lined minarets seems to have been there for ever, offering us a peaceful scenery and a sense of immutable past in the midst of its undergoing an unprecedented change. Without its slender minarets, elevating spiritually beyond the hectic and chaotic energy of the profane, the city would certainly lose a part of its aesthetic appeal but also of its soul in the eyes of its inhabitants, Muslim and non-Muslim. But the accelerated construction of mosques since the 1950s undergoes criticism. The secular publics resent their proliferation as a sign of the popularity of Islam and many regret that the new mosques built in contemporary Turkey are far from equaling those of the great architect Mimar Sinan (d. 1588 CE), who worked during the glorious days of the Ottoman Empire. The massive construction of mosques is subject to criticism for their lack of aesthetics and harmony with their disproportionate dimensions between the dome and the minarets. Likewise, the calls to prayer, since the adoption of cassettes and loudspeakers, have become a source of an ongoing public debate over whether they constitute a nuisance to the auditory environment. But debates around mosques are not confined to these subjects on the regulations of sounds and architectural forms of mosques. The projects of reopening Hagia Sophia as a place of prayer for Muslims and of constructing a new mosque at Taksim Square in the heart of İstanbul have given rise for the last decades to an intense and divisive debate between those who see in these attempts signs of Islamization and those who claim the right to exercise their religious freedom. The politicization of mosque debates continued and reached its summit with a poem recited in public by Recep Tayyip Erdoğan, the current president of Turkey, on the occasion of his victory in the 1997 local municipal elections. In the poem the minarets were compared to bayonets, mosques to barracks and Muslims to soldiers. The military metaphors used in the poem for religious symbols contributed to their 'loss of innocence' and deepened the secular resentment. Erdoğan was sentenced and jailed for 'incitement to religious hatred' for having recited these verses which are attributed to one of the nationalist poets who wrote them in the context of the war for national independence at the beginning of the twentieth century. But the citation of the poem in the contemporary context was trapped within the dynamics of polarization between secular and religious politics, acquired a different meaning, and spread the politics of suspicion and resentment over mosques and Islam beyond the Turkish borders. As we will see in the section below, the poem was used by anti-minarets campaigns in Europe.

2.2   Mosques as Interface

Let me now turn to European contexts in which debates on the legislation for construction of mosques and minarets are becoming central issues in the European public and political life across the national borders. The Swiss referendum (29 November 2009) which enacted, by a popular majority vote, the ban on constructing minarets reveals to us this new, disturbing visibility of Islam in the eyes of the European public.[2] But at the same time, the debate confirms a major shift from the paradigm of social and economic issues related with immigration to that of religion and citizenship issues in public.

The passage of Islam to the West confronts Muslims with a series of novel questions, which lend European Islam its distinctive traits. A Europeanized Islam exacerbates the paradox of visibility and invisibility. Unlike in Muslim-majority countries, in Europe the mosques are discreet and indistinguishable, and the minarets are mute. The majority of Muslims do not seek to make their religious obedience visible to the public eye. There are strategies of invisibility as much as that of visibility among Muslims themselves. Some European political leaders, however, with a view to both security and openness, have sought to increase the visibility of places of worship, inviting Muslims to construct mosques and attend them in daylight instead of hiding in the basements and garages.

However, the significance of allowing the mosque its visibility is not self-evident; the positioning of the mosque in the urban space, its architectural forms and the population invited to inhabit there, all are subject to debate and decision in a European context. Construction of a mosque near a cathedral in the center of the city, such as in Cologne, triggers a series of questions that are not raised if the mosque is planned to be constructed in the outskirts, the abandoned manufacturing areas of a city. Even the simplest design decisions can reflect questions that are crucial to citizens of the Muslim confession as well as to those who are not. Should a mosque always have a dome and a minaret? Although a mosque is not considered to be a sacred place like a Christian church and for a Muslim 'the whole world is a mosque', and a Muslim can turn the global earth into a prayer mat,[3] mosques represent the imprint of Islamic cultural heritage and power. In spite of the fact that one can find and construct mosques without minarets and domes, the minaret together with the dome has become a 'structural metonym' of Muslim identity.[4] Can we have a mosque that would not be identifiable as such? Should we separate, as the Swiss seem to wish, the minarets from the mosques? Can we replace the word 'mosque', a word that some seem to fear, with terms such as 'Islamic community centers' and 'cultural institutes'?

In Europe, minarets and mosques face 'existential' problems; architectural forms, visibility and audibility, degree of publicness of mosques, come under a suspicious public eye, but also become an 'interface' among citizens of different confessions. Constructing a mosque and a minaret in Europe requires a series of negotiations, involving Muslims from different religious communities, urban planners, architects and local authorities. Mosques raise new questions for Muslims

living in a non-Muslim immigrant land. How to find a new architectural form that will not simply duplicate the mosques of the 'homeland'?[5] How can the mosque rally different ethnic communities? Do, for example, Turks frequent the mosques of Pakistanis in Birmingham? Are the Turkish mosques of Berlin also frequented by North Africans and other Muslim minorities? By which criterion should one decide the language of the sermon? How to organize the mosque space in conformity with gender equality and gender separation? The mosques are in the process of being 'updated'; this is a challenge for the twenty-first century.[6] How might one re-conceptualize the mosque as a public space, comprising religious seminars, language classes and leisure activities, and try to reach out to non-pious communities as well? All of these questions are crucial in light of the real lives and daily experiences of Muslims in Europe. The mosque is an interface between the urban environment, Muslim citizens and religious pluralism. Accepting its visibility leads to a series of negotiations and regulations – aesthetic, religious, financial, architectural and spatial in nature – in the process of making it become an object of a common heritage.[7]

Considered in this light, the Swiss referendum has imposed the non-negotiable; it put a brake on the processes of evolution, exchange and cultural borrowings. The referendum has forbidden the social experimentation and mutual learning and negotiation among actors of different political convictions and religious confessions and thereby betrayed the democratic ideal of an 'open society'.

2.3   Visibility and Proximity: Islamic Transgressions

There are numerous Islamic centers, mosques built ad hoc and many prayer halls across Europe and their numbers are growing while many churches are empty or converted to different activities. However, temporary and hidden mosques without a distinctive, recognizable feature in suburban industrial zones, in centerss of immigrant workers and working places, do not stir public unrest.[8] It is the sign of Islamic exceptionalism, its visual religious and cultural difference in the city centers, and the awakening piousness of Muslims that provoke public controversies around mosques across Europe.

The notion of visibility is crucial to understand the ways in which it underpins power relations; it gives evidence of proximity with one another and yet maintains difference. Visibility refers to a choreography of social actors that cannot be fully rendered within the normative framework of 'recognition of difference' that privileges state action (recognition) and takes the category of religion as a given and fixed. However, the category of religion is malleable and adoptable, subject to new ways of learning and transmission (in contexts of displacement), giving birth to new material forms and distinctive features of Islam. Visibility manifests Muslim politics of piousness, namely covering and praying practices that are embodied and spatial, with specific material and aesthetic forms. It translates the sensorial and material power of the Islamic self-fashioning into its self-presentation in public. If

Islamic distinction is carried, elaborated and fashioned by Muslim pious subjectivities, it becomes also publicly visible and perceivable. Visibility therefore is a notion that relates both strategies of personal piousness and public perceptions of Islamic difference, lived in proximity, namely in the same public space that constitutes the grammar of power relations. Islamic signs and symbols become visible and have a disruptive effect in European public imaginaries to the extent that they manifest Muslim presence in spaces that were not reserved to them and in anachronism with the established values. Islamic visibility signifies a process of spatial transgression of Muslims and their religious difference, disobedience to secular and cultural norms, and dissonance against tacit consensus that underpins European publicness. In sum, Islam crosses the geographical borders by means of immigration, but it also transgresses the invisible cultural boundaries of the European public sphere.

2.4   Populist Nationalism and Islamophobia

It is around the theme of Islamic visibility, in large part, that collective passions and public debates are mobilized today. The headscarf at school, the burka in the street, the mosque in the city and the minarets in the landscape indicate the disturbing presence of Muslim actors in daily life.

In the first place, the public visibility of religious and cultural signs of Islam expresses the presence of Muslim actors in European countries. The minarets – as, in other respects, the veils, the other mute symbol – reveal the Muslim actor – as pious, as feminine – in public life. This visibility attests to the presence of Muslims in European societies, their desire to stay there, their claim to the freedom of conscience, and their right to worship and dress according to their personal interpretation of their religion. Islam, in a paradoxical way, has become a political and cultural resource for the singularization of immigrants, for their quest for recognition, and so it indicates in turn their particular citizenship in the public space of Europe. This new visibility marks the end of a stage in the migratory phenomenon and in the integration, lived experience and modes of appropriation of public space in Europe. Muslims manifest their presence by means of their religion; hence they break away from public indifference in relation to them, and appropriate spaces in which they are not welcomed. Veiling in the public schools and Muslim candidates in the parliament, mosques near the churches and the cathedrals, praying in the streets, all are examples that make 'indifference' impossible for Europeans who find themselves in a passionate debate over the presence of Islamic signs in public life. However, these confrontational controversies around Islam reveal the tumultuous transition and recognition from the status of an invisible migrant to that of a visible Muslim citizenship.

Therefore one can argue that the debates on the minarets and their ban bear witness to the difficulty in Swiss society of recognizing the presence of newly settled Muslims, and of making a place for them in public life. The sentiment that Islam is invading their territory, the fear of losing one's 'home', has been widely expressed

during these debates. In speeches, Muslims have been asked to install their minarets 'back home'; in posters they have been compared to dangerous 'black sheep'; they are considered to be 'strangers' and are thus symbolically expelled. The leitmotiv of the debate, to protect oneself and one's home from this allegedly conquering religion, hides the reluctance to renounce the monopoly of Swiss-born citizens on their public space. All the semantics of the debate lead us to think that the battle over territory and its equation with a 'nation' (and in some cases with a 'race') not only expresses the difficulties of framing Muslim claims within rights of citizenship, but also reveals a dynamics of populist politics that retreats away from inclusionary pluralism. The undemocratic character of this vote resides in its expression of a desire to contain and fix public space in strict equivalence with an essentialist conception of the nation, without opening it to the plurality of citizens. In another respect, Muslims, with their multiple attachments – to languages, ethnic groups, religion and the *ummah* – disrupt the national definition of citizenship and arouse suspicion of their loyalty. The definition of a public space which is identified with a pre-established national community can only create tensions and exclusions in a world traversed by migratory and transnational dynamics, be they religious, economic, or cultural.

The referendum, far from staying confined to the Swiss context, has resonated in other national contexts and has given a transnational, European dynamic to the debate. Some deplore the Swiss error as one not to be repeated; others have applauded the courage to have said out loud what everybody thinks in a whisper. Polls conducted in France have revealed a favorable opinion of the limitation on the construction of mosques. The British National Party (BNP) has appropriated the 'anti-minarets' poster used by its Swiss counterpart (UDC). This poster shows the national flag (Swiss or British, respectively) pierced by minarets represented as guns. There appears as well a woman in full veil. In the English versions, the above-mentioned verses recited by Tayyip Erdoğan are included. In public debates throughout Europe, these same verses have incessantly been taken out of context. One sees how the debate on the minarets in particular, and the visibility of Islam in general, generates transnational dynamics and assemblages of disparate elements. One observes that even insular Britain and Switzerland, isolated from Europe, enter the European public field. The fear of Islam instrumentalized by different populist parties and 'anti-Islamization politics' finds resonance within the silent majority. Marginal political figures – such as Oscar Freysinger in Switzerland, Geert Wilders in the Netherlands and Philippe de Villiers in France – have contributed to the transformation of national political agendas across Europe and have won popularity in their fight against the Islamic presence in Europe. In France, Marine Le Pen joined the club of these popular figures, by shifting the political discourse of her father's extreme-right party (Front National) from anti-immigrant discourse to a new agenda fueled by Islamophobia. Her comments recently sparked a debate when she said that 'Muslims praying on the streets in some neighborhoods were like Nazi occupiers', remarks that resonate with the Swiss anti-minaret vote.[9]

In a sense the question whether Muslim immigrants are integrated or not in European societies becomes obsolete and irrelevant to the extent that Islam becomes

vigorous in the shaping of European public life and politics.[10] In this post-immigration phase, not only do Islamic signs and symbols become more visible in public but also 'Islam' (whether it is appropriated or rejected) makes people publicly more audible, visible and transnational. These new figures of politics of 'anti-Islamization' owe their popularity to their engagement with Islam. They have changed the agenda of the extreme right from xenophobia and anti-immigration politics to that of 'Islamophobia'[11] while adopting a discourse of gender equality, gay rights and secularism. The populist right in Europe gains new faces – young, female, gay – and distinguishes itself from the previous generation of extreme-right politicians who were representatives of patriarchal authority, sexist discrimination and anti-Semite politics. In their mobilization against Islam, they become defenders of the hyphenated 'Judeo-Christian' civilization, national values, gay and women's rights. They make use (and abuse) of the post-'68 leftist progressive agenda in the fabrication of politics of fear and resentment. The conflation between the progressive agenda of the post-'68 and extreme-right racism unsettles the established divide between the right and the left, between the extreme politics and the mainstream opinions. Both leftist intellectuals and center-right politics are challenged and even disempowered by the rise of these new populist discourses that fuse fear and prejudice against Islam to reach publics.

The current political populism gains ground in Europe, a home for a democratic public sphere with a tradition of an 'enlightened public'. The use of reason and the distinction between opinion and truth have been historically established and considered as a democratic feature of European public spheres. Populist politics makes use of fear and prejudices to appeal to the domain of the personal, the visceral and the sensational. The public sphere is at risk of losing its role as the ideal expression of democracy and becoming a place of common sense, of the sanctification of public opinion, and of the contagion of the sensational and scandalous. It is by such regression of public debate towards the irrational and the emotional that the Swiss vote can be considered as a betrayal of the democratic ideal.

2.5   Publics in Confrontation, Publics in the Making?

The politics of confrontation with Islam leads to the renewal and rejuvenation of a populist right movement that fuels the resentment of some as it deepens the stigmata of others. However, on the other hand, these debates instigate a deeper change in the process of the making of European publics. The confrontation over issues of Islam brings different publics together, in proximity with each other in unprecedented ways. It creates new coalitions and constellations in terms both of political lines and of cultural boundaries as well as across European borders. People from very different horizons find themselves in proximity, in the same constellation. In following the way Bruno Latour poses the question 'What makes things get public', one can put the emphasis on the making of the public, on the ways people and things come to be related, on the 'assemblages'.[12]

There is an intrinsic relation between getting public, visibility and agency as it is elaborated by Hannah Arendt.[13] To appear always means to seem to others. It is perceived by a plurality of spectators, therefore a public is by definition pluralistic. And therefore citizenship is not prior to public appearance but one becomes a citizen as one makes oneself visible to others. Muslim actors manifest their difference by means of religious difference, but in doing so they manifest also their citizenship. The questions of citizenship are always political because politics deals with difference and conflict; as one makes oneself visibly public, one also marks the transgression of boundaries and the disruption of the established frame.

Publics as I argue are not pre-established and consensual entities, but constituted by manifestation of differences, their confrontation with each other and their mutual transformations. Confrontation leads as well to a process of 'interpenetration'[14] that comprises physical proximity, force and incursion in one another's cultural domain.

The force of symbols, the importance of visual culture and performative practices but also the politics of humor and subversion can be observed in the newly emerging European public sphere. Two different examples that have followed the minaret ban in Switzerland testify to the role of aesthetics and humor as well as individual citizens in the making of publics cross-culturally. A non-Muslim Swiss citizen, Guillaume Morand, protested against the minaret ban by constructing a minaret on the top of his roof in Lausanne.[15] A group of Muslims living in Europe organized a contest for the most beautiful minaret in Europe.[16]

Visibility as a form of agency in public brings also the domain of culture and the personal under public attention; visibility as a form of agency comprises materiality of culture, aesthetic forms, dress codes, or architectural genres; it can be performative (as in the case of religious rituals and public praying but also new secular rituals with pig parades for the aim of desecrating the plots of lands newly bought by Muslims for mosque constructions,[17] or public gatherings around drinking wine and eating ham[18]), a form of agency sometimes mute and not always discursive, but certainly a form of agency that is radically disruptive, provocative and mutually transformative.

Notes

1. For an analysis of religious sociability, the changing role of Friday prayer and the mosques in Iran since the revolution, see Fariba Adelkhah, 'Iran: vers un espace public confessionnel?', *Les Etudes du CERI* 27 (June 1997): 1–33.
2. Patrick Haenni and Stéphane Lathion (eds) *Les Minarets de la discorde. Éclairages sur un débat suisse et européen* (Fribourg: Religioscope, 2009).
3. For an intellectual and performative exercise inspired by this Islamic principle concerning the mosque, see Azra Akšamija, 'Nomadic Mosque: Wearable Mosque Spaces for Contemporary Islamic Practice in the West', *Thresholds* 32 (2005): 17–21. Here she argues that the minute Muslims turn to Mecca to perform their prayer they transform any space into a mosque.
4. Nebahat Avcioglu, 'Identity-as-Form: The Mosque in the West', *Cultural Analysis* 6 (2007): 91–112 (92).

5. Ergün Erkoçu and Cihan Buğdacı (eds) *The Mosque: Political, Architectural and Social Transformations* (Rotterdam: Nai Publishers, 2009). See especially the article by Roemer van Toorn, 'Countering the Clash of Culture: Mosque Architecture as an Emancipating Factor', in ibid., pp. 107–13.

6. Carla Power, 'Updating the Mosque for the twenty-first Century', *Time magazine*, 2 April 2009; available at: http://www.time.com/time/magazine/article/0,9171,1889047,00.html

7. All these issues were raised during my fieldwork research conducted in Switzerland just after the referendum in December 2009. The Experimental Group Discussion in Geneva was realized within the framework of the 'EuroPublicIslam' project that I currently direct. My research project has received funding from the European Research Council under the European Community's Seven Framework Programme (FP7/2007–2013), Grant Agreement no. 230244. See the web page: http://europublicislam.ehess.fr/

8. For a very comprehensive research on mosques, see Stefano Allievi, *Conflicts over Mosques in Europe: Policy Issues and Trends* (London: NEF, 2009), especially pp. 38–50. See also Marcel Maussen, *Constructing Mosques: The Governance of Islam in France and the Netherlands* (Amsterdam: University of Amsterdam Press, 2009).

9. 'Marine Le Pen: Muslims in France "like Nazi occupation"', 12 December2010, available at: http://www.telegraph.co.uk/news/worldnews/europe/france/8197895/Marine-Le-Pen-Muslims-in-France-like-Nazi-occupation.html

10. As the title of my research project attests: see Nilüfer Göle, 'Islam in the making of a European Public Sphere', in 'EuroPublicIslam', at: http://europublicislam.ehess.fr/

11. Vincent Geisser, *La Nouvelle Islamophobie* (Paris: La Découverte, 2003).

12. Bruno Latour and Peter Weibel (eds) *Making Things Public: Atmospheres of Democracy* (Cambridge, MA: MIT Press, 2005).

13. Hannah Arendt, *The Life of the Mind*, vols 1 and 2 (New York: Mariner Books, 1981).

14. Nilüfer Göle, *Interpénétrations: L'Islam et l'Europe* (Paris: Galaade Editions, 2005); the English-language translation has recently been published: Nilüfer Göle, *Islam in Europe: The Lure of Fundamentalism and the Allure of Cosmopolitanism*, trans. S. Rendall (Princeton, NJ: Markus Wiener, 2010).

15. 'Suisse: "J'ai construit ce minaret pour protester"', *Rue 89.Com*, 9 December 2009, available at: http://www.rue89.com/2009/12/09/suisse-jai-construit-ce-minaret-pour-protester-129353

16. 'Mosque in Bradford with Four Minarets wins Prize', *Islamist Watch*, 20 April 2010, available at: http://www.islamist-watch.org/3740/europes-most-beautiful-minaret-at-uk-mosque

17. Allievi, *Conflicts over Mosques in Europe*, p. 39.

18. 'Saucisson-pinard: quand l'apéro géant devient discriminatoire', *Rue 89.Com*, 14 June 2010, available at: http://www.rue89.com/mouloud-akkouche/2010/06/14/saucisson-pinard-quand-lapero-geant-devient-discriminatoire-154815

    In Paris, a group of people organized this get-together in Goutte D'Or area, a neighborhood considered 'totally lost to Muslims', a place at the heart of Paris 'where nothing is left as French or Parisian'.

Chapter 3
'Creative Destruction': States, Identities and Legitimacy in the Arab World

Lisa Anderson

Abstract In the modern Middle East, the public institutions associated with the internationally recognized states of the region are rarely viewed as trustworthy or reliable. Born in the demise of the Ottoman Empire, midwifed by European imperial powers who paid lip service to the development of the inhabitants, and nurtured in the cold war by superpowers largely indifferent to the well-being of the peoples of the region, the existing states came to be associated with expectations of welfare provision and structures of accountability that privileged external actors over local interests. In the absence of public institutions that responded to and represented local interests, people organized around those still vibrant alternative forms of community that existed – the exchange networks of informal economies or the kinship systems of extended families and the ethnic and religious communities of language, sect and confession – and sometimes they reorganized and reinterpreted these identities to supplement and ultimately supplant the failing states in which they found themselves.

Keywords Authority • Identity • Imperialism • Islam • Non-state actors • States

In recent years, anti-authoritarian movements have appeared across the globe. Populist disaffection has gathered the young, unemployed, underemployed and disappointed into often leaderless mass movements that have challenged the established political and economic order – whatever it may be – virtually everywhere. In the Arab world, in part because of the particularly shallow roots of the local states

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and the sclerotic character of the old regimes, these movements have been spectacularly successful in opposing authority. They have been far less effective in successfully engineering new governments, however, and the transitions that followed the fall of regimes in the region have been protracted and contentious.

The upheavals in the Arab world share elements of widespread political processes: in some ways they have been straightforward uprisings against authoritarian governments and regimes, not dissimilar to comparable revolts and revolutions at other times and places. In some respects, they represent the local expression of growing global social upheaval, which is driven at least in part by a technological revolution, not unlike the industrial revolution of the nineteenth century; new access to information and communication are reshaping economic, social and political identities and expectations everywhere.

But what makes the Arab uprisings unique is the fact that this tumult also marks the beginning of the end of the state system introduced into the Middle East by the twentieth-century imperial order. Without gainsaying the importance of other perspectives, this article therefore emphasizes the character of the states and of competing political identities and organizations in the Arab world in shaping the contending forces now locked in a long struggle to define and reflect authority and legitimacy in the region.

For most political scientists, policy analysts and public intellectuals, the default political unit is the modern state. In recent years, there has been concern about what was called the 'eclipse'[1] of the state, as the rapid development of new technologies of communication seemed to undermine its autonomy and sovereignty; as a prominent US policy analyst put it:

> Nation-states will not disappear, but they will share power with a larger number of powerful non-sovereign actors than ever before … The world thirty-five years from now will be semi-sovereign. It will reflect the need to adapt legal and political principles to a world in which the most serious challenges to order come from what global forces do to states and what governments do to their citizens rather than from what states do to each other.[2]

Of course, the state, whether 'in eclipse' or not, is actually a relatively new feature of human society. The vast part of human history has been made by complex and orderly communities of tribes, chivalric orders, churches, empires, trade federations, aristocracies, religious brotherhoods and other expressions of human ingenuity. For most citizens of established states, particularly in Europe and North America, these alternatives are historical anachronisms, aspects only of their personal or private lives, but they served for millennia as vehicles for regulating societal interaction, fortifying human bonds, organizing economic production and exchange, and assuring security in the absence of what we know as the state – and in many places, they still do.

Indeed, in many parts of the Middle East today the institutions associated with the domestic operation of conventional states – civil and common law systems, public bureaucracies, police forces, fiscal administrations, legislatures, judiciaries and the like – exist as little more than artifacts of a fast-fading imperial era. The formal elements of statehood – territorial boundaries, standing armies, international sover-

eignty – have been eroded in favor of alternative definitions and structures of community and identity. Some of these alternatives, such as religious and ethnic networks, are competitors of the state. They convey far fewer rights and guarantee far less welfare than established states but they often protect those they do protect far more effectively.

For the loyalists of these kinds of communities, it is the state itself that corrupts the social order. From the perspective of many in the Arab world, the modern European-style state is a burden imposed with the demise of the Ottoman Empire in the aftermath of the First World War. The European – soon to be 'international' – principle that territorial states were to be the organizational structure for participation in what the League of Nations called 'civilization' was to mean that aspirations to be rid of European domination were couched in terms of independence for these political units. Only states, understood as the territorial units imposed by European imperialism, could hope to join the 'advanced nations' that represented 'civilization'. Alternative vehicles for political community were ruled out; it was inconceivable that the Utaibah tribe of the Arabian Peninsula, for example, or the Ottoman Empire, the Islamic *ummah*, the Berbers of North Africa, ARAMCO, the Sanusi religious brotherhood, or the Saudi royal family could become independent as such. And so peoples and communities aspiring to rule themselves adopted the attributes of states. Tribes and ethnic groups banned together, repressed mutual hostilities and claimed sovereignty. The successor states saved the question of their identity until independence was secured and then spent decades debating the merits of those state loyalties, as opposed to others such as those represented in pan-Arab or pan-Islamic movements.

The stability of the succeeding decades in the Middle East suggested acquiescence in, if not satisfaction with, the territorial states bequeathed to the region by European imperialism. The early post-independence Arab nationalist efforts to challenge the legitimacy of local states came to naught and by the 1970s, the region settled into a sort of sullen political stability that obscured widespread stagnation and resentment. That the communities and identities of the past had not been abandoned, even decades later, was suggested by none other than Usama Bin Laden, who reminded listeners in the broadcast in which he acknowledged al-Qa'ida's responsibility for the attacks of 11 September 2001 that

> … what the United States tasted today is a very small thing compared to what we have tasted for tens of years. Our nation has been tasting this humiliation and contempt for more than eighty years.[3]

Should his audience have missed the significance of the illusion to 80 years of humiliation, he clarified it several weeks later: 'Following World War I, which ended more than 83 years ago, the whole Islamic world fell under the crusader banner – under the British, French and Italian governments.' In this broadcast, moreover, he identified the successor to the League of Nations as part of the problem: 'Those who refer things to the international legitimacy have disavowed the legitimacy of the holy book and the tradition of the prophet Muhammad, God's peace and blessings be upon him.'[4]

The alienation from the modern states of the Middle East exemplified by Bin Laden's rhetoric, not to say his activity, was not universal in the region. But neither was it entirely exceptional. The disillusionment with the states of the region was deep and widespread. It was relatively rarely expressed in outright support of al-Qa'ida or other violent movements but it was frequently exhibited in what was, from the state's perspective, corruption – that is, reliance on friends, family, ethnic and religious ties, moneychangers, even criminal networks, to obtain the necessities of modern daily life: education, health care, food, employment, authorizations to sell, trade, travel, in short, to live a reasonable life in the twenty-first century.

And, as of 2011, it was expressed in outright opposition to the policies, then the governments, then the regimes, and in some places ultimately the states of the region. What began as the self-immolation of a frustrated vegetable vendor in south-western Tunisia sparked region-wide challenges not just to unresponsive governments but to tyrannical regimes and alien states. Demands for the rights and responsibilities of citizenship challenged authorities – local, regional and international – that had demeaned generations of supposed citizens by treating them as little more than contemptible subjects. The technological revolution that gave birth to new sources of information and new media of communication was making imperious and autocratic rule increasingly unsustainable.

The history of the installation of the 'independent nations' of the Middle East reveals a great deal about the origins and contours of modern-day political conflicts. Although the Middle East has been home to elaborate and ambitious state-like institutions since the time of the Pharaohs in Egypt, the introduction of the modern European-style state was a twentieth-century phenomenon. These states were minimally characterized by a specifically demarcated territory, a continuous administrative staff, a military establishment that maintains law and order, and a financial and tax collection apparatus that provides the revenue to support the administration and military;[5] in the twentieth century, as liberal definitions of politics grew increasingly influential, the modern state was also said to fulfill a social contract in delivering basic public services.[6]

After the First World War, the League of Nations recognized two kinds of political unit: independent states, which presumably reflected these characteristics, and territories, 'which are inhabited by peoples not yet able to stand by themselves under the strenuous conditions of the modern world'. Among these territories were 'certain communities formerly belonging to the Turkish empire [that] have reached a stage of development where their existence as independent nations can be provisionally recognized subject to the rendering of administrative advice and assistance by a Mandatory until such time as they are able to stand alone'.[7] The League Covenant declared that for these territories, 'there should be applied the principle that the well-being and development of such peoples form a sacred trust of civilization'. 'Well-being and development' were now formally acknowledged as the responsibility of states, and independence – 'standing alone' – was predicated on fulfilling this responsibility.

For the Middle East, the question of whether the peoples of the region could manage the strenuous conditions of the modern world was a touchy one, since the

Ottoman Empire had effectively sustained independent sovereignty, even on European terms, for centuries. Moreover, the Kurdish, Arab and Maronite communities of the Ottoman Empire, among others, considered themselves ready for recognition as independent nations as well. In the event, however, none of them was accorded recognition as a provisional state. Instead, novel territorial units – Syria, Lebanon, Iraq, for example – were carved from the empire with little regard for the political identities or aspirations of local communities. States were to create citizens for whom the territorial identity – Syrian, Lebanese, Iraqi – would trump other 'obsolete' loyalties.

Three decades later, on the verge of the independence of these new states after the Second World War, an economist observed that 'the existence of such thinly populated countries as unrestrictedly sovereign states is impossible without the support of larger States … It is not so long ago that independent State existence was contingent upon military strength and healthy finance.'[8] Perhaps unwittingly, he summarized the unique challenges of the post-Ottoman Middle East. The juridical sovereignty that would be bestowed upon post-imperial states in the Middle East after the Second World War did not reflect the financial or military requisites, or the capacity to provide for the welfare, associated with European-style states. They were to 'stand alone' not because they could survive in 'the strenuous conditions of the modern world' but because their European protectors were exhausted by the war and wanted to shed some of the responsibilities they had taken on in the region.

And the post-Ottoman states had been ambitious efforts, for despite considerable rhetoric to the contrary, the European rulers had endowed them with relatively elaborate administrations. New boundaries had been demarcated, police forces established, laws promulgated, taxes levied, tax collectors hired, nomads settled, peasants brought to markets, roads, railroads and ports built, schools opened, weights and measures standardized. Far from serving merely as caretakers, the colonial regimes reshaped many of the most fundamental aspects of life.

All this was done under the guise of the tutelage or protection of the natives: the colonial powers portrayed themselves as guardians, responsible, if not *to*, certainly *for*, their charges. Colonies, which had once been viewed principally as valuable sources of raw materials and markets for manufactured goods, had come to entail significant obligations. 'In fact', as political theorist Quincy Wright wrote in 1930,

> … if we judge by the current terminology we may suppose that dependencies have ceased entirely to be a right of the imperial state but have become a responsibility, a trust of civilization, the white man's burden … The trust undertaken by the imperial power was not only for the administration of property but for the development of a ward. It resembled guardianship or tutelage.[9]

Because status and stability counted for more than profit in collecting colonies at this late stage of imperialism, the European powers did not design the new states to be economically self-sustaining. The administrations established by the French, British and Italians in the Middle East did little to encourage economic development, particularly industrialization, and weak initial industrial capacity would

hobble the region for decades; by the mid-1970s, the Middle East's industrial output was a mere 1.5 % of the world's total.[10]

By contrast social welfare was an important arena of government activity. Although most observers criticized the European-backed administrations for not having done more to improve the lives of the people under their jurisdiction, both the rationale and the institutions for government spending on social services and public welfare were certainly introduced – and, in fact, widely accepted – in the interwar period. Education, for example, was an increasingly large item in the budgets of the protectorates and mandates and during the Depression and the Second World War, growing nationalist pressures and European concern to maintain control and stability in the region contributed to expansion of broadly based welfare programs.[11]

Who paid for all this? Although much was made of the European insistence on fiscal restraint and financial solvency, the local colonial administrations everywhere in the region relied on the metropole for financial subsidies; most of the states of the region never even approached self-sufficiency.[12] The relatively light tax burden borne by the local population went hand in hand with equally rudimentary systems of political accountability – as wards of the European powers, these populations were sometimes permitted to practise parliamentary politics but only as long as it did not devolve into real political claims-making.

As a result, at independence the rulers of the Arab world did not inherit and were not constrained by institutions designed to guarantee the government's domestic accountability but they did find themselves facing precedents for providing generous subsidies and services and, in many cases, equipped with the institutional infrastructure with which to do so. Independence changed the resources available to the players but not the rules of the game they played. Although the attainment of the political independence of most of the countries of the Middle East and North Africa between 1948 and 1962 was accompanied by much drama and even bloodshed, as was astutely observed of North Africa,

> … independence put an end to the formal domination of the European powers, but everywhere … the programs of the 'Westernized' elites were consistent with the ones carried out by the vilified colonial authorities and were marked by the precipitation that characterizes the action of an elite convinced that it is the vanguard of progress.[13]

The imperial conception of the role of the colonial state as an active and intrusive instrument of change was wholeheartedly adopted and vigorously extended by the nationalist rulers. They differed in their ends: the Europeans had expected that state intervention to guarantee their interests in the region; the nationalists anticipated using the state to foster sovereignty and prosperity – ends best served by their own rule, guaranteed by the apparatus of an interventionist state. Moreover, and again like their European predecessors, the nationalist leaders saw their role as tutelary, although they typically portrayed themselves as 'fathers of their country' or 'vanguards of the people' rather than 'protectors' of those 'not yet able to stand by themselves'. Finally, like the colonial administrators, the nationalists used the interests of international actors in continued regional access and stability to maintain a

steady flow of revenues to fund their ambitious plans. Although the nature and sources of the external resources changed over time, the outward orientation of the regimes remained remarkably constant throughout the postwar period. The resulting overdeveloped, tutelary and extroverted states shaped politics throughout the Middle East well beyond the end of the twentieth century.

The primacy of political imperatives was evident in the high proportions of post-independence government budgets devoted to welfare – and in the lack of outcomes measures. As a World Bank report dryly observed about regional investments in education, 'these investments in human capital appear to have generated poor returns'.[14] In part this reflected the fact that, although spending on education, consumer subsidies and devices for other welfare provision required financing, except in oil-producing countries, savings failed to match the rate of investment; the resulting 'resource gap' was larger in the Middle East than in anywhere else in the Third World.[15] This gap was filled by foreign resources, particularly foreign aid, grants and loans from former metropoles, superpowers, oil producers and international financial institutions. The specific sources of external revenue varied from country to country; only Egypt enjoyed the rents of Suez Canal transit receipts, for example, and Tunisia was far more heavily reliant on aid than its neighboring hydrocarbon exporters. Nonetheless, the region-wide pattern of dependence on external rents was striking.

The relative insignificance of the domestic population in providing fiscal support for the states of the Middle East also explained the slovenly and cavalier approach to statistical data exhibited by many governments. By the mid-1990s, nearly half the region's population was under 15 years old, and the growth rates in Saudi Arabia, the Gulf states, Jordan and Palestine were among the highest in the world. Yet few governments exhibited much concern – indeed, much knowledge – about the social or economic consequences of this growth. In the early 1990s, for example, neither the sending Egyptian government nor the hosting Saudi and Libyan governments compiled statistics on the number of Egyptians working in those oil-producing countries: according to Egyptian government economists, 'there was "probably" an additional US $3–4 billion entering the country, in the form of either cash or goods that were not officially recorded … estimates of the number of Egyptians working abroad were … placed anywhere between 1.6 and 3.2 million'.[16]

Many of the inefficiencies associated with large-scale government intervention elsewhere in the world plagued these economies: low wages, low productivity, high unemployment. That this did not produce wide-scale famine – or even significant malnutrition – reflected the impact of government-sponsored social welfare programs and this is partly why, of all the developing areas, the Middle East had the lowest income disparities. Equally important, however, was the growth of the region-wide informal economy that accompanied the oil price increases in the 1970s and subsequent liberalization of regional trade, travel and labor migration.

Yet in a number of countries, the hidden economy – transactions of which the government had no record – spawned by remittances probably amounted to well over one-third of GNP by the late 1980s. Most of the activity of the informal economy depended upon personal networks of family, friends and associates. As politi-

cal scientist Ghassan Salame observed, 'gangs, nepotistic privatizations, trafficking in influence, tolerance of drugs, militia corruption, the so-called black or informal economy, and para-statist rackets have all been obstacles to democratization. But … these gangs are also the instruments of survival of groups marginalized by the state as well as forces maintaining those states.'[17]

By the turn of the millennium, it was amply apparent that the pre-industrial welfare states established under European tutelage in the interwar period and sustained by the superpower rivalries of the cold war and the industrial world's growing reliance on petroleum had overpromised and failed to deliver. They were beginning to lose control of the very populations they had been designed to serve. In 1999, Anthony Cordesman, a US policy analyst, wrote that: '[M]any Middle Eastern states have no enemy greater than their own governments.'[18] Six years later, Usama Bin Laden agreed: 'No-one can be unaware of the tremendous spread of corruption, which penetrated all aspects of life. It can no longer be a secret to anyone that various evils have spread.'[19]

The growing absence of the state administration in realms, both territorial and social, that it once commanded began to reveal the outlines of alternatives. The continuing frailty of the territorial states reflected and reinforced continuing reliance on other kinds of political identity.

In this context – what political theorist Seyla Benhabib has called 'the postmodern quasi-feudal state', where the thin patina of 'civil society' is a pale but accurate reflection of the weakness of the modern state[20] – alternatives flourish. Ghassan Salame asks: 'Can we really speak of the coexistence, even the superimposition, of the rivalry or the conflict of two societies, one "authentic," the other artificially created?'[21]

In fact, there is a third possibility, where we have neither 'authentic' nor 'artificial' societies but imaginative constructions built with the shards of both. That we have an impoverished vocabulary to describe these alternatives does not make them less powerful. 'Taliban' – 'students' – or al-Qa'ida – 'the base' or Ikhwan – Brotherhood – or Hizbullah – 'the Party of God' are various ways of conveying a political purpose and identity that is not circumscribed by the international system of states. They may – indeed, often do – flourish where those states are weak or absent but they do not necessarily see themselves as constructing new or stronger states.

This mobilization is neither traditional nor modern, but it is consistent with a world in which 'the most serious challenges to order come from what global forces do to states and what governments do to their citizens rather than from what states do to each other'. The shrinkage of the public sphere enlarged the realm of religious commitments and economic networks everywhere, but in the United States and Europe, faith-based initiatives are an explicit policy alternative *within* the context of an established state and civil society. In countries with weak or non-existent states, such initiatives are often a rejection of the state altogether.

That Islamist movements in the erstwhile European possessions may be not simply a demand for better administration – although they certainly are that – but an

effort to construct a true alternative to the state itself is suggested, again, by none other than Bin Laden:

> People are struggling even with the basics of everyday life, and everyone talks frankly about economic recession, price inflation, mounting debts, and prison overcrowding. Low-income government employees talk to you about their debts … They feel that God is bringing this torture upon them because they have not spoken out against the regime's injustice and illegitimate behavior, the most prominent aspects of which are its failure to rule in accordance with God's law …[22]

God's law transcends all others – including the international law of sovereign states – and failure to acknowledge that explains the misery of the Muslim world.

Just as kinship networks and religious affiliations violate political boundaries (or perhaps, equally, the political boundaries drawn in London and Paris 80-odd years ago contravene kinship and religious identities), so too economic networks are not bounded by national markets or even captured in national accounts. Hizbullah, for example, is frequently described as a 'state within a state' in Lebanon, but it is both more and less than a state. It has a wide infrastructure of social services, from orphanages and hospitals to reconstruction companies and garbage collection systems, and it has a militia. After Israel withdrew from Lebanon in 2000, Hizbullah was expected to integrate its forces into the Lebanese army but it refused to do so, calling itself 'a force of resistance not only for Lebanon, but for the region'.[23] So, too, the revolts of the 'Arab spring' both have revealed and intensified the importance of informal and trans-regional networks.

For many people in the modern Middle East, the public institutions associated with the internationally recognized states of the region are neither trustworthy nor legitimate. Born in the demise of the Ottoman Empire little over 80 years ago, mid-wifed by European imperial powers, and nurtured in the cold war by superpowers largely indifferent to the well-being of the peoples of the region, the existing states came to be associated with structures of accountability that privileged external actors over local interests. In the absence of public institutions that respond to and represent local interests, people organized around those still vibrant alternative forms of community that exist – the exchange networks of informal economies or the kinship systems of extended families and the ethnic and religious communities of language, sect and confession – and sometimes they reorganized and reinterpreted these identities to supplement and ultimately supplant the failed states in which they found themselves.

Empowered by a wave of global populism, young, unemployed, over-educated and disaffected people in the Arab world gathered into often leaderless mass movements; in some places, these 'flash mobs' of protest solidified into guerrilla forces and militias, supported by trans-regional networks of money and sentiment. In working those networks, and challenging the legitimacy of the putative states, they have challenged notions of crime and corruption – the rulers are the criminals, the formal institutions have warped and dishonored vibrant social identities – and upended notions of authority and hierarchy in spasms of creative destruction. Perhaps not surprisingly, however, given that there is little consensus about the positive purposes to which these revolts are to be put, beyond the universal and elemen-

tal demands for bread, dignity and social justice, they have been far less effective in successfully engineering new governments and the transitions that follow the fall of regimes have already proven to be protracted and contentious.

Faith and kinship-based organizations, suitable as they may be for comforting the afflicted, do not provide robust institutions for conflict resolution, particularly with those who are deemed non-believers, nor – except in exceptional charismatic moments – do they tolerate, much less sustain, anti-authoritarian postures. Religious sentiments and particularistic affiliations may link the networks of arms and money, of anger and aspiration, that will bring down the state system in the Arab world but they will probably not survive the construction of the new order, whatever that may be.

Notes

1. See, for example, Peter Evans, 'The Eclipse of the State? Reflections on Stateness in an Era of Globalization', *World Politics* 50(1) (1997): 62–87.
2. Richard Haass, 'Sovereignty', *Foreign Policy* 150 (September/October 2005).
3. 'Broadcast by Usama Bin Laden (October 7, 2001)', in Barry Rubin and Judith Colp Rubin (eds) *Anti-American Terrorism and the Middle East* (New York: Oxford University Press, 2002), pp. 249–50 (p. 249).
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Chapter 4
After the Arab Spring

Michael Walzer

Abstract In order to answer the question, Can there be a democratic revolution and a religious revival in the same place, at the same time?, I look at a number of twentieth-century cases (and several eighteenth-century cases) where religion and radical politics interacted – with very different results.

Keywords Democratic politics • Denominationalism • Hierarchy • Religious revival • Secularization • Zealotry

4.1   Religion and Liberation

When the first signs of the Arab Spring appeared in Tunisia and Egypt, the crowds in the streets, the 'kids' on Facebook, all of us, watching from a distance, were excited and, with whatever degree of caution, enthusiastic: here were defenders of freedom and democracy challenging tyrannical regimes. But since I believe that one of the central tasks of political theorists is to worry, I worried. And my worry took the form of a question, which I still think is the crucial question that we need to address: Can there be a democratic revolution and a religious revival at the same time, in the same place? In the Arab Spring case, the revival had begun before the uprising: how would the two coexist?

That is the question that I want to reflect on here, as a political theorist, speculatively, without pretending to be what I am not – an expert on any of the Arab countries now in upheaval. In fact, I will begin by looking at other countries where I know enough at least to tell a story about the interaction of revolution and religion. I have just finished writing a little book about national liberation and religion, in

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which I compare India, Israel and Algeria. In these three countries, in the years after the Second World War, national liberation movements committed to establishing secular and democratic states succeeded in doing just that (democratic in only two of my cases, but secular in all three) – and then, some 25 or 30 years after independence was won, these states were challenged by a militant, politicized, revivalist religion. Three very different religions, three very different countries, but the timetable of the challenge was roughly the same.

These are not cases of simultaneity, which is what I want to get to later in this article. In these three cases, religious forces figured only marginally in the liberation movement. The three religions were in what we might think of as a relatively apolitical phase in the 1940s and 1950s; they had (mostly) been accommodationist in the years of colonial rule and in the years of Jewish exile, and now, faced with secular nationalists, their leaders were (mostly, again) passive, as if they were getting ready to accommodate a new set of rulers. By contrast, the leaders of the secular nationalists were politically active and remarkably self-confident. They all believed in the doctrine of inevitable secularization. Consider these words of Jawaharlal Nehru from his book, *The Discovery of India*, written in the 1930s: 'Some Hindus dream of going back to the Vedas, some Muslins dream of an Islamic theocracy. Idle fancies, for there is no going back to the past … There is only one-way traffic in Time.' The Zionist prospective was strikingly similar, as the historian Ehud Luz writes: 'The assumption that the Jewish religion … was destined to pass from the scene sooner or later, because it contradicted the needs of modern life, was accepted by practically all the Zionist intelligentsia.' When Ben-Gurion made his deal with the Haredi (ultra-Orthodox) leadership, he was sure that the Haredim were going to be, in the new Jewish state, a sect like the Mennonites or the Amish in the United States. Ahmed Ben Bella, the future first president of Algeria, had views on this issue much like those of the Indian National Congress and the Labor Zionists. Sitting in a French prison, he read the works of Malraux and Sartre; it would never have occurred to him to read or even to acquaint himself with the writings of Muslim theologians and preachers; from his perspective, they were irrelevant to the liberation struggle. One might say that national liberation succeeded because it was secular work carried out by secular militants. Could it have been carried out by secular militants working alongside religious militants?

I want to say something about how things stand in these three countries today, but first it will be useful to consider two major revolutions, in one of which religion was hostile to revolutionary aspiration, while in the other it was an ally.

Consider first the French Revolution, which was like the three national liberation movements in that it was made possible by – or, better, one of its preconditions was – the absence or relative weakness of religious forces. Still, religion in France was the recognized opponent of the revolutionaries, who clashed repeatedly with the Roman Catholic Church. Luckily for them, this was not the revived, aggressive and militantly orthodox Church of the Counter-Reformation. That Church had been undercut by more than half a century of philosophical and popular enlightenment and by the steady erosion of theological conviction, even among the Roman Catholic clergy. So the revolutionaries won, though, as it turned out, only for a time.

Catholicism came back just as the kings came back, and it is worth remembering that the final triumph of secular politics in France, the definitive separation of church and state, did not happen until 1905 – 116 years after the revolution.

Why did it take so long? The best way to answer that question is to think about the Catholicism of everyday life. The revolutionaries tried to create a new civic culture, replacing Catholic ceremonies and liturgies with ceremonies and liturgies of their own – a new calendar, new holidays, a festival of Reason, secular pageantry, civic oaths, and much else. But it didn't take, not after 1789 or '93 and not after 1830 or '48 either. It required more than a century of republican effort to establish a civic culture that could stand independently and resist the political influence of the Catholicism of everyday life. And this Catholicism was not a militant, revivalist religion; it was just, so to speak, a steady religion – steady in its hostility to secularism and steady in its opposition to democratic aspiration.

But consider now a very different case: the American Revolution was quite radically secular and at least quasi-democratic, and it came fairly soon after the first Great Awakening of evangelical Protestantism in the colonies and shortly before the second Great Awakening, whose preachers were most active in the 1820s. In America, in colonial times and in the early republic, Protestant revivalism mostly supported revolutionary and democratic politics (it also provided a base for the anti-slavery campaign). But this was the revivalism of a reformed and, what is probably more important, a radically fragmented religion, where every new orthodoxy was immediately challenged: Anglicans by Presbyterians, Presbyterians by Congregationalists, Congregationalists by Baptists, Baptists by Methodists, Baptists by more radical Baptists, radical Baptists by Universalists, and every church and sect by Separatists of seemingly infinite varieties. The earliest Protestant Churches attempted to capture and use state power; they tried to make themselves 'established' Churches, supported by the civil authorities – in Geneva, in Scotland, in England in the 1640s, in Massachusetts early on. But the Churches and the sects that came later challenged all the establishments and demanded and then defended a secular state, disengaged entirely from religion. So the American republic thrived on what Edmund Burke, in his 'Speech on Conciliation with the Colonies', called 'the dissidence of dissent and the protestantism of the Protestant religion'.

4.2   Zealotry and Authoritarianism

Religious revivalism around the world today is very different from the two Great Awakenings. Except in the USA, where Protestantism is still dominant though no longer revolutionary, revivalist religion is radically unwelcoming to dissent and unchallenged by new denominations; its protagonists seem eager to seize and use state power against heretics, apostates and infidels. Let us look again at my three cases of national liberation confronted by religious revival.

In India, Hindutva, Hindu nationalism, whose leaders seem on the verge of taking power by winning a national election, is a threat to liberal democracy if not to

democracy itself – and to religious toleration (crucially, for Muslims), to social equality and to women's rights. All these are guaranteed in the Indian constitution; national liberation, as I have already suggested, came at a time when Hinduism was relatively weak and the liberationists had free rein in writing the constitution. Gandhi had appealed to religious emotions and succeeded in making Hinduism into a force for non-violent resistance. But he did not set the agenda of the new state (not only because of his assassination in the immediate aftermath of independence). The political leaders of the liberation movement, like Nehru and B. R. Ambedkar (the Untouchable lawyer who was the first Justice Minister and who was largely responsible for the Indian constitution) were committed secularists, often uncomfortable with Gandhi's pronouncements, and they were the ones who determined the program of the Indian National Congress. It is easy to imagine Hindutva as the ideology of a nationalist movement against British rule. But Hindutva is unimaginable as the ideology of a national liberation movement – aiming not only to end British rule but also to transform Indian society: abolishing Untouchability, freeing women from patriarchal restraints, allowing inter-caste marriage, giving equal civil rights to Hindus and Muslims, and establishing a secular, democratic state. Of course, what the liberationists accomplished in law, they did not necessarily accomplish in fact; their work is still incomplete and precarious. Secularism survives in India today in part because caste-based parties, promoting the material interests of their members, stand in the way of any large-scale religious mobilization. But the ideologists of Hindutva still hope to defeat Nehruvian liberalism and secularism, and their success is not unimaginable.

In Israel today, settler Zionism, a hard, religiously infused nationalist doctrine, and ultra-Orthodox Judaism threaten both democracy and equality. These two are religiously dissimilar, but the appearance of the two together may be a feature also of my other cases: a militant, highly politicized, often nationalistic and right-wing religious movement coming along with, and perhaps feeding off of, a more generalized revival of traditional piety and orthodox practice. In any case, the appeal of each of these is similarly surprising to the aging militants of Labor Zionism (and also to the old Indian Congressmen and the veterans of the original FLN). In opposing any kind of decent peace with the Palestinians, the Jewish zealots of the settler movement have become the partners of Islamic zealots in Hamas, who oppose any decent peace with Israel. The political future suggested by Jewish zealotry is a single state between the sea and the river, with a disenfranchised Arab minority (which may not be a minority for long).

Algeria today is a secular but strongly authoritarian state; the secularism depends on the authoritarianism, and it is nowhere near as radical (especially with regard to the treatment of women) as the secularism envisaged, say, by Frantz Fanon in the days when the National Liberation Front (the FLN) was a revolutionary organization. An Islamist movement that won an election in 1991, and was set to win another, has been brutally repressed. It probably could win a (free) election again, though it has been weakened by its own brutality – and I hope also by its extremism. One tract of the Islamic Salvation Front warned women against using 'the Jewish word "emancipation" to attack the Islamic values of your ancestors'. Emancipation was,

of course, one of the central aims of the early FLN radicals. There still are democratic and secular forces in the country today, strongest, I believe, in the Berber districts. But it is likely that any national uprising against authoritarian rule would be dominated by Islamists. Would it produce a political regime like that of Iran today, or are there other possible outcomes?

So, consider Iran, where an authoritarian clerical elite rules the country and has, so far, managed to repress secular liberals and to repress or incorporate Muslim reformers. There were people who thought that the Iranian revolutionaries would replace the authoritarianism of the shah with a democratic republic – Michel Foucault was one of them. And there were men and women among the revolutionaries who hoped for an outcome of that sort, though obviously nowhere near enough of them. In Iran today elections are held on a regular schedule, and there is an assembly in which debates, even fierce debates, take place. But the electoral lists are purged of candidates that the ayatollahs don't like or trust, and the powers of the assembly are constrained by the council of guardian sages and by the chief sage. At this moment, the economic crisis and the surprisingly effective sanctions regime have led the guardians to allow the formation of a moderate government and to loosen their grip on civil society. The moderate reformers in power have a great deal of popular support, but they don't have a mobilized base. Power still lies with the guardians (and with their military arm: the Revolutionary Guard).

Iran is the first of my cases in which we can see how simultaneity works. So let me ask again: Can there be a democratic revolution in a time of religious revival, religious enthusiasm, religious militancy? The answer is, apparently not, though things will be different if Iranian Islam is reformed and/or fragmented. In Iran, secularism was a top-down creation, sustained by the shah; it did not survive the revolution, and the association of authoritarianism and secularism may have made the triumph of religious zealots easier.

There are other instances of authoritarian secularization, Turkey and Russia, for example, and perhaps also the Baathist regimes in Syria and Iraq. I don't see a clear pattern in these cases. We don't know how far Islamic forces in Turkey will go in their transformation of Atatürk's radical secularism. In Russia, the Orthodox Church has made a comeback, but Orthodoxy was never, and is not now, a militant religion; it remains politically accommodationist (as all these religions once were), a bulwark of Putin's state. But we might speculate that in challenging and overcoming authoritarian secularism, religious faith is likely to be a more powerful force than liberal and democratic ideology.

That speculative claim is now being tested across North Africa and the Middle East. In a country like Egypt, which I will take as the key example, secular liberals and democrats, on the one hand, and Islamic militants and zealots, on the other, worked together, or seemed to work together, to overthrow the tyrannical regime. But once that was accomplished, these two groups became fierce and sometimes violent opponents. They are not equal opponents, however, and the force that the religious militants have to reckon with is not the secular left, which is actually very weak; it is the army or, better, the army and the police (themselves often competitors for power in the old regime).

The army and the police are secular but, obviously, not liberal or democratic. So the stark conflict in Egypt right now is not between liberalism and authoritarianism, as we were invited to believe in the early days of the Arab Spring, but between secularism and religious revival – two different ideologies, each aiming at an authoritarian state. There are undoubtedly a lot of people who live, so to speak, in the middle, between these two, though it is hard to make out their numbers or their actual commitments. Presumably there are secularists who would like to reach out to and compromise with religious men and women, and there are pious Muslims who are committed to full rights for religious minorities. But the daily news reports point to a concentration of people on each side of the middle: religious zeal matched or probably not matched by secular conviction – but overmatched by the secularist army. How would the religious and the secular forces rule if either one of them won a definitive victory? The secularists fear the imposition of Islamic law, as in Iran; the zealots fear, what may be happening now in Egypt, an Algerian-style repression. It is possible that both of them are right in what they expect from their opponents.

The Muslim Brotherhood in Egypt claimed to have moderated its zeal and to be ready for democratic participation – that is, its leaders said that they were ready to give up power if they lost an election, so long as they were allowed to exercise power when they won an election. This claim was not believed by what turned out to be too many Egyptians. And so Egypt fit itself into what seems to be an established pattern. In Algeria, the Islamic Salvation Front was not allowed to exercise power; in Iran, the ayatollahs are not prepared to give it up. The pattern is: all or nothing. In Turkey, for many years, Islamic parties were not allowed even to compete for, let alone to exercise, power; it is not clear today if Erdogan and his friends are willing to give up the power they currently hold. For the moment, Turkey does not fit the pattern: it is ruled by Muslim democrats – the analogy with Christian Democracy has often been suggested, and it has sometimes seemed appropriate. But the large-scale incarceration of Turkish journalists and the prosecutions of intellectuals for 'insulting' Islam do not bode well for secularism, liberalism, or democracy.

It is almost certainly true that religious zealots are a minority everywhere; they always are, even in moments of revivalist fierceness. In eleventh- and twelfth-century Christendom, crusaders were a minority. The great majority of Christians did not express and I assume did not feel a passion for holy war. They listened to sermons proclaiming a crusade, calling for a march to Jerusalem, and they sat still; they stayed home. Surely Islam today is no different. Jihad is not a mass movement, even when its excitement seems to spread across neighborhoods and social classes. Only a small number of people actually become religious warriors or political warriors claiming to defend religion. But the minority of zealots, now as in the past, is disciplined and militant, and it can dominate a country. In Syria, it is at least possible that it can win a civil war. It can probably win elections, too.

Free elections in most parts of the Arab world would probably produce victories for Muslim parties that are loose coalitions of religious militants and people who are, some of them, religious moderates, and others go-along, get-along types, ready to compromise for the sake of peace and power. If these parties were permitted to

rule peacefully, I would expect to see sharp internal conflicts that the militants are more likely to win than the moderates and compromisers. What seems clear is that secular liberals and democrats, like the Facebook 'kids' in Egypt, will not win anywhere. And that probably means that the militants will determine the course of political events in most places, unless or until the army intervenes. The drift will be toward a repressive state, religious or not, and the struggle between theocrats and secularists will make it difficult to bring other political issues to the fore – most importantly issues having to do with economic equality and inequality.

4.3 Hierarchy and Democracy

Let me pause here and ask what it is about the revival of orthodox or fundamentalist religion that works against liberal and democratic politics. It is not traditionalist religion that I mean to talk about now but the revivalist version – modern, militant and fiercely ideological. The hostility to liberalism and democracy has two reasons (probably more, but two for now). First, the certainty that there is a singular Truth makes it difficult to compromise with, or share power with, or yield power to, people who reject this Truth. It is indeed hard to imagine a political party committed to the establishment of the one true religion rotating in office with a party committed to the disestablishment of the same religion. And, second, the belief that the singular Truth is known to a defined set of learned men (so far, it's only men) and that it mandates a hierarchical organization of society makes it difficult to accept anything like liberal democracy. Absolute Truth and hierarchy – though I have to recognize variations among the major religions, these two are obstacles everywhere to democratic development. Let me focus here on hierarchy, central to all the religions, though also complex and diverse in its forms.

The caste system of Hinduism is the most striking example. While the defenders of Hindutva, who hope to win democratic elections in India, cannot talk openly about their commitment to social inequality, it is true nonetheless, as the Indian political theorist, V. P. Varma, has written, that their long-term goal is 'the restoration of the Vedic principles [that require] the functional organization of society'. They are defenders of the caste system and of Brahmin supremacy, though they would undoubtedly claim that they are ready to accept modernist modifications of one sort or another.

Catholic Christianity is rigidly hierarchical in its ecclesiology, its doctrine of church government, and though the hierarchs today coexist comfortably with democratically elected state officials, this is a fairly recent coexistence, dating mostly from the years after the Second World War, when Christian Democracy was born (coexistence came earlier in the USA). For many decades before that, the European Church was hostile to democratic politics, which it saw, perhaps rightly, as more favorable to Protestant religious forms. Indeed, Protestantism was egalitarian from the beginning: the priesthood of all believers comes many years before the equality of all citizens.

In Judaism, the division of Jewry into priests, Levites, and everyone else has little meaning today – though it is worth remembering that in Second Temple Judea, there were 24 priestly ranks and orders, a hierarchy from which only the Romans delivered the Jews. Today the gap between the learned and the ignorant is a fundamental feature of rabbinic Judaism and of Orthodox society, and the authority of the learned, the rabbinic sages, is pretty much unquestioned in the various Haredi communities. One would not expect this to be true among the settler Zionists, whose religious militancy has a modernist edge, but it probably is true. There are certainly lay militants among the settlers, but their rabbis are powerful, without having to win elections.

Islam is, so we are often told, a radically egalitarian religion. But the Iranian case suggests that a similar division between the learned and the ignorant prevails, at least among the Shi'ites, and, again, the learned ayatollahs do not have to win elections in order to rule – and when they rule, they rule absolutely. In Sunni Arab states, we do not yet know how Islamic parties will govern or who will make the critical decisions – democratically elected political leaders (as in Turkey today) or religious leaders behind the scenes. Nor do we know whether or to what extent Islamic law will prevail in the courts.

The hierarchies of rulers and ruled, clerical superiors and ordinary believers, internal to the different religions don't make an accommodation to democratic politics impossible, as the Catholic case demonstrates, but they do raise difficulties. The gender hierarchy, common to all orthodox religions (Protestantism is again a partial exception), raises greater difficulties. I think that it is the freedom and equality that women have achieved in modern, secular societies, and also the commercial exploitation of their sexuality in these same societies, that most upsets and frightens pious Hindus, Jews and Muslims (it causes similar fears in many parts of Christendom) and pushes some of them toward zealotry. The zealotry is different in each case. But it looks much the same with regard to the 'woman question' – at least from an outsider's perspective.

It probably is not possible to deny women the vote anywhere in the world today where voting is an established practice. But it is possible to subject women to patriarchal rule in ways that greatly reduce the influence that their votes might bring them. The character of their education, the jobs available to them, the mobility allowed them, the dress code imposed upon them, the character of marriage and the organization of family life, their exclusion from public roles, the toleration of sexual violence – all this works to undermine democratic politics. Wherever orthodox or fundamentalist religion is dominant, women are counted as part of the demos, but they are not equal citizens; they have little say – at any rate, less say than they should have – in shaping the life of their own communities.

And wherever orthodox or fundamentalist religion is not dominant, the desire to subordinate women, to control their sexual lives and their working lives, is probably the driving force of religious zealotry (and also, in many places, of right-wing politics). But I have to stop here and acknowledge that there are many women among the zealots. I cannot explain that; I don't like the easy slide by secular commentators to the old Marxist idea of false consciousness. There must be attractions to clearly

defined sex roles and even to subordination, especially when these are conceived as a central part of God's plan for humankind. Someone on the secular side should be trying to figure that out.

At the same time, there are feminists, militant feminists, hard at work within all the major religions – religiously committed women reinterpreting the authoritative texts, rewriting the history of their faith, challenging male domination. One organization is especially relevant to any discussion of the Arab Spring – that is the group called Women Living Under Muslim Laws (WLUML), whose members have been active across North Africa and have established at least a presence among Muslims in India. The use of the plural in their name, 'Laws', is important: they insist that shariah law has taken many forms across time and space, and that some of these are consistent or at least compatible with gender equality. The women of WLUML are doing what you might call, with secular irony, 'the work of the Lord', but it is important to note that their central offices are in London, not in any of the countries where they are working, where they might not have the freedom that their work requires.

WLUML is actually a coalition of secular and religious women, working to transform religious traditions and at the same time to oppose untransformed religious hierarchies and practices. These cannot be easy tasks to combine, and I have no sense of what the long-term prospects are for organizations like this one. But for now, it is enough to say that wherever women are subordinated, whether the subordination is willing or unwilling – and even if there is feminist opposition from within – the practice of democracy is diminished in radical ways. For subordinated women are not active or independent participants in political arguments and policy deliberations.

4.4   What Should We Do?

Let me conclude today with some speculations about the prospects for religious reform and fragmentation – about the possibility of 'dissidence' in contemporary non-Protestant religions.

Among American Jews, denominationalism has triumphed – some would say that American Judaism has been effectively Protestantized. Partly as a result of that, and also as a result of the character of the new denominations, especially Reform and Reconstruction, Jews are generally strong defenders of the secular state and supporters of liberal and left government policies. Obviously, denominationalism has not triumphed in Israel, where the secular/religious divide is also a secular/orthodox divide, with very few Israelis occupying middle ground – or rather the middle ground is not marked by the kind of religious organizations that might promote a liberal and secular politics.

In the Muslim world, there have obviously been major reform movements. Wahabi Islam, the most important of them, bears some resemblance to early Protestantism in its hatred of religious corruption, its rejection of shrines and saints,

and its commitment to the enforcement of morality. But for reasons I do not understand, but many of my readers probably do, Muslim reform movements have not yet produced anything quite like the dissidence of dissent. There certainly are serious and sustained theological arguments, not only between Sunnis and Shi'ites but within both groups. There are significantly different schools of legal interpretation. And there have been many sectarian breakaways, like the Alawites and the Druse. And yet there isn't in the Islamic world today anything that resembles denominational pluralism. The reformers and the sectarians have not created new religious organizations that demand recognition, toleration and state disengagement. Indeed, what we see in Iraq and Syria, right now, is an ongoing effort to use state power for sectarian purposes. Until that changes, I think that Islam will be, as Catholicism was for so many years, mostly (not necessarily and not everywhere but mostly) hostile to democratic politics.

The examples I have canvassed seem to suggest that secular democrats can succeed only in the absence of religious forces or when they are supported by a plurality of reformed religions or religious denominations. Absence or plurality: that's what defenders of democracy around the world should hope for and insofar as we can we should try to make contact with and support – not militarily or politically, that's not my subject here, but academically, intellectually – the people who are trying to advance democracy either through secular advocacy or religious reform. There is a kind of intellectual internationalism, the solidarity of scholars, that I think it is permissible to talk about in colleges and universities and at academic conferences. When we defend intellectual and academic freedom, we are also, implicitly, hoping for something like the dissidence of dissent, that is, for wide-ranging discussions and debates, which are bound to produce political and religious disagreements and to help normalize that kind of disagreement in the world of orthodox or fundamentalist religion.

I will finish by addressing a very difficult question, which many of us hoped would not arise, though we should have known that it would. In Egypt and possibly in other Arab Spring countries, the army has turned out to be the most powerful secular (but also, obviously, anti-democratic) force – as the Turkish army was for many decades and as the Algerian army, closely allied with the FLN, is today. Academic freedom does not flourish in military regimes, and it would be a mistake for academics to cooperate with such regimes, as a number of prominent American and British professors notoriously did with the Qaddafi regime in Libya. Nor, however, would academic freedom flourish in a country ruled by jihadi militants, and there are also, notoriously, left-wing academics eager to defend radical Islam because it supposedly is an enemy of American imperialism and of Israel – which is another mistake. Liberal democracy and social democracy are the only political regimes that provide real security for academic and intellectual freedom, and regimes of that sort do not seem likely to arise in the Arab world today or anytime soon. But we can hope for political formations that at least leave room for the development and articulation of liberal, pluralist, egalitarian and feminist dissent, and we can reach out to and try to protect the dissenters. That is what we should do.

Chapter 5
Politics After Al-Qaeda

Faisal Devji

Abstract One of the consequences of Al-Qaeda's terrorism has been its blurring of the distinction between national and international politics, both of which have lost a great deal of their former autonomy by serving as hosts for a set of new global concerns and practices. The Global War on Terror can be seen as an effort to externalize Al-Qaeda's global threat by internationalizing it in a conventional war, and thus reinforcing both the autonomy of international politics and its separation from that of a national variety. More than a conservative move to protect the international order, however, the War on Terror was also an ambitious attempt to remake global politics in the wake of the cold war. But despite the transformations it has wrought, the War on Terror failed to create either a new global order or even a new global politics.

Keywords Al-Qaeda • The cold war • Globalization • Islam • Politics

Perhaps the most remarkable thing about Osama bin Laden's demise was the global response it generated. In private, we know, the Pakistani government was both embarrassed by the inability of its security forces to find a man who had apparently been living for years in a suburb of the capital, and afraid that it might be accused of harbouring Bin Laden in Abbotabad. In public, however, Pakistan's government joined its military and people in condemning what they saw as America's infringement of their sovereignty in launching a covert operation against Al-Qaeda's founder. This rather prosaic reaction, in other words, included no popular demonstration of support for Osama bin Laden and little regret about his death. Indeed even the posters of Bin Laden being sold in many Pakistani cities during this period

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indicated that his popularity had been disconnected from the cause he represented, found as they often were beside boxes of Barbie dolls and photographs of heavily made-up starlets from Lollywood, as the Punjabi film industry based in Lahore is known. Osama bin Laden, then, seems to have become one icon among many others in a consumer society for which militancy was turned into a commodity.

The reaction to Bin Laden's death in the rest of the Muslim world was if anything more subdued than Pakistan's, and even countries like Spain and Britain, which had themselves been the victims of Al-Qaeda's terrorism in the recent past, saw no popular demonstration of satisfaction at his killing. Only in the United States was there an upsurge of patriotic feeling after the event, one that seemed so unique in the circumstances that global interest soon focused on what was happening on the streets of Washington rather than Abbotabad. And so it appeared as if Osama bin Laden now attracted global attention primarily because of his infamy in the USA. But in addition to demonstrating Al-Qaeda's loss of support in the Muslim world, this Americanization of the response to Bin Laden's demise illustrates the disintegration of Al-Qaeda's global profile along with that of the war fought against it. Indeed I want to argue here that despite the great transformations it has undoubtedly wrought, the War on Terror failed to create either a new global order or even a new global politics in the wake of the cold war.

5.1 The Loss of Geopolitics

The cold war is important in the narrative of militancy not only because Al-Qaeda emerged from its last great battle in Afghanistan, but also because the end of a hemispheric rivalry between the superpowers left the global arena without a politics of its own. And this is what gave Al-Qaeda's militancy, together with non-state and non-governmental movements of all kinds, the space in which to operate. It was the loss of geopolitics in a global arena that had been created by the cold war, in other words, which, I want to claim, provided the context for Al-Qaeda's emergence. Neo-conservative thinkers in the USA had recognized this loss very soon after the Soviet collapse, though they saw it as a sign of America's victorious domination of the global arena. Thus Francis Fukuyama's celebrated 'end of history' thesis, as elucidated in his 1992 book *The End of History and the Last Man*, was the first important statement about America's inability to engage in a global politics, now seen as having resolved itself merely into an extension of her domestic conflicts and interests. While ostensibly disagreeing with Fukuyama's thesis, Samuel Huntington's equally influential 'clash of civilizations' argument, as elaborated in his 1996 book *The Clash of Civilizations and the Remaking of World Order*, also recognized the end of a traditional geopolitics based on states and sought to redefine worldwide conflict in cultural and non-statist terms. For in their own ways both thinkers saw that with the Soviet collapse, a global arena had come into view that was no longer circumscribed by states or even the international system, and thus did not possess a politics proper to itself.

Al-Qaeda's emergence, then, was part of a cold war narrative and did not signal the beginning of a new historical sequence. Perhaps because it was a transitional phenomenon of this kind, Al-Qaeda seems to have collapsed as a movement enjoying any global support. For it is not the War on Terror that has defeated militancy, with the loss of Muslim interest in Al-Qaeda taking western security and intelligence agencies by surprise. Indeed it was precisely because western governments, led by the USA, had gambled on Al-Qaeda's representing the beginning of a new historical sequence in global politics that they made such large and long-term investments in the War on Terror. And of course Osama bin Laden did bring something new to the political table. An admirer of Huntington's book, for instance, he put into action its idea of a geopolitics determined by non-state actors. In doing so he sought to occupy a global arena that had remained politically vacant since the cold war's division of the planet into rival hemispheres and its nuclear brinkmanship of 'mutually assured destruction'. For the new global arena that came into view following the Soviet collapse now possessed a sociological reality but no longer a political one. And this new reality, I would like to suggest, has been made thinkable primarily by way of humanity as a figure representing the object of both violence and compassion in the global arena, as a victim of nuclear, environmental, biological and other threats which must be addressed by various forms of humanitarian relief and intervention.

Now the human race, which before the cold war had only been an abstraction, suddenly assumed a sinister reality with the possibility of nuclear apocalypse, though we might recognize its more prosaic manifestation in the actuality of planetary population control, which also relied upon the apocalyptic imagery of the 'population bomb'. Humanity therefore became the great subject and simultaneously the true object of the cold war's new global arena, though one that still enjoyed only a negative existence given its lack of institutional representation. Modelled on the human race as a new kind of actuality that was supposedly under threat of extinction, the Muslim *ummah* or global community, too, emerged during this period as a reality lacking political form. For in times past this 'community' had been a metaphysical rather than sociological reality, and was often seen to include Muslims who had already died as well as who were yet to be born alongside those who were living. So there exists a famous tradition attributed to the Prophet, in which he is said to have voiced the desire that his followers should outnumber those of Jesus and Moses on the Day of Judgement, thus representing a posthumous vision of the *ummah*.

Having been reduced to a strictly contemporary entity whose empirical character was demonstrated by its capacity for enumeration, it was now possible for the Muslim *ummah* to represent the only political aspiration for the species similarly conceived as an empirical entity which had become de-politicized after the cold war, and which could now only adopt a sociological form as the selfsame agent and victim of environmental threats like climate change, themselves conceived of in economic rather than political terms. Like a human race under threat from the environmental catastrophe that had replaced the cold war's nuclear apocalypse, the Muslim community both existed and yet could not be said to exist. So it is no

accident that Bin Laden referred very frequently to the Muslim *ummah* at risk of western violence in the same breath as he bemoaned the threat that global warming posed for the human race. And the equivocal existence of both *ummah* and species not only in Osama bin Laden's rhetoric, but also in our everyday world more generally, serves to foreground the fact that the globe possesses neither political actors nor any institutions of its own.

The extraordinary politics of speculation and spectacle that Osama bin Laden deployed to lend a kind of reality to such entities as the Muslim community, however, posed neither a political nor indeed a military threat to the United States or any other country, including Afghanistan, despite the great violence associated with it. Instead what was new about the militant threat was that it happened to be global without being international, and domestic without being national. As a non-state actor, in other words, Al-Qaeda quite evaded the terrain of geopolitics, becoming a domestic problem for any number of countries, one that could create internal strife, put law and order at risk and imperil the electoral support of governments that were unable to guarantee the security of their citizens. If militancy did pose a threat to the sovereignty of these countries, then, it was largely in the domestic arena, where it broke the states' monopoly over the violence to which their citizens might be subjected. And in this sense the War on Terror can also be understood as an attempt by the United States to recover her right to dispose of American lives as much as those of the sundry foreigners and 'home-grown' terrorists who threatened them. This might be why the comparison that the war's critics often draw, between the numbers of Americans murdered in 9/11 and those subsequently killed in Iraq and Afghanistan, has had so little political effect. For the larger number of those who have been sent to die in these places at their government's behest allows the USA to reclaim sovereignty over her own citizens.

And yet Al-Qaeda's domestic threat could by no means be adjudged as arising from any national history or conflict, which is why we have been so keen to trace it to foreign recruiters and training camps in far-away places. Whatever the reality of such long-distance influence, however, it is clear that 'home-grown' militancy was also a reality, and so there were many efforts made to attribute this aspect of militancy to a national politics of racism, discrimination, or even dissent from a country's foreign policy. But their focus on global issues and distant battlefields also made it difficult to accommodate these home-grown militants within the circle of national politics, not least because the limitless responsibility these men attributed to certain powerful countries ended up putting into question the latter's integrity as nation-states. Perhaps it is because the global arena possesses a sociological but not a political reality that it manifests itself in the domestic realm, and its doing so deprives it of a national character to produce instead a hybrid or mutant political space within the USA. One of the consequences of Al-Qaeda's terrorism, therefore, has been its blurring of the distinction between national and international politics, both of which have lost a great deal of their former autonomy by serving as hosts for a set of new global concerns and practices.

Precisely because it possessed no political space of its own, therefore, Al-Qaeda's rhetoric, and its practices, had always been drawn from the world of its enemies. For

despite the exotic appearance and terminology of its militants, Al-Qaeda operated not as an external enemy but rather internally, by turning the logic and instruments of the West against itself. This form of assault was in full evidence with the 9/11 attacks, whose perpetrators trained at American flight schools and used American aircraft to strike their targets. But the internality of this threat was not merely instrumental. So Bin Laden and his acolytes, for example, used constantly to argue that their attacks were only mirror images of western ones, and in doing so not only disclaimed any responsibility for them, but also deprived these acts of any ontological weight by rendering them purely negative. Indeed the only thing they claimed for themselves was the act of martyrdom, which is to say another form of negativity and disappearance that served to represent the equivocal reality of the global arena itself in the form of a cipher. Given their glorification of violence, the militants' evasion of moral and political responsibility should be seen not as an attempt to escape censure, but rather as an acknowledgement of its ambiguous and undifferentiated universality in a global arena.

5.2   Crisis of the International Order

Its other and more local aims apart, the Global War on Terror can be seen as an effort to externalize Al-Qaeda's global threat by internationalizing it in a conventional war, and thus reinforcing both the autonomy of international politics and its separation from that of a national variety. More than a conservative move to protect the international order, however, the War on Terror was also an ambitious attempt to remake global politics in the wake of the cold war. With the United Nations as its institutional apex, the international order had itself been a cold war artefact, functioning as a kind of force field created by the superpowers and their respective blocs. Intended precisely to manage and keep global conflict cold, this order allowed for proxy wars in some parts of the world, Indochina, for example, while making for stability in other regions. Thus a number of amenable dictatorships were tolerated by both superpowers in places like North Africa and the Middle East that are only now being removed due to popular discontent. In many ways the so-called Arab Spring can also be seen as part of the cold war's undoing. For its protests in North Africa and elsewhere in the Middle East are revolutionary not in any conventional sense, involving political parties, ideologies and historical utopias, but precisely because they lack such traditional political forms.

Once the cold war drew to a close, conflict could no longer be limited to proxy wars, and therefore restricted by them, but moved to disrupt even those areas that had previously been stabilized by superpower rivalry. In the initial instance these new zones of political instability were confined to the former Soviet Union, and it was common to think of what was happening there in terms of the recrudescence of long-suppressed nationalism, whether manifested in its positive form in eastern Europe and the Baltic, or in its negative aspect of supposedly age-old hatreds in the Balkans, the Caucasus and Central Asia. But it soon became clear that the

mechanistic image of suppressed or even perverted identities reasserting themselves once the Soviet hand was lifted would not do, since even western client states started behaving in unexpected ways with the effective disintegration of an international order that had been in place from the end of the Second World War. So a new arms race for nuclear weapons began among second- and third-rate powers including India, Pakistan, North Korea and, most recently, Iran. But more than this, previously loyal client states suddenly turned against their patrons, Saddam Hussein's Iraq being the chief example, and rather than being coerced into mending their ways by international isolation and the threat of overwhelming force, actually opted to commit political suicide by engaging in hopeless wars with the entire international community.

Whether we look at the wars that decimated Saddam's Iraq, Milosevic's Serbia, the Taliban's Afghanistan or, most recently, Gaddafi's Libya, striking about all these cases of political suicide is that all involved the spectacular self-destruction of otherwise opportunistic regimes dedicated to their own survival. Surely we cannot attribute such behaviour simply to ideological commitment, delusions of power and popular support or even the lack of any other option, and must consider more seriously how it flouts the very principle of self-interest upon which the international order was built. Indeed the fact that we can only 'rationalize' these sacrificial actions by abandoning political theory altogether, and attribute them to the mistakes and delusions of individuals, should tell us something about the opportunism of such analysis. It is almost as if sovereignty can now manifest itself outside and indeed against this order, by claiming not the ability to kill so much as the willingness to die. But in this way the 'rogue' states that emerged as the international order's solitary enemies after the cold war were only imitating the United States, whose own vision of global sovereignty prevented it from being bound by the very international institutions it claimed to protect, from the League of Nations after the First World War to the International Criminal Court following the cold war. The sacrificial sovereignty of such rogue states, however, of which the first was Manuel Noriega's Panama, resembled that of Al-Qaeda's martyrs more than it did the power of the United States, and in doing so served to illustrate the coming-apart of the international order and its politics of deterrence more effectively than American exceptionality ever could.

Having ceased to constitute a force field between two superpowers, the international order following the cold war seems to have become as self-destructive as the rogue states that oppose it. For the community of nations now routinely turns against and destroys one of its recalcitrant members in what can only be described as an act of cannibalism, given both the disparity of force involved and the fact that by attacking one of its own the international community is only weakening itself. For such interventions generally end up creating dysfunctional new states like Bosnia, Kosovo, East Timor, or South Sudan that can survive only as wards of the international order. Of course the creation of new states by the international order has a long history in the twentieth century, one that includes the establishment by the League of Nations of many European and Middle Eastern countries in the aftermath of the First World War, and most importantly by the United Nations' founding of

Israel following the Second. And in doing all this the comity of nations represented today either in the UN or by NATO claims to be acting in the name of humanity. For the species that had possessed only a negative existence during the cold war, as potentially the victim of nuclear annihilation, has now become the subject of a global politics.

Of course the human race still enjoys no positive reality, but by lending its name to an international order whose politics is increasingly defined by humanitarian considerations rather than ideological or even merely political rivalries, it has transformed all this order's enemies into figures of the inhuman whose annihilation can be contemplated with equanimity. The idea of a battle for humanity has of course been important since the First World War, but I would like to argue that its cannibalistic violence achieved a certain political reality only after the cold war. Rather than departing from international norms, I want to suggest that the politics defined by a War on Terror should be seen as fulfilling them in a fantastical way. Among other things the effective abolition of the principle of neutrality in this conflict, and the exclusion of militants from both national and international jurisdictions of law, if only by defining them as old-fashioned pirates on the high seas, have fulfilled a certain ideal of the international order as a form of governance in the name of humanity. But in doing so these procedures have also made the concept of war itself into a red herring and in truth done away with it, since conceived of in purely juridical terms the international order can no longer tolerate conflict as anything more than a form of criminality deserving punishment. This is why the Just War tradition of medieval Christendom has been so much invoked during the War on Terror, invalidating as it does principles like neutrality as well as the recognition that any legal or political order has limits and cannot be universal.

If archaic traditions such as that of the Just War and pre-modern legal conceptions regarding piracy have come to define the language of the War on Terror, it is because the latter has only managed to fulfil the ideal of an international order in a fantastical way. In fact this ideal itself belongs to the past, having been elaborated during the period between the two world wars as an ideology for the League of Nations. It was only following the 'war to end all wars' that international law came to be thought of as being universal rather than European or Euro-American for the most part and intended for the benefit of humanity as a whole. It was also in this period that efforts were made to render war illegitimate by recognizing only the international community's punishment of 'criminal' states as legal. While the League of Nations did not end up constituting an international order as a kind of super-state, the ideal appears to have survived its own demise and has returned to us in the language of the War on Terror. In our own day, too, of course, such an ideal has proven incapable of fulfilment, and its very reiteration may represent nothing more than a mask for this war's ultimate failure to re-internationalize the global arena. But the effort itself has not been without certain major consequences in addition to the spread or containment of violence. Crucial, for example, is the fact that the 'internationalist' imperatives of human rights, and the securing of life chief among them, seem to have trumped nationally defined politics having to do with civil liberties, which in forms like privacy, free expression and dissent have suffered greatly all over the world.

5.3   New American Century

As an effort to repoliticize the global arena by internationalizing conflict, the War on Terror has not only failed but also damaged the international order even further. Yet this failure is evident not in the fate of Iraq and Afghanistan so much as in America's domestic politics. For if US administrations during the cold war were naturally interested in securing America's economic and political dominance, they were also fighting for a vision of the world that was greater than their self-interest. But the collapse of the Soviet Union meant that US geopolitics suddenly shrank to become merely an aspect of her domestic concerns. Is this why every move in the War on Terror has been denounced by its critics not simply as bad international politics, but instead as the consequence of purely domestic compulsions having to do with corporate greed or personal vendettas? However mistaken or irrelevant such accusations may be, they certainly indicate an inability among the administration's critics to distinguish between national concerns and international politics. Her global victory in the cold war, therefore, has ended up domesticating America's politics so that the nation's greatest enemies can now only be internal ones. Surely the escalating and now unprecedented tension between liberals and conservatives in the USA, whose mutual hatreds had their origin in the culture wars of the 1980s, demonstrates this truth in full measure.

America's great power has robbed it of geopolitics as a distinct field of action, confining its practices to the kind of self-interest that is incapable of distinguishing domestic from international arenas. So quite apart from the mutual recriminations of Republicans and Democrats, there is the increasing use of War on Terror procedures within the USA itself for purposes like crime prevention that restrict the civil liberties of American citizens while having nothing to do with terrorism. It is also indicative of this turn inwards that Muslims today are seen by many Americans more as an internal threat than an external one, with their co-religionists abroad still free to become clients and allies of the USA. The early years of the War on Terror had seen nothing like this rise in what is often called 'Islamophobia', which has gained ground in the USA only after years of uninterrupted security and the absence of terrorist attacks. Linked to this collapse of geopolitics and the blurring of distinctions between the national and international domains is the so-called 'birther' movement, whose adherents hold that President Obama was not born in the USA and thus cannot hold office. Whatever its other characteristics, surely this widespread belief is indicative of the anxiety created by the vanishing politics of the nation made into a globalized mutant, as much as by the crisis of the international order.

Like these domestic concerns that are part of neither a national nor an international politics, Osama bin Laden's killing, together with the reaction it has elicited, offers us the clearest possible example of America's loss of geopolitics and its withdrawal from the world. After all, Bin Laden could not have been captured alive and handed over to an international court without compromising US sovereignty in the global arena. But neither could he be put on trial in the United States without entirely dismantling the legal procedures regarding enemy combatants and secret

evidence that are so central to the War on Terror. And so with neither an institution of national justice available to try Osama bin Laden, nor an international court as an alternative, Al-Qaeda's founder had to be killed in an action that could not even draw its justification from combat.

We have seen that the greatest political consequence of Bin Laden's killing, an event that supposedly possessed global meaning, was nothing more than an exaggeration of its merely American character. Is this why the White House issued instructions that the 10th anniversary of 9/11, which followed Bin Laden's death by a few months, should be commemorated as an event of global rather than merely American significance? After all, Bin Laden's demise, which had enjoyed only symbolic significance in the rest of the world, served to gain President Obama an all too brief moment of popularity among his own people, having simply become an episode in the domestic politics of the United States. With the decline of Al-Qaeda, what has come into view is only the inability of states to address the planetary concerns of our time. These include climate change and food security, which the international system seems incapable of grappling with for structural reasons having to do with the limits of its institutional procedures rather than because of any lack of will. And so the global arena remains vacant and deprived of a politics, the very situation that had made Al-Qaeda possible in the first place.

Chapter 6
Genie in the Bottle: Gezi Park, Taksim Square, and the Realignment of Democracy and Space in Turkey

İlay Romain Örs

Abstract Leaving İstanbul Bilgi University on 22 May 2013, conveners of the İstanbul Seminars could not have guessed that less than a week later the arguments they had debated would be revisited under a new light. For little did anybody know that in the summer of 2013 İstanbul would become the stage of one of the most intriguing of urban uprisings in Turkish, if not contemporary, world history. In this article I would like to take up some of the challenges brought up by Gezi resistance to rethink the concept of democracy through the changing ways in which people engage with urban public spaces in Turkey, and beyond.

Keywords Democracy • Gezi Park • Public space • Taksim Square • Urban protests

6.1 Democracy and Space

Since Taksim Gezi protests erupted in May 2013, a new phase of democracy is starting to be defined in Turkey. It is best to embark upon this endeavor of redefinition by revisiting the etymology of the word from neighboring Greece: democracy, from *demos* [people, public] and *kratos* [power, rule], means power to the people; it is about ruling by the public, but also about having people decide how the public is to be ruled.

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Traditional or common practices of democracy have been laying more emphasis on the former at the price of the latter. In other words, ruling by the public through having elections had priority over the second meaning of democracy: people deciding how the public is to be ruled, determining how the elected will make decisions about ruling the public, defining the public domain, or shaping the public space. The original meaning of democracy, where the *demos* gathered in the *agora* to debate how to rule the *kratos*, has not made it much beyond ancient times.

Much of this was due to the impracticality of having the people assemble in an *agora*-like space; size and logistics necessitated representation and minusculed the role of public space in democratic governance. The physical dissolved in the face of checks and balances from a distance, while the crucial importance of public space to democracy lost its appeal in both political practice and social theory.

Yet today the crisis of democracy springs up from the very public space it neglected: the people gathered in the *agora*, the streets and the squares make demands, exercising their right to have a direct say, requesting a redefinition of their democracy in terms of claiming the power to determine how the public is to be ruled. In insisting on a return to the original meaning of democracy, they underline the very crisis of its current, dominating, traditional version. The contact with the physical is called back through the establishment of the virtual, enabling both direct and representative democratic demands to come to the surface: the public reclaims its space, the people redefine their democracies of the new age.

Overly occupied with the dominant understanding of the concept, democratic theory had little to say about the use of public space, except for its being used as a metaphor for public domain or public order. While Habermas carefully delineated the public sphere, distinguishing it from the economic and the political spheres (1989), he has left it as the realm of people's participation in collective deliberation (Calhoun 1992), rather than designating the physical setting where it occurs. Similarly, democracy has more often been theorized in connection with political rights, claims, processes of deliberation, decision-making and conflict, rather than a concern with the reasons, resources, or issues over which these actions take place.

To follow another thread of political theory, however, Simmel had quite early (1908) established the central role of the visible in theorizing about the complex and constantly changing metropolis, followed by the work of geographers and urban theorists in the second half of the twentieth century. In the aftermath of the spatial turn (Soja 1989), social theory today rediscovers its connections with space and place, notably through a similar focus on the city. If the concept of democracy is intimately connected with the concept of the public, then public space, as the physical subset of public sphere, becomes reinstated as the site for democratic performance to a surprising extent even in the allegedly digital world today (Parkinson 2012).

As public space is intimately linked with democracy, so are the debates about it: crises of democracies start in the streets, alternative versions are visualized and performed in the square. It is the street that enjoys live reporting through social or conventional media, the street that develops a new language of resistance, the street that voices a crisis of democracy as creative destruction – the very gist of modernity.

The street is global (Sassen 2011); it is real and as physical as it is virtual – from Wall Street to Tahrir Square, from Gezi Park to the streets of Rio de Janeiro, the crisis of democracy strolls in public spaces of the world, seeking an effective redefinition, an update of the concept, a way to bring the public back into the concept of democracy.

This article takes as its subject the unraveling process of Gezi as a critical moment of reconceptualizing democracy in Turkey through the changing ways in which people engage with public spaces in the urban sphere. Adding on to several noteworthy analyses made recently, the main argument here is that understanding the Gezi resistance would benefit from a careful reading of its spatial component, the debate over the use of public space, the very origins of the rebellion. Situating the public space of Taksim Square and Gezi Park within its historical trajectory is necessary to unleash the competing visualizations of democracy in Turkey, compiled here roughly under three rubrics: the Ottoman cosmopolitan; the republican central; and the Gezi utopian. While the Gezi process is unfolding, and is yet to find its direction in Turkish politics, I argue that the genie-in-the-bottle is out to engage in the democratic debates taking place over public space. The article ends with an open-ended question about the future of democracy in Turkey as seen from the current state of Taksim Square.

6.2 Gezi Resistance

Word spread fast over social media on the evening of 27 May 2013: trees in Gezi Park were being uprooted! Taksim Square and the Gezi Park were closed for months without much public announcement regarding their fate, with İstanbulites wondering what was going on in the most central square of the city. Sporadic statements about a pedestrian zone, a five-star hotel, a shopping center, a mosque, or another concert hall did not amount to much more than rumors; after all, no official declaration was made in a way to allow any public opinion to be formed. A few protesters gathered to witness what was going on and called over many more to help them stop the bulldozers from ruining what was left of the public park. Not trusting that construction would not resume after they left, they built up tents to guard the trees overnight. They were caught off-guard at dawn on 31 May when police showed up with water guns and burned their tents in what became the wake-up alarm of Turkey. The infamous process of Gezi Park resistance began there and then, causing an uprising against the increasingly authoritarian measures used by the government towards the Turkish people, as exemplified in the heavy-handed police retaliation to a non-violent environmental protest to save the trees of a public park.

That brutal response intensified over the next days and weeks, while the resistance amplified and spread over İstanbul, to other cities in Turkey, and in the world. The protests took place in various peaceful ways, yet the government always resorted to political violence in response, leaving 7 dead, thousands injured and millions worried about the direction of democracy in Turkey.

I would like to carry this debate further to elaborate on the ways in which different kinds of public spaces relate differently to political movements. The specific kind of public space where an urban movement is placed gives the movement its character. Deliberating on the multiple notions of urban spaces helps articulate an interaction that visualizes the shifts between different democratic orders in the imagery of the citizens and of the rulers. Different outlooks of public spaces can further be indicative of the kind of political rule that is reigning at that particular time period.

6.3   Taksim Square

The official central square in the city is a theater – a venue for parades, weddings, or executions, an incarnation of the public sphere, a physical representation of political power (Sonesson 2003). It incorporates symbols visualizing the identity of the authority, giving definition and shape to its character. Whether the totalitarian singularity of Tiananmen in Beijing or the deliberate eclecticism of Stephansplatz in Vienna, the central squares give the most obvious clues about the nature of the city and of the political establishment in the country. Urban squares display in various ways; apart from symbolic objects, such as statues or fountains, or public buildings, such as parliaments or palaces, they can reveal their representative power by the very design of themselves. Even their emptiness is telling, underlining the appeal of demonstration of power by political authority – the space is intentionally left blank in anticipation of the crowds that would gather in support of the ruler to make use of the square as a space of politics.

Squares display the dominant national authority but they also represent alternative ideological visions that make up the nation. Contemporary protest movements are also grounded in material places, named after the places they occupied – Tahrir Square, Gezi Park, Wall Street, providing a stage on which different actors display their ideals and perform and rehearse collectively (Göle 2013a).

It needs to be noted that the recent wave of urban uprisings all have in common a particular preoccupation with public space. Protests in Greece, the USA, Egypt, Brazil, or Spain were partially directed against policies of privatization, corruption and real-estate development (Fregonese 2013), which are intensified during financial crises and lead to a massive verbalization of discontent over globally raised concerns with just how democratically the public is being ruled. It is the context of globalized capitalism that conditions the protests against the commercialization of public space, and the subjugation of the corrupt and inefficient national states to obey the rule of international financial capital (Žižek 2013).

As a movement concerned from the onset with the question of democracy as it manifests itself in the urban public space, Taksim Square and Gezi Park are important sites to explore the shifting modes of democratic imagination in Turkey, both through spatial memory and through an engagement with visible elements in dis-

play. The different modes of political rule that found physical expression in Taksim Square may be summarized in three different phases.

6.3.1 The Ottoman Cosmopolitan

Initially Taksim was located at the outside border of an area opposite old İstanbul, Pera, the other side or the side where the others lived. These others were first the Genoese and Venetians, who occupied the Galata region. Extension of the space took place northward as newcomers, immigrants, or foreign communities came to settle down around the city. By the nineteenth century, Pera was reaching from the shore of the Golden Horn to the outskirts in Taksim, housing consular buildings, places of worship, businesses, residences and spaces of sociability to the hundreds of communities making up cosmopolitan İstanbul in the late Ottoman era.

Taksim was the end-point of the Grande Rue du Pera, right behind the French Palace, where water distribution facilities were located. The vast uninhabited area reaching out to the greenery of the Armenian cemetery became the site of the Taksim Artillery Barracks that were built between 1803 and 1806. In the aftermath of the 1908 revolution, the barracks became the site of a major uprising known as '31 March' that turned into a massacre of Christian army officers. Later evaluated as a conspiracy to eliminate unwanted ranks and to end constitutional rule (Akşin 1994), this event left an indication in the minds of the people that religion could be deployed as a major factor against modernization. In the 1920s, the barracks lost their functionality and were converted into a football stadium. The ornate façade of the barracks stood as a haunted reminder of the Ottoman past during the early years of the republic.

6.3.2 The Republican Central

When war-torn İstanbul shook off the occupation by the Allied powers, and Mustafa Kemal sent off the last sultan to exile abroad, Taksim Square stood as a place containing the unwanted relics of the Ottoman past: the ornate structure of the military barracks despite the dissolution of the imperial army, and the cosmopolitan fabric of Pera amid the elimination or escape of non-Muslims or non-Turks. Taksim was acknowledged in its function as the central public square of the biggest city of the new state and was to be appropriately decorated to manifest the modernization project hailed by the new republican order. Following an international competition for the land-use of İstanbul, Henri Proust was commissioned to undertake the re-design of the city center, so the rebuilding of Taksim Square in a modernist style commenced in 1939. The total of 26,000 square meters containing the barracks was demolished and transformed into today's Taksim Gezi, then known as İnönü Promenade after the second president (Polvan and Yanek 2010, cited in Ekmekçi

2013). The square featured a centrally located statue of Atatürk and others, depicted in proud celebration of national independence, circumambulated by wide roads carrying trams and cars, surrounded with opera houses, hotels, and a wide green space reaching all the way downhill to the Bosphorus in the place of the previous Armenian cemetery. Taksim Square became the meeting point of the Gezi Park, Republic Street and Independence Street (the renamed Grande Rue du Pera), thereby verbalizing much republican symbolism. Proust's original plan underwent minor alterations: the Greek Orthodox church was slightly sidelined and disguised behind a set of smaller buildings, the central park was trimmed to be given away to hotel chains, another testimony to the western modernist direction assumed by the republic. An eradication of the Ottoman remainders was thus made possible by the physical reorganization of Taksim Square and the surrounding Gezi Park to make public the values of the republic. A further architectural expression of those values came with the construction of the Atatürk cultural center in the 1960s, a concert hall and an iconic modernist landmark facing the square. With the building of luxury flats surrounding the square, it became one of the poshest parts of the city for the trendy republican elite.

Surely, that was already an alternative narrative of a republican kind of modernity and nation-building, at the expense of a more cosmopolitan, culturally pluralistic imperial legacy. The public square was left to scream the vision of a monocular, unified, specifically defined, dominant, bold, strict, definitive order, amid the previous overlapping spaces of cosmopolitan, controversial, tangible, marginal, multiple, fluid shapes, existences and experiences at the time of Pera.

With its monolithic nationalistic vision of the republic, Taksim Square has been at the same time a terrain of political practice, where public political encounters, democratic negotiations and political dissent have taken place throughout the decades (Baykan and Hatuka 2010): from the bloody 1 May demonstrations in the 1970s, to those organized by Islamists in the 1990s, and secularist rallies of 2007 by Kemalists in protection of the very republic that furnished the Taksim Square (Tambar 2009).

6.3.3 (The AKP Parenthesis)

Even though the AKP (the ruling Justice and Development Party) government has ruled in unrivaled power for over 11 years now,[1] it has not been able to inflict its signature on public places. The country turned into a huge construction site as a result of mega-projects, real-estate developments and massive gentrification, all of which were highly controversial, destructive and speculative in effect. Yet there was no noteworthy project of architecture, visual art, and/or other forms of culture instituted by the state (Kortun 2013), nor has it been possible to claim any major public space as AKP's own creation. With the inevitable appeal of leaving indelible traces in the city, Erdoğan's vision of Taksim went through several phases: in his days as mayor of İstanbul in the late 1990s he announced his will to build a grand mosque

big enough to overshadow Hagia Triada Church, then talked about replacing the Atatürk Cultural Center with a baroque structure, and finally came up with a so-called Taksim transformation project, which left the square closed to traffic and to eyesight for many months. The park and the iconic buildings overlooking the square were neglected; this set a very opportune justification for launching one of the biggest undertakings of urban redesign. Construction work that started under the rubric of pedestrianization projects, was to continue behind the metal shields until a replica of the artillery barracks was rebuilt to house a shopping mall, luxury residences, a museum, another hotel, or a combination of those. The attempts at silently demolishing Gezi Park to realize Erdoğan's neo-Ottoman dream were shattered with the loudest of noises that became his worst nightmare. Erdoğan's desire was clearly to be not only a physical remaking of the public space, but also a move to change the outlook of the square, and by extension, that of the republic. The plans to rebuild the barracks had raised two different issues: the physical change and the idea behind it. AKP's attempt at revoking the memories of a certain version of the Ottoman past through the building of the barracks was interpreted as an intention to shape a new social identity from the pieces of anti-secular, Islamist, neo-Ottoman ideologies. Taksim–Gezi was not the first site displaying neo-Ottoman tendencies in the city that tend to challenge the official historiography set up by the republican period. These new interpretations of the imperial legacy, which often collide with neoliberal imperatives of development, were manifested spatially in theme parks and real-estate projects (Öncü 2007). Gezi protests were against the will of Erdoğan, who aspired to cloak İstanbul's identity and memories in a banal Islamic architecture as in Gulf Arab cities (Benhabib 2013), turning the city into a large theme park. It was resistance to this kind of aspiration that led to the Gezi revolts.

6.3.4 The Gezi Utopian

The initial protest started in the park, grew in the street, flew into the square. Streets full of environmentalists, football fans, academics, workers, artists, LGBTTQ [lesbian gay bisexual transvestite transgender queer], Kurds, feminists, people from all walks of life walked to the park to claim the square. The streets leading to the Taksim–Gezi area became global streets, insofar as they bore parallels to urban protests elsewhere. Similarly to Zuccotti Park in New York, Gezi Park was occupied; main arteries leading to the square were cut off from traffic to halt police interference by the very vehicles – now artistically decorated – that were spraying pressurized water and tear gas on to the crowds. Inside, there was Gezi, now with a utopian commune presence.

Taksim and Gezi were claimed by the ever-growing population of protesters as a venue for displaying an alternative democracy. In the decorating of public buildings, statues, trees and walls with banners, posters and flags, the square and the park were reflecting the colorful multiplicity of the protesters. The initial sit-in expanded in the face of brutal police suppression and grew strongly to a very well-organized

park featuring a vast tent city, an infirmary, a playground, an organic vegetable farm, a botanical garden, a mobile transmitter for free wi-fi connection, a speaker's corner, a performance stage, a fire station, a free library, a revolution museum, open lectures, a wish tree, and many more components of a self-sufficient commune life. Food, drink, blankets, medicine, gas masks, yoga mats, books, phone chargers and other essentials of livelihood were brought in and shared, exchanged, distributed for free. Slogans expressed an amazing creativity of political humor, disseminated fast through the effective use of social media, and were instantly chanted into songs that people sang along and danced to. Committees were formed to make sure that this idyllic, peaceful, happy union of freedom and solidarity was not disturbed. Yet there were no instances of theft, fighting, harassment or even bullying reported during the Gezi weeks, forming a striking contrast to the earlier days of the park where any of these unpleasant occurrences would be far from surprising. One of the slogans posted on a tree was summative of the entire experience: 'Here at Gezi we live in the smurfs' village. Happily ever after in our mushroom houses, we are waiting for the arrival of Gargamel!'

Gargamel, the baddy prime minister did not arrive; instead he sent over his armed police forces to crack down on the protest or rather to hunt down the protesters. With that, he displayed the angry and heavy-handed face of a repressive, undemocratic, corrupt, authoritatian, greedy and paternalistic political rule, which attacked the alternative vision of a democratic existence in formation that rested on civility, creativity, an urbane, rightful and peaceful expression of solidarity.

Following the horrifying violence that took place on the night of 15 June, the people were taken out of Gezi, but Gezi could no longer be taken out of the people. In a process that is still unfolding, the Gezi spirit became an historical opportunity by which people actively and creatively engaged in the very redefinition of democracy. They became active residents of their city by claiming their right to the city as the most basic of their democratic rights. They became politicized global citizens by forging links of solidarity and inspiration with other urban movements around the world. They became conscious bearers of their Ottoman past and their republican present, demanding a change to a brighter future that is at the same time cosmopolitan and democratic. This was to be a democracy beyond its limited definition as the rule of the elected people. It was to be an inclusionary democracy where people engaged in how they were to be ruled, and had a say on what their cities would look like.

The Gezi spirit found different formations in the aftermath of the commune experience: public parks in neighborhoods became locations for neighborhood assemblies called forums, where performances and debates of democratic ideas took place. Apart from political discussions, these neighborhood forums became sites to engage with local needs, by sharing clothing and other supplies, and a practice of exchange that is best described as gift-giving (Turan 2013). Another creative display of democratic vision was the gathering of thousands in streets, sitting on *potlach* tables laid on the ground, sharing food for the break of fast during the month of Ramadan. All these acts stood witness to the peaceful search for a new demo-

cratic vision, stressing solidarity in their diversity, and exerting the power of protest in their quest for their right to the city.

The right to the city, Lefebvre's ground-breaking concept inspired by the Paris commune (1968), rests on the mutuality of urban space and social change; there the link between public space and democracy gets tightly formed over the notion of rights, the right of urbanites to question and transform the process that orchestrates the production and use of space. The powerful reproduce and enhance their power by controlling space through the appropriation and domination of the public space, Harvey claims (1989), though ordinary urban dwellers are not powerless. They contest and subvert domination by using public space for their own ends, sometimes through collective action and sometimes by unofficially being in the space.

Gezi resistance had a clear urban agenda to reclaim the right to the city of ordinary citizens who rely on the use value in the city and place it over the right to the city of capitalists, developers and their allies who recast the city as a *locus* of exchange value and capital accumulation (Kuymulu 2013). It revealed how a public square became literally vital to democracy, especially when threatened by forces of private global capital and by the disciplinary regulations and authoritarian tendencies of the state power (Göle 2013a). Gezi is a turning point in Turkish politics for bringing about a platform with the involvement of the widest array of active citizens, who debate how public space is to be shaped, and how the public should (not) be ruled, and who engage in the very redefinition of democracy more directly than ever before.

6.4   The Gezi Spirit

To recap in spatial terms, the rule of the elected AKP government could thus far not manage to inflict its identity on public spaces. Amid their mega-projects of urban transformation and gentrification, at the price of the natural and cultural fabric of the city, AKP was not able to claim any square of central importance to display its own political vision and identity. Just as it was hoping to convert Taksim Square for this aim, the pressure valve of protesting crowds – that thus far had only let out steam in limited amounts – broke to give way to the biggest display the government had yet seen. The street proved to be the only force that could cause the government to stumble in its self-confident style of ruling the people. The ruled would stop them short of converting the square into a display of their own controversial vision, thereby claiming their right to the city, and their right for a redefinition of democracy. If there needed to be a redefinition of democratic republican order, then this needed to take into account the demands of this very place. They rooted the debate in the physical space of the square, of the city, of the country, claiming its trees, its communities, its historical trajectories within a globalized framework. They occupied Gezi Park to demonstrate just what kind of democratic rule they envisioned, only to be vehemently opposed and destroyed by the powers that be. The response from the AKP government was to mobilize the streets in turn; often coined to be

street-smart, Erdoğan was in fact leading a movement that originated in the back streets of the Turkish Republic by winning votes from the marginalized shanty towns of rural migrants in the city (Göle 2013c). Organizing the street counter-protest, however, was not enough to claim the city square. In the lack of any political vision and creativity, the square ended up with an unreferential empty void, which the current government cannot fill in.

Gezi protests made it clear that public space is not only an abstract concept, that new political themes, a new public culture and a new understanding of citizenship start being formed (Göle 2013b). Gezi created an urban consciousness that brought environmentalists, feminists, LGBTTQ activists, Kurdish groups together in searching for an institutionalized cultural and political voice that is not contained within the existing political structures (Benhabib 2013). Partially due to its class-blindness and its inherently leaderless nature (Tuğal 2013), which is only fitting to the general trend observed in other occupy-type movements (Mitchell 2013), thus far, such a common voice or political direction could not be found. Whether the road to elections is hiding sharp turns that may allow Gezi protesters to lose or find their political direction remains to be seen.

Yet one thing is certain: the Gezi genie is out of the bottle and will most probably not go back in until the wishes for a more democratic Turkey will come true.

Note

1. The AK Party in Turkey was elected to an unprecedented 4th year term in a landslide victory in November 2015, receiving 49.5 % of the votes and 317 seats (Keyman 2015, Editor's Note).

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Chapter 7
All Quiet on the Kemalist Front?

Murat Borovalı and Cemil Boyraz

Abstract As a result of its failure to embrace the increasingly visible social and political diversity in the country, Kemalism, the founding ideology of modern Turkey, is currently facing its severest legitimacy crisis. Through interviews with representatives of leading voluntary Kemalist associations, this article inquires whether there are attempts to reinterpret the doctrine in order to offer an alternative, credible vision in harmony with the existing social, political and economic realities of Turkey.

Keywords Diversity • Ideology • Kemalism • Kemalist NGOs • Secularism

7.1 A Historical Sketch

Kemalism, after Mustafa Kemal Atatürk, the founder and first president of the Republic of Turkey in 1923, is a doctrine that bears the hallmarks of nineteenth-century social and political thinking. Adopted by the new regime, Kemalism came to represent the core of the Turkish modernization project of building a nation-state out of the remnants of the Ottoman Empire. Based above all on a singular understanding of modernity which gave pride of place to the idea of progress through reason and science, the new republic embraced the logic of top-down social engineering in order to create a new society with new principles. The basic features of Kemalism are perhaps best summarized as follows: first, 'cultural nationalism' which aims at ethnic homogenization while excluding irredentist aspirations; second, a staunch 'secularism' which denies public visibility to religion and regards

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attempts to revitalize Islamic rules and practices as 'religious reactionism'; third, a distinctive 'populism' which embraces the ideal of a classless society acting in solidarity; and fourth, a strong belief in scientific means represented by 'positivism' as the only means to uncover objective reality.[1]

These key features would assume great instrumental significance in achieving the Kemalist goal of reaching 'the level of contemporary civilization', believed to be represented by western Europe. Moreover, the urgency of this endeavor was deemed to be all the greater in light of the problems assumed to be inherited from the late-Ottoman period. A significant 'rupture'[2] from the legacy of the Ottoman Empire, that 'sick man of Europe', was consequently considered to be essential for a successful implementation of radical measures. This need for a fundamental break from the past would especially manifest itself in two crucial areas: transformation of 'Ottoman subjects' into 'Turkish citizens', and substitution of progress and science in place of tradition and religion. Any resistance to this modernization project was in turn treated as 'counter-revolutionary' and 'reactionary'. The state would thus have no hesitation in suppressing ethnic demands seen as incompatible with 'Turkishness', as well as religious objections to its staunch secularism.[3] Certain of its ideal and armed with a 'civilizing' zeal, the regime would treat dissent as an unwelcome diversion from progress along the 'right path'. Indeed, especially during the heyday of Kemalist rule between 1925 and 1945, establishing a harmonious uniformity rather than trying to accommodate diversity would be the main goal. Accordingly, 'duties and responsibilities' of the citizens, rather than their freedoms, would be given paramount importance.[4] During the unchallenged rule by the party founded by Mustafa Kemal Atatürk, the Republican People's Party (CHP), no compromise would be allowed to an ideal which represented a higher level of civilization and an enlightened, bright future.

The firm grip over the state institutions by the single party, and the vanguard role within the system of a Kemalist bureaucracy, elite and army, would necessarily loosen with the coming of the post-Second World War era. Changing world conditions would force the weakening of the monopoly of the ruling party, which, even if grudgingly, would assent to the introduction of multi-party politics and a partial liberalization of the regime. The electoral victory by the opposition Democrat Party (DP) in 1950 would in turn present a new form in the relations of power that would remain in place in the coming years. Despite the existence of relatively free and fair elections, key institutions of the regime would remain under the dominance of the Kemalist elite, with only relative autonomy exercised by the elected authorities. Accordingly, the guardianship by Kemalist 'dynamic powers' would be relied on in order to deny any potential compromise from the 'Republic's achievements'. In time, within this ruling elite protecting 'national interest and unity', the army would come to position itself as the most prominent vanguard of Kemalist ideals. Indeed in a pattern that would repeat itself almost until the end of the twentieth century, the armed forces would not hesitate to directly intervene in politics, as exemplified by the military coups of 1960, 1971 and then again in 1980. Even as late as 1997, what has been dubbed the 'postmodern coup' in February of that year would lead to the collapse of the coalition formed by the Islamist Welfare Party.

7.2   Kemalists at the Crossroads: Emergence of 'Civil' Kemalism

Kemalism would face its strongest legitimacy crisis in the 1990s.[5] With the end of the cold war and the decline of monist ideologies, the deep-rooted weaknesses of the regime re-surfaced in a way that could no longer be addressed within the confines of the official doctrine. The increasingly visible plurality in the country and the more and more insistent demands for recognition could not be satisfactorily met with reference to a discourse based on a singular understanding of modernity. On the other hand, recourse to semi-authoritarian measures was losing its effectiveness as the Turkish society was now much more open and integrated with the world. The Kemalist worldview was consequently coming under greater and greater strain in its efforts to maintain its dominance. Internally, the secularist stance of the state could not contain the rise of political Islam, nor could an approach limited to emphasizing 'national unity' prevent the Kurdish question from turning into a bitterly violent conflict. Moreover, the Kemalist ideals of economic independence and political sovereignty were failing to provide a relevant vision for successfully operating in an increasingly global world. Somewhat paradoxically, it was the cherished goal of reaching a western level of civilization that would perhaps come to present the greatest challenge. An important symbol of achieving that goal, Turkey's candidacy for membership of the European Union would entail the fulfillment of political and economic criteria that seemed incompatible with Kemalist thinking and practice. Ideals of unity and homogeneity, as well as of economic independence sometimes bordering on autarchy, could find no support from European practices and policies. The onslaught of claims based on identity politics and religious concerns, on the backdrop of neo-liberal practices taking root in the 1980s, would clearly put Kemalist ideals on the defensive.

The founding of non-governmental organizations (NGOs) in the 1990s to build a 'civil Kemalism' can therefore be seen as the response from one section of the society to counter the 'threats' to national unity, secularism and economic independence. The 'values of the republic' were being eroded, and Kemalist NGOs saw the need to engage in a political endeavor to solidify the republic's achievements. Of the principles that were under threat, the one perhaps exposed to the greatest danger was considered to be secularism. The electoral success of the Islamist Welfare Party, which captured İstanbul and Ankara municipalities in 1994 and joined the coalition government in 1996, was seen to best demonstrate the gravity of the 'danger'. Consequently the topic of secularism, and the need to protect this principle against 'reactionary forces', would come to occupy a central place in the political discourse of Kemalist NGOs. The landslide victory at the 2002 general elections by the Justice and Development Party (AKP), the moderate wing of the Welfare Party, would only intensify fears. The ban over the wearing of the headscarf by university students while on university premises, the source of great social and political conflict in the 1990s, would continue to be the site of intense dispute. The impassioned support by the Kemalist NGOs for the continuation of the ban on the headscarf would represent

their staunchly secularist worldview and constitute an important source of unease within the ruling party. Moreover, despite the modernizing discourse of the AKP and its undertaking of many long-awaited social and economic reforms in its first period of rule between 2002 and 2007, suspicions about the Islamist roots of the governing party would not abate. Indeed certain AKP policies in 2004 to restrict alcohol consumption at the local level as well as attempts (albeit feeble and short-lived) to criminalize adultery would only reinforce Kemalist beliefs that there existed a 'hidden agenda' of Islamist rule behind an apparent reforming façade.[6]

Perhaps the biggest showdown between the AKP government and the Kemalist and secularist sections of the population would be over the selection of a new president in 2007. The government would nominate Abdullah Gül, one of the founders of the ruling party and a politician with a notable presence in Islamic political circles. The support given by AKP to the candidacy of Gül as a 'pious' president was swiftly met with a Kemalist response that focused on Gül's insufficiently secular pedigree for occupying the highest office in the country. A president who was feared not to truly embrace secularism, and who would crucially be accompanied by a headscarfed wife, was not thought to be capable of representing the 'values of the Republic'. Consequently, mass demonstrations in İstanbul, Ankara and Izmir in April and May of 2007 would be organized by Kemalist NGOs under the leadership of the Atatürkist Thought Association (ADD) to protest against Gül's nomination. More than two million people in total would participate in these 'Republican Rallies', giving voice to their fear about the threat to the secular nature of the republic. Interestingly, these rallies would also reveal a yearning for the 'golden era' of the 1920s and 1930s, as symbolized by visits to Atatürk's mausoleum in Ankara and singing of the lyrics of the 10th Year March which celebrated the achievements of the early republic.[7]

The 'civil' nature of these protests would, however, be quickly compromised by a statement released by the General Staff in April 2007. Interpreted as a thinly veiled warning to the government, the memorandum would emphasize the 'absolute loyalty' of the army to the ideals of the republic and especially to the principle of secularism. The resolute stance by the government would be instrumental in breaking the deadlock, and the AKP strategy of calling for early elections would prove to be successful, resulting in a resounding victory for the ruling party. The years following this crisis would then witness a number of political defeats and electoral losses for the Kemalists. Abdullah Gül would indeed be elected as the 11th president of Turkey, and in a referendum in 2010 the AKP would be successful, despite fierce opposition, in ratifying 26 amendments to the constitution of 1982. Another landslide victory in the 2011 general elections would ensure that from the level of municipalities to the national parliament, the domination of Turkish politics by the AKP became overwhelming.

The unchallenged rule by the AKP would bring about important democratic changes to the regime in Turkey. Control of armed forces was now under civilian rule, lifting of the headscarf ban was one example of moves to institute greater room for the exercise of religious freedoms, and a delicate process was initiated to achieve a peaceful resolution of the Kurdish question. At the same time, however, there

appeared worries even in previously supportive liberal circles that the AKP's legitimate defense of the ballot box against Kemalist tutelage was revealing an aggressively majoritarian understanding of democracy which underplayed the importance of institutional checks and balances. The government's unnecessarily harsh handling of the Gezi protests of June 2013, its inclination to limit freedom of expression, and its generally low tolerance for dissent from any quarter led many to fear that after more than a decade in power the AKP was replacing Kemalist monism with its own increasingly illiberal interpretation of democracy. Indeed, as the self-declared 'conservative democratic' ideology of the government showed signs of reaching its reforming limits, socially exclusionary policies constraining political and cultural pluralism in the country would become much more noticeable.

7.3 Kemalist NGOs Today

As complaints about being alienated and excluded under AKP rule currently get louder and more widespread, it becomes an interesting question whether Kemalism today has the potential to provide a new and more pluralist interpretation of the founding ideology in a way that can better embrace the existing diversity in the society and respond to demands for greater equal freedom. This indeed is the issue that will be addressed in the remainder of this article. It will be inquired whether after years of successive defeats, the Kemalist and secularist side can rejuvenate itself and fill the space that is more apparent in an increasingly polarized political culture. Is it possible for the Kemalists to rethink the principles of the early republican period so that Kemalism is now able to respond to the social and cultural realities of the country and meet the legitimate demands of a large section of the population?

In order to assess whether Kemalism can provide a credible alternative that embraces the population much more closely while being in harmony with global political and economic developments, a number of interviews were conducted with representatives of leading Kemalist NGOs. Between January and March 2014, four meetings were held with focus groups, with each group composed of eight participants. The four chosen Kemalist NGOs were as follows: Atatürkist Thought Association (ADD); Association for the Support of Contemporary [Modern] Living (ÇYDD); Foundation for Modern Education (ÇEV); and Republican Women Association (CKD). In the focus groups, semi-structured questions were put to participants who had a profile representing the typical Kemalist electorate in Turkey: secular, urban, middle-class citizens, mostly with higher education degrees.

It will clearly be an overstatement to argue that these organizations fully represent the field of Kemalist NGOs, or that they comprehensively cover the whole spectrum of Kemalist thinking. Yet they are by far the most active and influential among the existing voluntary Kemalist associations, and their presence in the Turkish social and political scene has been undeniable since the 1990s. Among them, ADD (set up in 1989) is still one of the biggest NGOs in Turkey with

approximately 100,000 members. ÇYDD works actively to support education in Turkey in line with secularist-Kemalist principles, providing extensive scholarship to more than 100,000 students. ÇEV was founded in 1994 with the same purpose as ÇYDD, although it engages in relatively smaller educational projects. CKD is mostly a women's organization founded in 1997, essentially in reaction to rising 'religious reactionism' and the policies at the time of the Islamist Welfare Party.

Since these organizations represent the core constituency within the Kemalist front, it is clear that their even rudimentary steps towards a reinterpretation of the principles of the founding ideology can be very important. The beginnings of a process of formulating a credible alternative can also be expected to help the main opposition party CHP (Republican People's Party) to contribute to further democratization of Turkey. Alternatively, a strong resistance to change by these bastions of Kemalist thinking would signal the fact that any effort to meet successfully the current challenges facing Turkey will be unable to receive significant practical support from Kemalist quarters.

7.4 Glorification of the Past

As in any attempt at reconsideration, it can reasonably be expected that an effort to revise the principles of the founding ideology will necessitate a critical evaluation of the past. Such an evaluation may possibly admit some mistakes committed by the early republican regime, and derive certain lessons from these mistakes. A second position may hold that while there were no significant past mistakes, the doctrine needs to be reinterpreted today, almost 100 years since the founding of the republic, in order to accommodate the changes in the country and the world. The remaining alternative seems to be to argue that there have been no notable mistakes in the past, and that the doctrine needs no adapting, since, if adhered to faithfully, it can still respond satisfactorily to current realities. It is, however, clear that this last position will then have to explain why the founding ideology has been unsuccessful in receiving the support of the electorate over the years.

It will be fair to observe that the aforementioned Kemalist NGOs by and large seem to adopt the third stance. Rather than their engaging in a critical evaluation of the early republican era, there seems to be an uncompromising glorification of this period of the 1920s and 1930s. In a way that would be familiar, for example, to readers of Isaiah Berlin on utopian thinking and the 'pursuit of ideal', this period is portrayed as a 'golden age', representing a harmonious and an almost ideal world.[8] After the founding of the republic, the Kemalist doctrine is assumed to have been successfully implemented, and consequently the model, as in the lyrics of the republic's 10th Year March, of a 'classless, closely integrated society with no privileged members' was, if not achieved, then certainly on the way to being achieved. In stark contrast to Ottoman times, it is held, different ethnic, cultural and religious identities were 'successfully' subsumed under a national identity in the new era. The 'modern republic', through its staunch secularism, also ensured that religion would

be mostly confined to the private sphere, while its unavoidable public manifestations would be under strict state control.

In light of such a portrayal of a golden age which represented harmony and promised a bright future, it becomes necessary to inquire why this modernizing project did not reach its aims. In other words, why is it the case, as the representatives of Kemalist NGOs would admit, that the republic is now 'under threat'? Dating the beginning of the 'deterioration' either to the death of Kemal Atatürk in 1938 or to the transition to multi-party politics in 1946, one answer that is given is that a period of two decades was not 'long enough' for the reforms to come to full fruition. The process of instilling the values and ideals of the republic in the citizenry and of educating the public was 'somewhat' abruptly cut off, and as a result, the people have not been fully able to incorporate these values. The practical political task that such a diagnosis entails is then to continue to advocate the principles of the founding ideology, which, in their unaltered form, preserve all their value. Accordingly, it is not a reinterpretation of these principles but rather a 'faithful' and 'forceful' insistence on their original formulation that is thought to provide the recipe for reaching political success. In the words of one respondent, 'the construction of the building was left unfinished' and what is required now is to complete the project according to the authentic plans. As will be discussed in greater detail in the following section, this way of identifying the cause of the 'interruption' in the project as an extrinsic factor (e.g. the death of Atatürk, or the introduction of the multi-party system) and not as a consequence of the inherent problems of the modernizing Kemalist program has important practical political implications.

One other answer frequently voiced by the representatives of Kemalist NGOs to explain the failure of the Kemalist essence from fully taking root relies somewhat on conspiratorial thinking and refers to the plots of 'external enemies' and to the role of their 'subcontractors at home'. Accordingly, the 'international actors' with their imperialistic agendas for the region are thought to have interests that will be compromised by the presence of a 'fully independent' and strong Turkey. Those within, on the other hand, who are critical of 'republican values' are either ill-intentioned 'counter-revolutionaries' or too 'naïve' to be deceived by the fashionable discourses of diversity and plurality. Therefore, the argument goes, the Kemalist project was not allowed to be successfully completed because it conflicted with the opposing interests of certain forces both without and within. To be fair, in Turkey today, being inclined to accepting uncritically conspiracy theories, or having frequent recourse to terms such as 'enemies' and 'betrayal', is by no means limited to Kemalist circles. Yet as will be discussed presently, in a movement that needs to expand its political base, such a stance carries the significant risk of failure.

7.5   Political Implications

In light of their wish to resist and even reverse the process of the weakening of Kemalist ideals, what, if any, can be the practical political agenda for these NGOs? It seems clear that strict adherence by these organizations to the two above-discussed

explanations of failure is not conducive to their being able to devise an effective course of action. First of all, holding the belief that the Kemalist principles are 'eternal but not dogmatic', the refusal by these associations to engage in any critical reconsideration of these precepts creates an important aversion towards any attempt to embrace the existing ethnic, social and political diversity in Turkey. Treating this diversity as 'artificial' and even 'manufactured', there is a tendency to dismiss the genuineness of the claims for recognition of different sections of the society. Since there is no questioning of whether the 'homogeneity' of the early republican era could itself be 'artificial', this yearning for 'going back to the essence' produces in the political arena a tireless and ultimately fruitless reproduction of the discourse of the early Kemalist period. This seems all the more surprising in light of the failure of these organizations in the 1990s to protect the status quo against the 'encroachment' by the Islamist parties. In the second half of the twenty-first century, as the status quo in the country is defined more and more by the practices and the ideology of the ruling AKP, the wish now to restore the status quo *ante* seems even more unrealistic.

Second, an explanation of the failure of Kemalist ideals which refers to the imperialistic agenda of foreign powers and their 'collaborators' at home seems to absolve the defenders of Kemalist principles of the responsibility to critically scrutinize these principles. As the somewhat 'impersonal' external forces and the internal 'reactionaries' are seen as the culprits, the issue of what practical and political steps can be taken by the defenders of Kemalism loses its direction and urgency. Instead of treating certain significant global developments and their impact on the country as opportunities for transformation and possible success, there is a tendency to see these changes as only threats to be countered at all costs. Consequently, 'other actors', both external and internal, are seen not as potential allies for cooperation but rather always as representatives of forces presenting a danger to the republic. Yet a desire for 'resistance to these forces' fails to provide a concrete course of action because on the one hand the motivation of these 'forces' is insufficiently explained ('imperialistic powers want to destroy the republic'), and on the other hand global challenges prove to be overwhelming (as in the seemingly unstoppable 'loss of economic independence').

As briefly explained above, the current stance of the Kemalist NGOs produces the real danger for them of failing to be politically significant actors. Such a stance first of all creates a failure to reach out to other sections of the society which are dissatisfied with current government policies, or even to collaborate in some way with organizations representing these discontented groups. The reluctance to acknowledge, through a discourse of plurality and diversity, the growing dismay of other groups that currently suffer from exclusion and inequality in Turkey makes it almost impossible for the Kemalists to broaden their movement. The insistence on the belief that a return to the original formulation of Kemalist ideals will be sufficient to solve the problems faced by the country in turn serves only to distance many associations further from Kemalist quarters.

What is more, this isolation also leads to the inability of the Kemalist associations to define their position with a positive agenda. What is especially important to

observe in this regard is the tendency to determine their stand to a great extent through a negative reference to the position of their opponents. As a consequence, the Kemalist perspective becomes defined and even dictated by the outlook of its adversaries. One clear manifestation of this situation can be seen in the fact that while it is clear what these organizations are against, it is very difficult to ascertain what they are *for* in a practical political sense. Embracing an attitude that is 'reactive' to events and developments, the necessity of adopting a pro-active, agenda-setting strategy for possible political success loses its urgency.

Yet, interestingly and paradoxically, the resulting inability to provide concrete and practicable solutions to the challenges faced by the country creates a certain sense of false comfort within the Kemalist organizations. A strong belief in the correctness of the founding ideology creates the conviction that, in time, the value of the Kemalist principles in their original formulation will come to be acknowledged again by the majority of the society. Yet, while there is the expectation on their part that the currently dominant worldview of the ruling party will fail, this expectation does not seem to be accompanied with a corresponding effort to offer a suitable framework which will expose the shortcomings of that worldview and contribute to its political defeat. More broadly, what can be observed is the lack of a critical engagement with the AKP vision, both to realistically identify its successes in order to derive certain lessons, and to reveal its weaknesses. This then unavoidably results in these organizations becoming bystanders in the ongoing political struggle in Turkey, unable to shape that struggle or even perhaps to contribute to it effectively.

To be fair, the Kemalist NGOs examined here have faced significant pressure from the authorities in recent years. Having been linked (on what subsequently proved to be unfounded allegations) to attempts to organize a coup against the government, they have been subject to investigations, with their offices being raided and their documents seized in 2009. The resulting feeling of being 'under siege' served only to further reinforce the sense of isolation in these organizations. In light of the perceived hostility from the government and circles close to the ruling party, the natural tendency has been to adopt an intensely inward-looking stance. For those Kemalist associations that have been more active in education (such as ÇYDD and ÇEV), one important consequence has been the distancing away from politics, being forced to operate more and more, in the words of one respondent, like a 'bird-watchers association'. For the other two associations (ADD and CKD), more directly involved in politics, the repercussion has been a further hardening of the political and ideological outlook, with extreme caution on any move that could be seen as 'dividing the ranks'. Yet it also needs to be said here that these organizations have not been able to mobilize society-wide support against the unfairness they have faced, since their claim to be the 'true vanguards of the republic' is still seen by many as demonstrating a lingering sense of aloofness from, if not superiority to, the rest of the society.

7.6   Conclusion

The unparalleled electoral successes of the AKP since 2002 have led to significant changes in Turkey. As a certainly remarkable accomplishment, civilianization of the regime has been achieved, in all likelihood irrevocably.[9] Considerable progress has also been made on some of the more intractable issues inherited from the early republican era. Two notable examples in this regard are the adoption of a less staunch interpretation of secularism which better respects the legitimate exercise of religious freedoms, and the recognition of the aspirations of the Kurdish minority. However, the continuing political success of the AKP seems currently to lead to a hardening of its ideological outlook, exhibiting greater emphasis on its Sunni Islamic roots as well as a more frequent recourse to state-centered authoritarian reflexes. An aggressively majoritarian understanding of democracy, coupled with a closer adherence to a monist political and ethical vision, has the inevitable consequence that many in Turkey currently feel excluded and unjustly treated.

In view of the increasingly polarized political culture in the country, it is clear that an opposition movement which fully embraces diversity and the equal freedoms of all citizens will contribute greatly to the consolidation of democracy. What has been briefly explored in this article is whether the defenders of the founding ideology currently have the potential to offer one such vision. It was inquired whether even rudimentary steps towards a reinterpretation of the Kemalist principles were being taken in order to successfully meet the current challenges facing Turkey. It will have to be expressed here unequivocally that the answer to the above question needs to be negative. Based on an examination of the views of the representatives of the four Kemalist associations discussed above, it has to be concluded that this movement is currently unable to present a credible, progressive and agenda-setting opposition.

It may of course be the case that following the harsh political defeats experienced in the past two decades, proponents of Kemalism still require time in order to rejuvenate their ideological position. Yet as the movement appears very reluctant to engage in a critical examination of its principles or to objectively assess the existing social, political and economic realities of the country, it seems very difficult to determine how and when such a process of rejuvenation can begin. Whether the movement becomes a marginal 'community of believers' or whether it can truly contribute positively to the democratic struggle in Turkey remains to be seen. That the current signs do not augur well is surely an unwelcome consequence for Turkish democracy.

Notes

1. Eric Jan Zürcher, *Turkey: A Modern History* (London: I. B. Tauris, 2004). On the ideological content of Kemalism, see Taha Parla and Andrew Davison, *Corporatist Ideology in Kemalist Turkey* (Syracuse, NY: Syracuse University Press, 2004).

2. For a critical discussion of the 'continuity thesis' which is popularly accepted by scholars of Turkish politics, see E. J. Zürcher, *The Young Turk Legacy and Nation Building: From the Ottoman Empire to Atatürk's Turkey* (London: I. B. Tauris, 2010).

3. See Ayşe Kadıoğlu, 'The Paradox of Turkish Nationalism and the Construction of Official Identity', *Middle Eastern Studies* 32(2) (April 1996): 177– 93.

4. See Recep Peker, 'Disiplinli Hürriyet' [Disciplined Freedom], *Ülkü Halkevleri Mecmuası* 1(3) (April 1933): 177–80.

5. For an analysis of the crisis of Kemalism in Turkey, see Necmi Erdoğan, 'Neo-Kemalizm, Organik Bunalım ve Hegemonya' [Neo-Kemalism, Organic Crisis and Hegemony', in *Modern Türkiye'de Siyasi Düşünce* [Political Thought in Modern Turkey], vol. 2, *Kemalizm* [Kemalism] (İstanbul: Iletişim Publications, 2001), pp. 584–91.

6. See Ali Çarkoğlu and Ersin Kalaycıoğlu, *The Rising Tide of Conservatism in Turkey* (New York: Palgrave Macmillan, 2009).

7. See Tanıl Bora, 'Tandoğan, Çağlayan, İzmir Mitingleri ve Sol: 'Çılgın Kalabalıktan Uzakta' [The Left and the Tandoğan, Çağlayan, İzmir Protests: Far from the Madding Crowd], *Birikim* 218 (2007): 38–45; *Birikim* is a monthly socialist journal.

8. See, for example, Isaiah Berlin, *The Crooked Timber of Humanity*, 2nd edn (Princeton, NJ: Princeton University Press, 2013), esp. pp. 1–48.

9. See Şule Toktaş and Ümit Kurt, 'The Turkish Military's Autonomy, JDP Rule and the EU Reform Process in the 2000s: An Assessment of the Turkish Version of Democratic Control of Armed Forces (DECAF)', *Turkish Studies* 11(3) (2010): 387–403.

Chapter 8
Rethinking the 'Kurdish question' in Turkey: Modernity, Citizenship and Democracy

E. Fuat Keyman

Abstract It is not possible to make Turkish modernity multicultural, Turkish democracy consolidated, Turkish economy sustainable, Turkish society a society of living together, and Turkish foreign policy proactive, multidimensional, and effective, without resolving the Kurdish question. The consolidation of Turkish democracy is the key to the solution of the problem through deliberation and by gaining the trust of society at large, insofar as it constitutes a broader context that goes beyond the limited nature of ethnic politics. Yet Turkey is facing a serious dilemma whose solution is of utmost importance in the determination of whether democratic deliberation and politics or the continuation of conflict and violence will shape the trajectory of the Kurdish question. While the Peace Process to disarm the PKK in a way to open up a space for sustainable peace, and the consecutive electoral successes of the HDP in the 7th of June and the 1st of November 2015 elections, together, rise hopes for democratic solution, the recent resurgence of conflict and violence in Turkey in a time when the future of MENA has been confronted by regional destabilizers varying from ISIL and its terrorist attacks to the wide spreading of internal wars, proxy wars, geopolitical power games and growing human tragedy pose a serious challenge. Once again, the Kurdish question is thrown in ambiguity and uncertainty as the pendulum has begun to swing towards despair from hope, conflict from politics, polarization from living together in diversity.

In this article I suggest that the democratic solution to the Kurdish question lies in (a) a critical analysis of state-centric Turkish modernity and its recent crisis, as the Kurdish identity has always been constructed as the Other of Turkish national identity; and (b) an attempt aiming at a democratic reconstruction of the political in Turkey, which sees a multicultural and differentiated understanding of constitutional citizenship as a constitutive norm of 'living together in diversity'. By doing

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so, it would be possible to seek a feasible and effective solution to the Kurdish question not in 'ethnic terms' but by exploring possible ways of 'articulating identity-claims to citizenship rights with an emphasis on the practice of democracy'.

Keywords Citizenship • Kurdish question • Identity politics • Modernity • Recognition

Antonio Gramsci's famous statement that 'the old is dying and the new cannot be born: in this interregnum a great variety of morbid symptoms appear', though penned as early as the 1930s, captures and expresses eloquently the transformative and ambivalent nature of the world in which we live.[1] One of the sites at which such transformation and ambivalence has occurred is that of 'the political' where particularistic identity claims have begun to increasingly dictate the mode of articulation of political practices and ideological/discursive forms in national and global relations. This politics has a name: the politics of identity. Debates over multiculturalism and Islamophobia in the West and North America, the rise of religious fundamentalism and meta-racism, and the dissemination of ethnic and religious conflicts in various places in the world, the rise of ISIL and its brutal terrorist attacks and killings in the name of hegemonizing its interpretation of Islam, to name a few, constitute different manifestations of the politics of identity. Identity politics could in fact constitute a ground for what William Connolly calls 'the ethos of pluralization' as the ineradicable dimension of democracy.[2] Yet it is through political claims to identity that the (communitarian) attempts at renouncing a democratic vision of society and assume self-referential legitimacy, as in the cases of ethno-nationalism, meta-racism, terrorism, and religious fundamentalism.

Turkey would not constitute an exception in this sense, and this paper attempts to analyze critically the identity politics in Turkey by focusing on what has come to be known as the 'Kurdish question'. Since the 1980s, Turkish politics has increasingly been marked by the tension between the universal and the particular, where at stake is the clash between the secular national identity as the bearer of cultural homogenization and the revitalization of the language of difference through the resurgence of Islam, the reemergence of Kurdish nationalism in organized form, the question of religious freedoms, the Headscarf Affair, and the sexual question. Despite significant differences among them, all these movements directly challenge the unifying discourse of Turkish national identity on the basis of which secularist and state-centric Turkish modernity reproduces itself.

Of these movements, the 'Kurdish question' has been most politically troublesome and challenging. The Kurdish question has placed ethnicity at the center of Turkish politics, while also causing a very bloody and violent ethnic conflict, or 'low-intensity war' between government forces and the PKK (the Kurdish Workers

Party) – a war that has left almost 40,000 people dead; more than 1,000,000 people displaced; and a society highly polarized, intolerant, and facing a serious risk of segregation. The Kurdish question has involved not only a growing Kurdish ethnic assertiveness in the form of identity politics which claims for the 'recognition' of difference, but also and more importantly and devastatingly 'a campaign of violence' and terrorist activities of the PKK (the Kurdish Workers Party).[3] Thus, the demand for recognition has gone hand in hand with violence and terror, making it almost impossible to separate discursively and politically the politics of identity from that of war. As Cizre correctly puts it, 'The harshness of the present armed conflict between the state security forces and PKK reinforces the belief that Kurdish nationalism is not a simple expression of discontent, but a movement that demands changing the boundaries of the Turkish entity'.[4] In fact, today, it is not possible to make Turkish modernity multicultural, Turkish democracy consolidated, Turkish economy sustainable, Turkish society a society of living together; and Turkish foreign policy proactive, multidimensional, and effective, without solving, or at least disarming, the Kurdish question.

Despite the recent efforts to initiate what has come to be known as the Peace Process to disarm the PKK as a first and necessary step to establish the possibility of sustainable peace which paves the way to the democratic solution of the Kurdish question through deliberation and negotiation, as well as the consecutive electoral successes of the HDP (the Peoples' Democracy Party) in the 7th of June and the 1st of November 2015 elections to become the third party with 59 seats in the parliament, conflict and violence have endured. Once again, the embeddedness of identity claims into violent ethnic conflict has rendered impossible a critical and problem-solving analysis of the Kurdish question. After 2 years of non-violence and normalization, and despite the electoral successes of the HDP that have made the parliamentary and deliberation-based solution of the problem possible, today the pendulum has swung back to conflict from politics, despair from hope, and polarization from living together. Identity politics has continued to be an effective heuristic device for Turkish and Kurdish nationalist discourses to establish themselves as hegemonic in the political arena. These seemingly antagonistic nationalist discourses have acted in a strikingly similar fashion; both have securitized the Kurdish question, established a sharp disconnect between security and liberty, as well as security and democracy and, in doing so, privileged the former as the foundational ground on which the question is supposed to be dealt with. Rather than theoretical efforts aiming at providing an historical and critical analysis of the Kurdish question, it is the securitization of the political and societal polarizations that have dictated the way in which the question has been framed and dealt with. Thus, the Kurdish question has been used and abused by both the state-centric Turkish nationalism and Kurdish ethno-nationalism, in their seemingly antagonistic, yet politically and epistemologically almost identical modes of discourse and practice.

In recent years, especially since 2000, Turkey has been undergoing a significant transformation process whose manifestations have been felt in politics, economy, culture, and foreign policy. Yet, the Kurdish question has remained hostage to violence and terror, and has sunk more and more into the grip of securitization and

ethno-nationalism. In this era, Turkey has been governed by a strong majority government formed by the AK Party (the Justice and Development Party). It has begun its full accession negotiations with the European Union, and has become one of the key regional and global actors of globalization in the areas of security and economy. It has also achieved economic dynamism even at a time when the global economy has been confronted by severe crises. Moreover, Turkey has introduced a reform package in the areas of minority rights and freedoms concerning education, broadcasting, organization and expression of cultural difference; as noted, it has started in the beginning of 2013 the state-based negotiations with the PKK for the disarmament of the Kurdish question, while the pro-Kurdish party, the HDP has increased its power and influence in the 7th of June and the 1st of November, 2015 elections by obtaining 59 seats. In the Southern and Eastern Anatolian regions where conflict and violence mainly takes place, economy has become vitalized, everyday life normalized, and hope for better future grown.

Yet, these changes unfortunately did not rescue the Kurdish question from violence, terror, and ethno-nationalism. Today, while Turkey's active globalization and Europeanization are increasing its global visibility, it continues to suffer inside from the ongoing low-intensity war between the Turkish state and the PKK; from the growing risk of becoming an ethnically-divided, polarized, and conflict-prone society; as well as from the endurance of the dominance of the language of security and conflict over democracy and liberty.

It should be pointed out, however, that the Kurdish problem in its historicity has been dynamic and open to reconstructions, as Turkey and its modernity has undergone crises and transformation. It is in the recognition of the dynamic character of the Kurdish question that lies its democratic solution. In this article I will suggest that the democratic solution to the Kurdish question lies in (a) a critical analysis of state-centric Turkish modernity and its recent crisis, in order to show that since the inception of the Turkish Republic as a modern and independent nation state in 1923, the Kurdish identity has always been constructed as the Other of Turkish national identity; and (b) an attempt aiming at a democratic reconstruction of the political in Turkey, which sees a multicultural and differentiated understanding of constitutional citizenship as a constitutive norm of 'living together in diversity'. By doing so, it would be possible to seek a feasible and effective solution to the Kurdish question not in 'ethnic terms' but by exploring possible ways of 'articulating identity-claims to citizenship rights with an emphasis on the practice of democracy'.[5] Of course, such an articulation, as Benhabib correctly points out, requires first abandoning a false dichotomy drawn between identity and citizenship; second, an attempt to go beyond the purely legal-universal conception of citizenship; and, finally, by approaching citizenship and identity from a perspective that sees modern citizenship not only as a legal and political membership in a nation-state, but also as an articulating principle for the recognition of group rights.[6] Such recognition as the rights of the Other requires an enlarged understanding of citizenship including not only individual and group rights but also its 'denationalization'.[7] As will be noted, the Kurdish question during the 2000s has been organized and voiced increasingly with reference to the idea of equal and constitutional citizenship as a result mainly

of societal demands and calls for normalization, sustainable peace, and democratization, as well as of Turkey's European integration process. To substantiate these arguments, let me start with a brief analysis of Turkish modernity.

8.1 Turkish Modernity

As Feroz Ahmad correctly observes, 'Turkey did not rise phoenix-like out of the ashes of the Ottoman Empire. It was "made" in the image of the Kemalist elite which won the national struggle against foreign invaders and the old regime'.[8] In the process of 'making', the primary aim of the Kemalist elite was to 'reach the contemporary level of civilization' by establishing its political, economic, and ideological prerequisites, such as the creation of an independent nation-state, the fostering of industrialization, and the construction of a secular and modern national identity. The Kemalist elite's understanding of civilization was premised on the equation of modernity with progress, that is, on the making of a modern nation through the introduction and dissemination of western reason and rationality into what was regarded as traditional and backward social relations.

Moreover, Kemalism as a project of modernity operated as a social engineering project that aims at creating a modern nation in a social formation where the material and institutional availability of the conception of modern nation was absent. The creation of a modern nation was achieved through the state acting not as an arbitrary institution nor an expression of class interest but as an active agent that, while taking its inspiration from the genuine feelings and desires of the nation, shapes and reshapes it to elevate the people to the level of contemporary (western) civilization. Therefore, the Kemalist idea of the state was embedded in the question of how to construct a national identity compatible with the will to civilization. It is for this reason that the Kemalist elite initiated a set of reforms *imposed from above* with the aim of enlightening the people and helping them make progress. These reforms were namely those of republicanism, nationalism, etatism, secularism, populism, and revolutionism-reformism (from above).

What is important for our purpose here is that these reforms have also functioned to create an organic vision of society, a unity between the Turkish state and the nation. It is through these reforms and the assumed unity between the state and the nation that Kemalist nationalism initiated its boundary-producing performance between the self and the Other. Hence, the national identity was meant to be an organic unity of the secular and national non-class based identity which necessarily involved the subjugation of its Other, i.e. the Kurdish identity, Islamic identity and non-Muslim minorities. This identity was the citizen as the symbol of secularism and civilization, virtuous enough to privilege state interest over her/his own interest, and the other was expected to accord primacy to citizenship over difference.

To the degree that the Kemalist discourse of nation as an organic unity between the state and the people (constructed discursively as citizen-subject) acted successfully, the Kurdish question did not appear as the politics of identity.[9] Even the

Shaikh Said rebellion in 1925, the major reaction to the newly found republic, contained references to religion, economic backwardness of the region and the centralizing policies of the state.[10] In this period, the Kurdish question was 'silenced', 'frozen into history as the Other' and 'assimilated' into the Kemalist discourse of nation as 'consisting of a group of people who inhabited the same piece of land, who were bound by the same laws, and shared a common morality and language'.[11] As Yeğen points out, the exclusion of the Kurdish identity from the modernity project takes the form of 'concealment' which finds its clear expression in 'the striking silence of the Turkish state as to the "Kurdishness" of the Kurdish question: Whenever the Kurdish question was mentioned in Turkish state discourse, it was in terms of reactionary politics, tribal resistance or regional backwardness, but never as an ethno-political question'.[12]

In the period from the 1920s to the 1980s, the Kurdish question remained not as a question of identity nor an ethno-political act for recognition, but as a 'regional problem' stemming from the pre-modern and tribal formation of the economic and cultural backwardness: a regional problem whose solution should be sought in the assimilation of the Kurdish question into the discourse of political modernity as a unity between the state and its people. It can be argued, therefore, that the emergence of the Kurdish question as the politics of identity involving an ethnic claim to recognition occurs in the 1980s, especially in the 1990s. In other words, in the last two decades, Turkish modernity has witnessed the transformation of the Kurdish question into the politics of identity, which can no longer be concealed, silenced or frozen into history as a regional question. In what follows, I try to explain the main reasons for this transformation.

8.2   The Crisis of Turkish Modernity[13]

Turkey's exposure to globalization since the 1980s, as well as its European integration process which has deepened since 2000, while starting Turkey's radical transformation process in almost every sphere of social life has also triggered the crisis of Turkish modernity. The state-centric, assertively secular, and homogeneous idea of modernity and national identity has been strongly challenged from external and internal factors, whose manifestations have given rise to a variety of significant developments in politics, economy, and culture. While the resurgence of Islam has created its own political parties which have ended the political dominance of center-right and center-left parties, the politics of identity emerged as a new dimension of Turkish politics and modernity. In addition, with Turkey's exposure to globalization, the Turkish economy has been restructured by neoliberal market norms and discourse.[14] All of these general developments have continued and their importance and impact have grown, creating the most powerful political party in Turkish history and its unbeatable strong majority government, that is, the AK Party; the most troublesome and fundamental problem confronting Turkey, that is, the Kurdish question; and the most powerful ideology of Turkish politics and economy, that is,

neoliberal free market rationality. In this process, Turkish modernity has begun to face the crisis of legitimacy and representation.

The crisis and transformation of the Turkish modernity has manifested itself in the fragmentation of political culture, the growing importance of society as a site of resisting the strong state tradition, and the multiplication of societal actors in economic and cultural spheres of life. The fragmentation of political culture meant the crisis of the state-centric and monolithic understanding of secular reason, organic society, and the republican (duty-based) model of citizenship, which has given rise to different claims to identity and recognition. Political culture has become a site at which a discursive space occurred for the redefinition of the Kurdish question with a strong and ethno-nationalist emphasis on identity, and thus the 'Kurdishness' of the Kurdish question reemerged as a claim for ethnic recognition. Moreover, the historical context in which this momentum has occurred is not only national but global. Neoliberal economic globalization, the end of the Cold War, the Gulf War, the regional integration in Europe, Turkey's application to the EU for full membership status, the post-9/11 world, and now, the ISIL problem and its brutal attacks on civilians, the "failed state" situation in Syria and Iraq: all have made significant contributions to the growing importance and effect of the Kurdish question as the politics of identity/recognition.[15]

Moreover, as Cizre argues, in this context that 'in contrast with the cold war times when the physical conflict dimension of Kurdish nationalism was almost nonexistent, the post-cold war momentum for Kurdish nationalism came from two sources: the force of the official redefinition of the Turkish nation with a strong dose of ethnic homogeneity and the process of global change'.[16] The official response to the radicalism of Kurdish nationalism has been to narrow the political space to Kurdish 'identity claims'. More importantly, continues Cizre, 'this has led to a vicious circle: the political space for the expression of Kurdish identity, interests and ideas is restricted by the failure of traditional political parties in conveying and processing Kurdish demands, and by the closing down of exclusively Kurdish parties by the Constitutional Court'. Since the beginning of the 1990s, Kurdish political parties have been closed down by the Constitutional Court. Yet, the more the Kurdish demands did not find parliamentary expression, the more the Kurdish radical ethnonationalism has initiated its claims for recognition through violence and terrorism. As Kurds were not allowed to participate in the political system, their politics of identity has become an anti-systemic movement, involving war, terror, and violence.

This was the case up until 2010s. After that, a number of positive developments have occurs. As noted, the Peace Process and the increasing and effective presence of the Kurdish parties in parliament have been game changers in the sense of demonstrating that the parliamentary and societal solution to the Kurdish problem is possible through political and public deliberation. Despite the recent escalation of conflict and violence, democratic solution through deliberation is possible. Yet, this requires that both parties accept to disarm the conflict, show strong will to sustainable peace, and promote a multicultural society and the incorporation of Kurds into the political system. 'Acknowledging the Kurdish reality by granting additional

rights to the Kurds, moving towards the further democratization of Turkish society, and beginning a dialogue with certain Kurdish political groups would help to lessen ethnic tensions in the country'.[17] The call for multiculturalism without 'threatening the territorial integrity of the state' could also transform ethnic- based identity claims into demands for citizenship rights.

8.3   The Possibility of a Democratic Solution

So far, I have tried to provide an historical account of the Kurdish question by situating it in Turkish modernity and its recent crisis. This attempt is necessary to see that rather than being static or fixed, the Kurdish question is a dynamic problem involving both continuities and changes. It has been subject to reconstructions and remodifications, even though the Kurdishness of the Kurdish question has endured. It has evolved in time and its challenges to the Turkish state have taken different forms.

In the 1920s and 1930s, the Kurdish question was articulated and voiced by the language of Islam, whereas in the 1960s, and especially in the 1970s, it was incorporated into the left-reaction to the state by employing the terms of Marxist-Leninist discourse. Until the 1980s, the assimilationist state policies towards Kurds had been challenged and resisted, yet the terms of such resistance were not ethnic and did not produce the politics of ethnic identity demanding for recognition. It was only in the 1980s and especially the 1990s that the Kurdish question was transformed into the politics of identity/recognition, involving a violent ethnic assertiveness, thereby becoming/being perceived as a serious threat to the territorial integrity of the Turkish state. Robins explains the shifting goals, claims and discourses of the Kurdish challenge as follows: 'In the 1920s and 1930s, the challenge from the Kurdish areas to the new state of Turkey was made in the name of Islam, with tribal affiliation also being exploited to mobilize opposition. In the1960s and 1970s, the challenge was couched in terms of Marxism-Leninism, a convenient ideological mechanism that legitimized both struggle against a national security state and the Kurdish clients of the state'.[18] These challenges in these periods have different goals: 'During the 1920s and 1930s the uprising in the southeast aimed at restoring Islam as the central organizing principle of a state that would embrace both Kurds and Turks mixed with a tendency among the tribes of the periphery to want to circumscribe the power of the state. During the 1960s and the 1970s revolutionary politics preached solidarity between the oppressed among both Kurds and Turks for the transformation to a single socialist state for all. It is only in the 1980s and the early 1990s that the maximalist aim of full secession for the southeast of Turkey has come to the fore, an objective that would divide Kurds from Turks irreparably'.

Recognizing the changing nature of the Kurdish question and its claims and goals allows us not only to come to terms with the historical and discursive construction of the politics of identity but also to search for solutions to the question by going beyond ethno-nationalism that regards identity as a fixed entity assuming an essentially unchanging quality. This solution lies in democratizing the state-centric

and assimilationist nature of Turkish modernity through a more democratic, pluralist, multicultural and constitutional vision of Turkey, Turkish national identity, and Turkish citizenship. In this context, van Bruinessen argues that: 'Like many other states, Turkey may find that its long-term interests are best served by adopting new forms of cultural and political pluralism'.[19] The 'costs of continuity' in the Kurdish question have been, and will be, enormous. Not to mention the drastic and tragic amount of human loss that has affected up to 40,000 people, we could also talk about the serious political, economic and physiological turmoil that the Kurdish question has created in Turkish society. This turmoil involves not only a serious economic cost but also societal polarization, risk of social segregation, as well as the illegal drug and arms trafficking, black money laundering and extra-judicial killings. Moreover, the Kurdish question has become the main obstacle to the consolidation of democracy and the making of a new and civil constitution in Turkey. It has also limited Turkey's foreign relations with its neighbors.

However, more than the problem of cost, it is the recent changes in the Kurdish question during the 2000s, mainly due to the growing societal call for democratization and sustainable peace, as well as the processes of Turkey's European integration and domestic transformation, involving attempts aiming at articulating identity-claims to citizenship-rights, that have brought about the possibility of a democratic solution. Three points are worth emphasizing. Firstly, focusing on the recent identity-based conflicts, as in the case of Rwanda, Bosnia, the Arab Spring, as well as in Turkey, we can see that in each case the possibility of democracy is impeded by the essentialist and ethno-nationalist claims to identity. The more identity remains both the cause and the solution to the conflict, the more the result would be the escalation and the reinforcement of the conflict rather than coping democratically with it. In our case, to the extent that the Kurdish identity claims result in ethnic assertiveness and violence, in which identity becomes essentialized as fixed and unchanging, it is necessary to recognize the limits of identity, in order to create a space beyond the politics of identity to deal effectively with the claims for recognition. Secondly, shifting our focus from ethno-nationalist assertiveness to the domain of citizenship could provide an opportunity for the construction of a more egalitarian and inclusive political culture strengthening the norms of 'living together within cultural diversity' in Turkey. Moreover, locating the Kurdish question in the domain of equal citizenship without ignoring its 'Kurdishness' enables one to rethink her/his loyalties and belonging not only in terms of identity and community, but also with a strong emphasis on the rule of law and constitutionalism. Thirdly, the call for citizenship should be post-national, differential and constitutional: (a) post- and de-national in the sense that it should not reduce the meaning of citizenship to a legal and political membership in a nation state; (b) differential in the sense that it should recognize not only individual rights but also cultural group rights, and thereby functioning as a point of articulation between identity and citizenship; and (c) constitutional in the sense that it should function as a common language or ground for the constitutional guarantee and protection of both individual and group rights. Thus, we could create a possibility of preventing an identity claim from being articulated by ethno-nationalist discourses whose basic aim is to denounce

democracy. This possibility is also a possibility for coping effectively with the recent legitimacy, representation and governing crisis of Turkish modernity by democratizing its state-centric operation.

As Kramer has pointed out, 'Turkey's Kurdish problem is more than just socio-economic underdevelopment or the separatist terrorism of the PKK. It has to do with the difficult question of how to politically organize a multiethnic and multicultural society without endangering the legitimacy of the polity and its state. Even after the defeat of the PKK, the question will not go away as long as the state answers it in an unsatisfactory manner. The solution will not come in the southeastern and eastern Anatolian provinces unless it starts in the minds of Turkey's elites'.[20] The state elite has been aware of this, and, as noted before, the AK Party government has recently initiated the 'democratic opening' process to enlarge the rights and freedoms of Kurds, whose implementation covers the areas of education, media, culture. Moreover, the Kurdish question has been open to public discussion and deliberation in the media, civil society, and universities. Similarly, the beginning of the preparation and drafting of the new constitution to reconstruct Turkish modernity as democratic, plural, and multicultural is of utmost importance to solve the Kurdish question democratically and through the idea of equal citizenship. Finally, the state had started to negotiate with the PKK and its captured leader, Abdullah Öcalan, to disarm the question. Even if the desired end has not been achieved yet, and violence and terror still continue, the democratic and public deliberation and discussion of the Kurdish question has nevertheless become the accepted norm – discussions strengthening the role of the language of equal and constitutional citizenship both in the making of the new constitution and for the democratic solution to the Kurdish question.

At the same time, the increasing activities of Kurds in Europe to enlarge their citizenship rights and freedoms in Turkey have played a significant role in articulating identity-based demands to citizenship rights. Kurds have been the most active Turkish citizens to use the spaces opened up by the European institutions. These activities have involved the areas of litigation in the European Court of Human Rights, contacts with EU officials and politicians in Europe, and the European Parliament, as well as cultural festivals and campaigns directed at the European public and institutions.[21] All of these activities have functioned to strengthen the Kurdish identity as an ethnic identity, on the one hand, and, at the same time, to increase the use of the language of equal and constitutional citizenship by Kurdish actors. Despite the enduring power of ethnic assertiveness and violence, the language of equal citizenship has begun to shape increasingly the demands of Kurds during the 2000s. In other words, if during the 1990s the politics of Kurdish identity was organized in terms of ethnic identity, the 2000s have witnessed the articulation of identity and citizenship and the emergence of the possibility of a democratic solution based on the idea of equal and constitutional citizenship. In a time when Turkey is being confronted by serious regional challenges and global risks, this opportunity should not be missed.

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Part II
Islam and Democracy in the Global Age

Chapter 9
Foreword: Islam and Democracy

Volker Kaul

The essays in this section are concerned with one fundamental question: Is Islam compatible with democracy or not? They give a rather straightforward answer: Yes, Islam and democracy are indeed compatible, even though some qualify this statement. In a sense, the articles attempt to respond to the challenge that remained open in the first section, namely, why Muslims should accept democratic pluralism and should not endorse extremism and fundamentalism.

In Part I, Michael Walzer's thesis was that there cannot be a democratic revolution and a religious revival at the same time, in the same place. Walzer claims, discussing the rise of Islamism, that factors such as "colonialism, imperialism, and global capitalism (…) don't give us a distinguishing reason for religious zealotry" and that "surely there have to be cultural and inner-religious reasons for this appeal" (Walzer 2015). Essays in this section resist this conclusion and set out to demonstrate that Islam, as a religion, does not provide any grounds for or justification of fundamentalism and extremism.

The articles basically provide two reasons why Islam can accommodate democracy. The first argument is based on theological considerations that concern the very nature of truth. It contests the Islamists' voluntarist conception of truth, according to which God's word, as it is revealed in the Qur'an, represents the moral and political order of things and the immutable, timeless reality of the world. It does so from either a hermeneutical perspective (Abu-Zayd, Charfi) or on the grounds of moral realism (Abou El Fadl, Dallmayr). The second argument in favor of the compatibility of Islam and democracy is not based upon Islamic theology, and even admits the difficulties of reconciling Islam with secularism and democracy on account of its political history (Hashemi), but invokes the freedom and agency of Muslims to change the course of that history (Bilgrami, Ahmad).

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9.1   The Epistemological Argument

The contributions of Nasr Abu Zayd, Abdelmajid Charfi, Khaled Abou El Fadl and
Fred Dallmayr share and largely confirm Walzer's analysis that Islam actually
makes truth claims. What distinguishes these four thinkers from Walzer is their
rejection of the claim that the religious pursuit of truth stands in any sense in opposi-
tion to democracy. They do not deny the fact that there effectively exist interpreta-
tions of Islam, "Puritanical-Salafism," as Abou El Fadl calls them, that make
"absolute, exclusivist and authoritarian claims to the truth" that are by all means
incompatible with democracy. Yet, these versions of Islam get the truth, such as it is
revealed within Islam, quite wrong. Islamic fundamentalism is simply a distortion
of Islam.

Yet matters are not that simple. The trouble these reformist philosophers face is
the claim of Islamic extremists that they, in turn, are applying the Qur'an quite liter-
ally, interpreting their act of submission precisely, as Abou El Fadl states, "as if it
[were] an act of obedience by lowly soldiers to the orders of a superior officer."
Therefore the reformists' claim that Islamists miss the point and go totally wrong
about the nature of Islam is, to say the least, contested. What then, asks Abu-Zayd,
are the "incalculable misinterpretations and misunderstandings" that Islamists are
guilty of when attempting to transfer relevant Qur'anic passages "literally into our
era?"

We can distinguish among two answers given here. Abu-Zayd and Charfi
reproach Islamists, in line with the larger tradition of hermeneutics, that they fail to
contextualize the truth as it is revealed in the Qur'an and believe truth to exist in a
blank, unmediated form. Abou El Fadl and Dallmayr argue, by contrast, that truth
precedes and binds God's will and that the Qur'an therefore needs to be read against
the background of independent moral principles.

Abu Zayd insists that "we must recognize that, even though [the Qur'an] is the
speech of God, it is an historical text" and that "the Qur'an, though a given fact from
the perspective of faith, exhibits a response to the factual reality of its time." Abu
Zayd argues that "Islam is humanity's creation like every religion," displaying the
extent to which the Qur'an, and in particular its moral, legal and political prescrip-
tions, provide an answer to the challenges the Muslim community faced in the
Arabic peninsula in the early seventh century.

Today, however, the context that Islam is confronting has radically changed, and
as Charfi points out, traditions "which claim to reflect faithfully the will of the
Prophet," become increasingly illusory. With globalization, democracy "has become
a universal value and an integral part of the rights of man" and gender equality is
recognized as "a general aspiration of the younger generation." Therefore, the insti-
tutionalization of the Qur'an, that would take as morally binding the actions of the
Prophet and the early representatives of Islam, and which would thus legitimize
religious as well as sexual inequalities, needs to be reformed in line with the neces-
sities of globalization.

There are two possible interpretations of Abu Zayd's and Charfi's account of the historicity of Islam and their criticism of the literalist readings of the Qur'an. According to the first, the truth in the Qur'an is laid down on the basis of conceptual schemes, values and norms that were prevalent in Arabia in the seventh century. Given that our mindset and attitudes are very much different today, Muslims are required to give a new, updated interpretation of the Qur'an and its message. In a second reading, Abu-Zayd and Charfi could be said to claim that historicity refers only to the circumstances that circumscribe the setting of the Qur'an and not to the truth itself. That is, the principles informing the actions of the Prophet and the ethics laid out in the Qur'an are still valid today and claim some form of universality, even if the conditions of Muslim communities in the seventh century was such as to necessitate measures that would be largely inacceptable from the point of view of today's societies.

Abu Zayd and Charfi endorse the first interpretation, that is, the hermeneutical approach to truth. Abu Zayd claims that it is "an unsophisticated understanding of religion [to] suggest that one need only uncover the 'correct' interpretation of the Qur'an and one will know what 'Islam' means." Charfi affirms that "the first Muslims whose task it was to apply what they understood of Islam could do so only in the framework of the cognitive and social systems at their disposition."

However, as Dallmayr argues, Islamists make a rather harsh objection, reproaching that the hermeneutical approach threatens their faith and endorses a form of relativism. Abu Zayd clearly tries to resist this accusation, by claiming to "have developed (…) a historical method that enables one to recognize the core of Islam, something that is inherent in Islam, in certain convictions and principles." Yet, at the same time Abu Zayd argues that "[the] normative sense [of religion] is historically determined, and is, thus, changeable. It is normative according to the specific milieu paradigm; any paradigm-change leads to norms-change." And, as Charfi shows, today's paradigm and norms are determined by modernity, democracy and pluralism, which Islamists consider precisely to be *the* problem.

According to them, these norms, which for both Abu Zayd and Charfi constitute the basis of any plausible version of contemporary Islam, undermine the very foundations of Islam. Describing the point of view of traditional Islamists, Dallmayr writes that "modernity or modernization means a lapse from faith into non-faith (…) and from the holistic unity of 'truth' into a radical relativism denying 'truth'. Islamists assert that modernity has replaced the reign of God (*hakimyya*) with the reign of 'man' or humanity – a replacement equaling a lapse into paganism and the state of pre-Islamic 'ignorance' (*jahiliyya*)."

In fact, Abou El Fadl criticizes Muslim reformers who "in response to the challenges of modernity, and the oppressiveness of doctrinal absolutism, (…) have gravitated towards theories" that emphasize the role of agency and interpretation in determining Islamic faith. He holds that "from an Islamic philosophical perspective, these approaches are not entirely satisfying," since in one way or another they give up on the idea of truth and epistemology. As we have seen, however, hermeneutics does not exactly abandon the concept of truth. Yet, according to Abou El Fadl, without assuming the existence of something like an absolute or universal truth, "our

rational faculties can be used only hermeneutically in interpreting Revelation" without ever putting us into a position to see and understand the truth to which Revelation actually refers. Hermeneutics struggles to distinguish between the interpretable and the uninterpretable.

Therefore, Abou El Fadl recovers the categories of *haqq* and *hikma* from the tradition of Islamic epistemology and semiotics. He defines *haqq* as "the true nature of things or the inherent truthful nature and essence of things, (…) constant and non-shifting." Whereas *hikma* "is truth, not simply from the perspective of what the essence is, but truth [in what concerns its] relational dynamics," truth that is non-constant and shifting. The principles of justice and fairness, to take an example, are always the same, however, the means to achieve the justice and fairness change with time "as our consciousness, which is a function of our human psychology, becomes more complex, and human needs have dramatically altered."

Whereas Abu Zayd and Charfi risk to reduce *haqq* to *hikma*, Abou El Fadl seeks to distinguish the two categories and holds them to be irreducible to one another. He maintains that God's Revelation is based upon "laws of humanity that (…) are embedded in our cognition and consciousness, and are as stable and unwavering as the laws of mathematics or the logic." He concludes that "when the Qur'an invokes ethical and moral terminology, it necessarily assumes a pre-existing epistemological context in which it operates and a moral trajectory that it seeks to engage and negotiate. When the Qur'an sets out specific instructions about a particular situation or issue, these instructions must be analyzed in terms of the moral purpose and trajectory that elicited the instructions in the first place."

This version of moral realism takes the Islamists' objection seriously and engages with them on the field of absolute truth. Yet, moral realists and Islamists come to quite different conclusions. For Islamists, as Abou El Fadl puts it, from the fact that "one believes in an immutable, omnipotent and all-powerful God who is the Lawgiver," it follows, "that Revelation defines what is right or wrong." Realists, on the contrary, tend to point always to moral laws and principles that bind God's will. When Dallmayr discusses the proposal of certain Islamist thinkers to return to God's sovereignty as an antidote to democracy, he objects that it is impossible that God be construed "as a willful and arbitrary despot" or tyrant "untrammeled by any rational constraints or intelligible standards of justice."

Yet, Islamists could make a non-negligible objection even against realists. Without even entering into a metaphysical debate with realists, Islamists could simply point out that in case that God does not constitute truth, and that man, as realists further argue, can discover the independent truth without the help of God, God becomes in many respects superfluous and even delegitimized, somewhat unworthy of the faith and trust believers put into Him. In the hands of moral realists what disappears is not only Islamism, but also Islam as a religion. Given the difficulties demonstrating the compatibility of Islam and democracy on epistemological grounds, some theorists hold that the Islamists' problem, despite claims to the contrary, is after all not theological truth. It lies somewhere else.

9.2   The Practical Argument

Akeel Bilgrami, Nader Hashemi as well as Irfan Ahmad agree upon the fact that many Muslims' current opposition to democracy has little to do with the Qur'an and Islam as such. For them, the question is not if Islamic norms are compatible with democracy or not. Ahmad argues that "both the Incompatibility and the Compatibility Paradigms are premised on the notion that it is the unitary, reified normative impulse of religion that is the ultimate variable." Bilgrami accuses theorists of the clash of civilizations to ignore that the religious conflict between Islam and the West is superseded by a much more serious and deeper psychological conflict that goes back to colonial conquest and subjugation. Therefore, Ahmad proposes to "shift the debate from the [textual-normative approach] to the domain of practice."

Putting aside the Qur'an and shifting the focus from debates about what it is to be a proper Muslim and Islamic ethics to the social, economic and political realities with which many Muslims today are confronted, we can actually find explanations of Islam's hostility towards the West and everything thought to be western, including democracy. Bilgrami and Ahmad agree that factors external to Islam are responsible for the current impasse. Hashemi, on the other hand, believes that factors internal to Islam, that are largely related to its historical and political trajectory, complicate the relationship between religion and politics. Which precisely are these external and internal factors?

Bilgrami and Ahmad blame the West, and more in particular European colonialism and US geopolitics, for contributing either directly through the support of Islamic militants and autocratic rulers to non-democratic political systems or indirectly through (post-)colonial attitudes of condescension and superiority to anti-democratic feelings. Ahmad concludes, analyzing western foreign policy, that "it is the culture of de-democratization by the western power that renders the Middle East undemocratic."

Bilgrami locates the trouble Muslims have with democracy on a purely psychological level that has its origin in (post-)colonialism. Observing that fundamentalist parties generally gain few votes whenever there are fair and open elections, Bilgrami concludes that "most Muslims are not absolutists at all, in fact they share very little with the absolutist," in the sense that in principle they are not anti-democratic and anti-modern. Yet, he notices that "members of the far larger population of ordinary Muslims (…) are often unwilling to come out and be openly critical of the absolutists in their midst, with whom they share so little by way of ideology and ideal." Bilgrami attributes this reluctance of non-absolutist Muslims to criticize radicals to colonialism and its continuing effects. Colonialism has generated a sense of "alienation, dehumanization and resentment," turning a religious conflict, that shaped for centuries the relations between Christianity and Islam, into a material-economic and moral conflict. Therefore, "non-absolutist Muslims feel that to criticize their own people in any way is letting the side down, somehow capitulating to this long-standing history of being colonized and condescended to."

Hashemi, on the contrary, tends to stress rather causes internal to Islam's political history in order to explain the Muslim malaise. After noting that "political secularism emerged in the Anglo-American tradition out of the need to negotiate and resolve an existential threat," namely the European wars of religion, Hashemi argues that in comparison, due to the relative tolerance characterizing per-modern period Muslim societies, "no political dynamic emerged within Muslim societies necessitating the development of intellectual or moral arguments favoring religion-state separation." Islam not only was not a source of political conflicts, but also "played a constructive role as an agent of socio-political stability and predictability," as "a source of social cohesion (…) and a potential ally in promoting social justice." These two internal factors together with the fact that secularism in Muslim societies has been a top-down process that has gone hand in hand with "despotism, dictatorship and human rights abuses" explains, according to Hashemi, that many Muslims across Europe, Asia, Africa, and the Middle East "express a desire for sharia to be recognized as the official law of their country."

Still, one question remains open. Is the explanation of many Muslims' difficulties with democracy the end of the story? Do we therefore have to accept, at least for the moment and the near future, that Islam is incompatible with democracy? Do resentment and history justify not only Islam's opposition to democracy, but also the affirmation of a radical and absolutist Islam? Hashemi sees no policies or political development on the horizon that could actually reverse the contested relationship between Islam and democracy. According to him, "the decline of secular politics and the rise of a religious consciousness in Muslim societies at the end of the twentieth century have deeply transformed the political culture of Muslim societies" and "will shape how Muslims (…) perceive and understand the relations between religion and politics in the years to come."

Bilgrami and Ahmad are much less skeptical and actually make a distinction between the explanation and the justification of Muslims' hostility towards democracy. Ahmad analyzes the transformation of Jamaat-e-Islami from a staunch anti-democratic Indian political party aiming at the establishment of an Islamic state under the leadership of the Islamist thinker Abul Ala Maududi into a party participating in and strongly defending and endorsing democracy. He comes to the conclusion that this revolution has not been the outcome of a rational choice and "side effect of democracy in a Hindu-majority milieu," but the result of agency in the proper sense of the term. Muslims have been the makers and agents of this change, coming to recognize and accept through the political discussions taking place in a democracy the "plurality of views."

Bilgrami goes one step further and makes it a matter of principle that Muslims, whether living under democratic institutions or not, cannot consider themselves to be merely victims, caused by their circumstances. "Understanding oneself is done by stepping outside of the self and looking at oneself from the outside, as a third person would. But to take that perspective on ourselves, though often necessary, cannot *exhaust* our perspective on ourselves. If it did it would destroy our freedom, which consists in the first-person point of view, the point of view of agency, the point of view of the subject rather than the point of view by which we view ourselves

as objects, the objects of history and its causes." Bilgrami's claim is that Muslims, as free agents, are *morally* required to accept democracy.

This last point connects the debate on Islam and democracy to a larger issue, namely the problem of pluralism. If we can expect that people for a variety of reasons hold different, if not opposite political points of view, how can they still live together under common political institutions? Political philosophers have given different answers to this challenge, notably the idea of an overlapping consensus and discourse ethics. And what is interesting about these answers is that they justify democracy in moral and political terms rather than on religious grounds.

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Chapter 10
The 'Others' in the Qur'an: A Hermeneutical Approach

Nasr Abu Zayd

Abstract First, I argue for historical contextualization of the Qur'an as a given historical collections of discourses propagated by Muhammad as divine inspiration. Secondly, I argue for a distinction between the Qur'an and Islam, since the latter is the outcome of human efforts to construct their lives in accordance with what they understood to be the teachings of the Qur'an. The last point is to show how the role of Muhammad in his interaction with the communities of his time in Hijaz shaped the Qur'an. So, the article is organized as (1) introduction; (2) the Qur'an and lslam; (3) the Qur'an and history: open hermeneutics; (4) Muhammad and the Qur'an; (5) the divine–human communication; (6) Muhammad: the first recipient; (7) Muhammad in the Qur'an; and (8) the community of believers and the need for legal regulations; followed by (9) conclusion.

Keywords Community of believers • Hermeneutics • Historical context • The Prophet Muhammad • The Qur'an

10.1 Introduction

The Qur'an is the first and most important source for those who wish to understand Islam, both for Muslims and non-Muslims alike. For Muslims, the Qur'an is the revelation of God, a message sent from God through the mediation of his angel Gabriel to his chosen messenger Muhammad to convert the then inhabitants of the Arabian Peninsula from polytheism to a belief in one God. For Muslims, Muhammad is not only prophet, but he is the last prophet in a long line of prophets beginning with Adam and continuing through Moses to Jesus.

N.A. Zayd (deceased)

Each of these prophets had received the same basic message from God, which was the call to belief in one God and to act in accordance with a specific set of ethical principles and so on.

Certainly, the Qur'an is not an easy text to comprehend without the help and aid of the knowledge of the historical context of Arabia in general and of the northern area in particular. The main reason for this difficulty is that first, the Qur'an is a historical text, which emerged in a time that was, in many ways, different from our own. The Qur'an, though a given fact from the perspective of faith, exhibits a response to the factual reality of its time. It obviously responded to events and behaviour patterns of this time, often explicitly but also at times implicitly. When one does not know how to understand the relevant Qur'anic passages in the proper historical context, but transfers them literally into our era, this can lead to incalculable misinterpretations and misunderstandings.

In order to understand the Qur'an, we must recognize that, even though it is the speech of God, it has historical text; it was spoken, proclaimed and written down in a specific historical situation, in the intellectual milieu and the language of the seventh century. Only an understanding of the basis of this comprehensive historical knowledge enables us to interpret the Qur'anic texts correctly. This allows us to grasp the core of the message which transcends its historical context and to decide what it means for us, the believers of today.

10.2   The Qur'an and Islam

Nevertheless, Islam, as a religion, is not simply the rendering of what is found in the Qur'an. An unsophisticated understanding of religion would suggest that one need only uncover the 'correct' interpretation of the Qur'an and one will know what 'Islam' means. As in every other religion, Islam is the result of the interpretation and experiences of real people, it has grown historically. Contemporary Muslims are not the first who are to grapple with their holy writings and look to apply them to situations that are not explicitly addressed therein. Believers from earlier times and from many different countries have done this before us with varying results; unfortunately, the dominant discussion about 'Islam' blurs the historicity and the diversity of its development.

As the Arabs immediately after the death of Muhammad in 632 began to build their empire, they could not do this in a vacuum. They built on what they found in the lands they conquered, not only that which had to do with the economy and administration but also with differing forms of belief. Besides the acknowledging of so many religions in the Qur'an, such as Judaism, Christianity and Sabianism as well as Magianism, it was in the conquered lands that Muslims came across different communities of Christians, Jews, Hindus and Zoroastrians. One only has to look at how many different denominations or sects were found, first in Arabia and later in Iran, Iraq, Syria and Egypt as well as India.

When the Arabs started to build their empire, they behaved less as missionary Muslims and far more as Arab conquerors. They adopted the cultural achievements and religious ideas and developed them into the variety of Islamic cultural traditions that we know today. From that time until the present we have had innumerable local forms of Islam.

These great differences in the forms of Islam are due in a large part to the pre-Islamic history of every territory. The local cultures allowed Islam in various regions to develop into what we find today. We cannot imagine Islam without the cultural legacy of India, Iran, Indonesia, as well as of Hellenism. It did not simply spring from its roots in the Arabian Peninsula like a shoot to spread over these other lands. This is what fundamentalists suggest; they argue that everything about the spirit and culture of Islam can be found in those early years and in the foundational scripture. In reality Islam has had a relationship of mutual exchange with other world cultures and we see this vividly today when we look at the concrete forms of the practised daily-life Islam throughout the world. Here we can see its variety and also its actual dynamic.

In this historical phenomenon of the exchange of cultural influences we have to make distinction between the Qur'an, as a given fact, and Islam. With such distinction, we can see that Islam is human's creation like every religion. This may sound like a paradox particularly as it has become the conventional normative understanding to differentiate between 'Islam', the 'pure religion' as it were, and 'the Muslim'. However, a religion is what people make out of it. That religion is made by man does not mean that we undermine the metaphysical and transcendental dimensions. There is no reason to deny the divine source of scriptures.

The idea of prophecy means that God speaks to a human agent; God speaks to humanity through chosen individuals and reveals himself in human language. Humans attempt to unravel the message, to preserve and apply it in their temporal life as well as they can. Different theological schools emphasize different aspects and display them in their own way. This makes us understand that the history of Islam of which we speak so readily today was not at one time a specific, true understanding which was later corrupted. When one looks at the Islam of previous centuries, one recognizes how dynamic it was. It has continued to change and develop various interpretations, establish theological traditions and observe different rites and practices. In the history of Islam that developed through the era between the seventh and the fourteenth centuries all the knowledge of the world was integrated and accommodated into the body of Islamic culture.

History is the area in which the religions should be studied; it is not only the scriptures which determine the direction of the development of any given religion. A text can be interpreted in many ways to answer the questions which the real life of the community brings about. One can explain a text and read this and that into the text, and that is what is so special about the language of scriptures; it is loaded with possibilities of meaning.

I am trying to say that one cannot find the meaning of a religion in the text but in the interaction between the text and the historical process, in the interaction between the believer(s)/the communities with their holy texts. Of course that does not mean

that one cannot speak of religion in a normative sense. But this normative sense is historically determined, and is, thus, changeable. It is normative according to the specific milieu paradigm; any paradigm-change leads to norms-change.

10.3 The Qur'an and History: Open Hermeneutics

I have developed a particular historical method of understanding Islam and interpreting the Qur'an, a historical method that enables one to recognize the core of Islam, something that is inherent in Islam, in certain convictions and principles. However, I should emphasize that it is my understanding of Islam, an understanding formed in a particular time, under particular circumstances and it is not for ever. It is open to further interpretation and reinterpretation; it must be opened again and again. It is not closed and not absolute; otherwise I would simply create a further dogma.

It is my conviction that we need a historically informed reading of the Qur'an; a reading that does not only understand the Islamic religion as a historical phenomenon but also understands the Qur'an itself as embedded in its historical context. This does not mean that some verses of the Qur'an have a self-explanatory everlasting language and others are bound in a particular time. No, the entire Qur'an has a historical dimension that is important for our comprehension.

Without an understanding of the entire Qur'an as a historical phenomenon, one cannot make a sensible distinction between the parts of the Qur'an that still have the same literal meaning today, those that have acquired metaphorical and allegorical interpretation in the developing cultural context, and those that are limited to a particular historical situation. This is a pre-condition not only for the appropriate understanding of the Qur'an but for the understanding of any writing. A historical understanding helps us to go from the wording of the historical text to the core of the message which is still relevant today. That is the shared task of philological critical interpretation and theological discussion. Still, we have to begin with the indisputable empirical facts.

It was in the year 610 that Muhammad declared for the first time that the divine had communicated with him while he was contemplating at the Mount Hira' outside Mecca, that he had received a message from God and that he had been commissioned to spread this message throughout his community. If we do not clarify the historical background, it must seem extremely puzzling as to why a prophet has to appear among the Arabs at that time. Certainly there are theological explanations. It is often said that earlier revelations were corrupted and Muhammad was sent with a new, untainted message. Theologians would answer in this way but it is not a historically satisfactory explanation. Completely independent of what one believes the details to be, the historical background explains why Islam was founded at this time in this region. It provided an answer to the pressing questions that the Arabs had concerning economic, political, social and religious issues. I would like to suggest that at that time these areas were not perceived as being separate from each other.

The social, political and economic on the one hand were inseparable from the religious on the other. Only religious vocabularies provided understanding and explanation of almost everything.

10.4 Muhammad (the Human Partner) and the Qur'an

What was Muhammad doing on Mount Hira' when he first received the divine communication? What was the type of contemplation in which he was involved? Did he belong to some sort of religious community? Most Muslims reject the idea that he belonged to a particular religious community. They simply assume that Muhammad was not connected to any type of religious practice. As well, Muhammad's biographers try to emphasize Muhammad's prophetic mission, often portraying him as having isolated himself from his community, but this is not quite believable. If he was known and acknowledged in his community as an able and talented person, we cannot imagine such a person being outside all social activities. We know that the businesswoman, the widow Khadija who later became his first wife, employed him as a caravan leader because of his honesty, talent and experience.

Under her employment he travelled most likely to Syria. His marriage to a rich businesswoman shows that he demonstrated certain qualities as a man and as a business partner. We should understand Muhammad as an active member of his community before he told of his revelations.

However that may be, to go to a mountain in order to practise contemplative exercises is a religious practice, a practice that comes from a certain tradition. We know from all sorts of monks that they search out remote places. Monasteries were not built in the centre of cities or villages but alongside routes or on the tops of mountains. And so Muhammad followed a practice that was known in Arabia and around it, a practice that was spread by certain religious traditions. I do not want to claim that Muhammad was a Christian or a Jew; however, he should have had a certain religious predisposition, an orientation, and certain knowledge of a tradition that led him to practise particular religious forms, like contemplation on a mountain.

Nevertheless, it seems that he was not prepared for what happened to him. That day he saw the angel of God in the sky and he was terrified. As the angel began to communicate with him he did not know what was happening. He feared that the devil might have overwhelmingly possessed him. When he returned home to Khadija he was shaking with fear and she tried to calm him. In order to relieve the tension she took him, so it has been handed down, to the Christian priest Waraqa ibn Nawfal, who was her cousin, and Muhammad told him about his experience. And the man said, 'My Son, this is the Holy Spirit; I hope I will be alive to support you when your tribe drives you out of Mecca.' And Muhammad asked, 'Will they do such a thing?' Ibn Nawfal answered, 'No messenger is spared suffering.' This is what 'Aisha, Muhammad's beloved wife, reported.

The spirit or the angel who frightened Muhammad, his discussions with Khadija and her cousin, all this together is the beginning of Muhammad's appearance as a prophet. In that beginning, one cannot but realize a process of interaction to continue between the divine message and the human reception of this message.

When we think of Muhammad, the first human recipient of this message, we see that he did not receive the message in a calm and composed way. He was in no way ready to see that what had happened to him had something to do with a divine message. He was filled with fear and doubt. He sought advice and confirmation from others, and therefore he needed people to affirm him and say: 'My boy, everything is fine. Prophets before you have experienced these things. Have no fear – even though you will be persecuted.' The divine is not the only one who speaks here, the message must be confirmed by humans – already at this first instance.

In my experience this is something that many Muslims do not wish to hear. They are upset and fear that the authenticity of the Prophet and of the Qur'an will be put in question, but these are the historical facts of which the Islamic sources tell us – not the Roman sources or any other sources.

The fact that Muhammad sought confirmation from other people – from a Christian Arab priest – does not reduce his authenticity or the authenticity of his revelation, exactly the opposite. In these stories of Muhammad's fear and of his wife's taking him to her cousin, I see that we are dealing with a very earnest and conscientious person, who does not take anything for granted but always questions, tries to go deeper and look deeper. He does not avoid the question of how this can be. By the way, this could indicate an example of Muhammad's critical mentality.

10.5   The Divine-Human Communication

This process in which the divine communication with the first recipient, Muhammad, acquired certain human confirmation marked the entire period of the Qur'an's revelation (612–32); intercommunication is the process that created the Qur'an. Obviously, the Qur'an was not given to Muhammad in the form of a complete book but the revelation came out of a complicated dialogue in a discursive and argumentative way. The word 'argumentative' may sound surprising in this context; however, this aspect can be found in the Islamic sources and in the Qur'an.

Muhammad's first encounter was not with the Lord; it was with the angel. In this encounter, the divine is presented in an intimate personal manner as Muhammad's lord. It is in the first five verses of chapter 96 that this very close intimate relation is established between Muhammad and the Lord via the angel. Then the Lord is presented as the creator, who created humans from clots of blood. He taught humans what they did not know. This first passage of revelation has nothing to do with Muhammad as a messenger; there is no message here to be carried and conveyed to others. Muhammad here is addressed by his Lord as a special close person.

In the second encounter Muhammad is commissioned with a message to warn people about the wrath of the coming life and to invite them to the True path. 'Get

up, proclaim!' This commission is found in the first 10 verses of chapter 74. These verses contain a warning of the Day of Judgement; it is time to repent. That is the central message. Here, the argumentative character of the Qur'an is present: the very close and intimate person is chosen to warn his own people to rely on the Lord of the universe, to worship the One. Though it is not explicit, the warning mission implies the community that is in need of reformation.

And one can go from the first to the second and onwards to the next revelation. This process of revelation lasted 23 years until Muhammad's death. The Qur'an was not sent in one piece or in a few sittings, but it was sent mostly in short, sometimes longer, messages. It was a continuous process of communication that proceeded as follows: Muhammad reacted to the first communication in a specific manner which is addressed in the second communication as was explained above. When after the second communication Muhammad proclaimed his mission to the people of Mecca there were different responses that the third communication addresses and so on and so forth. This communicative process contains all the possible elements of communication: argument, discussion, persuasion, challenge and dialogue – a dialogue that was mostly exclusively centred on a small audience, at times a larger one.

The particular aspect of the communication that comes to the foreground depends on the audience, the reaction to the earlier revelations and to the situation of Muhammad and his community. This process of revelatory communication is obviously mirrored in the Qur'an. Therefore one should speak of a process of dialogue or a very complex form of communication between the divine and humans.

After the death of Muhammad, the early Muslim community felt the need to collect these passages together in one book; i.e. to write down the oral communication in order to preserve it. They arranged these passages and ordered them in chapters without realizing the original chronological order. The present *mushaf* order presents a structure of chapters arranged by length, the longer are put forward and the shorter are put backward, though it is generally known that the shorter chapters are chronologically earlier than the longer chapters. Most of the short chapters can be identified as being revealed in Mecca and the longer in Medina. The only exception to this rule is the short opening chapter which is placed at the beginning of the *mushaf* in conformity with its name.

In the present printed *mushaf* known as the 'Cairo *mushaf*', there are notes indicating whether the chapter is from Medina or Mecca and which passages in the Medina chapters belong to Mecca and which in the Mecca chapters belong to Medina. But one has to be careful with those notes; passages that are said to be from Mecca have proved to be from Medina, and vice versa.

Mecca chapters are now sorted in three periodical categories as 'early, middle and late', thanks to the efforts made by western scholars who have worked out the philological distinctions and they have compared the sources and other such evidence. For the majority of Muslim academics, the main interest is in the differences between the Mecca and the Medina passages, which can be differentiated easily in some cases, not so in others. This is the issue that was tackled in classical exegetical sources as well as in the Prophet's biography and the prophetic traditions. The reconstruction of the exact chronological order for all the chapters is, however, quite impossible.

The distinction between the Mecca and the Medina Qur'an is so important, most of all, to reach the final enjoinment of the Qur'an concerning legal issues, as it is believed that some of the earlier legal rules of Mecca are replaced by later rules in Medina; this is according to the doctrine of abrogation. It is still more important to know even within the Mecca and the Medina revelation which came first and which came later. This whole process of compilation and ordering led to the result that the Qur'an as we have it today in the *Mushaf* does not reflect the dynamic process by which it came into being through various forms of communication.

10.6   Muhammad: The First Recipient

The year of Muhammad's birth is thought to be 570 CE; however, it could have been a few years later. His father died before his birth and he lost his mother when he was 6 years old. From then on he lived with his grandfather and later with his uncle Abu-Talib. His family belonged to the Quraysh, the most influential and affluent confederation in Hijaz at that time. There were rich clans/families and less well-off clans/families in the Quraysh and it seems that even though Muhammad's grandfather was a leader in the Quraysh, Muhammad belonged to a poor family. We see that time and again the Qur'an speaks about orphans and their problems. Muhammad's own plight as an orphan and a child of a needy family is referred to in chapter 93.

We know from the tradition that the person, who would later become the Prophet, was very respectable, very sociable and very accessible – these qualities are necessary in a prophet. A prophet who wants to reach his contemporaries must have good relations with them. He must have the ability to communicate and have the power of persuasion. He was known to his contemporaries by the eponym *al-amin*, 'the honest', which indicates his sociability and communicative talent. How could he have earned the trust, and more the affection and love, of Khadija, without his personal qualification? At the age of 25, he married the rich and considerably older business-woman Khadija, for whom he had been working as a caravan leader. This marriage gave him extra support, in a financial way as well.

Perhaps it was this relative freedom from material worries that enabled Muhammad to take the time to devote himself to quiet contemplation. He did not need to worry any more about what he had to deal with the next day. In addition Khadija gave him her personal support by encouraging him to take the opportunity to immerse himself in the spiritual world.

When Muhammad's contemporaries tell of his gentle character and his benevolent manner towards others, many people today find it incompatible with the fact that Muhammad was a political leader and, in many cases, a military leader. Even if someone has a gentle character and tries to lead a decent life, he must still have to make judgements and sometimes make them against other people. In an attempt to understand Muhammad's personality we must consider his development. At the time of the early revelation in Mecca, Muhammad's life was determined by spiritual searching and contemplation. Later as leader of the community in Medina, he had

practical responsibilities to execute, so many that he did not have time to put together all the revealed texts.

We should not portray Muhammad as an unchangeable character. There is no such person as one who has the same personality and never develops, not least when his life-circumstances and his mission change so drastically. However, one must not exaggerate these supposedly contradictory characteristics. In his role as a businessman he was already a practical thinker and a successful member of the community in Mecca. Conversely, he did not give up his contemplative nature later on. In addition to the revelations themselves, we have accounts from contemporaries who witnessed this in all stages of his life.

Muhammad's deeply felt religious sense and his great social and political skills are evident in the events surrounding the *hijrah*, the migration of the Muslim community from Mecca to the oasis city of Medina 300 miles (485 km) north. During his time in Mecca Muhammad did not understand his mission to be propagating a new religion. In many passages of the Qur'an, we find that Muhammad was to present to the Arabs the same message that had already been presented to the Christians and the Jews. In chapter 10, the Qur'an lessens Muhammad's doubt about his mission by recommending that he ask the Jews and Christians:

> If you are in doubt concerning what We have revealed to you, ask those who have read the book before you. Truth has come to you from your Lord, so do not be among those who doubt. (10:94)

Muhammad's task in those years in Mecca was to be a Warner. It is known that the message was not well received by the polytheists of Mecca. The Muslim community was subject to hostility and persecution and their continued survival was at risk.

Muhammad, at first, suggested Abyssinia as a safer place for his followers.

Some Muslims fled to the Christian Abyssinia, returning later to Medina or Mecca when the threat was over. Muhammad entered into discussions with other tribes who came to Mecca for trade during the pilgrimage season on behalf of the others and his own family. He was finally successful with the Medina delegation, who interestingly enough, did not invite Muhammad primarily on religious grounds but as a mediator between the conflicting tribal competitions over who was to dominate the city, a conflict that divided the city's inhabitants in a horrific way. The fact that Muhammad had come to Medina in 622 to take up this task shows that at that time in Mecca he already had a reputation as a leader and mediator.

Thus, Muhammad's role as a political leader continued to grow. He hoped that the Jewish community in Medina would support him as both communities had a common basis in monotheism; however, this support was not forthcoming. We find events in the Qur'an which indicate a separation of Muhammad's community from the Jewish tribes. But, all this happened 2 years after the *hijrah*.

To take a concept of how a prophet should behave from a Christian theological point of view and apply it to Muhammad is unfair. First, Muhammad's situation could be compared to Moses but in reality all such comparisons are evidence of an ahistorical approach. Every figure had to cope with the specific tasks in his life and in his circumstances. Muhammad did not lose his human qualities in fulfilling his

tasks, nor was he corrupted. It is so very important to stress this point, as the person of Muhammad in the West has become the cause of an extremely critical and often hateful discourse – always measured against a Christian theological standard. Muhammad was not only an important spiritual figure; he also showed political capability as well as military competence in his leadership. These aspects belong to an overall view of his whole personality. When one uses the modern standard, in particular a Christian picture of what a prophet should be, in judging Muhammad one is doing injustice. When one criticizes the fact that he had worldly passions, that he followed material interests and he fought for the survival of his community, we misjudge the historical context of this particular prophet. From everything we know of Muhammad, he was earnest and conscientious in all that he did. Naturally, one can always question the correctness of some decisions in retrospect.

At this point I would like to advocate that we look at religious figures against their historical background, against the needs of their time, judging them according to the norms of their time and not that of today. This is not only for Muhammad's political dealings but also for his private role as husband and father. He is often reproached for marrying several wives after Khadija died and because one of them, 'Aisha, was only 9 years old at the time of the wedding. To our modern consciousness this sounds appalling; however, at that time no one thought anything of it. One must see what later became of this young woman. She was one of the most important figures in early Islam, counted as one of the authorities in the young community after Muhammad's death. One has to pay attention to her knowledge, not only in religious but also in political matters. One does not have the feeling that 'Aisha's marriage to Muhammad stopped her development – exactly the opposite. The aim here is not to defend Muhammad but to understand him. Everything else is not historical. It is too easy to judge against one's own standard. Whoever wants to know what kind of person Muhammad was must look at what happened at that time.

10.7 Muhammad in the Qur'an

This demand of historical contextualization is not only directed at non-Muslims who already have prejudices, but it is also directed at Muslims who appear to have forgotten everything. Muhammad is a human! The Qur'an itself emphasizes this over and over, again and again; it does show that Muhammad made mistakes. In a few places in the Qur'an, serious critical comments are made concerning some of Muhammad's behaviour. For example, when a blind man came to him seeking advice, Muhammad was very busy devoting his attention to the tribal leaders whose support he was trying to get; he did not pay attention to the blind man. The Qur'an is very critical and explicitly blames Muhammad for his negligence of the man in chapter 80, where Muhammad is addressed in the third person. This is a form of disregard, to show Muhammad what it is like to be ignored. When one speaks to a person directly one looks at him in the face and addresses him in the second person. Here the Qur'an chooses to use the third person when addressing Muhammad,

whose human fallibility is repeatedly addressed in the Qur'an. Muhammad was not without faults. When we read the Qur'an with this knowledge, it is not to justify Muhammad's behaviour but to understand him. Every person is entitled to do so. Muslims must realize that the greatness of Muhammad does not depend on the fact that he was infallible. When someone is completely without fault in his character, it is not possible for him to be good on his own merit. Only one who is fallible can be truly good.

Naturally, the Qur'an acknowledges Muhammad's human nature and sometimes blames him for being embarrassed from it and encourages him to act humanly. For example, when he felt affection toward Zaynab, the wife of Zayd, Muhammad's adopted son, the Qur'an encouraged him to express his feeling; he was even encouraged to marry her after she became divorced from Zayd. Zaynab was a close relative of Muhammad, who asked for her hand for his adopted son Zayd, who was a freed slave. She and her family were not really happy as they had hoped that Muhammad would marry her himself. The marriage did not work out and Zayd asked for a divorce. The traditional law of Arabia until that time did not allow a person to marry his own divorced daughter-in-law. In this context, verse 37 in chapter 33 announces such marriage to be allowed, thus allowing Muhammad to marry Zaynab.

This example shows how the Qur'an communicates and, therefore, we today do not find it easy to read passages of the Qur'an about Muhammad and his community, or about Jews or Christians from that time. In the case of the marriage rules regarding adopted sons and daughters-in-law we do not see immediately what the message is supposed to be without reference to the events and situations at that time.

10.8   The Community of Believers and the Need for Legal Regulations

The *hijrah* marks the beginning of the Muslim era and the year 622 is the first year of the Muslim calendar. In Medina Muhammad's function changed from that of a spiritual leader to being a leader of a political community. In order to understand these two tasks as they are reflected in the Qur'an, we must call to mind again the political situation in Arabia at the beginning of the seventh century. Many readers of the Qur'an wonder why there are passages that deal with practical and legal matters. They feel that this does not fit in a holy scripture.

This confusion comes from a Christian-influenced context. Some compare the life of Muhammad with that of Jesus from whom no similar types of legal regulations were handed down. One must not forget that the historical contexts of both figures are completely different. Jesus lived in a world which was completely dominated by the Roman Empire. There was a legal system already in place and there was a military power which secured the empire and upheld the law. The Jews lived under Roman occupation but with a certain independence and legal security.

In Arabia in the early seventh century, there was no state or legal system but a tribal ethics. This tribal ethics demanded absolute obedience to the tribe and whoever was not obedient was thrown out and lost the right to be protected by the community. These blood relationships were the decisive factor. It was not about whether the tribe was right or wrong. Where only blood ties counted, there was no society in any real sense. Only with the initiation of Muhammad's missionary work does society develop in Arabia. Islam developed a new type of communal living, in which blood ties did not play the central role but there was a higher form of morality about the basis of specific communal values. This development can also be read in the Medina covenant known as the *Saḥīfa*, in which there are three identified communities: the Jewish, the Arabs and the Believers or Muslims. It also figures out in the Qur'an, especially at the beginning of chapter 2, where these three communities are presented in religious terms as the Hypocrites, the Infidels and the Believers.

The new community of believers seems to form a new type of a tribe. From the beginning, the new members of the community come from many different tribes. They are not the relatives of the Prophet but people who share his convictions. In order to establish this new form of community, certain legal regulations were needed for marriage and divorce, taxes and business. These are found in the many relevant legal and practical instructions in the Qur'an. This contributed a great deal to the transition from the tribal world to a system of legal security. Naturally, these individual regulations must be understood in the context of the seventh century. It is absurd to think that they could or should be transferred into today's world in their exact form.

These regulations found in the Qur'an belong to the post-Mecca revelation whether in Medina or in Mecca after it was conquered by Muslims. In the early years in Medina, there were military conflicts with the people of Mecca, the battle at Badr first (624 CE), when Muslims gained their first triumph against the Meccans, and the second battle at Uḥud (625 CE) where Muslims were defeated. Here we encounter Muhammad in his third function, that of a military leader. This is what is most confusing to contemporary Christians and Muslims living in Christian-influenced societies. As the Qur'an refers to these military conflicts quite often, we can say that, during these years, Muhammad had more and more commitments concerning the welfare of the community.

One cannot expect that a leader, who has taken over the political responsibility for a certain community, would not stand behind the community and support it – even when this means he must decide against other communities. Similarly, the Divine voice, speaking through the Qur'an, is the God of this community. He has a biased voice and supports His community against the others. We know this phenomenon from the Old Testament, where the Lord of the Hebrew people, the people of Israel's House, sides always with them even when they are condemned; condemnation is meant for their benefit. The Allah of the Qur'an does the same, supporting the community of believers even when punishing them for going wrong and deviating from his commands. This is also perplexing for today's reader who views it at a great distance from the events.

10.9   Conclusion

How was Muhammad's message reconstructed after his death as the political community continued to develop? It is clear that Muhammad was seen as a prophet and messenger of God as well as a political leader. The community needed the political leader; Muhammad is the last prophet and messenger of God.

The development of the political community must be analysed in more details to understand the process of the transformation from a tribal society to an empire. This is an important task in order to deepen our knowledge of Islam; it is much more important than yet another theological essay about this or the other aspect.

Now, the urgent question is how we can spread this knowledge to the wider public. This problem is the same for Muslims living in Muslim countries as for Muslims living in the West. We must consider how we should transmit this information to children and adults. The majority of Muslims are not aware of the historical background and the temptation is to quote texts and explain them literally; thus, to understand them out of their historical context and interpret them as being universal rulings of God for believers in every time. That is a simplistic way of reading the Qur'an, but not a historically correct one. It comes from ignoring the fact that the Qur'an is a message and a revelation.

Chapter 11
The Epistemology of the Truth in Modern Islam

Khaled Abou El Fadl

Abstract There is a serious problem with arguing that God intended to lock the epistemology of the seventh century into the immutable text of the Qur'an, and then intended to hold Muslims hostage to this epistemological framework for all ages to come. Among other things, this would limit the dynamism and effectiveness of Divine text because the Qur'an would be for ever locked within a knowledge paradigm that is very difficult to retrieve or re-create. The author argues for the recognition of three critical categories in Islamic theology: *haqq*, *hikma* and *ma'arifa*. While *haqq* connotes the objective and constant truth, it is not reachable without *hikma. Hikma* is the balance [*mizan*] of truths in every historical moment with all of its contingencies. *Ma'arifa* is the epistemology or the way to searching the objective and constant truth as well as the search for the *hikma* appropriate for each stage in human consciousness. The author contends that it is contrary to the very nature of a merciful and compassionate God to leave Muslims with a Revelation that is not fully equipped to deal with the altered states of consciousness and perceptions that are inevitable in every stage of human development.

The problems of modernity, alienation and identity are hardly unique to Muslims. Fundamentally, alienation and rootlessness in modernity are about the construction and anchoring of identity at a time in which globalization has made the maintenance of cultural particularity and uniqueness a real challenge. In meeting this challenge, it is reasonable to expect that each culture would draw upon its own unique sense of

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history, and cumulative normative traditions – upon its evolved sense of memory and meaning, and its particular epistemological history of self-perception and self-invention in the process of negotiating its sense of identity. But the Muslim predicament is complicated and aggravated by a number of paradoxical realities related to the fact that Islam embodies a very contextually diverse historical legacy as well as a set of normative ideals and aspirations. Furthermore, although the forebears of a once great and powerful civilization, most Muslim states today are part of the disempowered and dominated subaltern world. Colonialism and Wahhabism coalesced rather unprovidentially to disrupt and expunge Muslim memory, and at the same time these same forces preserved and furthered notional memories and mythologies of a conflict between an imagined Islam and an imagined West.

Broadly speaking, the problem of social alienation in the modern world has to do with the lack of rootedness and the absence of a consciousness anchored in purpose and meaning. As Charles Taylor points out in his most recent book, the individualization and relativity of knowledge and epistemology have led to a deeply embedded reality of social alienation and uprootedness.[1] Phenomenologically, the dynamic is not difficult to understand – in essence, it is a simple one. If everything is valid in principle, then it becomes difficult to find particularity of meaning or even affirmation of a truth. In this process, it becomes quite easy to lose the meaning of social anchor and social foundation. But yet, at the same time, as all post-Enlightenment thought, and particularly thought of the humanitarian-liberal orientation, has emphasized, toleration is founded on the basic concept of the willingness to accept the truth or the potential truth of others.

At the outset, I want to emphasize that I do believe that in the age of epistemic anxiety and disorientation, the Islamic tradition can play a critical role in anchoring and rooting contemporary Muslims. The role of the Islamic tradition goes well beyond functioning as a temperate instrument of preservation and restoration. The Islamic tradition can serve as a catalyst for hope and moral progress, and it can play a dynamic role in treating the social ailments that afflict the collective Muslim psyche. But of course, this all depends on the meaning or kind of Islamicates (or *Islamiyyat*) that are understood and pursued by contemporary Muslims.

Muslims bear a responsibility not just towards themselves, but also towards humanity and the world. This is a critical point because Muslims are charged with the burden of bearing witness not just for or against themselves, but for or against all of humanity. It is a basic theological premise in Islam that if one fails to bear witness for God and against what is wrong and immoral [*al-munkar*], then one becomes an accomplice to this wrong. This is the basic and quintessential doctrine of *shahada* [to testify belief in God] in Islam. In the same way that nothing remains of *iman* [faith] if one does not believe in the covenantal bond with God, nothing remains of Islam as a religion if one does not accept the duty of *shahada*. Sacrosanct and venerable Islamic theological tenets such as the obligation to pursue goodness and resist wrongfulness, and also jihad (struggling for just causes), grow out of the basic covenant of *shahada*. Furthermore, the pivotal and sublime virtue of *ihsan* (to do what is more virtuous and beautiful in all circumstances), which is deontologically interlinked with the very nature of Islam, is inextricably an expression of *shahada*.

At various stages and contexts in Islamic history, the doctrine of *shahada* provided the dynamic impetus that led Muslims to explore and integrate traditions and cultures as diverse as the Greek, Persian, Roman, Indian, Chinese, Berber, Kazak, Kurdish, Turkic, Habashi or Ethiopian, Tajik, Uzbek, Malay, Javanese and many more. Of course, as in the case of all human endeavors, many abuses and excesses were committed in the pursuit of, and in the name of, the ideals of *tawhid* [Divine unity] and *shahada*. But at the same time, it must be recognized that this same dogma gave Muslims a sense of mission, or what can even be called a manifest destiny, that served as the catalyst for building a dynamic normative movement that produced one of the world's main civilizational experiences. In this context, Muslims established new paradigms furthering human thinking about tolerance, individual accountability, procedural and evidentiary justice, gender politics and scientific thinking. What, at the time, Muslims offered the world was comparatively more humane, fair, just, civilized and beautiful than what prevailed in the various cultures of the world, and this made Islam an irrepressible moral force.[2] It is important to remember that Muslim luminaries such as al-Kindi (d. 256/873), Abu Nasr al-Farabi (d. 339/950), al-Qadi 'Abd al-Jabbar (d. 415/1025), Ibn Sina (Avicenna) (d. 428/1037), Ibn 'Aqil (d. 513/1119), Ibn Baja (Avempace) (d. 533/1138), Abu Hamid al-Ghazali (d. 505/1111), Ibn Rushd (Averroes) (d. 595/1198), Ibn Tufayl (Abubacer) (d. 581/1185), Shihab al-Din al-Suhrawardi (d. 587/1191), Fakhr al-Din al-Razi (d. 606/1210), Farid al-Din 'Attar (d. 617/1220), Ibn 'Arabi (638/1240), Jalal al-Din Rumi (d. 672/1273), Ibn Battuta (d. 770/1369), Hafiz of Shiraz (d. 791/1389), Ibn Khaldun (d. 808/1406), and many others, made contributions that transcended narrow denominational contexts, and that greatly enriched the collective civilizational heritage of humanity. These luminaries, as diverse and different as they are, do not represent Islamic orthodoxy, or the average Muslim scholar, nor do they symbolize the freethinking outliers to the Islamic civilization. They do represent, however, the dynamic culture and momentum of the Islamic civilization. The recurring emergence of intellectuals who have made critical paradigm-shifting interventions in the cumulative order of human norms is demonstrative of the Zeitgeist of the civilizational culture from which they emerged. It takes hundreds of ordinary or above-average intellectuals before someone of the caliber of Ibn Rushd or Thomas Aquinas emerges, but the normative culture of the civilization to which a truly brilliant thinker belongs must be conducive to such a momentum or trajectory.

The key point that I wish to get across is that there is considerable evidence that Islamic concepts, such as *tawhid*, *shahada* and *ihsan*, sparked many movements that coalesced into normative projects that engaged humanity at large. For instance, if one reads the early Islamic apologetics responding to existing systems of belief such as Christianity, Judaism, Hinduism, Zoroastrianism, or Stoicism, one is definitely struck by the sheer confidence and certitude found in these texts. But even more striking is the fact that this sense of certitude did not dilute the sophistication of the responses or descend into an aloof arrogance towards the other. Whether a particular apologetic effort is deemed persuasive or successful is beside the point. What is key, however, is that the civilizational culture set in motion by Islam created

an impetus, or what might be called a normative velocity in which scholars felt driven to fully engage their intellectual milieu as part of engaging questions material to humanity.

The same is underscored when analysing the anatomy of cultures, or the normative constitution of the cultures, that led to the massive translation movement that preserved and augmented the Greek philosophical tradition, or that gave rise to numerous prestigious colleges in medieval Islam, or that led to the sprouting of grand libraries from Baghdad to Timbuktu.[3] But what are more telling are the discourses that surrounded the birth, or followed from the birth, of particular moralistic traditions in Islam. Consider, for instance, a tradition attributed to the Prophet Muhammad stating: 'God is beautiful and loves beauty.'[4] It would already have required a particular level of sophisticated moral sensibility to generate, preserve and develop this tradition. But beyond its origins, a considerable interpretative discourse grew around this tradition in which aesthetic value was philosophically linked with ethical obligations and other normative duties. Moreover, this interpretative culture investigated the nature of creation in relation to the nature of virtue and obligation.[5] These interpretative discourses were all part and parcel of exploring the meaning and mandates of the *Shar'*. I use *Shar'* here to mean the conceptual category of the path that leads to and follows from Godliness. *Shar'* or the path of Godliness was not just the text of the Qur'an or the technical manuals of *fiqh* (derived legal rulings). It is the pietistic ideology and drive leading to a phenomenological impetus exploring Divinity through humanity and humanity through Divinity.

The sophisticated interpretative explorations that developed around the tradition that God is beautiful and loves beauty, and many other traditions like it, would not have been possible without a richly nuanced literary culture. Considering that these discourses flourished around the third/fourth or ninth/tenth centuries, the normative trajectory or velocity of the culture that nurtured these discourses was clearly conducive to making contributions that greatly benefited and elevated humanity. Of course, this Prophetic tradition, and others like it, is still a part of the Islamic heritage, but contemporary Muslims have not attempted to accomplish anything even approximating the accomplishments of their ancestors.

I am absolutely certain that if Puritanical-Salafism[6] with all its unwavering creedal dogmatism and epistemological absolutism had the type of influence upon Islamic culture that it has today, Muslims would not have built a civilization and they would have contributed nothing to humanity. Today, the moral and aesthetic lead has been taken by democracy, pluralism and human rights, and the inescapable and challenging question that confronts all religious traditions is: What can they offer that could constitute moral progress in a postmodern world?

What is critical to emphasize is that Islam is already an embedded and inseparable part of the epistemological and normative culture through which Muslims are compelled to confront postmodernity. But beyond this, attempts at ignoring or excluding the normative role of religion in Muslim societies will lead only to deeper ruptures and further traumatic extirpations, and without any real advantages or gains. Democracy and human rights will flourish in Muslim societies by anchoring

their principles and processes in Islamic normativities, and not by clashing with embedded Islamic norms. Nevertheless, the greater challenge that Muslims, as the bearers of the *shahada*, must tackle is how to add goodness or Godliness to the world by making it more just, beautiful and fair. Beyond myopic relativism, particularism and exceptionalism, it is possible, and indeed imperative, to make universal moral contributions that constitute advancement in beauty and ethics. But to do so requires critical reflection and serious ethical thinking – the difficult realization is that for Muslims to make a universal contribution mandates a move away from focusing on political struggles and functional opportunism to becoming fully engaged in ethical thought and adherence to moral principle.

The morally oppressive fact is that before being in a position to contribute to the moral growth of the world, Muslims must first deal with the problem of ugliness or the deformities generated by those who claim to speak for an absolutist and exclusivist Islam. After the many extreme acts of ugliness that have become associated with the words 'Islam', 'Islamist', or 'Islamic' the question is: Can Muslims return to the proverbial Islamic without falling into the fold of Puritanical-Salafism? Many of the abuses of Puritanical-Salafism are perpetrated by exploiting the dogma of submission to God and using it to validate absolute, exclusivist and authoritarian claims to the truth.[7] In my view, if one wishes to respond to Puritanical-Salafism, it is necessary to revisit the very aspirational idea of submission to the Infinite Divine.

11.1 Submitting to Infinite Divinity

It is well known that the word *Islam* means submission, and the basic Islamic demand is that human beings submit themselves to God, and to no one else and nothing else. Human beings should struggle to defeat their weaknesses, control their urges and gain mastery over themselves. Only by gaining mastery over the self can that self be meaningfully submitted to God. If the self is controlled or mastered by the ego, urges, fears, anxieties, desires and whims, then attempting to submit this highly compromised self is not very meaningful – one cannot submit what one does not control in the first place.

Furthermore, according to the Qur'an, human beings are God's viceroys and agents on this earth.[8] They possess a divinely delegated power to civilize the earth [*ta'mir al-ard*], and they are commanded not to corrupt it. Human beings are individually accountable and no human being can carry the sins of another or be held responsible in the Hereafter for the actions of the other. Since human beings are directly accountable to God, their submission to God necessarily means that they submit to no other. Surrendering one's will or autonomy to another human being is like reneging on the relationship of agency with God. Every person, as a direct agent of God, must exercise his or her conscience and mind and be fully responsible for his or her thoughts and actions. If someone surrenders personal autonomy to another, in effect, such a person is violating the terms of that personal agency. Such a person

would be assigning his or her agency responsibilities to another person and defaulting on his or her fiduciary duties towards God.

Thus, the first obligation of a Muslim is to gain control and mastery over himself or herself; the second obligation is to insure that he or she does not unlawfully surrender his or her will and autonomy as an agent to another; and the third obligation is to surrender fully and completely to God. However, this act of surrender cannot be grudging or based on desperation and cannot arise out of a sense that there is no alternative but to surrender. To surrender out of anxiety or fear of punishment is better than defying God, but it is a meaningless and empty submission. Submission must be anchored in feelings of longing and love. Submission is not a merely physical act of resignation and acceptance. Rather, genuine submission must be guided by a longing and love for union with the Divine. Therefore, those who submit do not find fulfillment simply in obedience but in love – a love for the very Divinity from which they came.

Needless to say, the Puritanical-Salafi orientation in the process of militarizing Islam portrayed the act of submission as if it is an act of obedience by lowly soldiers to the orders of a superior officer. Furthermore, because Puritanical-Salafism imagined that submission is a process of order and obedience, they were compelled to reduce God's discourse to a set of commands. The Qur'an, in the Puritanical-Salafi imagination, became as if a military manual setting out the marching orders of the high command. The violence done to the Qur'an and Islam from this militarized orientation has been nothing short of devastating. But considering the Puritanical-Salafi preoccupation with power, it is not surprising that the sublime text of the Qur'an was transformed into a text that is primarily concerned with the dynamics of power, not beauty, and that submission to God also became an exercise in power, not love.

The Puritanical-Salafi approach to the Qur'an and to the theology of submission necessarily meant the projection of egotistical human needs onto God. Instead of our relationship with Divinity becoming a path towards expanding the human consciousness into the realm of the sublime, Divinity was made subservient to the mundane – instead of the temporal guiding the mundane, the mundane dominated the Divine; and instead of endowing humanity with Divinity, Divinity became humanized. Insecure, threatened and anxious about indeterminacy, Puritanical-Salafism projected the limitations of the physical world upon God and, thus, it limited the potentialities offered by Divinity. The tendency towards anthropomorphism in puritan beliefs is a symptom of this problem.

To love God and be loved by God is the highest form of submission – the surrender of love is the real and true surrender. However, in order to love, as numerous classical scholars pointed out, it is important for the lover to love the truth of the beloved. Meaning, the lover ought to guard against projecting onto the other a construct and then falling in love with the construct instead of the truth of the beloved. Take, for example, a married couple – it is a common problem that, instead of genuinely knowing one another and loving the real character and traits of the other, each spouse would construct an artificial image of the other, and then fall in love with the constructed image. The least one can say about this common problem is that each

person does not necessarily love the other, but loves the construct invented of the other. In the case of God, as a matter of faith, Muslims assume that God has perfect and immutable knowledge, and therefore God knows the truth about the beloved. As to the human being, the challenge is to know the truth about God without projecting oneself onto God. By critical self-reflection, one in worshipping can come to know oneself, and by knowing oneself, struggle not to project one's own subjectivities, limitations and anxieties upon God. In seeking to love God, the challenge, and real struggle, is not to use God as a stepping stone towards self-idolatry. As importantly, one's submission to God cannot be transformed into a relationship in which one uses the Divine as a crutch to assert power over others. As explained earlier, the highest form of jihad is the struggle to know and cleanse oneself. This self-knowledge and critical engagement with the self is necessary for loving the truth of God, but aspiring to control others or seeking the power to dominate others is a failure of submission to God.

There is, however, an even more fundamental issue implicated here, and this is: What does it mean to submit to the Divine Who is infinite? If a human being submits to another, we know what that means – the will of one is made subservient to the will of another, and submission is achieved when one person obeys the other. But when a human being submits to the Omnipotent, Immutable and Infinite, how is the relationship defined? It seems to me that to say the human being is to obey God is insufficient and unsatisfactory. Even to say that the human being loves God by itself tells us little. In submission, the human being does not obey or love a quantifiable sum or a limited reality that can be reduced to a set of injunctions or emotions. To love God is like asserting that one loves nature, or the universe, or some unquantifiable reality like love itself. In many ways, when a human being loves God, a human being is in love with love – in love with infinite virtue and illimitable beauty. If one submits to God solely by obeying commands, unwittingly one has quantified God and rendered the Divine reducible. This is so because it is as if one has made the act of submission to God fully represented by the reductionist act of obedience. Instead of being in love with God, one is in love with a distilled and limited construct called the commands of God.

Submitting to God is submitting to limitless and unbounded potentialities. Obedience to what one believes is God's will is necessary, but the Will that one believes is God's cannot be made to fully represent the Divine. Obedience to what a believer sincerely believes is God's Will is an essential but elementary step. God is not represented by a set of commands or by a particular set of identifiable intents or determinations. God is limitless and thus submission to God is like submitting to the unlimited. This makes submission a commitment to unlimited potentialities of ever-greater realizations of Divinity. Take, for instance, if one is in love with beauty. Submitting oneself to beauty necessarily means submitting to the various possibilities of beauty – not submitting to a single and definite expression of beauty. To bring the concept closer to mind, imagine if one is in love with classical music, and this love reaches such a point that a particular person wishes to submit himself or herself to this music. Such a submission might very well mean accepting, learning and obeying certain forms of expression of music. The lover might understand and

follow music in the form of a symphony, concerto, sonata and so on. However, music is a larger reality than the forms that express it, and it is certainly possible to discover new forms that allow for a better and more perfect understanding of music. However, to be in love with classical music means to be in love with the potentialities and possibilities offered by this music, which far transcend any particular set of forms.

This understanding regarding the nature of submission in Islam is of core significance to the reclamation of the Islamic message to humanity. As explained earlier, Muslims have a covenantal relationship with God pursuant to which they are to bear witness to moral virtues such as justice, mercy and compassion. These virtues, according to the Qur'an, are part of the goodness and beauty of God. Submission to God, in my view, necessarily means discharging the obligations of the covenant by seeking a loving relationship with God. But God's beauty is not expressed simply in abstract terms or undirected theoretical constructs. It is crucial to appreciate that God's beauty is expressed, among other things, in terms of kindness and goodness towards human beings. The object of justice, compassion and mercy, for instance, is not an unidentifiable abstraction – the object of these virtues is humanity. Therefore, the Prophet, for example, is reported to have said: 'A true Muslim is one who refrains from offending people with his tongue or hands.' One's relationship with God means the pursuit of greater levels of perfection of beauty. The beauty of submission is not in empowering oneself over people – it is in putting oneself in the service of people.

The approach explicated here presumes a process of moral growth. In my view, to be in love and submit to God necessarily means a constant, never-ending pursuit of beauty. In my view, a relationship with the Divine must offer endless possibilities of moral growth, and such a relationship cannot mean stagnation in a set of determinable laws. If God is beauty, what can a relationship with God be but an exploration of beauty? I describe it as an exploration because the mundane can never perfectly realize the supernal – the mundane can only seek after the supernal and seek to become in the process more sublime.

God's path offers potentialities that are limitless, but there is a tension between the notion of a path that leads to numerous possibilities of growth and the determinable law of God. If the Divine's beauty is limitless and infinite, and if human beings seek the Divine but can never assume themselves to have fully realized it, does not this, in effect, negate any basis for an absolute truth in Islam?

11.2 *Haqq*, *hikma and ma'arifa*: The Epistemology of Reasonableness

In response to the challenges of modernity, and the oppressiveness of doctrinal absolutism, a number of Muslim reformers have gravitated towards theories that focus on the instrumentalities of knowledge and law. By instrumentalities of

knowledge and law, I mean theories that function on the idea of overlapping consensus as a way of establishing truth and reaching determinative results. Others have focused on empowering autonomy and personal agency while emphasizing communal pluralism. Still others emphasize cumulative communities of interpretation and tradition as an instrumentality to devising a way out of the problems of modern alienation and relativism. Other theorists have adopted pragmatic and positivist approaches where they place a great deal of emphasis on shared public interests or the public good.

The main issue that I have with these various theories, and especially with theories that emphasize overlapping consensus in the Rawlsian sense, is that all of these approaches are instrumentalities for a functional solution to the problem of knowledge and truth; however, they are philosophically and intellectually non-responsive. Basically, these theories use sociology and some form of functionalism as a method for answering the question 'Is everyone wrong or is everyone right', and ultimately the answer they yield is 'We do not and cannot know! Hence, whatever we can agree on, we will pretend is correct and whatever we disagree on [and quite often religion is placed in the category of what cannot be agreed upon], we can set aside as a private matter.' These kinds of responses offer functional solutions to the problems of relativism, but at least from an Islamic philosophical perspective, these approaches are not entirely satisfying.

I will outline what I believe is a plausible approach to Islamic epistemology in the modern age that avoids the twin evils of standardless relativism and intolerant and despotic absolutism. In the semiotics of the Islamic heritage, there are three critical categories: *haqq*, *hikma* and *ma'arifa*. I define *haqq* as the true nature of things or the inherent truthful nature and essence of things. Fundamental and indeed inherent to the meaning of *hikma* is righteousness as to the relationships between the true natures of things. It is the true measurement or, as expressed in the text of the Qur'an, the *mizan,* which is the righteous balance between the nature of things. So *hikma*, which is normally translated as wisdom, is truth, not simply from the perspective of what the essence is, but truth in relation to each other and the way that competing truths harmonize with one another [*mizan al-haqa'iq*]. *Ma'arifa* is the way to knowing the relationship of the true nature of things.

Restated, *haqq* is at a level of understanding that requires *juhd* [striving and struggle] – a serious form of intellectual jihad; *hikma* is a broader perspective of *haqq* in its totality; and *ma'arifa* is the instrumentalities and the mechanics of knowing. It is philosophically defensible to assert that *haqq*, or the true nature of things, is constant and non-shifting; *hikma*, however, is not constant and is shifting because we cannot understand the true relationship of things before we receive a certain level of awareness and consciousness about what actually exists. For instance, if we consider the *hikma*, or the righteous relationship of things within the *ma'arifa*, or the epistemological mechanics, of the twelfth century compared with that of the sixteenth century, and then compared with that of the twenty-first century, we quickly see that the mechanics of *hikma* become ever more complex and varied as we move through time and space.

However, there is an essential mathematical logic that does not ever break down and does not vary. The equations necessary to realize this *hikma* become ever the more inventive and ever the more complex, and sometimes require new approaches to revealing the relationship of things. For instance, imagine the description of the relationship of things when the extent of a person's consciousness is that things are made of fire, wind, water, or earth; then imagine a description that breaks down the true nature of things into subatomic particles; and then compare that with one where there is an awareness of dark matter and anti-matter. *Ma'arifa*, or knowing, is the study of consciousness required to comprehend the *haqq* and evaluate *hikma*, and because human consciousness is constantly shifting and evolving, the constituent elements of *hikma* are constantly changing and evolving as well. *Ma'arifa*, by its nature, cannot rely on *naql*, or transcription and transmission, but is, by its nature, contingent and dynamic.

Let me give a concrete example, which I hope will serve as a metaphor for what we find in religious texts in the Islamic tradition. Let us assume that we have a narrative in which a father is speaking to his children and the father tells his son something to the effect of 'Honor my memory when I am gone by being fair to your sister!' Assume that in the context in which the words were spoken, being fair to the sister involved allowing the sister to own her own horse and marry the person she loves. Within the consciousness of that space and time, the *ma'arifa* required for understanding the ultimate *hikma* and truth that the father is trying to achieve can be imagined in particularized terms. Now let us imagine that we take the same narrative of fairness in a context in which we do not have horses and we do not have simply the issue of who to marry, but consciousness itself has shifted, and being fair to your sister now means allowing your sister a full development as an autonomous being, or allowing your sister a full realization of her dignity and self-respect. The *haqq*, which in this case is the true nature of the objective of justice or fairness, is the same; however, the *hikma*, the relational dynamics of truth, becomes more complex as our consciousness, which is a function of our human psychology, becomes more complex, and human needs have dramatically altered. The epistemology of knowing these higher elements [*ma'arifa*] has to radically change otherwise it will completely undermine both the *hikma* and the *haqq*.

In many ways, in the dynamics of contemporary Islam, which we see repeated again and again, the narrative is taken in a transmission or transcription sense at the level of *ma'arifa*. But the way this *ma'arifa* is unpacked ignores a very critical element and that is the element of an ever-changing and contingent human consciousness – the human ways of perceiving and understanding require innovative conceptions of *hikma* if there is any hope of reaching or fulfilling the objectives of the *haqq* itself. As we see in many of the dynamics of modern Islam, if we take the narrative of the father telling the siblings to let their sister use the horse and reproduce that historical moment within our own time and space, it becomes entirely devoid of any meaning and undermines the entire enterprise of the journey towards *hikma* and *haqq* in the first place.

Consciousness and the evolution of consciousness are made necessary by the reality of an ever-creative and -creating God, a constant flow of what we call

mawjudat [existence] and *mukhluqat* [creation] – a constant flow of contingencies and new realities that challenge the human consciousness and, in fact, wire our brain constantly so that the equations that were sufficient to achieve wisdom in one age become radically inadequate in a different age. If one can imagine that the equations of *hikma* for one age become inadequate for another, you can then say this applies tenfold or even a 100-fold to the instrumentalities [*ma'arifa*] of reaching this *hikma*. Theologically speaking, Godliness means an ever-present creator and an ever-present inventor – one who invents and creates in partnership with human beings. As human beings enter into this partnership with the Divine, whether knowingly or not and whether acknowledging the Creator or not, they are challenged by the magnanimity and graciousness of this partnership. They are challenged in the words of the Qur'an by the ethics of Godliness (*rabaniyya* or becoming *'ibadan rabaniyyun*). In my humble view, it is a sad form of *kufr* [ingratitude] towards this Divine partnership to deny the reality and imperative of a constantly shifting and reconstructed epistemology.

11.3 The Wisdom of Reasonableness

Reasonableness is a virtue, but it rests on perhaps an obvious assumption. When God commands people to pursue ethical values such as justice, mercy, compassion, kindness, or faithfulness, I assume that these words have meanings. If they did not have meanings, then God would be speaking frivolously, which is theologically impossible. Furthermore, I assume that God knows that the only way these words will have meaning for us as human beings is through the way we use language – through the tools used in semiotics and hermeneutics. Moreover, I assume that all Divine commands regarding doing what is good and beautiful are made with the full expectation and knowledge that the only way we human beings can make sense of semiotic communications is through what we now call epistemology – our knowledge structure and its system. The same Creator who created the intellect also gave that intellect volition and choice. This fact, in and of itself, sets numerous moral boundaries because creation is sacrosanct. So, for example, the Qur'an exclaims: 'If your Lord would have willed, all people on earth, without exception, would have believed. So would you compel people to become believers?'[9] In this instance, the text confirms what is accessible to a believer through rational insight, and that is, one cannot undo, by human law, what was created by God. This belief in human volition is not a libertarian position. A truly libertarian position would necessarily have to accept that the world is perfectly intelligible without an assumption of a Creator and Lawgiver, and as a believing Muslim, this I do not concede. But does the fact that there is Divine law mean that our rational faculties can be used only hermeneutically in interpreting Revelation and nothing else? No, I do not believe that this follows either. Usually, the argument goes something like this: If one believes in an immutable, omnipotent and all-powerful God who is the Lawgiver, then it follows that Revelation defines what is right or wrong. In other words, there

is no inherent right or wrong – something is right because God allowed it or something is wrong because God forbade it. If so, the argument goes, if God would have willed, God could have commanded whatever God pleases – God and God alone could determine what is good or bad, and our sole role as human beings is to submit. In this argument, all right and wrong comes from the sheer will of God, and if God so willed, God could have made what is wrong right, and vice versa. God could have ordered us to disbelieve, be unjust, tell lies, or commit murder, and it would have been fair and good because God said so.[10] But this line of thinking is flawed because it argues the impossible. It is akin to arguing that if God would have willed, God could have made us cockroaches, and that because of this possibility (or impossibility) such-and-such follows. The fact is that as human beings, we are subject to the laws of humanity that are etched into our very being – these laws are embedded in our cognition and consciousness, and are as stable and unwavering as the laws of mathematics or the logic that defines material reality. These are laws of rational elements that allow us to have a shared language about justice, ethics, values, happiness, misery and beauty.

The Divine text repeatedly and persistently refers to ethical concepts, and invokes intuition, memory and rational insight as means to access what is embedded and inherent in and to humanity.[11] Does the fact that the Qur'anic text makes consistent references to ethical concepts as if they have an embedded and inherent meaning help us avoid the debate as to whether natural law preceded Divine law, or resulted from it? I am not sure. But I do believe that Revelation or Divine speech has to make sense, and if God spoke in a language that is entirely self-referential, this would create an insurmountable theological problem. If I say to my son, 'Be fair to your sister!' that does suppose that I am assuming my son has some understanding of fairness. Now, I might tell my son, 'Be fair to your sister, and do not monopolize the computer!' If my son assumes that as long as he shares the computer, he is free to torment his sister as much as he wishes, it would be fair to conclude that my son is either mean-spirited, or an imbecile, or both. Moreover, if upon my death my son gives his sister the computer (which by then is quite outdated), and upon forging my last testament steals the family estate, I think it would be safe to conclude that my son has not honored my instructions to be fair to his sister. Alas, when I told my son to be fair to his sister, and share the computer, I was counting on my son having both common sense and also a moral compass so that he would not subvert the ethical message behind the lesson I sought to impart.

My point is that not only do all linguistic communications assume an epistemological context, but also that specified instructions negotiate meaning within that broader context. So when the Qur'an, for example, invokes ethical and moral terminology, it necessarily assumes a pre-existing epistemological context in which it operates and a moral trajectory that it seeks to engage and negotiate. When the Qur'an sets out specific instructions about a particular situation or issue, these instructions must be analysed in terms of the moral purpose and trajectory that elicited the instructions in the first place.

11.4   Conclusion

It is my belief that what enabled the prescriptions of Islam, as a system of faith, to inspire an entire civilizational phenomenon that flourished in so many parts of the world (a phenomenon that some have called the Islamicate) were its openness and flexibility. The Islamic path to and from God was for most of its history understood, constructed and articulated within the prevalent epistemological parameters of its age. It is naïve and misleading to believe that it is possible to avoid or to ignore the epistemological parameters allowed by each cultural age. A text will invoke an extremely wide range of responses and reactions from readers that more or less share the epistemological universe of the author and readers. But when the gap between the time and context of the writing, and the circumstances of the reader, is ever more different or far more removed, it takes a great deal of learning and training on the part of the dedicated reader to try to master an epistemology that belonged to the author at the time of writing, but is no longer accessible to the reader. However, when the author of a text is Divine, we end up with a very different dynamic. According to Islamic belief, God is immutable and beyond human limitations, and so it cannot be claimed that God is subject to any epistemological constraints. However, although the Divine author is not limited by an epistemological understanding, God may indeed choose to embrace a historically bounded epistemology as the one epistemology valid for all times and places. There is, of course, a serious problem with arguing that God intended to lock the epistemology of the seventh century into the immutable text of the Qur'an, and then intended to hold Muslims hostage to this epistemological framework for all ages to come. Among other things, this would limit the dynamism and effectiveness of Divine text because the Qur'an would be forever locked within a knowledge paradigm that is very difficult to retrieve or re-create. But even more, it would stand to reason that since the author of the text is Divine, this author would have foreknowledge about the dramatic shifts and evolutions that are going to take place in human epistemologies and methods of knowledge. As Muslim theologians would have put it, because God has foreknowledge of coming changes and challenges, then God's mercy and compassion would necessitate that God would enable Muslims to have the tools and means of effectively dealing with this challenge. Furthermore, it would stand to reason that God would produce a text that is immanently negotiable and dynamic. In essence, knowing that human beings will achieve major advances in the technology of acquiring, retrieving and storing data, and that doing so will alter their state of consciousness, perceptions, comprehensions and sensitivities, it is inconceivable that God would leave Muslims with a Revelation that is not fully equipped to deal with these defining challenges at every age.

Notes

1. See Charles Taylor, *A Secular Age* (2007: esp. 423–535).
2. On the temptation to join the perceived superior culture by converting, see John V. Tolan, *Saracens: Islam in the Medieval European Imagination* (2002: 85–6, 97).
3. For a powerful example on the effect of intellectual culture and the pervasiveness of the Muslim intellectual tradition in the medieval world, see George Makdisi, *The Rise of Colleges: Institutions of Learning in Islam and the West* (1982); Umberto Eco, *The Name of the Rose* (1983).
4. Abu Bakr Ahmad bin Husayn al-Bayhaqi, *al-Jami' li-Shu'ab al-Iman* (2003: 8:257).
5. For instance, see the discussion on this tradition in Ibn Qayyim al-Jawziyya, *Fawa'id al-Fara'id* (1988: 181–6).
6. I use the term 'Puritanical-Salafism' to refer to the bonding of the theologies of Salafism and Wahhabism. On the Puritanical-Salafi episteme, see my most recent book *Reasoning with God: Reclaiming Shari'ah in the Modern Age* (2014: 251–81).
7. My two books *And God Knows the Soldiers: The Authoritative and Authoritarian in Islamic Discourses* (2001) and *Speaking in God's Name: Islamic Law, Authority and Women* (2003) are primarily concerned with this phenomenon.
8. For example, see Qur'an 2:30; 6:165; 7:74; 10:14; 38:26.
9. Qur'an 10:99.
10. See Abu Muhammad 'Ali bin Ahmad bin Sa'id Ibn Hazm, *al-Ihkam fi Usul al-Ahkam* (1984: 1:19–20, 52–7; 3:272, 478; 4:377).
11. For example, see Toshihiko Izutsu, *Ethico-Religious Concepts in the Qur'an* (2002).

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Chapter 12
Democracy and Islam

Irfan Ahmad

Abstract   The dominant debate on Islam and democracy continues to operate in the realm of normativity. This article engages with key literature showing limits of such a line of inquiry. Through the case study of India's Islamist organization, Jamaat-e-Islami, I aim at shifting the debate from textual normativity to demotic praxis. I demonstrate how Islam and democracy work in practice, and in so doing offer a fresh perspective to enhance our understandings of both Islam and democracy. A key proposition of this article is that rather than discussing the cliché if Islam is compatible with democracy, or Islam should be democratized, we study the 'hows' of de-democratization in Muslim societies.

Islam regards every form of Government which is non-constitutional and non-parliamentary as the greatest human sin. (Abulkalam Azad, 1912[1])

Only a coup d'état can save the situation. He [Iran's premier] has so flattered the mob as the sources of his powers that he had, I fear, made it impossible for a successor to oust him by normal constitutional methods. (US Ambassador to Iran, 1952[2])

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12.1 Introduction

An important global debate has been about the interface between Islam and democracy in particular and Islam and modernity in general. It has intensified in the wake of 'Democracy's Third Wave' ending in 1990. During this wave, which Huntington called a 'Catholic wave', 30 countries made transition to democracy. In contrast, between 1980 and 1991, of the world's 37 Muslim-majority countries only 2 were democratic.[3] By 2005, of the undemocratic regimes across the globe, Muslim countries constituted a total of 55 per cent.[4] This absence of democracy in the 'Muslim world' has generated many explanations. Following the third wave, Huntington wrote: 'it is hard to identify any Islamic leader who made a reputation as an advocate … of democracy while in office. Why is this? This question inevitably leads to the issue of culture.'[5] From this framework, the signature question is: Is Islam compatible with democracy? Setting aside the futility of this question (see below), let me state that there are two major poles in this debate. As shorthand, I will call them Compatibility and Incompatibility Paradigms. Fukuyama,[6] Lewis,[7] Gellner,[8] Huntington and others contend, though differently, that Islam is incompatible with democracy. To this list one can add Dumont,[9] Kedouri,[10] Tibi[11]and others. Islam presents, Gellner wrote, a 'dramatic … exception' to the patterns of secularization because 'a church/state dualism never emerged in it'. He put it so tersely: 'It [Islam] *was* the state from the very start.'[12] Differentiating between three versions of Islam – religion, civilization and politics – Lewis states that the last one is surely hostile to democracy. The first two are also hostile because 'in Islam … there is from the beginning interpenetration of … religion and the state'.[13] In a much-cited formulation of Huntington's, 'The underlying problem for the West is not Islamic fundamentalism. It is Islam.'[14] Rowley's and Smith's is the most recent incarnation of this position: 'Islam's democracy and freedom deficits are not fully explained by poverty or oil but appear to have something to do with the nature of Islam itself.'[15]

Notably, the position of the Incompatibility Paradigm is largely derived from a selective reading of Islamic texts and traditions. Furthermore, its key sources are often the writings of Islamist thinkers like South Asia's Maududi (see below) and Egypt's Syed Qutub.

Bayat,[16] Esposito and Voll,[17] Filali-Ansary,[18] El Fadl[19] and others represent the other pole of the debate. They variously see the possibility of democracy in Islam. Pursuing a comparative framework, Casanova predicts that Muslim countries could become democratic in future, as churches and many Roman Catholic groups became the motor of democracy in Roman Catholic countries.[20] Part of Casanova's inspiration is Tocqueville who showed how Christianity contributed to American democracy. However, Tocqueville's thought on Islam was radically different from the purpose to which Casanova harnesses Tocqueville to weave his narrative. Tocqueville believed that the Qura'nic emphasis on faith rather than splendid deeds made Islam fanatical and inhospitable to democracy.[21] Like the Incompatibility Paradigm, the Compatibility Paradigm is also oriented towards the textual. The most cited Qur'anic verse (XLII: 38) is '*amruhum shura bainahum* [decide your affairs through consultation]'.[22]

This article is divided into three sections. The first section spells out my contention at the centre of which lies the primacy of the praxiological over the normative-textual. Extending the anthropological approach to democracy and religion, I assign significance to the ordinary, non-official discourses and local meanings of democracy as opposed to its abstract universal presumption. Based on the case study of India's Islamist organization, Jamaat-e-Islami, the second section aims to substantiate the argument. Here I show how Jamaat made transition from opposing democracy to supporting it. Moving beyond the specificity of Jamaat, in the final section, I offer some broad observations on the study of democracy and Islam. Employing John Keane's *The Life and Death of Democracy*, I attempt to craft a fresh conceptualization of relationships between Islam and democracy, including a revisionist reading of Maududi, regarded as the *bête noire* of democracy. I conclude with a call to pay attention to the processes of de-democratization in Muslim societies.

12.2   The Argument

Given the nature of the standard debate I outlined above, the question is: is there a productive point of entry? I think there is. This indeed is my argument which consists of three interlocking propositions. First, we must shift the debate from the arena of normativity to the domain of practice. Both the Incompatibility and the Compatibility Paradigms are premised on the notion that it is the unitary, reified normative impulse of religion that is the ultimate variable. This premise takes both democracy and Islam as self-evident. Consequently both get reified. I think such a line of reasoning is misleading. That democracy cannot flourish in Muslim societies unless Muslims become democrats at a normative level beforehand is a major mistake. This assumption is untenable even in relation to the West, the so-called birthplace of democracy.[23] Olivier Roy aptly argues: 'If we had to wait for everyone to become a democrat before creating democracy, France would still be a monarchy.'[24]

My reason for according importance to the praxiological is rooted in an anthropological understanding of history and society. In *Silencing the Past* Trouillot avers that the Haitian revolution 'thought itself out politically and philosophically as it was taking place', in a context where 'discourse always lagged behind practice'.[25] Before I may get misunderstood, let me clarify that I endorse neither the textualist-normative approach which dismisses practices nor the practice-centred framework insensitive to the normative-textual. It is precisely the dynamic interaction between the two that I find useful.

My second argument is that we also need to interrogate the concept and workings of democracy. As many have asked questions such as 'whose Islam', 'which Islam',[26] likewise we ought to ask: whose democracy; democracy for what? That is, democracy is a contested term – in 'East' and 'West'[27] alike. So the question 'Is Islam compatible with democracy' is theoretically flawed. An interesting question, I think, is: what interpretation of Islam? What form of democracy; democracy for

whom? Indeed one may reverse the received wisdom stated by Kedourie that principles and values of democracy are hostile and 'alien to the Muslim political tradition'.[28] Might one instead hypothesize that the prevalent democracy has also been hostile to Muslims. Its fine illustration is what I call the processes of 'de-democratization'. And this is my third argument: instead of engaging in the (fruitless) exercise of discussing Islam's incompatibility with democracy, we shift attention to study how the West de-democratized Muslim polities. This argument entails transgressing methodological nationalism.[29] The nation-state cannot remain the sacred site to unravel the modalities of de-democratization.[30]

To return to the contested notion of democracy, in *Runaway World*, Giddens contrasts American and British democracy. A Briton asked an American: 'How can you bear to be governed by people you wouldn't dream of inviting to dinner?' to which the American gentleman replied: 'How can you bear to be governed by people who won't dream of inviting *you* to dinner?'[31] It follows that democracy has various meanings and forms.[32] The story gets complicated as dictators – from Europe and Asia to Latin America – have ruled invoking democracy. Most such autocrats were darlings of those who regard themselves as custodians of democracy. More importantly, as Mann shows, democracy also served as defence for bloodshed. The supremacy of *demos*, when conflated with an *ethnos*, resulted in ethnic cleansings. According to Theodore Roosevelt, 'Extermination [of Indians] was as ultimately beneficial as it was inevitable'.[33] In an insightful paper, Pritchard argues how democracy and war-making went hand in hand in ancient Greece.[34] To take a recent example, in 2002, India witnessed the massacre of Muslims by the democratic Gujarat government.[35]

To recapitulate, my argument is that it is by virtue of the participation in the democratic processes that norms, values and interpretations of religion get reconfigured, not prior to the inauguration of the democratic processes. It follows that the democracy Muslim actors would fashion would not be a replica of democracy in its 'birthplace'. As the South Asian trajectory suggests, democracy there has not been, writes anthropologist Spencer, 'accompanied by the magical transformation of Indians, and Sri Lankans *en masse* into liberal political subjects'.[36] This anthropological insight is crucial to my argument.[37] The distinctiveness of an anthropology of democracy is the focus on the ordinary, not the rulers. Moreover, anthropologists do not limit themselves to official discourses. Unravelling the constitutive contours of democracy, 'rather than establishing a priori definition of democracy, is one of the central contributions of an anthropological approach'.[38] Aihwa Ong thus observes that in South-East Asia democracy is understood more in terms of the state providing the citizens with collective welfare, and not in terms of individual rights.[39]

Unlike in the mainstream western tradition, in Islam the obverse of tyranny is not so much liberty but justice, '*adl, inṣāf*.[40] Several texts typify this Islamic ideal. The Indian film *Mughl-e-'āzam* is often seen as an example of Mughal regalia, romance, syncreticism and incredible dialogues/songs. Contra Das,[41] in my view, at its heart is the issue of *inṣāf*. The crisis *Mughl-e-'āzam* addresses is the crisis in the articulation and pursuit of justice. This Islamic characteristic has informed Muslims' engagements with democracy, and will probably continue to do so in future.

I thus take the localization of democracy's meanings seriously. But let me register my discomfort with the anthropological focus placed squarely on the ordinary. This should not lead to the banishment of the extraordinary. In October 2010, Australia's University of Melbourne held an international conference titled 'US Democracy Promotion in the Middle East'. Most speakers were political scientists, policy/security and area experts. At the end of conference, I rediscovered that I was an anthropologist. The signature words in the conference were: Obama, Bush, terrorism, security, Washington, Middle East and Yemen, with, yes, charts and figures. People's lives were missing. Cognizant of this, what I see as productive is a creative combination of the extraordinary and the ordinary. One should also note the slippage from the extraordinary to the ordinary and vice versa.

Based on this anthropological approach, I will describe how India's Jamat-e-Islami which initially opposed democracy came to accept and strengthen democracy.

12.3   Democracy and India's Jamaat-e-Islami

The founder of the Jamaat-e-Islami was Abul Ala Maududi (b. 1903). He initially supported the Indian National Congress (hereafter Congress), and published biographies of Gandhi and Malaviya, a Hindu nationalist. He served as editor of the *Muslim*, the Urdu organ of the Jamiatul-Ulema-i Hind, an organization of *ulema* allied to the Congress. During the late 1930s, however, Maududi turned to Islamism. Relevant to note are features of his ideology.[42]

Maududi held that Allah sent his prophets to establish a state. Under the influence of Hegel and Marx, Maududi read Islamic history anew. All human history, he held, was the history of a battle between Islam and *jāhiliyat*, the period of 'ignorance' before the Prophet Muhammad. For Maududi, *jāhiliyat* was an organic system with many forms. Politically, it expressed itself in human sovereignty. In 1941, Maududi founded the Jamaat for the 'establishment of an Islamic state (*ḥukumat-e-ilāhiya*)'. The Jamaat Constitution required its members to resign their positions in the army, judiciary, banking and other institutions of an un-Islamic state. Maududi asked Muslims to shun elections because they authorized elected representatives to legislate human, as opposed to divine, laws. On the same ground Maududi described future Pakistan as an 'infidel state of Muslims'. He outlined his position on democracy as follows:

> You should clearly understand the principle that all the democratic systems that have been developed in the present age … are based on the assumption that … inhabitants of a country themselves possess the right to formulate … laws … about politics, economics, morality, and society. … This ideology is absolutely the opposite of the ideology of Islam. Integral to the creed of Islamic monotheism is that Allah is the Lord and Ruler of people and the whole world. … We, therefore, say that membership in such assemblies and parliaments, which are based on the democratic principles of the present age, is *haram*, and to vote for them is also *haram*. Because to vote means that we elect an individual whose job under the present Constitution is to make legislation that stands in absolute opposition to the creed of monotheism.[43]

Maududi's alternative to secular democracy was a 'theodemocratic state'.[44] He called it a 'theocracy' in that the sources of laws will be the Qur'an and *hadith* and the ultimate sovereignty Allah's. Unlike Christian theocracy, the priestly class will not monopolize it, however. An executive chosen by qualified individuals will supervise the execution of laws.

After India's Partition in 1947, Jamaat continued to stick to its previous position. In 1951, India held first elections in which non-Jamaat Muslims participated, but the Jamaat did not. Abullais Islahi Nadwi, the first *amīr* of Jamaat in independent India, justified the boycott of elections along Maududi's lines. However, before the third elections in 1962, a debate began in Jamaat's *markazī majlis-i shura* (the central consultative council, hereafter *shura*). It centred on the (il)legitimacy of democracy and secularism. In July 1961, *shura* set up a committee to determine whether elections could be used for pursuing *iqāmat-e-dīn* (establishment of religion). The Qur'anic phrase *iqāmat-e-dīn* was the new objective Jamaat had inserted into its constitution after Partition to replace its earlier mission of *ḥukumat-e-ilāhiya*. The committee concluded that Jamaat could compete in elections to make the Indian Constitution Islamic. The *shura* accepted the recommendation and went on to pass two separate resolutions that had no reference to *iqāmat-e-dīn* but to the legitimacy of participating in the elections, both as voters and candidates, 'in the vital interests of Islam and Muslims'. It did not lift the ban on voting for the 1962 elections. In 1967, however, *shura* approved a set of criteria under which members could vote. The most important criterion was that the candidate 'must believe in the *kalima* [i.e. he must be a Muslim]' and regard legislation against Allah as *haram*.

Debate continued with many in *shura* favouring a lifting of the ban without reference to earlier criteria. The issue, however, remained in limbo until the state of Emergency imposed by Mrs Indira Gandhi in 1975. When the state of Emergency was lifted and elections announced, Jamaat ended its ban, disregarding its earlier criteria (e.g. the candidate must believe in *kalima*), and participated actively. The foremost criterion now was that the candidate must favour the 'restoration of democracy', because Mrs Gandhi had banned all parties, including Jamaat. The debate continued until 1985 when *shura* permanently lifted the ban against voting. Since 1985, participation in and defense of democracy by Jamaat has only intensified.

How and why did Jamaat undergo such a monumental change? Clearly, democracy played a key role. This factor markedly distinguished Indian Islamists from their counterparts in Middle East, where neither non-authoritarian secularism nor democracy has a strong tradition. It was manifest in the Muslim public's disavowal of Jamaat's ideology, which also played itself out in the realm of democratic politics. Critical to this disavowal is what I call an 'ideological dissonance' between Jamaat's agenda and political subjectivity of Muslim public. In contrast to Jamaat, most Muslims, including *ulema*, did not regard secular democracy as necessarily foreign to Islam. Because the Muslim public disavowed Jamaat's Islamist version of Islam, Jamaat had to revise its position.

Democracy not only acted upon Jamaat externally but did so internally as well. The whole debate was conducted on the principle of majority votes. This democratic basis of decision-making became so crucial that even the Islamic creed, the

kalima, from which, according to Maududi, the voting ban had been derived, was put to the vote and clinched by a majority vote. The debate took place within two forums – *shura*, and *majlis-e-numāindegān*. While *shura* existed in Maududi's time, the *majlis* did not. However, the role of *shura* significantly changed in post-colonial India. Maududi, as the Jamaat's president (*amīr*), had been the sole decision-maker. The task of the *shura* whose members he himself nominated had been to advise the *amīr*. With Jamaat's democratization, *shura* members began to be elected, and the *amīr* had to accept decisions taken democratically by *shura*. The formation of *majlis* was a new development. It is like the Jamaat Parliament elected directly by its members who, on occasions, are required to vote.

Such a momentous transformation of Jamaat as I have described also shows that Jamaat was indeed more democratic than any other party. None of the Indian political parties ever practise democracy internally. Leaders within the party are selected or nominated along an ascriptive grid: family, caste, region and religion. In contrast, Jamaat practised democracy internally but opposed democracy (elections) externally.

So far, I have discussed how Jamaat's position on democracy changed in post-colonial India. In understanding this transformation, I have stressed the primacy of practice over a reified notion of both democracy and Islam. To this end, I have engaged with key literature. My contention has been that we need to begin comprehending democracy and Islam afresh. Below I gesture at a few points for such a beginning.

12.4   In Lieu of a Conclusion: Some Observations

A standard way to explain Jamaat's transformation is to say that it occurred because it was a side effect of democracy in a Hindu-majority milieu. This view informs most writings on Indian democracy. In the accounts of democracy by Kohli,[45] Khilnani,[46] Roy[47] and others, Muslims seldom appear as its makers. They appear, if ever, merely as its consumers. Some indeed suggest an inverse relationship: more Muslims = less democracy. Read this: 'Once Muslims became a majority in Lebanon … Lebanese democracy collapsed.'[48] A crisp formulation is the Hindutva slogan: *'Hindu ghatā, desh batā* [as Hindus decrease nation will break]'. Clearly, it echoes the discourse of Europe's Geert Wilders and Jörg Haiders. Another version reads as follows. '"True"/Arab Islam is against democracy. Democracy succeeded outside of Islam's "heartland", Middle East. Muslims in Indonesia, Malaysia or Bangladesh became democratic because they are unlike Arab Muslims; their Islam is tempered by local (non-Islamic) culture and hence "tolerant", and "nice".'[49]

An alternative explanation of Jamaat's transformation will accord agency to Muslims. As this article shows, the dynamism of cultural resources played an important role. Recognition of plurality of views, reasoned discussion within *shura*, and institutional matrix in Muslim social formations were resources enabling democratization. Clearly, such an understanding of democracy rails against the

mainstream. The elections-centric procedural framework – basic to agencies like the Freedom House[50] – does not exhaust the comprehension of democracy. A fresh understanding of both Islam and democracy is due.

A step in this direction is to follow John Keane. With him, if we take democracy to mean a mechanism of 'non-violent power-sharing between the rulers and ruled, who are considered equal'[51] and the role of civil society and public debate in politics, it will become difficult to sustain the Incompatibility Paradigm. One would be indeed persuaded to recognize Islam's historical contributions to democracy.[52]

It is a truism to say that Islam lacks civil society. This is premised on the modernist-liberal trope of Islam's failure to differentiate the secular from the religious. Against this, one can indeed argue that Muslims in the pre-modern era were pioneers of civil society. To cite Keane: 'The growth of a swath of social institutions that Muslims and other scholar later called "civil society" (*jamaa'i madani*) was unknown to the Greeks, Phoenicians and the peoples of Syria-Mesopotamia.'[53] From Kean's reading, we can look at endowment (*waqf*) and mosque as institutions of civil society, mostly independent of the state, promoting the common good. Endowments were not just religious; they also advanced public good by nurturing hospitals, stables, waterworks, caravanseries, libraries, colleges (e.g. Cairo's Jamia Al-Azhar). As such they were institutions of civil society making political participation basic to people's lives. Likewise, the mosque was not only a worship place. It was also a venue of business, dialogue and discussion wherein non-Muslims as well as women (segregated) actively participated. To quote Keane again: 'It [the mosque] was to the empire of Islam what the assembly was to the world of Greek democracy.'[54] Sufi orders and bazaars can be similarly conceptualized as sites of civil society. Also, in many ways Muslims were pioneer of contract laws.

A word about Maududi's concept of divine sovereignty is in order here. Currently, it generates fear. But let us pause and look at American democracy. 'In American political theory', writes Bellah, 'sovereignty rests, of course, with the people, but implicitly, and often explicitly, the ultimate sovereignty has been attributed to God.' 'This is the meaning of the motto, "In God we trust" as well as the inclusion of the phrase under "under God" in the pledge to the flag.' Bellah's citation of Kennedy's 1961 statement that 'the rights of man come not from the generosity of the state but from the hand of God' further illustrates it.[55] Also consider the Dutch thinker-politician, Abraham Kuyper (d. 1920). He famously said: 'No man has the right to rule over another man. … Authority over men can't arise from men … all authority of governments on earth originates from the sovereignty of god.' To Kuyper, this was the teaching of Christianity/Calvinism that democracy violates. 'Directly opposed to this Calvinist confession … are popular sovereignty … and … the state sovereignty.'[56]

Returning to Maududi's theodemocracy, it may appear as the opposite of democracy. However, his call for divine democracy was in fact a response to the anti-pluralistic and homogenizing democracy of the late-colonial India. Theodemocracy is thus not the obverse of democracy. On the contrary, a certain type of democracy fashions theodemocracy. Let me explain this as most academics hurriedly quote Maududi to prove Muslims' intolerance to democracy. What they do not ask is why

Maududi coined theodemocracy. It is less known that before he coined it, Maududi championed democracy in its conventional sense. It was the majoritarian democracy of the Congress, especially the anti-Muslim practice of the 1937 Congress ministries, which drove him to theodemocracy. In 1938, he wrote:

> The real issue is not if the political system of the country should proceed along the path of democracy because no sane person can disagree with the spirit of democracy. … The question troubling us for ages is that … because of the misguidance and rule of the British … a system of government has evolved on the principle of single community in the form of democratic institution. The spirit of democracy and this specific notion of democracy based on the principle of a single community should not be conflated. … Disagreeing with the latter does not mean disagreeing with the former. … It is assumed that because of a shared geography … we Hindus, Muslims, Untouchables, Sikhs, Christians are a single community and thus the grammar of democracy should be such that the state should be run by the wish of the majority community. Based on this ideology, the Constitution has been framed. … Hindus consider it utterly beneficial for themselves. … Such a situation has made Hindu nationalism and Indian nationalism coterminous. In contrast to Hindus, our condition is such that under this [democratic] system our community aspirations remain unfulfilled; rather they are … killed because we are in a minority. This system gives to those who are in a majority.[57]

If this revisionist reading sounds plausible, the question if Islam is normatively compatible with democracy is simply false. The first epigraph from the Indian theologian-philosopher Abulkalam Azad – articulated in 1912 – is its testimony. The pertinent question, then, is: why did democracy get derailed in the Muslim world? This question is enormous because there is a 'democracy promotion' industry about the Middle East and elsewhere. Take, for instance, the 2010 conference 'US Democracy Promotion in the Middle East' I referred to above. It is hard not to notice its patronizing title – the Middle East is incapable of democracy for it requires a benign promoter like the USA. Thus, instead of responding to the agenda of democratization that the USAID and IMF discourses have set, should not we talk about de-democratization?

To answer this question is to transgress the nation-state's precinct. I disagree with Salzman that 'the despotic states of the Middle East are thus as much a product of their subjects' culture as they are a result of their rulers' will'.[58] Absence of democracy cannot be understood nationally and culturally. It is not the culture of Islam which makes democracy absent; rather it is the culture of de-democratization by the western power that renders the Middle East undemocratic. There are several modalities and instances of this de-democratization. For my purpose, two will suffice: the 1953 coup against the elected Prime Minister of Iran; and the thwarting of democracy in Bahrain. Mohammad Musaddeq was a mass leader. He enjoyed the approval of the Parliament for his nationalization program. As we know, the USA–UK comfortably toppled him.[59] The statement by the US Ambassador, this article's second epigraph, illustrates how Iran's democracy was sacrificed to serve national interests of the USA–UK. In my view, this is a classic example of de-democratization I want to put on the table. Another example is Bahrain's de-democratization from 1974 to 2005.[60]

Does the ruthless pursuit of 'national interest' and vocabulary of 'geo-politics' – supreme principles of global political order – leave any room for a politics of ethics in planetary terms?[61]

Notes

1. Abulkalam Azad, 'Vafādārī ka vā'z', *Al-hilāl* (27 July 1912): 6.
2. Ervand Abrahamian, *A History of Modern Iran* (Cambridge: Cambridge University Press, 2008), p. 120.
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Chapter 13
Islam: The Test of Globalization

Abdelmajid Charfi

Abstract Globalization has consequences for the religious sphere, but it does not constitute a break with the previous situation. It constitutes rather an acceleration of a process begun with the birth of nation-states. The impact of the values of modernity is general, since even those in power, whatever their tendency, invoke values of democracy, progress, freedom and justice, whereas submission is what was required of subjects. Nevertheless, people today look to religion for fixed reference points, because of the brutal transition from the Middle Ages to the twentieth and twenty-first centuries, and because modernity is not a endogenous phenomenon. Islam then is playing the role of bulwark against western hegemony. It is also instrumentalized both by the powers that be and by the oppositions, all of whom give themselves over to displays of one-upmanship over fidelity to Islam.

Does then Islam maintain its relevance in the context of globalization? The fact is that the bases on which social relations are now founded no longer permit discrimination on the ground of sex or religion, and that there is a loosening of the grip of traditional ritualism and that more and more Muslims are looking for an understanding of the faith that is freed from old-fashioned dogmas. These new givens are being demonstrated particularly when it comes to the exercise of power and the condition of women. As a result, traditional conceptions are destined to evolve, particularly concerning the status of the Koran, the growing awareness of the historical process that made the Koran into a juridical code, the archetype that has been stuck to the person of the Prophet, and the alienation that consists in the sacralization of every human act.

Keywords Cultural identity • Historical context • Islamic confessionalization • Islamic dogmatization • Islamic ritualization • Politics-religion

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We shall not linger over the principal characteristics of the globalization that we have all been experiencing for about 20 years. Let it suffice to recall that this is a universal phenomenon possessing at once unarguably positive dimensions, as well as negative, not to say dangerous, dimensions for the future of humanity. While the economy is the primary object of globalization, its unintended consequences for the religious domain are not negligible. And it is from this perspective that we are interested in that which, in this phenomenon, affects Islam in particular, the religion of one-fifth of the world's population. Its followers are mostly to be found in the geographical area stretching from Morocco to Indonesia, but large Muslim minorities live in different regions of the globe, north as well as south.

Let us begin by observing that historically, geographically and sociologically, Islam has never been monolithic. It is both one and many: one, by the creed which unites Muslims, that God is one and that Muhammad is his prophet; and many, by the multiple ways of understanding the Islamic faith, of formal practice of its recommendations concerning prayer, fasting, tithing and pilgrimage, as well as those concerning ethical behavior, right down to the deepest mystical experiences, and with the most varied intellectual expressions and all sorts of instrumentalizations along the way.

Let us add that Islam recognizes no intermediaries between God and man. The relation to divinity famously passes through the Koran as revealed to the Prophet, and accessorily, for the Shiites, through the Imam and his qualified representatives. This is the reason why the '*Ulemas*', or doctors of Islam, refuse to be called 'holy men'. Their task is limited, in theory, to the interpretation of the sacred texts for everyday believers, and to defining the duties incumbent upon them. And yet, this did not prevent the establishment of a religious 'institution' to regulate the sacred, which considers itself qualified – to the exclusion of simple believers and of women altogether – to define dogmas and to distribute certificates of conformity or nonconformity with the demands of the religion.

The representatives of this institution receive, as a general rule, the same training, and are traditionally destined for the roles of *cadis*, or judges, of *muftis*, of prayer imams, of *'udûls*, or notaries, and other more or less official functions according to country and historical period. Although, in certain circumstances, they played a counter-balancing role in relation to the political powers, acting in favor of what might today be called the rule of law, by defending their prerogatives against the abuses of political power in the jurisdictional arena, they were basically in step with governments. These latter guaranteed them moral and material privileges, and relied on them for the administration of the population. In exchange, the *Ulemas* provided the political authorities with the legitimacy that they needed and that they lacked, it being most often acquired by inheritance or by brute force, and conserved independently of the will of their subjects.

It is in these terms that the relations between religion and politics manifested themselves in Muslim societies, with the exception of the relatively rare cases where there was connivance between the two functions, when the political authorities intervened directly in religious affairs, or when the 'clerics' imposed an orientation of some sort on politicians, as was the case, for example, in the age of the Abbasid Caliph Al-Ma'mûn, of the Fatimid Caliph Al-Hâkim, or during the reign of Almoravides. This situation was seriously disrupted by the emergence of modern nation-states in the Muslim world. The monopoly previously enjoyed by the *Ulemas* in the legal domain was demolished by the introduction of positive law during the colonial period, and then since the political independence occurring between the end of the Second World War and the beginning of the 1960s. Moreover, the modern state tends to be an intrusive one, reaching into areas that never used to interest it, such as the economy, education or health. As a consequence, it tries to subordinate the religious authorities and to control them closely in order to be sure that they always provide it with an appearance, a surplus, or a decisive contribution of legitimacy.

What that is new does globalization bring to this picture? It is tempting to answer that what has occurred is not a radical break with the previously reigning situation, that there has merely been an acceleration of processes already at work at the economic, social, political, cultural, and therefore also religious, levels. At any rate, these levels are interwoven and connected among one another in a dialectical relation, to such a degree that it is sometimes difficult to affirm, despite appearances and notwithstanding the declarations of the actors involved, that such or such a question has to do with one level rather than with another.

At the economic level, every country has seen a modernization of the means of production, at different speeds, but pursued everywhere with unequal success. Thus, the tractor, the automobile and the machine in general are supplanting the animal and human physical effort; services are occupying an ever-growing place of importance in economies; and the same, or almost the same, industrial products are invading the markets of every country.

At the social level, nomadism loses ground each day, and the countryside is increasingly depopulated, in favor of a breakneck urbanization. The diminution or the disappearance of traditional social constraint exercised by the tribal group follows from this. The patriarchal family is giving way to the nuclear family, with all the consequences that come with it concerning the means of socializing young people. In sum, it is a mechanical solidarity, in the Durkheimian sense, that is replacing organic solidarity little by little – which is a source of conflicts and dramas due to this difficult transition.

At the political level, what is remarkably novel is that political personnel of every ideological slant constantly invokes the previously unknown values of democracy, progress, freedom and justice, even if in practice they distance themselves from them to a greater or lesser degree

And finally at the cultural level, the tidal wave of secularization affects contemporary Muslim societies the same as it does other modernized or modernizing human societies, whatever their culture or their religion might be. What some

observers consider to be a resurgence of the religious is unsurprising since the transition from the Middle Ages to twentieth century modernity happened brutally. This resurgence of the religious – sometimes in an aberrant form – or rather its persistence, is in fact nothing but a reaction of defensiveness or of fear in the face of the rapid and disorienting mutations for which minds had not at all been prepared by traditional dominant structures. It is therefore unsurprising that, following the ceaseless movement that characterizes our era, more or less disoriented people look to religion for the fixed reference points which they have lost in other spheres of life, all the more since the novelties modernity has introduced, fascinating as they may be, are perceived as having been imposed by the West. The fact that modernity – and now globalization – is not an endogenous process obviously feeds into this attitude, with its apparent preference for a return to the past and for the preservation of cultural identity.

In such conditions, Islam plays the role of bulwark against western hegemony in general and American hegemony in particular. It is obviously not a matter of passing judgment on the effectiveness of this bulwark, or of determining whether it constitutes the best defense. Islam is equally instrumentalized by anachronistic and/or despotic regimes in search of legitimacy, just as it is solicited by opposition movements to justify their struggle against the established order, which is perceived as being impious and contrary to Islamic norms. Here too, it is not a matter of passing judgment on the validity of this upmanship emanating from two antagonistic clans. It is preferable, in our judgment, to analyze the challenges with which Islam is confronted today, similar in this to all the religious systems that bear the weight of a long history from which they do not manage to liberate themselves.

In our book *Islam Between Message and History*,[1] we analyzed the institutionalization of the prophetic message that occurred shortly after the death of Muhammad. This process, in its complementary form of confessionalization, ritualization and dogmatization, has resisted the accidents of history and the different conjunctures Muslims have experienced. The question to be asked in our time concerning this fact is the following: is it still relevant in the current context of globalization? Again, not because the latter is a novel and positive phenomenon in every aspect, but because it is the end result of a multiform movement begun with the European Renaissance and the Protestant Reformation, pursued by the Enlightenment, and crowned by the scientific and technical advances of the last two centuries whose repercussions on the functioning of societies, on the ways of believing and the content of these beliefs, and on the new worldviews these have generated, are undeniable.

Confessionalization was inevitable in so far as it allowed Muslims to recognize one another and distinguish themselves from non-Muslims, through clothing, food and general behavior. Let us not forget that in the early days of Islam, they were a minority in the countries they conquered, and that although the ancient societies were far from uniform, everyone and each social and religious category had to stay in its specific place, which was perceived as natural in the clearly hierarchical general structure of society as a whole. This rule, accepted and interiorized by practically everyone, explained not only the privileged status of Muslims but also the

inferior status of women and non-Muslims, to say nothing of slaves. The different statuses brought both exclusive duties that were not binding for other groups and equally exclusive rights hardly enjoyed by others, all of this being justified by concerns of a religious nature. Today, the bases on which social relations are founded no longer permit discrimination between members of different social groups, be it because of differences of religion, color, or sex.

Regarding ritualization, which consisted in a uniformization of the ways of performing rites, especially prayer, fasting and pilgrimage, it seemed natural given the fact that the institutionalized religions did not tolerate the flexibility and the freedom to which the Muslims contemporary to Muhammad were accustomed. It matters little, from this point of view, that the Koran does not go into detail about devotional acts and is content to incite believers to carry them out; the nascent dogma of the normativity of the Prophet's actions, as they were transmitted by certain Companions – usually second-order ones like Abu Hurayra, known only by his sobriquet – and then entrusted to the first collections of the *Hadîth*, is sufficient to come to its aid as a supplement. What was happening was in fact a gradual downward egalitarianization that took account of the dispositions of the greatest number, but left the strongest personalities, those who would find refuge from the third century of the Hijra in mysticism, dissatisfied. Now that the believer is no longer perceived as a member of a group with no autonomy, the loosening of the vise of ritualization has become quite imaginable.

Dogmatization, the third form that institutionalization took, does not have the same importance in Islam as it has in Christianity, which has seen, especially in the Eastern Churches, incessant and virulent quarrels over the definitions of the faith, especially concerning the Trinity and the Incarnation. The absolute transcendence of God in Islam shielded him from parallel dogmatic disputes. The Koran remains nevertheless a theological book, and theology, in so far as it is the attempted rationalization of faith, could not but institute intangible dogmas. The first Muslim theologians, the *mutakallimûn*, defended as a general rule the principle of free will in human actions, but the combined opposition of the politicians and the specialists of the *Hadîth* wound up by imposing the dogma of the divine determination of man's acts in their minutest detail. Other dogmas were similarly imposed, among which we might especially cite, in the case of Sunnism, the normativity of the Tradition just mentioned, the honorability of all the Companions without exception, the preëminence of the first four 'rightly guided' caliphs in the order of their accession to the head of the caliphate, etc. Without a doubt, the contemporary Muslim is no longer comfortable with this dogma; he seeks an understanding of the faith that is free of dogmas bearing the mark of their bygone era.

The institutionalization of Islam in question had to wed itself to the reigning forms of social organization, and yield to the norms accepted in every pre-modern civilization. It therefore permitted the religious justification and legitimization of the era's values and institutions, and could not in any case extract itself from the categories imposed by the mental horizon that has been fashioned by the common estate, shared by all peoples, of the available science and knowledge.

It is at this level that it seems necessary to us to locate the problem of the difficult relationship between modernity and globalization, on the one hand, and historical Islam, i.e. the concrete applications of the prophetic message, on the other. We do no more here than point out a few of the difficulties that seem most significant in this regard, always keeping in mind that the problems that arise for an Islamic thinking confronted with globalization, when expressed in purely religious terms, obscure the other, strictly profane and historical, dimensions of these difficulties.

Let us take as an example the question of power. The latter had systematic recourse to religious legitimacy to ground the monopoly on violence it enjoyed. And this legitimacy was almost never questioned by the believers of any branch whatsoever. And yet, the amazing advances of the human and social sciences caused the mask to fall from the face of power, which was shown in truth to be that of a regulating institution of society, neither more nor less. From then on it could no longer receive its legitimacy from any source but the consent of the populations in question and the popular will. The interiorization of this new conception of power made headway in the West in a context that favored the transition from absolute power to democracy, i.e. the rise of the bourgeoisie, industrialization, scientific and technical progress, the birth of nation-states, etc.

No such things took place in the Muslim world. One is, since the acquisition of political independence, therefore in the presence of autocratic regimes that perpetuate the notorious postponing of democracy. This situation is not confined to Islamic countries; it has existed and continues still in Latin America, in Africa and elsewhere. What is deserving of attention regarding this is that religious thought is torn between the attraction of freedom and democracy, on the one hand, and nostalgia for the regime of the caliphate, on the other. The socio-economic conditions do not help it to free itself from the tar pit of this nostalgia; conceptual confusion and an ideological hodge-podge win the day.

And yet, a new factor, which is of a nature such as to turn completely on its head the classical schema of the evolution of political power, is the emergence, thanks to the more or less advanced generalization of teaching and to the lightning progress of information and communication technologies, of the possibility of divulging in real time any event whatsoever in any part of the world. Ordinary citizens now have the ability to know the unspeakable and formerly well-kept secrets of the regimes in place, which strips these regimes of a formidable weapon in the manipulation and indoctrination of the masses. Of course, states today possess means of control and coercion of which yesterday's dictatorships could not even dream. Nevertheless, they must take ever greater account of a public opinion that is not eternally duped by their lies, and which aspires to take part in strategic choices, in decision-making and in the control of public agents, from bottom to top. Thus, the religiously colored justifications of submission to despotism (the famous *Ta'at ûlî-amr*) tend to lose the incontestable authority that they used to enjoy. And it is extremely rare now to find declared enemies of democracy, whether it is called by the term *shûra* or taken for what it really is: a mode of government that was born in the West and that has become a universal value and an integral part of the rights of man, and as an aspiration to the concrete realization of the corresponding ethics and institutions.

The question of the condition of women supplies us with another example of the difficulties of the adaptation of religious thought to the new conditions imposed by globalization. Indeed, it is well known that in every civilization's past, and with the exception, more or less widespread in space and time, of the upper classes, women were considered ontologically and sociologically inferior to men. Concerning dress codes, which revealed social distinctions and discriminations, it was the case that in each town, even each village, and each region women would dress according to the tradition of their milieu and to climatic considerations. And, as one might expect, this situation was justified by religious considerations. Those whose job it was to manage the sacred began, moreover, with a consideration of their own interests and excluded women from the high sacerdotal offices and forbade them access to certain functions, which varied from one context to another.

Women did not obtain a theoretical equality with men, still put only partially into practice, even in many advanced societies, until after a difficult struggle and all sorts of sacrifices. It is nevertheless necessary to insist on the fact that this equality, obtained and consented to at such a high cost, would not have been able to establish itself, despite women's struggle on behalf of their basic rights, and in face of the ferocious opposition of clerics and conservatives of every stripe, without industrialization and the need it created to resort to the female labor pool, and without as a result the financial autonomy that this allowed women to acquire, thus throwing off the yoke of the inferior status which had previously been theirs.

In the history of Islamic societies, in the very absence of the notion of original sin and of its correlate, the stigmatization of sex, women enjoyed, just like everywhere else, only inferior rights to those enjoyed by men. The reformist movements in the Muslim world, since the end of the nineteenth century, have made the improvement of the status and the education of Muslim women one of their principal battle cries, but almost entirely in vain. The modes of production and socio-economic structures did not change accordingly. And mentalities could not change without radical changes in these structures. In other words, the opposition to women's liberation and to their juridical equality with men, although expressed in religious terms, in fact reflects a reality and a balance of power that religion does nothing but justify. The proof of this is that wherever modernization has attained a certain level of advancement, the situation of women has evolved despite every opposition. Tunisia, Turkey and recently Morocco are a good illustration of this rule.

As in the case of democracy, gender equality has today become, thanks to globalization, to development of the means of information and communication, and to the generalization of education, a general aspiration of the younger generation, whom traditionally trained clerics and Islamists no longer dare confront directly. They are therefore leading a rearguard fight by remaining attached, under false pretexts, to polygamy and to inequality of inheritance rights, and by passing judgment on unveiled women and those who bravely refuse prohibitions on interaction between the sexes and on participation in public life, all the while affirming the fundamental equality of men and women in Islam, without realizing the blatant contradiction in which they find themselves.

The two examples that we have mentioned – the conception of power and the condition of women – perfectly show that the spokesmen for Islam, whether an official, traditional Islam or an activist, revolutionary one, are up against this globalization over which they have no control. The conspicuous ritualistic religiosity dissimulates poorly a profound secularization of Islamic societies, along the lines of what all contemporary societies have known. What appears as a return to religiosity is nothing more, in most cases, than the expression of a return to communitarian identities. On the one hand, as we have said, it is more a matter of the search for certainty in a world that is losing its familiar orientation. On the other hand, it is a question of reaction to historical backwardness and to humiliation, to underdevelopment, to the despotism of local governments, and to the warlike and arrogant policies of the United States of America in particular, and to the West in general, which supports the Israeli occupation of Palestine without reserve and is deaf to the legitimate complaints and suffering of the Palestinians, and which participates actively or through its silent complicity in the occupation of the Muslim lands of Iraq and Afghanistan.

As a consequence, holding Islam as such to be responsible for the evils that are eating away at Muslim societies betrays an essentialist vision of religion that the history of religions and religious anthropology have completely dispensed with. Islam, like any other belief system, can, paradoxically and varying with each case, be a cause either of alienation or of its opposite. Our hypothesis is that globalization, because a certain number of its manifestations are notoriously alienating, is of a nature such as to push Islam to play a de-alienating role concerning money, the rule of the law of the market, merciless competition, egotism and everything dehumanizing in relations between groups and individuals. From another angle, through the means that it puts at the disposal of a greater number of people, globalization offers to humanity as a whole an opportunity to leave the material and symbolic ghettos into which it has been shut, and thus to enlarge its intellectual horizons, which were dramatically limited for preceding generations.

In this sense, we are all at a crossroads, and thanks to the digital revolution we are going through a privileged moment, one that incites us to redouble our efforts to keep religious thought from lagging behind cognitive progress, and to allow it to help us to assume responsibility for the fullness of our condition. To this end, the revision of our relation with the interpretative tradition of the prophetic message is a necessary, although insufficient, condition. It is obviously impossible to embrace every domain in which this tradition exercises incontestable authority. We shall as a result limit ourselves to the essential traditional conceptions that determine all the others in a certain way, and that seem destined by the force of things to evolve.

The first conception, and by far the most sensitive, concerns the status of the Koran. Is it, as the tradition proclaims, an exclusively divine text in both content and form, supernaturally dictated to the Prophet Muhammad, whose role was purely that of passive transmitter? Or is the Koran, written in human language, for the believer divine in its origin and its inspiration but equally eminently human, to the extent that the personality of the Prophet, his culture and the conditions of his individual and communal life could not help but intervene in the elaboration of this

sacred text? Can the believer allow that the Prophet had a privileged relation with divinity, an uncommon experience of the divine which the Koranic discourse, which was originally oral before being set down in the *Mushaf*, would perfectly account for?

Once it became canonical, the Koran served as a reference for the religious justification and for the legitimation of customary social relations and institutions of the Muslim Empire. In other words, the interpretations of the Koran that come down to us in the first exegeses and date back to the third century after the Hijra reflect the preoccupations of Muslims after the movement of the conquests, and the constitution, in the vast fields of the empire, of Muslim communities of Arab or convert origin, much more than the preoccupations and ways of understanding that were proper to the first audience of the prophetic message. The attachment to the literalness of the text, in particular, was not universal until the point at which the Koran became practically a binding juridical code, which it in fact was more in theory than in reality.

One of the priorities of a critique internal to Islam consists in becoming and in making others aware of this historical process. This is a difficult operation which requires all sorts of competences, whose objective is to traverse the thick and successive layers of interpretations and manipulations that have been imposed on the text in order to get back to the original message and apprehend it in all its richness and depth. On the way, one can cast aside philosophical concepts inherited for the most part from the dominant mythical consciousness and from efforts to rationalize the givenness of revelation. In sum, it can be hoped to seize what was given in revelation in its universality and in its intentions, and not in its circumstantial injunctions.

This way of proceeding would first of all question, and even contradict, the very widespread idea that the first generations of Muslims, the 'pious ancients' (*as-salaf as sâlih*), had better knowledge of the precepts of Islam and applied them perfectly, and that the following generations are destined to drift ever further away. This idea is no longer acceptable to the degree that at its birth Islam needed time in order to be interiorized, that it did not go about this through brainwashing, and that the minds of the first Muslims were still soaked in the beliefs and perceptions of their world and society; it was impossible to erase these all at once and to replace them with new ones. Furthermore, the idea does not take account of the accumulation, which is larger with every passing day, of human knowledge and of elements of universal culture, especially today. In fact, the first Muslims whose task it was to apply what they understood of Islam could do so only in the framework of the cognitive and social systems at their disposition. Their solutions were dictated by imperatives that are no longer ours. To conform to them would amount to cutting religion off definitively from life, while the maintenance of this connection is paradoxically the declared objective of those who are attached to the veneration of the past and of the ancients, closer in their eyes (although they would never admit this) to angels than to humans, who are burdened by a multitude of constraints and are subject, among other things, to desires, ambitions, loves and hates.

In the same order of ideas, we have witnessed a veritable transfiguration of the person of the Prophet, who has become superhuman over the years, a being to whom each attributes all the ideals and all the aspirations of the men of his time, and even their fantasies, including sexual ones, despite the Koran's affirmation that he is certainly an example to follow, but that he is just a simple mortal charged with transmitting the divine message.

The living message was therefore not sufficient to feed this archetype in all the Islamic lands. It is therefore the textual tradition that took its place. The *Hadith* was born of this need, as well as the normativity of the acts and words of the Prophet, i.e. the necessity of conformity to the smallest of deeds and gestures of Muhammad recorded in the third to ninth centuries in the collections of prophetic traditions said to be authentic.

To revise the historical interpretations is also, as a result, to unmask the illusory character of these traditions which claim to reflect faithfully the will of the Prophet, while they are in fact and can be nothing but representations influenced, in good or in bad faith, by historical factors that it is possible to analyze and clarify, at least in large outline and in their general texture, by the methods of modern human and social sciences.

It is the same not only when it comes to other foundations of Muslim law, in particular concerning consensus (*igmâ'*) and analogy (*qiyas*), but above all concerning the postulates that form the basis of the entire edifice of the jurisprudential rules inaccurately referred to as the *Sharî'a*. To take an example, to affirm, with Shâfi'î (204/820), who is only translating a common conception of his contemporaries, that human acts without exception must all necessarily obey one of the five legal qualifications or statutes (*ahkâm*) which are, in descending order, the obligatory, the recommended, the permissible, the reprehensible and the illicit, is nothing more than the expression of a situation in which every aspect of life is sacralized, in other words characterized by an alienation that it is urgent to leave behind.

In the same vein, to consider that it is necessary to take Koranic verses literally, not taking into consideration the particular circumstances at their origin, or that the effort of personal reflection (*ijtihâd*) applies only in the absence of an explicit text, or that the '*tawâtur*', i.e. the presence of several transmitters of the same tradition, leads to certain knowledge, or that it is forbidden to revise a consensus elaborated by a previous generation, and so many other similar presuppositions, to consider that they are still valid today is to ignore that they are the pieces of a human, juridical, social and political edifice which fully played its role in the past, but which has now fallen into complete ruin under the effects of modernity.

To think Islam according to the imperatives of globalization is therefore also to admit that this type of organization is no longer valid, and that it is vain to pursue the chimera of restoration, such as was attempted by the Afghan Taliban, and as Islamist movements of every persuasion dream, whether they be Wahhabis, Khomeynists, Muslim Brothers or something else.

It is not appropriate, regarding this, to put into doubt the authentic aspiration of these groups, in the face of ever-present despotic regimes set up after the fall of the caliphate and the end of colonization, to limit the powers of the state in favor of the

application of their conception of the Law of God. And yet, this aspiration, legitimate as it may be, does not take account of two essential factors, without which it collapses without any chance of success.

The first factor is that the modern nation-state is an organization that has imposed itself everywhere in the world, and that even if one tries to escape it this will be only by means of assimilation into a larger political entity, such as the European Union, or by means of supra-national international conventions, but never through a return to the system of empire whose frontiers expand and contract as a function of the balance of power, and which allows for the coexistence of different legislations, particularly on a sectarian basis, within it.

The second factor is the fiction of a Divine Law of which only the experts, the *Ulemas*, are the faithful interpreters. Modern historical knowledge, which is more refined every day, has taken it upon itself to destroy this fiction, by showing the all too human character of the *Fiqh* whose prescriptions are determined by the cultural, social and economic contexts of a bygone era.

Following these considerations, it appears that what is called globalization (if one is looking for brevity), but more fundamentally that the structural changes at every level, the progress of human knowledge in the area of the human and social sciences, and the universal aspiration towards a spectrum of values falling under the description of inalienable 'human rights', effectively put Islam and the other great historic religions to the test. Will it be up to the task with which it is confronted? No one, in our opinion, has managed to give a convincing response one way or another. What is certain, however, is that religious thought is never disembodied, and that it is in the final analysis the historical conditions which shape and condition its adequation with reality in all its dimensions.

Note

1. *Islam Between Message and History*, ed. Abdou Filali-Ansary and Sikeena Karmali Ahmed, trans. D. Bond (Edinburgh: Edinburgh University Press in association with the Aga Khan University Institute for the Study of Muslim Civilizations, 2009).

Chapter 14
Whither Democracy? Religion, Politics and Islam

Fred Dallmayr

Abstract The question raised by the article is: can democracy be religious and, if so, how? Can religious faith be reconciled with modern democratic political institutions? The article takes its departure from the biblical admonition to believers to be 'the salt of the earth' – a phrase that militates against both world dominion and world denial. In its long history, Islam (like Christianity) has been sorely tempted by the lure of worldly power and domination. Nor is this temptation entirely a matter of the past (witness the rise of the Christian right and of 'political Islam' in our time). Focusing on contemporary Iran, the article makes a constitutional proposal which would strengthen the democratic character of the Iranian Republic without canceling religious faith. If adopted, the proposal would reinvigorate the 'salt' of Muslim faith thus enabling believers to live up to the Qur'anic summons for freedoms, justice and service in the world.

Keywords Abdullahi An-Na'im • The hidden Imam • *Jahiliyya* • Ira Lapidus • Sayyid Qutb • Secularism • Abdolkarim Soroush

When dealing with the general topic of religion and politics, a preliminary terminological clarification is in order. As used here, the term 'religion' refers to a domain transcending willful control or appropriation. Etymologically, the term derives from the Latin *religare* which means 'to connect' or 'to reconnect'. What is here

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reconnected? Basically religion aims to reconnect humans with the divine or 'God' where the latter means something unconditional and unconditioned, something beyond human caprice or control, something which cannot be domesticated, possessed, or marketed. Hence, religion as used here is radically different from the 'idols of the markets' or what is sometimes called the 'religion of the market'. This does not mean that religion is not also a human striving or aspiration – precisely the aspiration to 'reconnect'.

The question I want to raise here is: Can democracy be religious and, if so, how can it be religious? How can we bring religion into modern democratic politics, and how can modern democracy be reconciled with religion? In the famous formulation of Max Weber, modernity means basically a process of 'disenchantment'. So how can modernity be 're-enchanted' or at least permit a measure of re-enchantment? In his *Political and Social Essays*, the French philosopher Paul Ricoeur addresses forthrightly the situation of the religious believer in the modern world, especially in modern secular society. Quoting from scripture (Matthew 5:13–16), he insists that believers are meant to be 'the salt of the earth' – a phrase militating against both world domination and world denial, that is, against the dual temptation of either controlling or rejecting worldly society. As he writes poignantly, 'the salt is made for salting, the light for illuminating', and religion exists 'for the sake of those outside itself', that is, for the world that faith inhabits. In Ricoeur's view, religion – including (especially) Christianity – has been for too long enamored with political power and domination, a collusion that has exerted a 'demoralizing effect' on believers and non-believers alike, driving them to 'cynicism, amoralism, and despair'. However, the situation is perhaps not entirely bleak. When it emerges from this collusion, he adds, religion 'will be able to give light once more to all men – no longer as a power, but as a prophetic message'.[1]

As one of the great world religions, Islam faces the same challenges. Like Christianity, Islam has been sorely tempted by the lure of worldly power and public dominion; this at least is the impression given by a large number of its adherents, especially by many so-called Islamic governments and Islamist movements (often labeled or rather mislabeled 'fundamentalist' in western media). As in the case of Christianity, this lure of collusion is baffling and disconcerting – given the strong commitment of Islam to human equality and its opposition to any kind of idolatry, that is, to the substitution of any worldly images or power structures for the rule of the one transcendent God (*tawhid*). How can Muslim believers be expected to submit or surrender themselves to any worldly potentates, no matter how pious or clerically sanctioned, if their faith is defined as surrender ('*islam*') to nothing else but the eternal 'light' of truth? How can they be asked to abandon their religious freedom (in the face of the divine) for the sake of contingent political loyalties to rulers who often lack even a semblance of public or collective legitimation?

As in the case of traditional Christendom, Islam's collusion with public power has often exerted (in Ricoeur's words) a 'demoralizing effect' on believers and non-believers alike, driving many of them to 'cynicism, amoralism, and despair'. In this situation, it is high time for Muslims and all friends of Islam to take stock of the prevailing predicament. Concisely put: it is time, not to abandon Islam in favor of

some doctrinaire secularism or laicism (which does not have sufficient resources to resist the idols of the market), but to reinvigorate the 'salt' of Islamic faith so that it can become a beacon of light both for Muslims and the world around them. Differently phrased: it is time to recuperate the genuine meaning of Islam as a summons to freedom, justice and service to the God who, throughout the *Qur'an*, is called 'all-merciful and compassionate' (*rahman-i-raheem*). The present article is meant to contribute to such a recuperation.

14.1 Religion, Political Power and Democracy

As it seems to me, contemporary Islam is in a state of agony, with the fortunes of recovery hanging in the balance. The point here is not to impugn the motives of political Islam or political Islamists whose strategies often seem to be dictated by mundane political and geopolitical considerations. What is at issue is rather the wisdom and sensibility of politicized religion, seeing that the yoking-together of power and religion inevitably exacts a heavy toll both on the sobriety of political judgment and on the integrity of religious faith.

To speak in general terms, religion and politics are neither synonyms nor necessarily antithetical. On a theoretical level, one can distinguish a limited number of 'ideal-typical' constellations involving the two terms. On the one hand, there is the paradigm of complete separation or isolation (an extreme version of the Augustinian formula of 'two cities'). In this paradigm, religious faith withdraws, or is forced to withdraw, into inner privacy while politics maintains a radical indifference or agnosticism vis-à-vis scriptural teachings or spiritual meanings. As can readily be seen, both sides pay a heavy price for this mutual segregation: faith by forfeiting any relevance or influence in worldly affairs, and politics by tendentially shriveling into an empty power game. In the historical development of religion and politics, this segregationist paradigm has been relatively infrequent (its contours emerge mainly in the context of western modernity). Much more common has been another paradigm or constellation: that of fusion or amalgamation – which may be accomplished in two ways or along two roads: either religion strives to colonize and subjugate worldly politics, thereby erecting itself into a public power (which may result in 'theocracy'), or else politics colonizes religious faith by expanding itself into a totalizing, quasi-religious panacea or ideology. As history shows, both strategies have seriously tempted most religions in the past.

Turning to Islam: by common agreement some kind of fusion has tended to prevail during its 'founding' period. With minor variations, public power in Islamic society during the early centuries was wielded either by semi-divine leaders (the 'rightly guided caliphs') or else by a combination of dynastic imperial rulers (presumably descendants of the Prophet) and a battery of clerical jurists or jurisconsults (*fuqaha*). In his account of political authority in early Islam, Ira Lapidus distinguishes between two models or (what he calls) two 'golden ages': namely, an 'integral' or holistic model and a more 'differentiated' or symbiotic structure. In the

first model, he writes, Islamic society 'was integrated in all dimensions, political, social, and moral, under the aegis of Islam'. The prototype of this model was the unification of Arabia under the guidance of the Prophet and his immediate successors. In the second, more differentiated model, imperial Islamic government – from the Umayyads and Abbasids to the Ottomans – was erected on the diversified structures of traditional Middle Eastern societies, thus yielding a complex, symbiotic amalgam. In this case, the original caliphate was transformed 'from the charismatic succession to the religious authority of the Prophet' into a far-flung imperial regime governed both by religious norms (*shari'a*) and more adaptive political laws, or rather by a mixture of imperial-political authority and clerical jurisprudence (resembling the medieval theory of 'two swords').[2]

According to Lapidus, contemporary Islamic traditionalists or 'revivalists' harken back – though often unsuccessfully – to the two models of Islam's 'golden ages'. To this extent, Islamic revivalism or political Islamism necessarily is at odds with basic features of modern life – given that, in its core, 'modernity' (at least in its western form) aims at the differentiation, disaggregation and radical diffusion of the unified, holistic world-views and political structures of an earlier age. Being an integral part of modernity and its way of life, modern democracy inevitably falls under the same verdict of traditionalists: namely, as testifying to the modern abandonment of religious faith in favor of an 'ungodly' secularism or nihilism. Here we have the crux of the problem of the relation between Islam and modern democracy: how can traditional holism and modern differentiation or disenchantment be reconciled? Are Islam and democracy compatible, or are they basically incompatible? There are two ways to assert their incompatibility: either one claims that democracy negates or destroys Islam, or one asserts that Islam negates democracy.

Traditional Islamists basically make the first claim: that democracy (and modernity in general) undermines faith. Their strategy is to present the transition from tradition to modernity (and postmodernity) under the simplistic image of reversal or antithesis. According to this strategy, modernity or modernization means a lapse from faith into non-faith, from religious devotion into agnostic rationalism, and from the holistic unity of 'truth' into a radical relativism denying 'truth'. In a similar vein, the argument is sometimes advanced that, while earlier ages were founded on 'virtue', modernity is founded on freedom and non-virtue (as if virtue without freedom were somehow plausible or even desirable). In the most provocative formulation, Islamists assert that modernity has replaced the reign of God (*hakimyya*) with the reign of 'man' or humanity – a replacement equaling a lapse into paganism and the state of pre-Islamic 'ignorance' (*jahiliyya*).

In the present context, the latter formulation is particularly significant. Under political auspices, the charge implies a reversal of public supremacy – namely, the alleged replacement of God's sovereignty with the sovereignty of the 'people' (the latter equated with democracy). In large measure, this charge is at the heart of the anti-democratic sentiments espoused by many revivalists and/or militant Islamists. In discussing the 'political discourse' of contemporary Islamist movements, political theorist Youssef Choueiri highlights this point as central to that discourse. Referring especially to the writings of Sayyid Qutb and al-Maududi, Choueiri

underscores the holistic religious quality of 'God's sovereignty', writing that the phrase affirms God's authority 'in the daily life of His creatures and servants', revealing that 'the universe is judged to be one single organic unity, both in its formation and movement: the unity of the universe mirrors the absolute oneness of God'. Judged by the standard of this unity, modern humanity – including modern democracy – exists in a state of disarray and incoherence, that is, in 'a second *jahiliyya*, more sinister in its implications than the *jahiliyya* of pre-Islamic days'. Pushing this point still further, radical Islamists (in Choueiri's presentation) tend to view the entire course of western history as 'a connected series of *jahiliyyas*: Hellenism, the Roman Empire, the Middle Ages, the Renaissance, the Enlightenment, and the French Revolution' (and its democratic offshoots). As an antidote to modernity and modern democracy, Islamist thinkers typically propose a return to 'God's sovereignty', that is, to a semi- or quasi-theocracy (which usually means some form of religious authority or elitism).[3]

It becomes urgent here to look at the presumed transfer of sovereignty and its underlying premises. Is such a transfer plausible or persuasive (even on strictly religious grounds)? The idea of sovereignty implies the rule of absolute will or will-power untrammeled by any rational constraints or intelligible standards of justice. To ascribe such sovereignty to God means to construe God as a willful and arbitrary despot – which is hardly a pious recommendation. Several of the great Islamic philosophers (of the classical period) had already objected to this construal, complaining that it transforms God into a tyrant similar to Genghis Khan or Tamerlane.[4] Whatever the status of God's sovereignty may be, however, modern democracy represents by no means a simple reversal in the sense of installing the 'people' as sovereign despots. On the contrary, whatever else modern democracy means, it certainly means a dispersal of power and a constant circulation of power-holders. Several leading democratic theorists, including Hannah Arendt, have gone so far as to urge the removal of 'sovereignty' from the vocabulary of political discourse, in order to make broader room for grassroots participation. What emerges here is a conception of democracy not as a fixed power but as an open-ended and experimental process – open-ended precisely also toward the discourse of religion.[5]

As indicated before, there is a second way to insist on the incompatibility of Islam and democracy. Whereas in the first formulation, Islam and democracy are incompatible, with the result that democracy has to be jettisoned, the second formulation draws the conclusion that, for the sake of democracy, Islam has to be jettisoned – or at least be pushed into a completely inner realm of belief. This retreat into an inner realm is often called 'privatization' of religion, and is exemplified by the effort of western Enlightenment to 'privatize' Christianity. This strategy tends to be privileged by radical secularists and agnostics, but (curiously) also by some forms of mysticism or illuminationism. The Algerian-American thinker Lahouari Addi has commented on this strategy in an insightful essay titled 'Islamicist Utopia and Democracy'. For Addi, Islamist 'utopia' is another term for public or politicized Islam – a model that is radically incompatible with modern democracy. Public Islam, in Addi's view, is a relic of the past, of an obsolete 'medievalism'. As he writes: 'It is necessary to show how political modernity is incompatible with the

public character of religion and how modernity is built on the "depoliticization" (that is privatization) of religion.'[6]

In fairness, I should add that Addi does not completely banish religion from social life. He admits that Islam can continue to have a 'moral authority' in culture and civil society (though not in politics or the state). If this path is pursued, he is moderately hopeful that Islam and democracy may be able to coexist and hence to become compatible. In his words: 'Such a creation of modernity by way of Arab-Islamic culture is theoretically possible, for there is no reason – everything else kept the same – why democracy should be inherently western and absolutism [or despotism] inherently Muslim.'[7] In arguing in this manner, Addi joins a number of recent and contemporary Muslim intellectuals who have suggested or advocated a new understanding of political rule, and also a new view of the relation between religion and worldly politics, and especially between Islam and modern democracy.[8]

14.2 Toward a Religious Democracy?

From the angle of political theory or philosophy, one of the crucial demands today is the shift of attention from the 'state' or central governmental structures to the domain of 'civil society' seen as an arena of free human initiatives. This shift of focus is a prominent ingredient in recent western political thought which, in this respect, has derived significant lessons from eastern European experiences (particularly the atrophy of society under totalitarian state bureaucracies). The shift brings into view a possible coexistence or symbiosis of religion and democracy without fusion or identification. Such a symbiosis would be able *both* to re-energize democracy by elevating its moral and spiritual fiber (its commitment to the public good) and to enliven and purify religion by rescuing it from conformism and the embroilment in public power. In Ricoeur's words, by renouncing domination or 'religious despotism', religion would be capable of regaining its basic spiritual quality and thereby to serve as the 'salt of the earth' or the salt of democracy.

In order to perform this role, religious discourse has to broaden its range and accommodate a more general humanistic vocabulary: especially the vocabulary of human rights, individual freedoms and social justice. In our time, engagement or confrontation with these issues is indeed a requisite for the relevance and viability of religion (Islamic or otherwise). Discussion of human rights, one might say, belongs today to the domain of philosophical theology (*kalam*) and philosophy in general. Although not directly or not always nurtured by religious motives (at least in the modern era), human rights discourse is today religiously unavoidable, and a religious faith oblivious to human rights – as well as to human freedom and justice – is no longer tenable in the modern world. The tendency of many religious people to accentuate duties or obligations over rights should not be construed in a binary sense, but rather as a supplement or corrective to narrowly secular 'rights talk'. In a positive vein, religious discourse enriched by human rights vocabulary counteracts the pretense of 'inalienable' a priori rights, sometimes termed 'divine rights', of

public or clerical elites. In a religiously nurtured or inspired democracy – no less so than in a secular regime – rulers (including religious rulers) cannot be self-appointed but need to be approved through democratic methods or at least function within a democratically transparent structure.

In a remarkable recent study titled *Islam and the Secular State*, legal theorist Abdullahi Ahmed An-Na'im has elaborated on these issues in a lucid and exemplary manner. In the opening chapter of the study, An-Na'im reflects on the relation between Islamic faith and the modern 'secular state', especially in a democratic context. As he asserts forcefully: 'In order to be a Muslim by conviction and free choice, which is the only way one can be a Muslim, I need a secular state.' By 'secular state' he means a political regime which – in a free variation of the American Bill of Rights – both prohibits the public 'establishment' of religion and encourages the 'free exercise' of faith. A secular state, he notes, is 'one that is neutral [though not indifferent or hostile] regarding religion, one that does not claim or pretend to enforce *Shari'a* – the religious law of Islam – simply because compliance with *Shari'a* cannot be coerced by fear of state institutions or faked to appease their officials'. At the same time, secularism for An-Nai'm denotes a regime which 'facilitates the possibility of religious piety out of honest conviction' and 'promotes genuine religious observance' – an observance operative primarily in civil society rather than on the level of formal state structures. With these formulations, *Islam and the Secular State* opposes both an overt 'politicization' and a restrictive 'privatization' of faith. The stress on secularism, we read, does not mean 'the exclusion of Islam from the formulation of public policy and legislation or from public life in general'. On the contrary, 'the state should not attempt to enforce *Shari'a* precisely so that Muslims are able to live by their own belief in Islam as a matter of religious obligation'.[9]

An-Nai'm does not hide the complicated character of his approach; in fact, a certain tensional character seems to him constitutive of the relation between political power and religious faith. In large measure, this tension characterizes the distinction between the modern 'state' and 'civil society'. As he notes, the state – in the sense of the modern, post-Westphalian public structure – has 'its proper functions', which may include adjudication among competing claims of religious and secular institutions; but it should be seen as a 'neutral institution' performing chiefly 'secular functions' without claiming religious authority as such. Yet, in contrast to a strict 'laicism', he acknowledges that 'the religious beliefs of Muslims' (whether as public officials or private citizens) are liable to 'influence their actions and political behavior' – an influence which is bound to complicate the idea of a strict 'neutrality' as employed by many western liberal thinkers. On the one hand, in conformity with liberal tenets, 'people cannot truly live by their convictions' if rulers use the 'extensive coercive powers of the state' to impose religious doctrines. On the other hand, contesting these tenets, the state cannot be 'completely neutral' – because as a public institution it is 'supposed to be influenced by the interests and concerns of its citizens'. Seen in this light, the modern principle of 'the religious neutrality of the state' has an ambivalent or dual connotation: while mandating that state institutions should 'neither favor nor disfavor any religious doctrine or belief', the real objective of such neutrality is precisely 'the freedom of individuals in their communities to accept, object to, or modify any view of religious doctrine or principle'.[10]

What emerges from these arguments is a highly mediated conception of the relation between politics and religion, a conception that is at odds with both their radical separation and their fusion. The stated aim of *Islam and the Secular State* is in fact to articulate and support the 'difficult mediation of the paradox of institutional separation of Islam and the state, despite the unavoidable connection between Islam and politics [on the level of civil society] in present Islamic societies'. In pursuing this aim, the study challenges two erroneous views: on the one hand, 'the dangerous illusion of an Islamic state that claims the right to enforce *Shari'a* principles through its own coercive powers'; and on the other hand, 'the dangerous illusion that Islam can or should be kept out of the public life of the community of believers'. In An-Nai'm's opinion, it is 'neither necessary nor desirable' that Islam and politics should be completely separated – just as their indiscriminate fusion is likely to lead to an autocratic or totalitarian nightmare. As he notes, separating Islam and the state while maintaining the connection between religion and social life is liable to generate respect for, and widespread observance of, Islamic teachings – an observance which today requires certain democratic safeguards. Precisely in a democracy, popular will-formation must take into account the beliefs and aspirations of ordinary citizens. Basically, democratic institutions cannot succeed 'without the active and determined participation of all citizens – which is unlikely if people believe them to be inconsistent with the religious beliefs and cultural norms that influence their behavior'. Yet, in a democracy, such beliefs and norms cannot be directly imposed by governmental fiat, but require mediated seasoning in the domain of civil society. In An-Nai'm's words, the motivations of ordinary citizens which are 'partly influenced by their religious beliefs and cultural conditioning' must be suffused with 'their appreciation of and commitment to the values of constitutionalism and human rights', including the rights of religious minorities and non-believers.[11]

With its subtle formulations and insights, *Islam and the Secular State* makes an important contribution to the deepening and transformation of prevalent contemporary conceptions of democracy – above all the 'liberal' conception predicated on nothing but the pursuit and aggregation of individual interests (narrowly construed). Countering the reduction of politics to an economic calculus, the text in fact intimates the notion of an ethically and religiously sustained democratic life – a vision not far removed from the political thought of Alexis de Tocqueville, John Dewey, and many other western thinkers. As one might add, An-Nai'm's voice is by no means alone in the confines of contemporary Islamic thought; a vision similar to his has been propounded somewhat earlier by the renowned Iranian philosopher Abdolkarim Soroush. Like An-Nai'm, Soroush strongly insists on the need to extricate religious faith from the coercive stranglehold of the government or the state. Surveying the history of Muslim societies, he bemoans the submissiveness of Muslims to political coercion, a submission due to 'a political culture deeply influenced by centuries of tyranny'. In traditional Islamic theology (*kalam*), he notes, God was portrayed as 'an absolute bearer of rights and free of all duties toward human beings'; accordingly, kings and political rulers were viewed in the same light, as 'God-like potentates with unlimited powers'. This view – both politically and religiously obnoxious – has been challenged by modern democracy with its

emphasis on human freedom and political agency. As a result of this challenge, human beings have been potentially liberated both as citizens and as believers, that is, enabled to perform political agency as well as cultivate freely their faith. In Soroush's words, freedom is a necessary requisite for the genuine cultivation of ethical and religious beliefs; it is (he says) 'one of the components of justice', and the seeker of freedom is 'in pursuit of justice' just as the seeker of justice 'cannot help but pursue freedom as well'.[12]

With this statement, Soroush intimates a democratic regime which is attentive and not indifferent toward ethics and religious beliefs – although the latter are no longer imposed by coercive power but freely nurtured in civil society. In Soroush's account, modern democracy is aligned not simply with arbitrary freedom but with the freedom to strive for justice and truth – targets which tend to be 'extinguished' by despotism and autocratic regimes. For from being equivalent to the pursuit of narrow self-interest, democracy emerges here as a searching or 'zetetic' enterprise, that is, as a transformative and constantly self-transforming regime in the direction of justice and the 'good life'. With this accent on transformation, Soroush takes a stand against a version of 'liberal democracy' which professes utter indifference or 'neutrality' toward ethical and religious concerns. Some liberal thinkers, he observes, consider arguments in this domain 'unverifiable and unfalsifiable', and hence pointless. As it happens, however, this kind of liberalism is by no means identical with democracy, or at least is far from exhausting its meaning: 'Equating liberalism and democracy signifies, at once, great ignorance of the former and grave injustice toward the latter.' For Soroush, democratic regimes cannot be sustained without ethical and/or religious commitments, including respect for 'the rights of others, justice, sympathy, and mutual trust'. In this respect, democracy owes a 'great debt' to genuine religious faith, and the latter can be seen as 'the best guarantor of democracy'. As one should note well, however, religious faith in the context of democracy cannot be coercive or uniform, but must be open to the diversity of faiths as well as the outlook of non-believers. Hence, for both political and religious reasons, Soroush's mode of democracy embraces pluralism: 'The faithful community is more like a wild grove than a manufactured garden.'[13]

The arguments of An-Nai'm and Soroush bring something else clearly into view: the likely diversity of possible democratic regimes. In discussions of modernity and modernization it has become customary in recent years to acknowledge the possibility of diverse paths of modernization and hence of differentiated or 'multiple' modernities in different parts of the world.[14] A similar acknowledgment is called for in the case of modern democracy. Given the fact that democratic life is nurtured by the motivations and aspirations of ordinary citizens, and that these aspirations in turn reflect the religious beliefs and cultural customs of people, it follows that democracies cannot be the same everywhere but are bound to vary in accordance with beliefs and customs prevalent in different societies or regions.[15] Thus, it is plausible to speak (as some writers have done) of 'democracy with Confucian characteristics' or else of 'democracy with Buddhist characteristics'. There is no compelling reason to deny the possibility of the emergence of democracies with chiefly 'Islamic characteristics' (in fact An-Nai'm's book discusses a number of

cases fitting or approximating this description, such as the democracies in Turkey and Indonesia). To this one might add that none of the existing western democracies are identical with regard to their social fabric and animating 'spirit of laws'. To be sure, such differentiation cannot be limitless if regimes are to qualify as 'democratic'. Hence, some benchmarks or constitutional safeguards have clearly to be observed. Among these benchmarks are the absence of coercive autocratic structures, the freedom of association and religious practices, and the respect for the plurality of beliefs and disbeliefs. Perhaps most important, however, is the 'love of equality' extolled by Montesquieu as the distinguishing trademark of democracy.

14.3   A Modest Proposal

By way of conclusion, I may be allowed to venture a proposal designed to exemplify both the limit and the broad range of possible variations in a democracy. The proposal concerns specifically the Islamic Republic of Iran. As I understand the constitutional structure of Iran, there are presently two tiers of institutions which operate in tension and possible conflict with each other: a 'democratic' component consisting of an elected parliament (Majlis) and an elected president; and a more or less 'theocratic' component consisting of the 'Council of Guardians' or 'Trusteeship of Jurists' (*velayat-i-faqih*) whose members are unelected religious authorities. Hence, there is a structure juxtaposing democracy and theocracy in an unmediated fashion. The radical difference between these two components is liable to pull the country in opposite directions, with potential harm to its welfare and stability.[16]

As an antidote to this structural conflict, I want to suggest a way of building a bridge and reconciling the two components: namely by transforming the 'Council of Guardians' into an upper chamber after the model of the current (2011) British House of Lords. Britain is recognized as a leading example of modern western democracy; and yet, its House of Lords is not an elected body and includes, next to hereditary peers, leading figures of the Anglican Church. If this model were adopted in Iran, the council as an upper chamber could be given equal legislative powers with the Majlis; or else it could be given a merely delaying and advisory power (as is the case in the House of Lords today). Whichever power would be allocated, the council reconstituted as an upper chamber would greatly contribute to the visibility and transparency of the governmental process. The restructuring would help to reconcile the presently opposed components of the constitution, and would thereby strengthen the legitimacy of the entire government. This, in turn, would lead to a more open and peaceful development of the country – something which both Iranians and friends of Iran can only welcome and applaud.

I am under no illusions regarding the difficulties or prospects of implementing this 'modest' proposal. My intent here is simply to trigger some discussion, leaving it to the wisdom and discretion of competent authorities and specialists to determine its concrete fate. I do believe, however, that the proposal is not outside of the line of political prudence as cultivated by both western and Islamic traditions. It may also

be that the proposal is particularly in line with the Shia tradition of religious faith where religious political power is deliberately deferred (as a tribute to the 'hidden' Imam)[17] – a tradition which is not too far removed from Jewish messianic hope and the Christian expectation of the 'coming kingdom'.

Notes

1. Paul Ricoeur, *Political and Social Essays*, ed. David Stewart and Joseph Bien (Athens: Ohio University Press, 1974), pp. 105, 123. Compare also my 'Religious Freedom: Preserving the Salt of the Earth', in *In Search of the Good Life: A Pedagogy for Troubled Times* (Lexington: University Press of Kentucky, 2007), pp. 205–19.
2. Ira M. Lapidus, 'The Golden Age: The Political Concepts of Islam', *The Annals of the American Academy of Political and Social Science* 524 (November 1992): 14–16. On the important role of jurists or legal scholars (*fuqaha*) in traditional Islam compare also Tamara Sonn, 'Elements of Government in Classical Islam', *Muslim Democrat* 2 (November 2000): 4–6 (published by the Center for the Study of Islam and Democracy, Washington, DC, USA).
3. Youssef Choueiri, 'The Political Discourse of Contemporary Islamist Movements', in Abdel Salam Sidahmed and Anoushiravan Ehteshami (eds), *Islamic Fundamentalism* (Boulder, CO: Westview Press, 1996), pp. 22–3, 28–30. Regarding Qutb, see also the discussion in Roxanne L. Euben, *Enemy in the Mirror: Islamic Fundamentalism and the Limits of Modern Rationalism* (Princeton, NJ: Princeton University Press, 1999), pp. 49–92.
4. As Oliver Leaman writes, Averroes (Ibn Rushd) criticized fideist theologians for 'only being prepared to accept a concept of God which is remarkably similar to that of a very powerful human being, God with a status rather similar to that of Superman'. See Oliver Leaman, *Averroes and His Philosophy* (Oxford: Clarendon Press, 1988), p. 14.
5. For the critique of 'sovereignty' see Hannah Arendt, 'What is Freedom?', in *Between Past and Future* (New York: Penguin Books, 1980), pp. 164–5; also Jean Bethke Elshtain, *New Wine and Old Bottles: International Politics and Ethical Discourse* (Notre Dame, IN: University of Notre Dame Press, 1998), especially pp. 6–25.
6. Lahouari Addi, 'Islamicist Utopia and Democracy', *The Annals of the American Academy of Political and Social Science* 524 (November 1992): 120–30 (122, 124).
7. ibid.: 126.
8. There is by now a plethora of studies exploring the compatibility between Islam and democracy. See, for example, John L. Esposito and John O. Voll, *Islam and Democracy* (New York: Oxford University Press, 1996); Ali Reza Abootalebi, *Islam and Democracy: State–Society Relations in Developing Countries* (New York: Garland, 2000); Larry Diamond, Marc F. Plattner and Daniel Brumberg (eds) *Islam and Democracy in the Middle East* (Baltimore, MD: Johns Hopkins University Press, 2003); Khaled Abu El Fadl, *Islam and the Challenge of Democracy* (Princeton, NJ: Princeton University Press, 2004); Larbi Zadiki, *The Search for Arab Democracy* (New York: Columbia University Press, 2004); M. A. Muqtedar Khan (ed.), *Islamic Democratic Discourse* (Lanham, MD: Lexington Books, 2006); Sayed Khatab and Gary D. Bouma, *Democracy in Islam* (New York: Routledge, 2007).
9. Abdullahi Ahmed An-Na'im, *Islam and the Secular State: Negotiating the Future of Shari'a* (Cambridge, MA: Harvard University Press, 2008), pp. 1–2.
10. ibid., pp. 3–4.
11. ibid., pp. 4–6.
12. Abdolkarim Soroush, *Reason, Freedom and Democracy in Islam*, ed. and trans. Mahmud Sadri and Ahmad Sadri (New York: Oxford University Press, 2000), pp. 63–4, 92–9.
13. ibid., pp. 45–6, 103–4, 136–8, 140, 152–3. Compare also Valla Vakili, *Debating Religion and Politics in Iran: The Political Thought of Abdolkarim Soroush* (New York: Council on Foreign

Relations, 1996); Forough Jahanbaksh, *Islam, Democracy, and Religious Modernism in Iran, 1953–2000: From Bazargan to Soroush* (Boston, MA: Brill, 2001); and my 'Islam and Democracy: Reflections on Abdolkarim Soroush', in *Dialogue Among Civilizations: Some Exemplary Voices* (New York: Palgrave Macmillan, 2002), pp. 167–84.

14. Compare in this regard Mike Featherstone, Scott Lash and Roland Robertson (eds) *Global Modernities* (London: Sage, 1995); Scott Lash, *Another Modernity, a Different Rationality* (Oxford: Blackwell, 1999); Dilip P. Gaonkar (ed.) *Alternative Modernities* (Durham, NC: Duke University Press, 2001); Charles Taylor, 'Two Theories of Modernity', *Public Culture* 11 (1999): 153–73; and my 'Global Modernization: Toward Different Modernities?', in *Dialogue Among Civilizations: Some Exemplary Voices* (New York: Palgrave Macmillan, 2002), pp. 85–104.

15. Compare in this respect Larry Diamond and Marc F. Plattner (eds), *The Global Divergence of Democracies* (Baltimore, MD: Johns Hopkins University Press, 2001); Deen K. Chatterjee (ed.) *Democracy in a Global World* (Lanham, MD: Rowman & Littlefield, 2008).

16. For some background see Shahrough Akhavi, *Religion and Politics in Contemporary Iran* (Albany: State University of New York Press, 1980); also Majid Tehranian, 'Khomeini's Doctrine of Legitimacy', in Anthony J. Parel and Ronald C. Keith (eds), *Comparative Political Philosophy* (Lanham, MD: Lexington Press, 2003), pp. 217–43.

17. For some instructive comments on this point compare Emad El-Din Aysha, 'Foucault's Iran and Islamic Identity Politics Beyond Civilizational Clashes, External and Internal', *International Studies Perspectives* 7 (November 2006): 377–94; also Roy Mottahedeh, *The Mantle of the Prophet: Religion and Politics in Iran* (New York: Simon & Schuster, 1985).

Chapter 15
Rethinking Religion and Political Legitimacy Across the Islam–West Divide

Nader Hashemi

Abstract The relationship between religion and politics is a bone of political contention and a source of deep confusion across the Islam–West divide. When most western liberals cast their gaze on Muslim societies today, what they see is deeply disconcerting. From their perspective there is simply too much religion in public life in the Arab-Islamic world, which raises serious questions for them about the prospects for democracy in this part of the world. This article critically explores the relationship between religion and political legitimacy with a geographical and cultural focus on the Muslim Middle East. The broad historical question that shapes this inquiry is: Why is religion a source of political legitimacy in Muslim societies today while in the West, broadly speaking, religion is a source of disagreement and illegitimacy?

Keywords Muslim • Religion • Secularism • State

This article examines the relationship between religion and political legitimacy in the context of the contemporary Muslim Middle East. Specifically, it seeks to provide a broad historical answer to the question: Why at the start of the twenty-first century is religion a powerful source of political legitimacy in Muslim societies while in the West, by and large today, it is a source of disagreement and hence illegitimacy?

This topic is important because the role of religion in politics is a bone of political contention and a source of deep confusion across the Islam–West divide. When

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most western liberals cast their gaze on Muslim societies today, what they see is deeply disconcerting. From their perspective there is simply too much religion in the Arab-Islamic world, which raises serious questions for them about the future of political development in this part of the world. The visible presence of religion in the public sphere, especially of a socially conservative nature, violates a key principle of liberal democracy that requires a form of secularity to sustain the liberal democratic project.

In *Political Liberalism*, John Rawls famously noted that a political conception of justice requires that we 'take the truths of religion off the political agenda'.[1] In Muslim societies today, however, religion is very much on the political agenda, as we have seen during and after the Arab Spring. Elections in Tunisia and Egypt have brought Islamist parties to power while simultaneously revealing the weak electoral appeal of secular and liberal parties. Furthermore, an ultra-conservative Salafist movement has emerged as an important element in the politics of the Arab-Islamic world. These trends raise serious questions about the future prospects for liberal democracy in Muslim societies. How can we begin to make sense of this topic?

15.1   The Great Islam–West Divide: Religion and Politics

In 2007, the research firm Gallup published the most comprehensive survey of global Muslim opinion. Based on 6 years of polling in 35 countries that represent more than 90 % of the world's Muslim population, it found widespread compatibility of values between western and Muslim societies in terms of support for human rights, basic freedoms, democracy and yes, even gender equality. Substantial majorities, including the most conservative Muslim societies (73 % of Saudis, 89 % of Iranians, 94 % of Egyptians), believe that men and women should have equal rights. '[S]ubstantial majorities in nearly all nations surveyed', Gallup reported, 'say 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"'.[2] Where the West and the Islamic world differed, however, was on the relationship between religion and politics. Muslims do not believe that greater democracy and self-determination require a western-like separation of church and state. 'Poll data show that large majorities of respondents in the countries surveyed cite the equal importance of Islam and democracy as essential to the quality of their lives and the future progress of the Muslim world.'[3]

A recent comprehensive study from the respected Pew Research Forum entitled 'The World's Muslims: Religion, Politics and Society' confirmed these findings. This survey, based on 38,000 interviews with Muslims in 39 countries across Europe, Asia, Africa and the Middle East, found that 'most adherents of the world's second-largest religion are deeply committed to their faith and want its teachings to shape not only their personal lives but also their societies and politics'. A majority of but not all Muslims polled stated that 'religious leaders should have at least some influence over political matters. And many express a desire for sharia – traditional

Islamic law – to be recognized as the official law of their country.' In Pakistan, for example, where 84 % favored enshrining shariah as official law, 96 % of those people also supported freedom of religion.[4]

How can we make sense of these poll data which, from a western liberal perspective, are deeply perplexing? A comprehensive answer is beyond the scope of this article but one approach that can add clarity to this confusion lies in revisiting two key moments in history that set the Islamic world and the West along different development trajectories.

15.2 The Crisis of Religion–State Relations in Early-Modern History

At the origins of most human civilizations, political authority and religious authority were closely intertwined. Mark Lilla has suggested that 'political theology' is the default position of all early human communities as they try to make sense of the relationship between religion and politics and the natural order of the world that surrounds them.[5] We get a hint of this from Plato. In his recounting of the trial of Socrates we learn that one of the charges against Socrates was his dissenting religious views, which were deemed to be heretical by the citizens of Athens. Western philosophy, in other words, begins with this tension.

In the modern era, most of the great philosophers in the western canon were deeply interested in religion. From Hobbes, Locke and Rousseau to Hegel, Mill and Marx, all of them wrote extensively about the relationship between religion, politics and society. The philosopher Leo Strauss, drawing on a phrase coined by Baruch Spinoza, referred to this as the 'theologico-political problem' of modern philosophy which 'remained *the* theme of my studies', he wrote, from the very beginning.[6] The question that is germane for this discussion is a historical one: How did the divine nexus between God, human beings and society gradually erode in the case of Latin Christendom, leading to the gradual separation of religion and state and the rise of political secularism? Second, what are the comparative lessons today for explaining the Islam–West divide with respect to the role of religion as a source of political legitimacy?

In his influential book, *The Clash of Civilizations and the Remaking of the Modern World*, Samuel Huntington argued that Christianity had a built-in secular orientation. This, he claimed, was one reason why western civilization was distinct from non-western civilizations, particularly Islam. 'Western Christianity … is historically the single most important characteristic of Western civilization', he wrote.[7] For Huntington, western culture is unique precisely because it has incorporated secularism and liberal values as part of its civilizational ethos from the beginning. 'God and Caesar, church and state, spiritual and temporal authority, have been a prevailing dualism in Western culture.'[8] Similarly, he suggested that 'a sense of

individualism and a tradition of rights and liberties' are unique to western civilization and thus 'The West was West long before it was modern'.[9]

The historian Nikki Keddie disagrees with Huntington. She has written that the assumption of very close religion–state relations in Islam, in contrast to the western experience, is deeply problematic because it ignores the fact that religion and state were closely intertwined for long periods of time in two of the three major branches of Christianity, the Roman Catholic and Eastern Orthodox Churches. In the latter we find the phenomenon of Caesaro-papism, in which the emperor was the head of both state and Church. Moreover, Keddie suggests that in pre-modern times Christianity and Islam had similar levels of religion–state entwinement, and that a careful and comprehensive scholarly investigation of this topic would likely reveal this. To date, such a comparative scholarly examination of, for example, religion–state relations in King Henry VIII's England in the 1530s and Sultan Suleiman I of the Ottoman Empire or Shah Ismail I of the Iranian Safavid throne (all of whom ruled at the same time) has not been undertaken. Keddie's prediction is that such a study would reveal some surprises and challenge many of our unexamined assumptions. She writes that the 'differences are not all in the direction of greater political power for Islam than for the Christian Church' and that 'de facto, the medieval relationship between religion and state was a standoff between the Muslim Middle East and the Christian West, with Christian institutions stronger in some ways and more in others than Islamic ones'.[10]

Keddie's observation reminds us that the history of secularism in the West is very long, complicated and generally misunderstood in western intellectual debates (especially when making cross-comparisons with Islam). Charles Taylor's *A Secular Age*[11] is a good place to start the discussion. His powerful study of secularism has its limitations, however, especially for those interested in the comparative study of secularism at a global level. In a detailed commentary on the analytical and methodological strengths and weaknesses of Taylor's book on secularism, Philip Gorski has noted that 'Taylor has relatively little to say about how historical conjunctures, institutional constellations and path dependencies led to divergent national trajectories in church/state relations, not because he is unaware of such variations, but because secularity 1 [the removal of religion from public spaces] is not his primary object of interest'.[12]

The work of José Casanova on secularism is more useful for this discussion. He has noted that four social trends are discernible that emerged in early-modern Europe and which had secularizing consequences for the West: (1) the rise of modern capitalism; (2) the rise of modern nation-states and nationalism; (3) the Scientific Revolution; and, most importantly, (4) the Protestant Reformation and the Wars of Religion during the sixteenth and seventeenth centuries.[13] This last development is central to the rise of political secularism, especially in the Anglo-American tradition, and is particularly helpful in terms of illuminating the question of religion-state relations in Muslim societies.

Post-Reformation Europe saw the emergence of new debates about religious toleration not only between Roman Catholics and Protestants, but, critically, among the various Protestant sects. In an age of gross intolerance, most Christian denomi-

nations were interested in enforcing religious uniformity on their societies, each claiming exclusive knowledge of God's will on earth and warning of the dangers of social disorder and chaos if religious toleration were allowed to flourish. In brief, religious toleration and political stability were thought to be negatively correlated. Uniformity of religious practice in the public sphere and the need for an established state religion were widely believed to be a prerequisite for peace, order and prosperity. This was the dominant view at the time, right up to the late seventeenth century, supported by almost every major philosopher, politician and commentator.[14]

It was left to John Locke to rethink the relationship between toleration and political order. In his famous *Letter Concerning Toleration* (1685), Locke rejected his earlier support for the firm union of Church and state and posited a new solution to the core political problem plaguing Europe. Religious pluralism in the public sphere and political stability were indeed compatible, Locke argued, on the condition that people 'distinguish exactly the business of civil government from that of religion and … settle the just bounds that lie between the one and the other'.[15] In other words, a soft form of political secularism was required.

The key interpretive point here is that political secularism emerged in England as the direct result of an existential crisis tearing the country apart. This conflict had been raging for many years and without a solution, Locke affirmed, Europe would not know peace, prosperity, or stability. The colossal size of this crisis cannot be overstated. Without a resolution to the religious question, the self-destruction of the West was a very real possibility. The future political stability of the western world hung in the balance. Political secularism thus emerged in the Anglo-American tradition out of the need to negotiate and resolve an existential threat. It was intimately and indelibly connected to these transformative events in the early-modern period of Europe. As Charles Taylor has noted, 'the origin point of modern Western secularism was the Wars of Religion; or rather, the search in battle-fatigue and horror for a way out of them'.[16] In short, the idea of a separation between Church and state originates as a political solution out of this existential dilemma. A contrast between this picture and the case of the Muslim world, with respect to the relationship between religious toleration and political order, is most illustrative.

15.3   Relative Muslim Toleration

Historians are in broad agreement that, comparatively speaking, in the pre-modern period Muslim societies were generally more tolerant than Christendom of religious pluralism.[17] The emphasis here is on the pre-modern era. The fact that until the mid-twentieth century, for example, the city of Baghdad had a population that was one third Jewish, speaks to this point. It is not suggested here that the Muslim world was a bastion of liberal tolerance as we understand it today or that minorities were never persecuted; far from it. Rather, the argument is simply that because of greater religious toleration in the pre-modern era, Muslim societies and empires did not historically face the same all-consuming wars of religion and debates over religious

toleration and political order that were so central to early-modern European political history. Comparatively speaking, Sunni–Shia relations and the treatment of religious minorities were far more tolerant in the Muslim world than in Europe over the last millennium, a fact acknowledged by Bertrand Russell in his *History of Western Philosophy* and by Arnold Toynbee in his *A Study of History*, to cite two authors from the western canon.[18]

The key political point that flows from this fact of relative Muslim tolerance (in contrast to centuries of pre-modern Christian intolerance) is that no burning political questions emerged between state and society where religion was the key, all-consuming and overriding bone of political contention. As a result, no political dynamic emerged within Muslim societies necessitating the development of intellectual or moral arguments favoring religion–state separation as a way out of an existential political dilemma in the same way these arguments developed and were so critical to the rise of secularism in Europe during the seventeenth century. In contrast to the western experience, religion was not a source of controversy in political life.

The primary threats to the socio-political order in Muslim societies were the corruption and nepotism of the royal court, natural famines and disasters, and most importantly foreign invasion – first the crusades of the eleventh to thirteenth centuries, followed by the Mongol invasion of 1258 (which ended the Abbasid Caliphate), and the Castilian reconquest of the Iberian Peninsula in 1492. Such external dangers only increased in the modern period with Russian, French, British and later American penetration, colonialism and imperialism (to varying degrees depending on the country, region and time frame in question). Due to this significantly different historical experience with respect to religious toleration – and this is key to understanding the relationship between Islam and secularism – *Muslim societies never had the need to think about secularism* in the same way the West did, for no pressing existential crisis resulting from debates on religion–state relations existed where a concept like secularism might be posited as the solution to a pressing political dilemma.[19]

Moreover, as Noah Feldman has argued in *The Fall and Rise of the Islamic State*, religion–state relations in the Muslim world were far more stable and amicable than they were in the West.[20] For over a millennium, religion played a constructive role as an agent of socio-political stability and predictability. In contrast to the European experience, where disputes over religion in the post-Reformation period became a source of deep conflict, in the Muslim world religion, and the scholars who interpreted it, managed to place restrictions on the personal whims and ambitions of the caliphs and sultans by forcing them to recognize religious limits to their rule in exchange for conferring legitimacy on the state. In short, the rulers were not above the law, as they later became during the twentieth century, but they were often constrained by it, thus limiting autocracy and arbitrary rule. Religion–state relations in the Muslim world have thus bequeathed different historical lessons and memories, where believers view religion (properly understood and interpreted) not as an ally of political tyranny and a cause of conflict, but as a possible constraint on political despotism, a source of social cohesion and stability, and a potential ally in promoting social justice. According to Feldman, this partly explains why demands for a

greater role for religion in politics have a sympathetic audience in the Muslim world today (where Islamists are not in power, as they are in Iran and Sudan). This brings us to the modern period.

15.4   Secularism and Its Modern Discontents

In the past 200 years, the Muslim world's experience with secularism has been largely negative. It is important to appreciate that in Europe secularism was an indigenous and gradual process evolving in conjunction with socio-economic and political developments while supported by intellectual arguments – and, critically, by religious groups – that eventually sank deep roots within its political culture. By contrast, the Muslim experience has been marked by the perception of secularism as an alien ideology imposed from the outside, first by colonial and imperial invaders, then by local elites who came to power during the post-colonial period. In short, secularism in Europe was largely a bottom-up process intimately connected to ongoing debates within civil society, while in Muslim societies secularism was largely a top-down process driven first by the colonial state and then by the post-colonial one.[21] As a result, secularism in the Muslim world has suffered from weak intellectual roots and, with a few exceptions, has never penetrated the mainstream of Muslim societies.

Furthermore, most states in the Muslim world by the end of the twentieth century were political, economic and moral failures. A pattern of state–society relations unfolded in the post-colonial era that further impugned the reputation of secularism. An autocratic modernizing state – often backed by external powers – suffocated civil society, stymied public debate and crushed political dissent, thereby forcing oppositional activity into the mosque and inadvertently contributing to the rise of political Islam. A set of top-down, forced modernization, secularization and westernization policies by the state – within a short span of time – generated widespread social and psychological alienation and dislocation. Rapid urbanization, changing cultural and socio-economic relationships coupled with increasing corruption, economic mismanagement, rising poverty, and income inequality undermined the legitimacy of the state. These developments reflected negatively on secularism because the ruling ideologies of many post-colonial regimes in the Muslim world were openly secular and nationalist.

Thus, for a generation of Muslims growing up in the post-colonial era, despotism, dictatorship and human rights abuses came to be associated with secularism. Muslim political activists who experienced oppression at the hands of secular national governments logically came to regard secularism as an ideology of repression. This observation applies not only to Iran under the shah but also to Tunisia under Ben Ali, Egypt under Mubarak, Iraq under Saddam Hussein, Syria under Assad and many other Muslim-majority countries in the latter half of the twentieth century.

The flip side of this development is that religion became a source of refuge and a marker of identity for many Arabs and Muslims. As the legitimacy of the secular

state declined, the legitimacy of religion increased as an alternative paradigm that some believed could remedy the problems facing Muslim societies in the modern age. Summarizing this trend Vali Nasr has noted:

> Secularism in the Muslim world never overcame its colonial origins and never lost its asso-ciation with the postcolonial state's continuous struggle to dominate society. Its fortunes became tied to those of the state: the more the state's ideology came into question, and the more its actions alienated social forces, the more secularism was rejected in favor of indig-enous worldviews and social institutions – which were for the most part tied to Islam. As such, the decline of secularism was a reflection of the decline of the postcolonial state in the Muslim world.[22]

The political implications that flow from these developments are of tremendous significance. The decline of secular politics and the rise of a religious consciousness in Muslim societies at the end of the twentieth century have deeply transformed the political culture of Muslim societies. The affirmation of a specific Islamic identity among significant segments of society including the ability of religious-based par-ties and activists to engage in mass mobilization and to win democratic elections has special implications for democratic theory and the political trajectory that Muslim societies will follow.

15.5   Conclusion

Broadly speaking, it is these two developments and political transformations that have deeply shaped the relationship between religion and politics across the Islam–West divide. They have produced different historical lessons which have been passed down through history and which form the backdrop to an understanding of this topic. But this is not the end of the story.

In the case of Muslim societies, by the end of the twentieth century and into the early twenty-first century, religion has come to be associated with political power. The 1979 Iranian Revolution was the first case, but there are other examples that one can point to: the National Islamic Front in Sudan in 1989, the Taliban in the mid-1990s in Afghanistan, the AK Party in Turkey in 2002 and more recently Ennahda in Tunisia in 2011 and the Muslim Brotherhood in Egypt in 2012. These political experiences, as diverse and different as they are, will shape how Muslims in these societies perceive and understand the relations between religion and politics in the years to come.

Notes

1. John Rawls, *Political Liberalism* (New York: Columbia University Press, 1993), p. 151.
2. John Esposito and Dalia Mogahed, *Who Speaks for Islam?: What a Billion Muslims Really Think* (New York: Gallup Press, 2008), p. 47.
3. ibid.: 35.

4. Pew Research Forum, 'The World's Muslims: Religion, Politics and Society', 30 April 2013.
5. Mark Lilla, *The Stillborn God: Religion, Politics and the Modern West* (New York: Knopf, 2007).
6. Steven B. Smith, 'Between Athens and Jerusalem', *Review of Politics* 53 (Winter 1991): 75–99 (78). Also see Heinrich Meier, *Leo Strauss and the Theologico-Political Problem* (Cambridge: Cambridge University Press, 2006).
7. Samuel Huntington, *The Clash of Civilizations and the Remaking of the Modern World* (New York: Simon & Schuster, 1996), p. 70.
8. ibid.
9. ibid.: 71, 69.
10. Nikki Keddie, 'The Revolt of Islam, 1700–1993: Comparative Considerations and Relations to Imperialism', *Comparative Study of Society and History* 36 (July 1994): 463–87 (464).
11. Charles Taylor, *A Secular Age* (Cambridge, MA: Harvard University Press, 2007).
12. Philip Gorski, '"Secularity 1": Varieties and Dilemmas' (forthcoming).
13. José Casanova, *Public Religions in the Modern World* (Chicago, IL: University of Chicago Press, 1994), pp. 11–39.
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15. John Locke, *A Letter Concerning Toleration*, ed. James Tully (Indianapolis, IN: Hackett, 1983), p. 26.
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Chapter 16
Islam and the West: Conflict, Democracy, Identity

Akeel Bilgrami

Abstract This short essay analyzes the deception and self-deception in talk of 'the clash of civilizations' and proceeds to diagnose what is wrong in the standard understanding of Islam in the Western media today by looking to the abiding history of colonial relations with Islam down to this day and also looking to the relation between ideals of democracy and the formation of religious identities. The essay closes with some remarks about the nature of identity and the importance to one's own agency of the distinction between the first and the third person point of view in Muslim self-understanding.

There is a very familiar cautionary response that one finds oneself constantly making when one engages in discussions about Islam these days. This is the response of saying, 'Do not generalize about Islam. There are many Islams!' In fact this has become something of a mantra and, given the strenuous simplifications one finds in the western media and on the lips and in the memos of politicians as well as in continuing forms of 'orientalist' academic writing, expressions of such caution are thoroughly warranted. But on the other hand, it should not become a conversation-stopper. And it should not be inconsistently deployed. There is no doubt that there are many Islams. That should be a banality. But if that is so, then equally, in that case, there are many Americas, and there are many Wests, too. And that does not stop many of us from making remarks *abstracting* from this multiplicity and

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diversity of the West and of the USA to make nevertheless roughly true generalizations about the West – such as, that there is a corporate-driven foreign policy prevalent in the West, especially in the USA, which has had very destructive effects in countries with Muslim populations, that the US government has consistently supported Islamic militants when this suited its geo-political and economic interests, that it has supported Israeli occupation and brutalization of the Palestinian land and peoples, and so on. These are all things that I, and many others, insist on saying, even as we acknowledge that there are many Wests, many Americas, with diverse interests and commitments, etc. But then, if one is consistent, one should also refuse to be inhibited from making efforts to understand Islam which abstract away from *its* diversity, and look for generalizations that are roughly plausible and that advance discussion and understanding. In a sense there could be no social *explanation* if we were not so prepared to abstract enough from the diversities of a social phenomenon to set up the explananda.

I say all this not to be dismissive of those who caution us against the crass and messianic media pundits on Islam. The media's discussion of Islam is indeed brazenly ignorant and brash. I say it only to allow enough discussion to get off the ground, such that any caution about ignoring the diversity of Islam should take the form of improving our analyses piecemeal when it is ignoring some diversity on this or that matter, rather than our wielding the caution as a general mantra that pre-empts earnest discussion of Islam in the fear that one is always falling into some caricature familiar from what we read in the press and various popular as well as academic writings.

Most of the criticisms of recent writing on Islam have tended to be that it has no business talking in large, undifferentiated categories of Islam and the West and the clash of civilizations between cultures described in these portentously omnibus terms. Though this is no doubt true, it distracts from the primary flaw of such a description of the conflict. The deepest fault-line of such talk is not that it is superficial and undiscriminating, but that it talks of conflict in thoroughly and deliberately misleading neutral terms. There is a massive deception and self-deception in this neutrality of description of the relations between the West and Islam as clashes or conflicts.

If these descriptions were accurate, there would be much less to be alarmed about because, perverse as it may sound, there is health in conflict and clashes. I mean that perverse-sounding remark only comparatively, so let me explain my meaning in historical terms.

For centuries the relations between European Christendom and Islam, quite properly describable as vilifying in word, and violent in deed, nevertheless displayed a respect for one another, trading in diverse material products, and engaging in a prolonged and fruitful mutual intellectual and artistic collaboration and influence – all of which, when viewed from the thoroughly revised circumstances of modernity, can only seem enviably robust and healthy. For those many hundred years prior to the consolidation of western colonial rule, both cultures were feudal and pastoral, and, despite local difference in religious doctrine, which was in large part the avowed ground of the antagonism, there were shared intellectual premises

that governed these differences. In fact it is the shared element that was the *real* source of the hostility. The more ancient religions of the East, such as Hinduism and Buddhism, were not only more removed in space, but were intellectually too remote to be palpably threatening to Christianity, in the way that Islam, with its many *shared* assumptions, was. As some historians have pointed out, it would appear that the crusades were fought against a form of heresy represented by Islamic civilization in Arabian lands rather than against some wholly alien presence there.

Napoleon's invasion of Egypt and the British conquest of India, however, gradually gave rise to an era defined by a quite different tone of relations. Conflict was of course still there on both sides, but it was not the *key* to future relations. It was the new tenor of colonial mastery that mastery required attitudes of condescension, and these were felt to be so by the subject people, breeding not so much a robust sense of conflict any more, but one of alienation, dehumanization and resentment. This new moral psychology that accompanied colonial relations was of course undergirded by an altering of the *material* relations that had held for centuries. The growing mercantile and industrial forces of the most powerful Christian lands were, as we well know, steadily destroying the pastoral societies in their own terrain, but their effect on the lands and economies of the colonial subjects was altogether different. What feudal structures colonialism destroyed to re-create new and vibrant economies in its own midst, it left well alone in these other lands, taking only that which was necessary for its mercantile and industrial requirements. By transforming its own political economy while extracting surpluses but leaving structurally unchanged its conquered lands, European colonialism thereby laid the foundation for an abiding material differential, which would continue until today to be the underlying source of the ideological rhetoric of superior progress, not only material *but also civilizational*. The health of conflict between more or less equal foes had by these material agencies now also deteriorated to the alienating effects of condescension and defensive resentment among increasingly unequal ones. As is well known and denied only by the mandarin classes in western countries, this material and moral and psychological situation has not changed in essentials since decolonization, and is pervasively present today.

So one lesson would be just this. The clash or conflict between civilizations is not nearly as bad if it is a genuine clash, rather than *a conquest* passing off in neutral terms as a 'clash'. It is this neutral idiom of 'clash' and 'conflict' to describe a situation which is best described as a conquest that is Huntington's most insidious contribution to these issues, and which was being pursued not only by Bush and his sinister coterie of advisers, but also implicitly by the more glamorous ideologues of liberal empire, like Christopher Hitchens, Michael Ignatieff, Paul Berman and many others.

Let me now suggest further that the health in conflict as compared to the malaise in conquest (*passing off* as conflict) is best understood by looking first and by looking dialectically at a quite other sort of conflict. These are the most genuinely healthy sort of conflicts which exist, those *within* civilizations, rather than between them.

George Bush, in one of the few truthful statements he made after 11 September 2001 said – just before he waged war against Afghanistan – that most Muslims are not fundamentalists. I dislike the term 'fundamentalist', so I will use the term 'absolutist' instead, and by it I will mean what I assume Bush meant, a cluster of commitments ranging from wanting to enforce Islamist regimes with strict *Shariah* laws, accompanied by a chronic and occasionally acute commitment to a war against modernity and its corporate and military symbols in the West and their presence in Muslim lands, viewed, however, not merely as military and economic forms of conquest so much as the presence of *infidels*.

Bush was obviously right, and no one really disagrees that as a matter of ubiquitous empirical fact – whether in Mumbai or Cairo, Karachi or Tehran, Afghanistan or Saudi Arabia, New Jersey or Bradford – most Muslims are not absolutists at all, in fact they share very little with the absolutist. This is evident in the fact that for the most part where there have been fair and open elections the 'fundamentalist' parties have failed to gain power, whether in Iran or in Pakistan. In fact in Pakistan, they have never gained more than 6.5 % of the vote in national elections. Most ordinary Muslims are simply too busy with their occupations and preoccupations to be seduced by any absolutist fantasies about an Islamic revival worth fighting for. The point can be safely generalized. Hard-line Islamists are not likely to get anywhere in elections in any country where Islam has not been willfully suppressed, as in Algeria. Even the popularity of Hamas in the Palestinian territories does not lie in the fact of its Islamism, but in the fact that in a situation of absolutely desperate subjugation of a colonized people, it more than anyone else has managed to keep services and basic lines of civil society active and functional.

If all this is right, an obvious question arises as to why the general image of countries with predominantly Muslim populations gives an impression of undergoing rampant Islamic revivalism. What accounts for this disparity between image and facts on the ground? Though it is perhaps true that this is to a considerable extent a result of misleading reportage and analysis by the western media, it would be too simple to attribute it all to such distortion. The problem goes much deeper than this: it goes to the internal moral psychologies of Muslims in these countries. The first thing to be registered is the fact that members of the far larger population of ordinary Muslims who, as I said, everyone acknowledges are not absolutists, are often unwilling to come out and be openly critical of the absolutists in their midst, with whom they share so little by way of ideology and ideal. This fact certainly adds to the gap between image and reality, which we are trying to understand. And it is a fact that itself needs diagnosis.

And the long history of colonial rule which I just mentioned and its ongoing presence in new and revised forms today, have much to do with the diagnosis. As a result of the detailed subjugations visited by that history, as well as continuing feelings of helplessness in the face of American domination and Israeli occupation and expansion, even ordinary, non-absolutist Muslims feel that to criticize their own people in any way is letting the side down, somehow capitulating to this long-standing history of being colonized and condescended to.

What this suggests is that there is a *yet another* conflict which is pertinent, a clash of attitudes and values, not the one we have just registered between ordinary Muslims and absolutists, but a further clash *internal to the psychology of ordinary, non-absolutist Muslims themselves*. Most ordinary Muslims are torn between their dislike for absolutist visions of their religion and societies on the one hand, and, on the other, their deep defensive feelings of resentment against forces that they perceive to have been alien and hostile in one colonial form or another for a very long time, and which have often supported the absolutists when it suited their political agendas.

This second layer of internal conflict within Islam, as we all know, is a vital factor in understanding the scope for any kind of change in these regions of the world. There is no space here to elaborate in any detail, what it would take to overcome such a defensive cast of mind. But it is a form of convenient and self-serving obtuseness to think, as many do in the USA, that addressing the issues that give rise to this defensive psychology is irrelevant or unnecessary. At any rate it should be obvious, except to those who are incapable of the most elementary form of instrumental reasoning about means to ends, that the cruelty of wars, of bombings, of occupations, of expansionist settlements, of embargoes and sanctions, of support of corrupt elites, do nothing to give ordinary Muslims the necessary confidence to take that critical attitude towards the absolutists – nor does the transparently exploitative pursuit of western corporate interests in these regions. They only encourage and increase the defensiveness.

The point of generality, then, is this. Conflict between ordinary Muslims and the absolutists would be a sign of great health in societies with large Muslim populations (whether in Iran or Pakistan or India or, indeed, France and Britain), but it could only have a good outcome if the other conflict (the one in the hearts of ordinary non-absolutist Muslims) is overcome in one direction rather than another. And the point about the role of such conflict in public deliberation and internal change is essentially a dialectical point within the ideals of democracy. None of this would be relevant, if it were not for the fact that we can assume, as I said even George Bush can assume, with empirical authority, that most Muslims are not absolutists. With this assumption in place, since it is one point and rationale of democracies to calibrate representation with numbers, it is an elementary consequence of such a conflict between these more numerous Muslims and the absolutists, that it is bound to have the effect of showing the absolutists within Muslim societies to be exactly what they are, a shrill but *unrepresentative* minority.

So yes it is fine to wish that democracy should exist in various parts of the world where it does not. It alone is what will reveal to the people in these regions themselves, the real health and the point in these conflicts. But the trouble is that there are two kinds of conflict. One is between the absolutist and the ordinary Muslim and no amount of democracy will reveal what I am insisting is the basic health of this conflict unless *another* conflict *within* the *psychology* of ordinary Muslims is resolved in a way that our slightly bumptious ideologues of liberal empire like Hitchens have done everything possible to make it very difficult for them to do.

Numerical strength will not surface in politics until psychological strength makes it possible. It cannot get its full play unless the defensive mentality of minority status is overcome.

Before I close this point about conflict and democracy *vis-à-vis* Muslim populations, I must say just a word about an institutional sort of difficulty that exists in countries like India or for that matter Britain and France, where Muslims are a minority. I have pointed to the obvious formal and arithmetical merit of democracy when we acknowledge the empirical fact that most Muslims are not absolutists. Democratic and representative institutions should then be able to reveal that these absolutists are an unrepresentative group within the minority Muslim populations. But it is a curiously difficult and under-theorized problem about democracies that we have no institutional sites and means for developing representative institutions *within communities*, as we have at the level of the region, the province, the city, and so on. Communities are too dispersed, and there are no obvious formal mechanisms by which democratic representation can be installed. This need for and failure to achieve intra-community democratization is a remarkably under-studied and under-theorized phenomenon in political theory and political sociology.

Let me close by making one or two points of broadly philosophical significance.

One is constantly encountering a scepticism from certain quarters about the line I am taking in this article, which it would be evasive not to address. Here is, I suspect, a very widespread version of the scepticism, one that I know is asserted aggressively, once again, by writers like Christopher Hitchens, who say that there likely cannot be such a thing as a 'moderate' Muslim, given the nature of Islam. Now, I have never much liked the term 'moderate' Muslim, used as a term of condescending applause, but because of its widespread use, let me go along with it for the sake of convenience. On this view, populations that identify themselves with Islam could not possibly resolve the two dialectically linked conflicts I have described along the lines that I think are possible because to do so would be to give up on that identification with Islam, to give up on Muslim identity.

For ordinary Muslims to be more openly critical of the absolutists than they have been, this view says, would require them to relinquish some aspects of their religion. They would have to relinquish certain ideas about relations to non-Muslims, ideas about gender relations in institutions such as marriage, divorce, alimony, etc., and commitments to censorship and punishment of blasphemy. … But to do so, it will be said, would be to give up on one's Muslim identity, to cease to see oneself as a Muslim.

This line of thought is based on a numbingly false picture of cultural identity, whether religious or otherwise, and it is a picture, alas, that fundamentalists would like to encourage. A person's identity is simply not given by a *checklist*, such that if every item on the list is not checked off one loses one's identity. Identity is simply not a *codified* phenomenon in that way. It is fluid and malleable and survives enormous amounts of revision and erosion, as we all know even from Muslim societies in many parts of the world today. The idea that if one gives up a *Shariah* law about blasphemy or alimony, or even if one gives up a customary religious practice such

as *purdah*, one is ceasing to be a Muslim altogether is an egregious misrepresentation of what it takes to be a Muslim. I know any number of Muslims, not *déracinés* like me but religious people, whom it would be a travesty to count as anything but Muslims, and who have altogether shed these offending convictions and practices. To say that they do not count as having Muslim identity is to assume a conception that only an absolutist would affirm. Hitchens, therefore, should worry a bit that their views here are too perfectly of a piece with the absolutist's.

I have spent a long time in this article diagnosing sympathetically the psychology of ordinary Muslims in different parts of the world. Many others have done so, even occasionally in the mainstream media, though not often in the USA. But I want to finish with a point of very abstract philosophy. When these sympathetic diagnoses and explanations are given of Muslims by writers in the West, including by deracinated Muslims like me, they are spoken in the third person. By that I mean, that they take the form of saying '*They* must be understood as having a psychology produced by past and present forms of colonialism', etc. But now notice a very odd thing. These very same remarks sound very odd in the first-person voice. That is, they sound very odd when they are said by Muslims themselves. This is to say, it sounds very odd if Muslims themselves say, '<u>We</u> are the products of colonialism and that is why we are unable to be more self-critical of absolutist elements in our society', etc. Thus the very same thing when spoken by another, from the outside, is true. And it is not as if it fails to be true when spoken by Muslims themselves in the first person. They are still true things to say, but there is nevertheless something off about saying them. Why? Because it is a surrender of agency to say it in the first-person mode of oneself. Understanding oneself is done by stepping outside of the self and looking at oneself from the outside, as a third person would. But to take that perspective on ourselves, though often necessary, cannot *exhaust* our perspective on ourselves. If it did it would destroy our freedom, which consists in the first-person point of view, the point of view of agency, the point of view of the subject rather than the point of view by which we view ourselves as objects, the objects of history and its causes. This is a point so fundamental that its significance amounts to nothing less than this. It would be the final triumph of imperialism if it has affected us *so comprehensively* that we understand ourselves *so well* as a product of the history it has visited upon us, that it has – in having this effect – destroyed our capacity for free, self-critical agency.

Part III
Multiculturalism, Interculturalism and Multiple Modernities

Chapter 17
Foreword: Political Models Accommodating Pluralism

Volker Kaul

Some theorists sustain the hypothesis that the question concerning the compatibility of Islam and democracy is not that different from the accommodation of pluralism as such. From this perspective, Islam is just one of many comprehensive doctrines, to use John Rawls' famous term in *Political Liberalism* (1993), present in society and whose truth-claims all in one way or another risk to endanger the flourishing of democratic life. Under such conditions of persisting pluralism, the relevant question is therefore the following: Which is the political design that makes despite contradicting truth claims society possible?

Articles gathered in this section are basically addressing two political models that are to meet the challenge of pluralism: cosmopolitanism and multiculturalism. According to cosmopolitanism, pluralism is to a certain extent the outcome of our autonomy. Individuals remain always prior to the fact of pluralism. On the contrary, multiculturalism holds that pluralism is given in particular by the diversity of cultures and religions, that in return constitute individual practical reasoning and choices. Accordingly, for cosmopolitanism a regime of fundamental political and civil rights is the foundation of the very possibility of pluralism. For multiculturalism, on the other hand, only the recognition of cultural and religious difference allows for the accommodation of pluralism.

Appiah and Touraine endorse the cosmopolitan framework challenging the idea of thick, communitarian pluralism, whereas An-Na'im and Rasmussen defend cosmopolitan political institutions. Multiculturalism is defended on the grounds of intercultural dialogue (Bernstein), the force of the example (Ferrara) as well as recognition (Taylor).

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17.1   Cosmopolitanism

Kwame Anthony Appiah, discussing the idea of the West and Islam as opposites, challenges the communitarian conception of cultures and religions as distinguishable organic wholes with essences. Referring to the work of the historian David Levering Lewis, Appiah claims that "in making the civilization that modern Europeans inherit, the cultural legacy of Al-Andalus is at least as important as the legacy of the Catholic Franks." The values of religious freedom and tolerance, that Europeans and Westerners today defend as their values against Islamic integralism, were widely practiced during the Arabic rule in Spain and Andalusia, while the rest of Europe still lingered in the Dark Ages. During this time, the three monotheistic religions collaborated in a peaceful and fruitful manner, transmitting the fading heritage of classical Greece that has become so central to Western self-understanding.

According to Appiah, this illusion of a Western civilization has one of its roots in Herder's notion of the *Sprachgeist*. He writes, "Herder's talk of the spirit of a nation created a picture in which all the aspects of the life of a people who shared a language were generated from a common core," ignoring, as Benedict Anderson shows in his *Imagined Communities* (1983), that nations are "the result of cultural work" that cannot be referred back to "a natural and pre-existing commonality." "That is why we in Europe and North America do not need the idea of the West to guide us forward; why what we have are *choices*, not tracks laid down by a western fate."

Alain Touraine thinks as much as Appiah that the real source of conflicts is the self-understanding of cultures and religions. Yet, contrary to Appiah, he is not so much concerned with their essentialist narratives than their holistic claims to non-religious aspects of social life. Touraine puts forward a rather strong thesis: "Coexistence between various cultures or religions is possible only when so-called 'civilizations' become fragmented and lose their control of all aspects of social, economic and even cultural life." The question then is how can the fragmentation and destruction of a civilization as a global system be achieved. According to Touraine, this cannot be "a matter of free and open debate. All religions have been political and cultural institutions and all of them had to be forced to abandon their control of the whole of social and cultural life to be recognized and even protected."

Although this strong form of secularism and state regulation of religious and cultural affairs has gone hand in hand with authoritarian political regimes in postcolonial, in particularly Middle Eastern Republics – and Touraine mentions Atatürk's Turkey and Bourguiba's – Tunisia, Touraine does not think that they stand, no more than his criticism of a globalized economy and mass society, in any contradiction with liberalism. He precisely holds that these negative elements must be accompanied by positive elements from "what we used to call 'humanism'" that include universal principles, reason and human rights. Touraine's point is that soft or thin, non-communitarian pluralism as well as "cultural and religious freedom and diversity," which Touraine strongly endorses, depend upon certain cultural and, last but

not least, economic preconditions, namely "cultures that define themselves in universalistic terms" and protectionist policies in line with "a strong defence of a national or regional culture." Otherwise, "the diversity of cultures can transform itself into communitarian groups closed, intolerant and obsessed by their purity and homogeneity."

Abdullahi An-Na'im does not deny "our permanent and profound cultural and contextual differences." However, in contrast to Appiah and in particular Touraine, he does not think that we therefore have to challenge the very idea of cultural and religious pluralism. An-Na'im holds that, first, all human beings, despite their undeniable differences, "share vulnerabilities to disease, arbitrary violence and environmental degradation." And secondly, self-determination is "a core human value that all human beings share." These commonalities, vulnerability and autonomy, allow people "to acknowledge the moral choices of others, especially those who are different from [them] or disagree with [them]." This mutuality also allows us to "honor the perceptions of other human beings of the 'factual basis' of their resentment as we would want them to honor ours."

Since the persisting religious and cultural differences require us to make moral choices, any form of *realpolitik* today has to be based upon moral considerations in order not to be irrationally short-sighted and to escape the trap of resentment and retaliation. "Normative and institutional resources like constitutionalism and the international rule of law for keeping the peace and for protection of human rights" can help to translate these moral choices into political action on a national as well as global level.

David Rasmussen, in a similar vein as An-Nai'im, rejects a notion of the political that has no moral foundation. Samuel Huntington grounds his famous thesis of a clash of civilizations on a conception of pluralism that does not exclude incommensurability and conflicts between cultures and religions. To the contrary, Huntington justifies to some degree cultural and religious conflicts, as, according to Rasmussen, does Carl Schmitt when he reduces the notion of the political to the friend/enemy distinction. However, Rasmussen, unlike Appiah, does not want to put into question Huntington's robust notion of pluralism. He thinks that "it would be impossible to resolve the stability problem without taking pluralism into account." Therefore he proposes, following John Rawls, that justice needs to be grounded in an overlapping consensus of the manifold comprehensive doctrines present in society and the international realm.

The interesting question is how the fact of irreconcilable pluralism can give rise for some to a clash of civilizations and for others to an emerging domain of the political grounded in liberal toleration. Rasmussen's thesis is that Huntington does not take into consideration the reality of multiple modernities. Although non-western trajectories of modernization indeed do not coincide with secularization, they are nonetheless characterized by increasing levels of reflexivity and self-correction that give rise to "a continuing struggle over the definition of the realm of the political." Rasmussen quotes Shmuel Eisenstadt in this regard: "Indeed, it is only with the coming of modernity that drawing the boundaries of the political becomes one of the major foci of open political contestation and struggle."

According to Rasmussen, "multiple modernity theory does not necessarily have to be committed to the resolution of the stability problem; however, it can help us understand the dilemma presented by the contestation of the political." If history does indeed not result in secularization, "the so-called moral claims that come from an emerging political tradition are not to be made over and against other comprehensive traditions in the name of enlightenment reason but in relationship to them."

Rasmussen clearly distances himself from Rawls and his idea that an overlapping consensus and the emerging domain of the political are fundamentally the result of our reason and not of culture and religion. He reproaches Rawls for having "retained a mild philosophy of history that was committed to developments that were essentially western, i.e. a theory of explanation of modern politics that relied on western political developments from the Protestant Reformation on." However, Rasmussen concludes that if "the liberal story may be too narrow to accommodate pluralism on an international scale, it is just possible that it is that story that can overcome conflict on the international scale."

17.2   Multiculturalism

Whereas Appiah and Touraine consider the communitarian account of pluralism as problematic and in contradiction with liberalism, both An-Na'im and Rasmussen believe strong communitarianism to be compatible and to some extent even the foundation of liberalism. What distinguishes multiculturalism from cosmopolitanism is the fact that the first does not give any principled precedence to individual rights over the claims of communities and religions. Multiculturalism holds that individual freedom precisely consists in living up to the communitarian norms. The question is how multiculturalism meets, in the absence of liberal rights, the challenge of irreconcilable pluralism without collapsing into the clash of civilizations.

Richard Bernstein's thesis is that multiculturalism is not doomed to "a picture of cultures, religious or ethnic groups that are self-contained and are incommensurably radical with each other." As we have seen, Appiah endorses a not too dissimilar point. Yet, what makes Bernstein a multiculturalist is the fact that he conceives cultures as the wholes Appiah is criticizing. Bernstein certainly recognizes that "cultures are dynamic and rapidly changing. And within any given culture there are enormous differences." Nevertheless, according to his view, however much pluralism there should actually be existent within a specific culture, cultures provide the vocabularies and conceptual schemes, in short, the framework of our ideas through which we perceive, understand and judge the world. He writes, "we cannot leap out of our own finite limited horizon to some neutral objective perspective, to some God's-eye point of view."

For Bernstein it is one thing to be in agreement with and see the accuracy and strength of theories claiming that our reason is subject to particular paradigms, worldviews and cultures. It is quite another, however, to draw from the situatedness of our reason the conclusion that religions and cultures are indeed radically

incommensurable and inevitably in conflict with each other. According to Bernstein, "the picture of cultures, vocabularies, languages, paradigms, etc., suggested by totalizing incommensurability is deeply misleading; it is static and reified. This picture neglects the extent to which any *living* language, any vocabulary, is intrinsically open." Bernstein's claim is, following Hans-Georg Gadamer and the hermeneutical tradition, that given our situatedness we can never grasp and get hold of reality as such. Therefore the incommensurability of conceptual schemes as much as the irreconcilability of religions and cultures must quite necessarily be relative. None of them can be said to be fully true. Bernstein quotes Gadamer: "The historical movement of human life consists in the fact that it is never absolutely bound to any one standpoint, and hence can never have a truly closed horizon."

Given this hermeneutical insight into the relative incommensurability of our limited horizons, intercultural and –religious dialogue, according to Bernstein, becomes possible, if not necessary. If no one possesses the truth, insisting on one's own point of view becomes futile and sterile and "we can attempt to enlarge and enrich our horizon accomplishing what Gadamer calls a 'fusion of horizons.'" Since from the hermeneutical perspective, only "'genuine' or 'authentic' understanding" through dialogue and mutual learning as well as commensurable standards contribute to proper epistemic progress, an assumption that stands also at the center of Jürgen Habermas' discourse theory of ethics.

Alessandro Ferrara provides an alternative solution to Bernstein's dialogical approach to the problem of incommensurability based upon "learning to hear what is different and other than us." Ferrara proposes an *intracultural* rather than intercultural theory of toleration that "would bring to exemplary realization a value core" residing in the respective cultures. Intercultural dialogue and genuine understanding requires, as Bernstein recognizes, "the humility to realize that our horizons are finite and limited." Yet, as Ferrara claims, "epistemic humility by itself does not suffice, because the people whom we most urgently want to convince about the goodness of pluralism and toleration are those who precisely do not think of their faith as one among other points of view." The problem is that from the internal point of view of cultures and religions their claims are anything but relative. And this gives rise to Ferrara's existentialist question: "Why should a committed Catholic, Jew, Muslim, or secular Marxist embrace respect for pluralism?" In order to "become aware of our own finitude and fallibility," as Bernstein is urging us to do, we need to step outside of our respective cultural or religious frameworks. However, according to Ferrara, requiring people to reason upon their respective frameworks and conceptual schemes does precisely presuppose a sort of personal autonomy that "fails to appeal to parties, groups, congregations, movements, individuals who [do not] share the moral individualistic premise of the value of autonomy." Since only some form of transcendental practical reason allows people to adopt an external point of view on their cultures and get the hermeneutical circle and intercultural dialogue off the grounds.

Ferrara, as much as Rasmussen, wants to avoid any reference to universal principles and standards of reasonableness in the justification of pluralism. In fact, he claims that "the neo-Kantian lineage of contemporary theories of liberal democracy,

[in particular] Rawls' and Habermas' accounts of liberal legitimation, tend to over-look the question 'Why be pluralist?.'" Yet, unlike Rasmussen, Ferrara does not see emerging an overlapping consensus with regard to the legitimacy of liberal institu-tions. He thinks therefore that solely intracultural dialogue can bring about some form of intercultural toleration. Given the pervasiveness of cultural paradigms, only a discussion within a religious framework, for example, can address and touch the sensibility of believers. Ferrara proposes to proceed via conjectures of the following form: "Because you believe x, you have all reasons to accept pluralism [and] tolera-tion." The conjectures are supposed to demonstrate the contradictions and incoher-ence of positions defending intolerance on cultural or religious grounds. Ferrara, limiting himself to an analysis of the Christian and Jewish tradition, is confident that each cultural tradition contains values favoring pluralism and suggests that conjec-tures should realize these core values using the force of the example.

Charles Taylor discusses two political models able to accommodate this sort of thick pluralism discussed by Bernstein and Ferrara: multiculturalism and intercul-turalism. The multicultural model is based upon a Bernsteinian conception of cul-tures with fundamentally open horizons that intercultural dialogue brings to fuse. Instead the intercultural model goes rather back to Ferrara's more monolithic theory of cultures in which toleration goes hand in hand with relative preservation of cul-tural identity.

According to Taylor, liberal, rights-based accommodations of pluralism are not equipped to meet the multicultural challenge. "In a historically developed and shared culture of interaction (…) an understanding comes to circulate of what the normative citizen, members, employee, etc., should be like, of what is expected of him and her." This normalization of social roles and definition of "certain sorts of people as enjoying the status of fully normative citizens, members, economic agents, etc.," undermines equality and excludes members of cultural minorities from the status and rights of full citizenship in a society with a cultural majority. Therefore any kind of multicultural policies must, as Taylor claims, "have as com-mon ultimate goal that they transform the culture of interaction so as to remove the inequalities and confer the status of normative citizen or member on everyone" and articulate "what the new culture of interaction will be, and the way it differs from the old."

According to the multicultural model, pluralism requires cultures in a society to fuse the different horizons of interaction and contribute to the creation of a new, inclusive narrative that is not bound to any particular identity. Multicultural policies "decenter the traditional ethno-historical identity and refuse to put any other in its place. All such identities coexist in the society, but none is officialized." In Taylor's conception, multiculturalism distinguishes strongly between cultural identity and political identity.

Yet, as Taylor recognizes, multiculturalism is a highly demanding model in par-ticular for those majority and national cultures that fell behind in the course of glo-balization and find themselves on the defense. They might "fear that somehow what are considered essential features of [their] identity will be lost" in the multicultural narrative. Paradoxically, from this point of view, the multicultural model meets the

same resistances as liberalism that in a similar vein separates political culture from questions of identity.

Accordingly, Taylor puts forward the model of interculturalism that does not replace the reigning historical identity with a more neutral narrative, but "sees it evolving in a process in which all citizens, of whatever identity, have a voice." Interculturalism does not require a national culture to give up its identity, but only to develop and cultivate those cultural features that promote openness, toleration and integration. In the intercultural model, members of minority cultures are indeed expected to abandon any cultural claims and integrate themselves into the nation, but in turn they "become full members of this society, with a say like all the others, whose views and contributions count as much as those of native born." Hence, interculturalism keeps a strong connection between national culture and citizenship.

However, Taylor sees the danger that even interculturalism could be perceived to threaten the integrity of the nation. He is afraid that, "there is an indefinite zone of customs, common enthusiasms, common reference points, modes of humor, and so on, (…) whose weakening, abandonment or demise may be feared." Taylor thinks this fear "that 'they' may change 'us'" to be rather irrational when one takes into account the motivations for immigration. Immigration is above all economic in nature, concerned with access to better occupations, higher income, and education for the children. According to Taylor, "success in these endeavors creates an enormous positive bonding with the host society, a sense of gratitude and belonging" and "a patriotism which makes natives blush."

Taylor's point is confirmed by the experience the USA and, as Taylor adds, "sometimes Canada" has made with immigration. Yet, the question is if it is also valid for societies with strong historical nations such as those found in Europe. Europeans, as much as the skeptical Quebeckers Taylor is engaging with, tend to doubt that immigrants and members of minority cultures are willing and really can give up their identity and integrate into the national cultures. And it seems that one reason for their doubts is precisely the experience they made with and the moral importance they attribute to their own nations. If cultures have indeed a strongly normative character, this skepticism is rather reasonable and interculturalism might, from Taylor's own point of view, not necessarily be politically more acceptable and realistic than the multicultural model. Although Taylor for understandable reasons vehemently tries to reject a communitarian interpretation of multiculturalism with communities governing themselves according to their own system of norms, the Millet system might after all be the political system most coherent with a thick understanding of pluralism.

All of the essays gathered in this section are strongly endorsing a pluralist society. What they come to disagree about are the political conditions under which a pluralist society becomes possible. Cosmopolitans put at the center the protection of individuals, multiculturalists emphasize cultural recognition.

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Chapter 18
Interculturalism or Multiculturalism?

Charles Taylor

Abstract This essay discusses the difference between the concepts of multiculturalism and interculturalism, both concepts which are current on the Canadian scene. It argues that the difference between the two is not so much a matter of the concrete policies, but concerns rather the story that we tell about where we are coming from and where we are going. In some ways, we could argue that interculturalism is more suitable for certain European countries.

Keywords Interculturalism • Multiculturalism

18.1

What is meant by 'interculturalism', and how does it differ from 'multiculturalism'? I'd like to introduce my discussion of this issue with some *extremely* parochial considerations, having to do with the never-ending Canada-Quebec imbroglio. The fact which I start from is that policies concerned to deal with diversity and integration are grouped in 'English' Canada (Canada outside Quebec) under the rubric 'multiculturalism', whereas in Quebec they are referred to as 'interculturalism'. These policies are in fact quite similar when one spells them out. But it nevertheless has been politically imperative to use a different name.

Now part of the explanation lies in the lowest kind of demagogic rhetoric. Quebeckers of a very nationalist bent (a) can't bring themselves to adopt policies having the same name they bear in 'English' Canada, (b) have created a history in which multiculturalism was introduced in Canada in order to avoid having to deal

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properly with French-English duality, and/or (c) maintain that Canadian multiculturalism is designed to slow down and even defeat integration, that it consists in encouraging immigrants to retreat into their communities of origin – in short, that it encourages ghettoization.

Now (a) is not a valid reason and (c) is just plain wrong; although it is worth noting that this negative, ghetto-inducing idea of the point of multiculturalism is widely shared in Europe, as Canadians discover to their cost and horror when they discuss these questions with French, Germans or Dutch.

I remember reading a headline in a German newspaper '*Multikulturalismus ist gescheitert*', where the explanation was that the politics of *laisser-aller* which recognizes difference with no concern for integration had brought Europe to a terrible pass, and that now was the time to get tough and make immigrants conform. In fact, in recent months, the heads of government of the three biggest EU countries – Merkel, Cameron and Sarkozy – have announced the end of this pernicious 'multiculturalism'. In France, '*Communautarisme*' has been regularly stigmatized as the same kind of encouragement to retreat into closed cultural communities – '*le multiculturalisme*' is seen as an endorsement of a philosophy of closure. Quebeckers are often just repeating the French rhetoric on this. Canadians find it hard to recognize themselves in this travesty, because multiculturalism in this country has from the beginning been concerned with integration, putting a great emphasis, for instance, on teaching the national languages, English and French.[1]

But the fact that the word has a different sense in Europe and in Canada is not just a harmless semantic shift. Anti-multicultural rhetoric in Europe reflects a profound misunderstanding of the dynamics of immigration into the rich, liberal democracies of the West. The underlying assumption seems to be that too much positive recognition of cultural differences will encourage a retreat into ghettos, and a refusal to accept the political ethic of liberal democracy itself. As though this rush to closure was the first choice of immigrants themselves, from which they have to be dissuaded through 'tough love'. Up to a point, we can understand why politicians with no great experience of the dynamics of immigrant societies fall into this error, because the tendency among immigrants is always at first to cluster with people of similar origins and background. How else can they find the networks they need to survive and move ahead in the new environment? We also see this clustering in globalized cities, like Bombay, where new arrivals seek out people from the same state or village.

But the major motivation of immigrants into rich democracies is to find new opportunities, of work, education, or self-expression, for themselves and especially for their children. If they manage to secure these, they – and even more their children – are happy to integrate into the society. It is only if this hope is frustrated, if the path to more rewarding work and education is blocked, that a sense of alienation and hostility to the receiving society can grow, and may even generate a rejection of the mainstream and its ethic.

Consequently, the European attack on 'multiculturalism' often seems to us a classic case of false consciousness, blaming certain phenomena of ghettoization and

alienation of immigrants on a foreign ideology, instead of recognizing the home-grown failures to promote integration and combat discrimination.

Only in (b) is there some element of truth, because 'bi-culturalism' was a term of election for certain Quebeckers who wanted to bring about a serious recognition in Canada of the Quebec difference,[2] and Trudeau's negative reaction took the form of saying: Canada is bi-lingual, but not bi-cultural; rather it is multicultural. But this turned out to be only a minor part of the story. There were serious reasons within English Canada for the multicultural turn, which I will come to shortly.

So much for the baser political motivations for this difference in terminology. But there are more serious reasons for the semantic distinction. How could there be, one might ask, if the policies are not all that different? As a first approximation, the answer to this, in a word, might be because the rhetoric is different. What, just rheto-ric? one might reply. My answer to this is that anyone who speaks of 'just rhetoric' doesn't understand politics. In fact this difference carries other serious ones in its train, which are crucial to these policies.

Let me explain. Let's agree to use the term 'multiculturalism' on two levels: as a generic term for the ensemble of policies introduced with the combined goals of recognizing diversity, fostering integration and producing/maintaining equality; and then as a word designating a sub-species of such policies, to be contrasted with another sub-species, called 'intercultural'. I will go on for a while in a parochial vein, illustrating this difference from the Canadian scene, but then I will try to show that it has wider application.

So what do multicultural programmes and policies hope to effect? They start from the perception that any democratic society has a historically developed and shared culture of interaction. I am gesturing with this term at the ensemble of ways that members of the society relate to each other in a host of contexts, as fellow citi-zens in the polity, or as fellow members of political or other associations, or as employers and employees of an enterprise, or as merchants and customers, and so on. An understanding comes to circulate of what the normative citizen, members, employee, etc., should be like, of what is expected of him and her, as also of the different footings they should stand on with each other, the modes of intimacy or distance, the assumptions about social distance, and so on. A multicultural chal-lenge arises when this culture defines certain sorts of people as enjoying the status of fully normative citizens, members, economic agents, etc., enjoying the normal degree of intimacy, recognition from the others; and excludes others from this sta-tus. This arises, for instance, when people of a certain historical descent are accorded, in virtue of the historical origins of the society, the status of fully norma-tive citizens or members, while people of other origin are viewed differently. But the issue doesn't have to turn on culture in this historical sense. We can also have this imbalance in a society where women are excluded from certain roles, or are treated differently than men when they occupy these roles. Or when people of a certain sexual orientation are discriminated against.

Of course, this kind of inequality can exist for a long time in a society without this being seen as a problem. Hierarchies are often 'normalized' in this sense, even in democratic societies. It may be the general consensus that women have their

'place', and shouldn't aspire to operate outside it; or that this society has as its basic purpose the preservation of a certain historic culture, and that thus full members of this culture have a privileged position within it. For the sense of multicultural challenge to arise, this normalization has to be put in question, has to be seen as a denial of equality, which is one of the crucial values of a democratic society.

The age of multiculturalism is in fact the age in which this kind of inequality has come to seem more and more indefensible. The multicultural issue is often posed in terms of natives and immigrants, or people with a long local ancestry versus those who have more recently arrived. But it can also arise because of inequalities suffered by people who have always been there, as with women of historical national minorities, but whose subordination previously seemed normal, and now no longer does so in a fully democratic age.

The challenge of multiculturalism can be met by a range of policies; but these have as common ultimate goal that they transform the culture of interaction so as to remove the inequalities and confer the status of normative citizen or member on everyone. But if this is going to happen we need not only specific policies, conferring skills, like the national language, opening access to various jobs and positions, barring discrimination, and so on. We also need an articulated account of what we're doing – we need to articulate what the new culture of interaction will be, and the way it differs from the old. We need to give some expression to the new footing on which we want to be with each other, having set aside the inequalities and exclusions which characterized the old. We need a narrative of the transition we're trying to bring about.

Let's call this articulated account the 'story' that gives the rationale of the policies. This is what I was referring to above in my (admittedly rather flip and provocative) reference to 'rhetoric'. So my point there could be put in these terms: between Canadian multiculturalism and Quebec interculturalism the differences lie less in the concrete policies than in the stories. Admittedly, one can note a semantic distinction between the two terms which seems to point to a different inflexion of policies: if multiculturalism in the generic sense includes policies which aim both at recognition of difference and integration, one might argue that the prefix 'multi' gives greater weight to the first goal – acknowledging diversity – while 'inter' invokes more the facet of integration. But why this difference is important will only emerge when we look at the two stories.

So let's look at these. Basically, the story behind Canadian multiculturalism is the following: 'English' Canada, or better, anglophone Canada, used to operate within a culture of interaction in which the normative citizen traced his/her ascent from the British Isles: English, Scottish, Irish. And sometimes discriminations were made among these, matching those prevalent in the home islands (where the Irish were emphatically not on the same footing as the others). People of non-British origin were not quite on the same footing. This had a lot to do with the political identity of anglophone Canada, where the relation to the Empire/Commonwealth bulked very large, and with an identity which was further strengthened by the two World Wars. Our armed services were 'royal' (RCAF, RCN) – the excitement around the Coronation of Elizabeth II was intense.

In the post-war period, we gradually moved away from this identity – though we still have the RCMP, our 'Mounties', as a major police force on the federal level and in most provinces. There were many reasons for this, but an important one was demographic. A smaller and smaller proportion of Canadians share that 'British' origin; I think it's now down to something like a third of the Canadian population. But also there was the inevitable social advance of people of other origins to positions of importance in all walks of life. That, plus the new climate of opinion developing in the West which put greater and greater importance on the recognition of identities (and which also helped power feminist movements, those for gay rights, etc.), made the old 'anglo-normativity' no longer tenable.

The 'story' around Canadian multiculturalism as it develops in the 1960s and 1970s was essentially the dethroning of this anglo-normative understanding. It had to be made clear that one was no closer to the heart of the Canadian identity if one was called Jones than if one's name was Kowalski or Minelli. Culture, in the sense of what one received from one's origins, was sharply distinguished from citizenship. Canada, it said in the legislation, had no official culture (understood here: ancestral culture). This change was not mainly motivated by a concern for immigration policies, although multiculturalism did alter how immigrants were received, and in particular helped greatly in easing the adjustment to an important change in Canada's immigration policy which came in these years, viz., the abandonment of the bias in favour of people of European origin. A multiracial Canada is much easier to build under the philosophy of multiculturalism than it would have been under the older outlook. But in fact the pressure came largely from the older immigration; people of non-British origin had been coming in great numbers since the beginning of the twentieth century. The new definition of Canadian identity was mainly carried through with them in mind, and of course with their support.

There were, of course, resistances to this identity shift, and some of them are still there. But in general, it went through with a surprising degree of support and in an atmosphere of consensus (mainly in the large cities, where most new immigrants settle). Multiculturalism became a marker of the new Canadian political identity, and Canadians often turned into those insufferable preachers, spreading the word internationally about their own success and its status as paradigm and model for everyone (a trait that, ironically, is what irritates us most in Americans).

Multiculturalism could never take in Quebec, because this story just didn't suit. First, demographically, in Quebec upwards of 70 % of the population is descended from the original francophone settlers. Secondly, their language, culture (and for a long time, religion) has been under powerful threat of assimilation. As far as the language is concerned, there is a triple threat: an anglo majority in Canada, an overwhelming domination of the English language in North America, and on top of that comes the fact that globalization speaks (a sort of) English. The continuance of this vibrant, creative French-speaking society on the banks of the St Lawrence is something of a miracle, but it has not happened without a long and persistent struggle. I believe that our more extreme nationalists greatly exaggerate the threats to the French language today, and what is more, often instrumentalize this fear to narrow political ends and, even worse, obsessively support restrictive legislation where we

should be concerned with the quality of our French education. But nevertheless, this long struggle has left an understandable legacy of concern for the language and the identity which has been woven around it.

I mentioned above that one possible semantic distinction between the 'multi-'and the 'inter-' was that, within the dual goal of recognizing difference and achieving integration, 'inter' places a greater emphasis on the latter. Now we can see that this has to be the case in Quebec. Because integration has to be a more complex goal here than in the rest of Canada. It is not just a matter of ensuring that immigrants find jobs, make contacts, join associations, in short find their place within society. Because of our situation, we have to work to ensure that that integration takes place in French rather than English. Up until the 'quiet revolution' of the 1960s, the normal path of immigrants to Quebec (mainly, of course, settling in Montreal) was to integrate into the English minority (of course, this meant into the Canadian majority). In the 1960s and 1970s, particularly in face of the declining birthrate in Quebec, efforts were made to reverse this trend, culminating in the major language legislation of the 1970s. And now the tendency is for immigrants' children, schooled in French, to take their place in francophone society. But this didn't happen of itself. By contrast, in Toronto no-one has to do anything to ensure that immigrants' children become anglophones. The host language there is also today's universal speech, not to mention its place in American popular culture.

So for all these reasons, the idea that one could simply dethrone the ancestral identity, and declare that Quebec had no official culture, could never take hold in this province. It sounded too close to an abandoning of the struggle. But does that mean that there is no way that Quebeckers can change their culture of interaction, which has in fact been very much centred on what we call '*Québécois de souche*' (old-stock Quebeckers)? Is there no alternative story which can take us towards the recognition of difference, and the creation of a more equal and inclusive society?

We (Quebeckers, I mean[3]) think there is, but the story can't simply be a carbon-copy of the Canadian one. What does it look like? Something like this. Quebec society has been engaged in a long-term project not only to survive as a francophone society but to flourish; and, indeed, to flourish as a democratic society based on equality and human rights. We invite those who come here from outside to join us (those already there) in this project as full members, which means, of course, learning the language and becoming integrated into the society. But we invite them to become full members of this society, with a say like all the others, whose views and contributions count as much as those of native born. We are indeed eager to benefit from the skills and insights that they bring to us from outside.

So the contrast is clear: the 'multi' story decentres the traditional ethno-historical identity and refuses to put any other in its place. All such identities coexist in the society, but none is officialized. The 'inter' story starts from the reigning historical identity but sees it evolving in a process in which all citizens, of whatever identity, have a voice, and no-one's input has a privileged status.

Now these 'stories' have a peculiar status. They purport to be about what is happening, but at another level they are setting out what ought to be happening, and on another level again, they are highlighting one take on the extremely complex conge-

ries of things which are in fact going on. So the contrast between the Canadian and Quebec stories may exaggerate the differences between what is actually happening. The anglo identity is still very important in anglophone Canada, for instance, and the dynamic in some regions is not totally different from what is going on in Quebec. But nevertheless these are the stories which frame debate and define the dominant interpretation of what is happening in each society.

This 'rhetorical' difference helps explain why, despite the similarity of policies, so much tension can arise in Canada/Quebec around the distinction 'multi-' versus 'inter-'. Observers from the rest of Canada are sometimes scandalized that Quebeckers don't want to dethrone their traditional identity. This appears to outsiders to be a refusal to recognize diversity, whereas it can in fact be part of a different way of opening to difference. And on the other side, this insistence that Quebeckers should treat their historical identity as just one among many is often seen by Quebeckers as a refusal of the fundamental duality of Canada, as a country comprising both a francophone and an anglophone society, each integrating immigrants in their own fashion. Those who speak of 'mere' rhetoric fail to see the essential role these stories play. They see them not as interpretive accounts framing the policy decisions, but rather as simple descriptions of them. They thus too easily conclude that not accepting their story means rejecting the basic principles of recognizing diversity.

18.2

I want now to look more at the 'inter' story, and the hopes and fears that arise in connection with it. Of course, this story allows that the society will develop in ways which it wouldn't if only the native born were in charge. The hopes connected with that are that people coming from outside will contribute new ideas, new skills, new insights which will enrich our society. The obverse of this expectation is the fear that somehow what are considered essential features of our identity will be lost. In the Quebec case, these essential features include, understandably, the French language. After more than 200 years struggle to maintain the centrality of French, there can be no question of abandoning it. But there are other basic elements as well. Quebec has become a liberal society, sharing the same basic ethic as other similar ones. The central features of this are human rights, equality and non-discrimination, and democracy. But beyond the language and these basic principles, there is an indefinite zone of customs, common enthusiasms (hockey), common reference points, modes of humour, and so on, each cherished to varying degrees, and more by some than by others, whose weakening, abandonment or demise may be feared.

The degree of acceptance of the intercultural story depends on the balance between these hopes and fears, and the public debate centres around them. But this debate is unavoidably imprecise and semi-articulate. As to the fear element, it seems focused disproportionately on the principles, in present-day Quebec. By that I mean that worries about the third element in our list, the customs and common reference

points, etc. (let's call these for short 'folkways'), often get articulated as fears for the principles. So Quebeckers will often state their apprehension that immigrants don't want to adopt our way of life; then when asked for examples, they frequently come up with issues of male-female equality.

Now to some extent this arises from the fact that, as in other western countries, the debate about integrating newcomers has focused disproportionately on Muslims; and fears around Muslims have focused on instances where women have been maltreated or given inferior status. But to some extent also, the choice of these examples reflects the fact that it is generally considered more acceptable to invoke universal principles in this context of argument rather than more 'parochial' modes of cultural unease.

The frequent invocation of male-female equality also reflects the sense that our society has made serious strides in this direction only relatively recently, and that the gains may be fragile. Will these newcomers contribute to bringing about a retreat on this front? Lots of people expressed fear on this score during the hearings of our commission.[4] These fears seem quite unfounded, since (a) Muslim Quebeckers generally themselves support these principles (indeed, often came here because of them); and (b) even if they were hostile, they are a relatively small minority. But if we see the invocation of this example as articulating a more unstructured fear about the possible loss or erosion of our way of life in its many facets, an articulation which has the advantage of being more generally acceptable, and more clearly defined, then the anxiety surrounding it becomes more understandable.

The Achilles heel of the 'inter' story is thus the fears it can arouse that 'they' may change 'us'. The notion that 'they' can be equal collaborators in remaking our common culture rings alarm bells in all who share this anxiety. It seems safer and more sensible to insist that they conform first to what we consider the basics, before we let them become co-deciders. But this easily slides in practice towards imposing assimilation as a condition of integration; that is, towards insisting that they become like us before they can function beside us to shape our future. Logically, of course, the preconditions could be much more limited; we might just say: start learning our language and accept our basic ethic. But where even these demands are made in a spirit of fear and mistrust, and where they are motivated by a larger unstructured fear for our whole way of life, they begin to amount to something like: win back our trust (and we doubt very much that you can) before we can accept you as equals. That is, in any case, how the demands are perceived by their addressees. And we are on the road to creating and entrenching a deep rift in society, which can compromise democratic life.

Or the fear may take an alternative form. 'They' are hostile or recalcitrant to our way of life. But what they want to do is not so much transform 'us' as to set up their own self-contained communities in our midst; in short, build a ghetto. In fact, 'they' are carrying out the 'multicultural' programme (as this is widely misunderstood by those who see it as favouring cultural retreat into closed communities). And they are being assisted by naïve liberals who don't realize how disastrous this is. We have to demand that they conform. (And so we come to the same policy: assimilation as a condition of integration.)

Now the push towards assimilation undercuts the intercultural scenario, as indeed, it goes against any form of multiculturalism in the generic sense. But how can one combat fears of the kind which drive this demand?

18.3

Here let me step beyond the parochial, and say what I've been building up to all along. The intercultural story is not simply made for Quebec. It also suits better the situation of many European countries. The features which make it applicable to Quebec also often apply in Europe. There: (1) many countries have a long-standing historic identity which is still shared by the great majority of their citizens; (2) this identity frequently centres around a language which is not spoken elsewhere, and is under pressure from larger, 'globalized' languages; and (3) the same kind of not-fully-structured fears for the future of its culture and way of life may arise there as I noted in Quebec. Points (1) and (2) make the intercultural story a better fit than the multicultural one. Indeed, they may contribute to fears around the word 'multiculturalism' analogous to those encountered in Quebec, and to the misunderstanding that it amounts to encouraging ghettos. And, at the same time, (3) may mean that a policy of openness to difference may trigger off some of the same reactions as we have found in Quebec.

These fears may be aggravated by several factors: (a) European experience as immigrant receiving societies has been much shorter than that of societies in the Western hemisphere; (b) much of that experience occurred under (what turned out to be) a disastrously wrong story, that summed up in the term 'Gastarbeiter', the idea that outsiders who came to fill the needed jobs would end up returning to their home countries, with the benefit of the funds earned during their time of employment in Europe. As a result, the necessary measures were not taken to integrate them and their children. For instance, programmes to ensure that immigrant children learn the language of the host country were not undertaken, and are only now being introduced. Thirdly (c) there is an important difference in the level of education and skills between immigrants to Quebec and those to many European societies. The former are selected on the basis of their skills and competences, which are usually much higher than those entering Europe. They are frequently professionals, or potential occupants of middle-class jobs. They often have a level of education, and hence outlook and way of life which has been more influenced by 'globalized' trends, and thus find it easier to integrate into the host society.

The intercultural story thus faces additional obstacles and resistances to those encountered in Quebec (and God knows, these are great enough here). Because the necessary policies were late in coming, immigrant children may find themselves in an underclass where they lack the linguistic and other skills to succeed. And their skill set will probably already have been lower to begin with than their Quebec counterparts. In addition, they may be culturally more distant from the native born than we experience these days in western hemisphere societies. The result can be a

growing sense of alienation, especially among younger people in immigrant communities, a conviction that they are not welcomed, not treated as equals, discriminated against in employment housing and in their treatment by police and other authorities.

This sense of alienation can lead to expressions of revolt and rejection of the host society, of the kind which were dramatically evident in the riots and car-burnings in the 'banlieues' of France in autumn 2005. And such movements obviously increase the fears of the majority, and their sense that the historic culture is under threat. Indeed, immigrant alienation and host society cultural fear are in a relation of mutual intensification. The fears stoke hostility to immigrants, and intensify demands for stern, even punitive measures of assimilation, or else more radically for an end to immigration, or even a repatriation of those already present. This hostility then entrenches further immigrant alienation, which leads to further expressions of anger, and so on into a dangerous spiral.

How to stop the spiral? The best antidote, perhaps the only one is: successful enactments of the intercultural scenario. That is, leaders and members of the majority mainstream seek out leaders and members of the minority(ies), and together with them work out new ways of resolving the conflicts, then work together effectively to resolve them. (This is, for instance, what Jop Cohen did when he was mayor of Amsterdam.) The ensemble of such collaborative enterprises contributes in effect to the elaboration of a new more inclusive culture of interaction.

So enactment of the scenario eases fears. But people also have to overcome their fears to enter into these enactments. So a catch-22 obstacle threatens to block our way forward. How to convince members of the mainstream to enter into this kind of collaboration?

Perhaps what they need is more familiarity with the immigrant situation. The vast majority of immigrants to the rich countries of the North are drawn to them because they hope for a better life for themselves and their children. Indeed, millions aspire to this, and sometimes risk their life on the ocean, or crammed into containers, on the outside chance of getting in. A better life, in what sense? For some this means a place of relative freedom, of security, of human rights. But for just about everyone it means opening possibilities for themselves or their children, particularly jobs, with access to higher income, and education for their children leading to even better occupations and greater prosperity.

Success in these endeavours creates an enormous positive bonding with the host society, a sense of gratitude and belonging which one often hears expressed by immigrants to the USA, and sometimes Canada. And this is what tends to come about, provided … Provided the hope is not negated: the avenue to the hoped for job systematically blocked, by discrimination or some other structural factors; avenues to other associations blocked by prejudices; or else one is stigmatized, and branded an outsider, a danger for the society. When this happens the resultant bitterness is proportionate to the dimensions of the antecedent hope, and great alienation can result. But when things go as planned, newcomers can express a patriotism which makes natives blush. (This may be particularly the case in Canada where such fulsome expressions make people uneasy.)

In our northern societies this kind of positive bonding should not be difficult to create. It takes some special factors to wreck it. These can be geo-political, as one sees in ex-imperial countries, where relations with the ex-colonized are compromised by a heavy and problematic past. Or hatred and resentment may be mobilized today on the geo-political level, as with various jihadist movements in the Muslim world, and these may find recruits among immigrants in northern societies. But for the most part these movements have little success without a hefty assist from high levels of hostility and exclusion generated within these northern societies themselves. Alienation within these societies is to a great extent created by the fear and mistrust they have generated against the new arrivals.

This is a sad fact, but it can be seen as a basis of hope: that more open policies may turn the situation around, and reverse the spiral. So that enactments of the intercultural scenario inspire further such enactments, and make the story itself come true.

Let me try to draw together some of the threads of this discussion. I started off in Sect. 18.1 looking at the distinction which has come to be made in Canada/Quebec between multiculturalism and interculturalism. I argued that beyond the misunderstandings, either genuine or politically motivated, there is an important distinction here, which touches not so much the description of the detailed policies hatched under these terms as the over-all story of what we are trying to do, and of how things are meant to unfold. In the light of this difference, it is highly understandable that Quebec should have preferred what it calls interculturalism to Canadian multiculturalism, as the scenario it desires to follow.

But I think this is of more than parochial Quebec/Canada interest. Some of the reasons that make interculturalism right for Quebec apply also to some European countries. The issues involved in their situation might be more clearly discernible if seen in the light of this story, rather than the multicultural one. And so I thought that a discussion of the dynamic of fears and hopes that we see arising around Quebec's intercultural story might help shed some light on the parallel situations that we find in Europe. This is what occupied the second and third sections of my article. I am admittedly obsessed by the situation in my own (double) country. But my excuse for dwelling on this at great length is the hope that the concepts worked out here may be somewhat helpful elsewhere.

Notes

1. See Will Kymlicka.
2. This was the term put forward by André Laurendeau, and the commission he co-chaired was called the 'Royal Commission on Bilingualism and Biculturalism'.

3. The reader may notice that my use of the first-person plural pronoun varies in reference. Sometimes I refer to 'us Canadians', and sometimes to 'us Québécois'. I hope the reference is clear in each case. But the slide from one to the other is unavoidable in those with dual identity.
4. I am referring to the Quebec 'Commission de Consultation sur les pratiques d'Accommodement Raisonnable reliées aux différences culturelles (CCPARDC)', which the Quebec government set up in 2007, and which reported in 2008. The Commission was chaired by Gérard Bouchard and myself.

Chapter 19
Misunderstanding Cultures: Islam and the West

Kwame Anthony Appiah

Abstract This article aims to explain why the idea of the West is, for historical and philosophical reasons, an obstacle to dealing with the dangers posed by radical Islamists. Every proposed theory of the West has to account for the great internal cultural diversity both of European cultures and of those influenced by them around the world; and every serious historical account both of Europe and of Islam has to recognize the long-standing, substantial and ongoing interdependence of their intellectual and religious traditions. As a result, what is needed to face extremists, whether inside or outside Europe (and whether Christian, Muslim or neither), is not an opposition between Islam and the West, but an alliance of those of all faiths and none who can live with and tolerate cultural difference against those, wherever they live and whatever their religion, who cannot.

I have given myself two tasks. One is the philosopher's job of trying to get clear about some difficulties with the very idea of the West. The second is historical: it is to remind us of when the idea that the West and Islam might be opposites began, because it turns out that history makes the philosophical task easier. So I am going to begin there.

For Herodotus, the world, like Caesar's Gaul, was divided into three parts. To the east was Asia, to the south was a continent he called Libya, and the rest was Europe. But the ancients certainly knew that people and goods and ideas could travel between the continents with little hindrance. Indeed, Herodotus admitted to being

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puzzled as to 'why three distinct women's names have been given to what is really a single land-mass'.[1] Still, despite Herodotus' puzzlement, these continents were for the Greeks and their Roman heirs the largest significant geographical divisions of the world. It took a further intellectual leap, however, to go from identifying continents to thinking of their inhabitants as a single people. It would not have occurred to Herodotus that he had something special in common with the inhabitants of Persia; something that united him with them in contrast to all the inhabitants of Europe. He was born 300 miles (480 km) south of İstanbul at Halicarnasus – now Bodrum. But being born in Asia Minor did not make him an Asian; it left him a Greek. And the Celts, to the north, about whom he knew so little, were much stranger to him than the Persians or the Egyptians, about whom he knew rather a lot. You can have Europe, Africa and Asia without thinking of Europeans, Africans and Asians as *kinds* of people.

David Levering Lewis has claimed recently that it took two things to make Europeans begin to think of themselves, for the first time, at the end of the first millennium, as a people among peoples. One was the creation of a vast Holy Roman Empire by the 6-foot-4-inch (1.9 m), thick-necked, fair-haired Frankish warrior king we know as Charlemagne. The other was the development, in the Iberian Peninsula on the south-western borders of his domain, of the Muslim culture of Spain, which the Arabs called Al-Andalus. In making the various tribes of Europe into a single people, what they shared and what distinguished them from their Muslim neighbors were both important.

Europeans are defined, like so many peoples, as much as anything by what they are not. This is, by now, a familiar idea. But Lewis offers a more startling proposal: in making the civilization that modern Europeans inherit, the cultural legacy of Al-Andalus is at least as important as the legacy of the Catholic Franks. In borrowing from their great Other, they filled out the European Self.

Charlemagne created his vast empire around the core of two Frankish kingdoms: Neustria – whose capital was Paris – in the west, and Austrasia in the east. He created monastic centers of learning, drawing scholars from across his empire and outside it. These cultural and political achievements perhaps entitled him to his self-conception as Rome's heir in the West, author of an imperial restoration. When he traveled to Rome in December 800, some 30 years into his reign, he went to defend the authority of Leo III as pope; and His Holiness returned the favor by crowning him Emperor of the Romans on Christmas Day 800 … much to the annoyance of the Empress Irene in Constantinople, who called herself Emperor of the Romans, not Empress, and thought the title was hers.

Like Charlemagne's empire, Al-Andalus was very much the product of a war-machine. Islam burst out of Arabia in the seventh century CE, spreading with astonishing rapidity in every direction. After the Prophet's death in 632, the Arabs managed in a mere 30 years to defeat the two great empires to their north, Rome's residue in Byzantium and the Persian Empire that reached through central Asia as far as India. The Umayyad dynasty, which began in 661, pushed on west into North Africa and east into Central Asia. In early 711, Tariq Ibn-Ziyad led a Berber army across the Straits of Gibraltar into Spain.[2] There he attacked the Visigoths who had

ruled much of the Roman province of Hispania for two centuries. Within 7 years, most of the Iberian Peninsula was under Muslim rule; not until 1492, nearly 800 years later, was the whole peninsula under Christian sovereignty again.

The Umayyads did not, however, intend to stop at the Pyrenees. Their first attempts to take Aquitaine in the early eighth century CE were frustrated. A little more than a decade later, 'Abd al-Rahman, the new emir of Al-Andalus, returned to take up the task. He got as far north as Poitiers, almost halfway from the Pyrenees to Paris. There, however, the Muslims met their match. In October 732, Charles Martel, who had force-marched his troops from the faraway Danube, joined Duke Odo in decimating the emir's troops. In a Latin chronicle written in 754 by a Christian scribe, the victors at Poitiers are referred to as '*Europenses*': it is the first recorded use of a Latin word for the people of Europe. And it was written (either in Cordoba or Toledo) in Al-Andalus.

In retrospect, later Christian historians assigned to the battle of Poitiers an epochal significance. Edward Gibbon, in his *Decline and Fall of the Roman Empire*, pointed out that if the Moors had covered again the distance they had traveled from Gibraltar, they could have reached Poland or the Scottish Highlands. Perhaps, Gibbon thought, if 'Abd al-Rahman had won, 'the interpretation of the Koran would now be taught in the schools of Oxford, and her pulpits might demonstrate to a circumcised people the sanctity and truth of the revelation of Mahomet'." For him, the fate of Christian Europe hung in the balance. After a week of battle, he wrote, 'the Orientals were oppressed by the strength and stature of the Germans, who, with stout hearts and iron hands, asserted the civil and religious freedom of their posterity'.[3]

At the time, though, it would have seemed very strange to see Charles Martel's victory as a triumph of religious freedom. The small but influential Jewish community in Iberia had been tolerated in Spain when their Visigothic overlords were still Arian heretics ruling Catholic and Jewish subjects; but Jews began to be persecuted in 589, when the Visigoths converted to Catholicism. For the Jews, then, the Muslim conquest, bringing rulers who largely practised toleration of Jews – as well as Christians and Zoroastrians – in the large areas of the world now under their control, was not unwelcome. And during the first period of Muslim domination, Christians, too, discovered that they would have religious freedom, so long as they (like the Jews) did not seek to convert Muslims or criticize Islam. The contrast with the kingdom of the Franks, and, by the nineth century with the Frankish Empire, could hardly have been more striking. The obsession of Catholic rulers with religious orthodoxy was one of the things that made the Dark Ages – as Petrarch was to dub the period from the fifth to the tenth centuries – so dark.

The great Cordoba mosque is the most evident material embodiment of the civilization of the Arabs in Spain, but their intellectual achievements were even more astonishing. Starting in the time of 'Abd al-Rahman I, the Umayyads sought to compete with their Abbasid rivals in Baghdad for cultural bravura. Over the next few centuries, Cordoba alone acquired hundreds of mosques, thousands of palaces, scores of libraries. By the tenth century, those libraries had hundreds of thousands of manuscripts, while the largest libraries of Christian Europe could boast collec-

tions of only a few hundred.[4] The university of Cordoba predated Bologna, now called 'the first European university', by more than a century. And Al-Andalus was a world of cities, not, like Europe, a world of country estates and small towns. By the end of the millennium, Cordoba's population was 90,000, more than three times the size of any town in the territory once occupied by Charlemagne. In those cities, Jews, Christians and Muslims, Arabs, Berbers, Visigoths, Slavs and countless others created the kind of cultural goulash – a spicy mixture of a variety of distinct components – that generates a genuine cosmopolitanism. There were no recognized rabbis or Muslim scholars at the court of Charlemagne; in the cities of Al-Andalus there were bishops and synagogues. Racemondo, Catholic bishop of Elvira, was Cordoba's ambassador to Constantine VII in Constantinople and Otto I in Aachen. Hasdai ibn Shaprut, leader of Cordoba's Jewish community in the middle of the tenth century, was not only a great medical scholar, he was the chairman of the caliph's medical council; and when the Emperor Constantine sent the caliph a copy of Discorides' *De Materia Medica*, he took up ibn Shaprut's suggestion to send for a Greek monk to help translate it into Arabic. The knowledge they acquired made Cordoba one of the great centers of medical knowledge of Europe. By the time of 'Abd al-Rahman's successor and namesake, 'Abd al-Rahman III, in the tenth century, the emir of Al-Andalus had the confidence to declare himself caliph, successor or representative of the Prophet and, implicitly, leader of the Muslim world. Had the three religions not worked together, borrowing from the pagan traditions of Greece and Rome, what we call the West would have been utterly different. In an age where some claim a struggle between the heirs of Christendom and of the caliphate is the defining conflict, it is good to be reminded of this long-ago history of fruitful cohabitation.

This quick sketch of the history of relations among Europeans, Arabs and North Africans at the turn of the first millennium of the Common Era is a reminder of the messy interconnections between Islam and what we now call the West. One could explore, as well, the equally fascinating interweaving of European, North African and Middle Eastern histories that occurred as the imperial dreams of France and Britain met the fading power of the Ottoman Empire in the late eighteenth and nineteenth centuries. In each case, what we see is not the opposition of two distinct homogeneous civilizations, but conflicts within as well as between societies whose religious and intellectual lives had much in common; in part because of the interactions I have been sketching, which began a millennium earlier. I want now to turn to an attempt to explain why we so easily misunderstand this long history of sharing as well as conflict as the story of two great and utterly separate entities – the West and Islam – with distinct and irreconcilable essences. And to do that, I must sketch the story of how we came to think of modern Europeans and Americans as the real heirs to the classical civilizations of the eastern Mediterranean.

The academic curriculum of the nineteenth century traced civilization to roots in ancient Greece, following a history of progress from the excellent beginnings mapped out by the heirs of Homer. The culture of the West is a sort of golden nugget, dug from the earth of Hellas. Perhaps it traveled with Alexander. So it went to Egypt – the library at Alexandria was once its home. And the Macedonian emperor

may have left some gold dust in Central Asia. We can see that in the sculpture of Gandhara. But the treasure was taken finally in triumph to Rome. There, of course, as everywhere on its travels it was embellished: for example, in the second century BCE by Terence, the greatest of the Roman comic dramatists, who was born in Carthage (now Tunis); and – at the turn of the fifth century CE, as the empire became Christian – by Augustine, bishop of Hippo, born at Tagaste (now Souk Ahras in Algeria). In St Augustine's lifetime (354–430 CE), the Visigoths took Rome; not long after he died, the Vandals captured Hippo.

When Rome collapsed, there was a struggle for the golden nugget between Rome's heirs in western Europe and her Byzantine and, later, Muslim heirs. It may even be conceded among the learned that the nugget passed in the ninth century to Baghdad and the Bayt al-Hikmah, the palace library set up under Harun al-Rashid; but it began wandering western Europe again after the Reconquest of Spain. Partitioned between the Flemish and Florentine courts and the Venetian Republic in the Renaissance, its fragments passed through cities such as Avignon, Paris, Amsterdam, Weimar, Edinburgh and London, and were finally reunited – pieced together like the broken shards of a Grecian urn, in the academies of the United States.

The golden-nugget story is what scholars now call 'essentialist': the western tradition has an essence, which is passed, from hand to hand, on its historic journey. Let us admit that this sort of essentialism remains extremely common in our intellectual lives. We too often suppose that a historically produced identity must have a trans-historical essence. But that is simply a mistake. What was England like in the eleventh century CE? Take whatever you think was distinctive of it. What makes something English now is not that it shares those distinctions. Rather, as time rolls on, each generation inherits the label from an earlier one; with the label may come some legacies. But as the legacies are lost or exchanged for other treasures, the label can keep on. And so, when a generation comes that moves from the territory to which English identity was once tied – moves, shall we say, to a *New* England – the label can even travel beyond the territory. Identities can be held together by narratives, in short, without essences.

The contemporary idea of a western civilization, which has escaped the academy and entered the general culture, is the result, I want to suggest, of five exaggerations: hyperboles that are mistaken for the literal truth. And these exaggerations begin with the essentialist error I just identified: the mistake of thinking that a tradition needs to be defined by something shared across time in every moment of its trajectory, an error that leads us to exaggerate what we have in common with our ancestors. Let me call this the birthright exaggeration.

A second exaggeration is idealist: a tendency (especially common among intellectuals) to see what we do – ideas, arguments, narratives, poems … word-mongering, to give it a label – as the armature of human history. An understanding of societies that places ideas at its heart is likely to exaggerate the importance of texts and of the scribes who create and transmit them. As a second-century BCE Hebrew scribe put it, in Ecclesiasticus, early on in the history of such self-importance: 'With what wisdom shall he be furnished that holdeth the plough, and

that glorieth in the goad, that driveth the oxen therewith, and is occupied in their labours, and his whole talk is about the offspring of bulls?' (38:25).

A third error is the determinist exaggeration, which supposes that what we have been fixes what we must be.

The fourth is an organicist exaggeration of the degree to which cultures are unified; often, given the intellectualism, unified by ideas or, in the worst case of this, in Hegelianism, *the* Idea.

Finally, there is what I will call the nationalist exaggeration, which overstates the relationship between cultural identities, on the one hand, and political identities, on the other; this is, in a way, an instance of organicism, but one that is of sufficient independent importance to be worth giving a separate label.

These five habits of hyperbole – birthright, idealism, determinism, organicism and nationalism – have shaped, I think, a great deal of modern intellectual life. I want to examine briefly some of their recent history and to urge us to be vigilant against them. But I should say at the start that, in claiming they are exaggerations, I am emphatically not suggesting that we respond to overstatement with understatement: we should not, that is, *under*state the importance of ideas or the sway of the past or the connections among elements of culture or between culture and politics, either. Least of all, in repudiating an overstated birthright, should we deny the reality of our various heritages.

The story of the golden nugget is used to support the five exaggerations: it tells us that the history of the West is a history of texts and ideas; that because those ideas are part of a western essence which is our inheritance we are bound to continue living by them; that they are united with everything else important in our lives; and that the cultural unity of the West is a basis for political unity – and an obstacle in our relations with the non-West.

We can trace back one source of these ideas to Johann Gottfried Herder. In his *On the New German Literature: Fragments* of 1767, Herder wrote: 'Whoever writes about the literature of a country, must not neglect its language.' Herder's notion of the *Sprachgeist* – the 'spirit' of the language – embodies the thought that language is more than the medium through which speakers communicate. When Thomas Jefferson borrowed from English legal argument the idea of the Anglo-Saxon roots of English liberty, he was claiming a connection to the tradition of the shire moot and the hundred moot, which had been abolished at the Norman Conquest. So when he introduced Anglo-Saxon into the curriculum at the University of Virginia – Mr Jefferson's university, which opened in 1819 – his argument was Herderian: reading the 'histories and laws left us in that … dialect', he said, students would 'imbibe with the language their free principles of government'.[5]

The nineteenth century added to the philhellenic classicism of the Enlightenment the idea that the western heritage was a racial possession; and, since the nineteenth century is the century of biology (a word itself coined emblematically enough in 1800 in Germany), the nature of races was increasingly consigned to the new sciences of life: the full title of Darwin's 1859 masterwork, recall, was *On the Origin of Species by Means of Natural Selection, or the Preservation of Favoured Races in the Struggle for Life.*

The idea of a civilization produced only by an Indo-European or a European *race* required a kind of blindness to what scholars already knew: the story neglected not only the Egyptian influence on the Greeks, but also the centrality of Jewish contributions to western high culture, the key role of the Arabs in maintaining the intellectual tradition that linked Plato to the Renaissance, or, more minutely, such facts as the influence of Hafiz – a Persian poet – on Goethe. We could now add many other embarrassments some of them did not know: the transmission of materials and ideas along the Silk Road, say, or the role of Arab and Andean inspiration in shaping European classical music.

But the story has other ancestors, stretching back at least to the Renaissance. In the early fourteenth century CE, Petrarch spoke, as I mentioned earlier, of the Dark Ages that came before him in the course of seeking to re-establish the tradition of learning that Rome had inherited from Greece; Petrarch made Homer available to the Greek-less moderns by having him translated into Latin. And the success of Renaissance humanism led eventually to the recovery of Greek as one of the languages of the learned. Thomas Jefferson (who studied Latin and Greek as a child because Petrarch's program succeeded) identified more than four centuries later with Athens and Rome as originators of democracy and republicanism – why else, after all, would the United States have a Capitol in our capital? He was making a claim to the golden nugget. Plato and his peers made a claim on an Egyptian legacy – inspired, surely, as Alexander was, by the powerful sense of the majesty and antiquity of the civilization of the Pharaohs; the Romans went on to proclaim themselves cultural heirs to the Greeks. It is one of the oldest gestures in the world.

Much modern talk about western civilization works by conceiving of the civilizations of the past – Greece, Rome, Renaissance Italy, Reformation Germany – in essentially Herderian terms and then claiming for contemporary Europeans and North Americans what is best in the spiritual, cultural and intellectual life of those earlier peoples. To escape the confusions that come with this picture of the West we need first to step outside the framework of modern nationalism, the framework Herder helped to lay down.

This is extremely hard to do. Almost everyone everywhere today on the planet lives with a picture of the world in which it is as natural as it could possibly be that the world is divided into a couple of hundred nation-states.[6] But the fact, of course, is that both the idea and the practice developed only slowly over the last few centuries. Westphalia, and the reorganization of Europe in the centuries that followed, produced a world in which, in fact, hardly any nation-states fitted the Herderian picture of the homogeneous mono-cultural nation living under a single government. Those few states that do fit something like this have usually been forced into it over a couple of centuries of violent civil strife: the homogeneous nation is the result, not the *pre-condition*, of modern statehood. The nationalist exaggeration, organicism about the nation, has blinded us to all this.

Eugen Weber taught a generation of students of French history that as late as 1893, roughly a quarter of the then 30 million citizens of metropolitan France had not mastered the French language: so much for the *Sprachgeist*.[7] What makes France French? It does not matter what you say: language, state institutions, cuisine,

the *laicité* of the republic, the empire, a Catholic tradition. None of them was ever a very good response. The very question presupposes an organicist answer; and things have gotten even worse for the prospects of the organicist story since the end of the French Empire. Large numbers of people have arrived whose language, cuisine, religion and relation to empire are not those of the hexagon. Germany struggles with the distinct political legacies of two halves, separated less than a century after Germany first became a nation-state – as the Deutsches Kaiserreich – at the end of the Franco-Prussian War.[8] Italy was united by the Savoyard monarchs in the mid-nineteenth century, but, like Weber's France, contained a great variety of mutually unintelligible dialects. Even now Italy recognizes 20 regional dialects and acknowledges the presence of small minorities speaking Albanian, Ladin, Friulian, Greek, Occitan and Südtirolean, as well as speakers of Somali and Ethiopian and other legacies of empire; and it is conventional to describe the version of the language taught in schools and printed in most newspapers as '*lingua toscana in bocca romana*' [the language of Tuscany in a Roman mouth].

If the states of western Europe where the Herderian ideology was developed do not fit the mold of the mono-ethnic nation-state, it is rare to find anything like it anywhere else. India, China and Nigeria: each has scores of languages and ethnic groups. The United States, where most people speak some sort of English, is not a place that could plausibly be described – *pace* the American Studies Association – as having a single national culture: everything that is normally said to be American – from McDonalds to Hollywood to consumer capitalism – is found elsewhere as well and is, in any case, not much appreciated by large numbers of Americans. There are no doubt candidates for Herderian states: I will give you Japan, where 99 % of the population identify themselves as Japanese.[9] Remember though that their script is Chinese, their largest religion Indian, and there are 15 Japanese languages, including Japanese sign language, recognized by ethnologists. By and large, people do not live in mono-cultural, mono-religious, mono-lingual nation-states and, by and large, they never have.

In short: while nationality, for better or worse, has become an increasingly central feature of the identities of modern men and women, the content of nationality – its meaning for each citizen – is the result of cultural work not a natural and pre-existing commonality. I want to insist – to be succinct – that we say 'No' to idealism, organicism and determinism about the nation.

Herder's talk of the spirit of a nation created a picture in which all the aspects of the life of a people who shared a language were generated from a common core. It accounts for his organicism; for his conviction of the unanimism of the *Volk*. The residues of this notion in our ordinary talk are everywhere.

The idea is built into the idea of a western civilization as a common, integrated heritage. Sir Edward Burnett Tylor defined 'culture' in 1871 as 'that complex whole which includes knowledge, belief, arts, morals, law, custom, and any other capabilities and habits acquired by man as a member of society'.[10] Culture we are taught to think fits together like a jigsaw, each element carefully configured to occupy a particular place, each part essential to the meaning of the whole.

So suppose we abandon organicism, of this sort. Then we can borrow the more cosmopolitan picture in which every element of culture – from philosophy or cuisine to the style of bodily movement – is separable in principle from the others; you really can walk and talk like a black American *and* think with Matthew Arnold and Immanuel Kant as well as with Martin Luther King and Miles Davis. There *are* organic wholes in our cultural life: the music, the words, the set-design, the dance of an opera fit and are meant to fit together. It is, in the word Wagner invented, a *Gesamtkunstwerk*, a total work of art. But there is not one great big whole called culture that unites organically all these parts. Kafka and Miles Davis can live together as easily as Kafka and Strauss. What is true in high culture is true in cuisine: Britons have swapped fish and chips for rice and curry. You will find the style of hip-hop in the streets of Tokyo. Spain – in the heart of the West – resisted liberal democracy for two generations after it took off in India and Japan – in the East, the home, supposedly, of oriental despotism. Jefferson's western inheritance – Athenian liberty, Anglo-Saxon freedom – did not preserve the United States from creating a slave republic.

That is why we in Europe and North America do not need the idea of the West to guide us forward; why what we have are *choices*, not tracks laid down by a western fate. Far from East being East and West being West and the twain never meeting, they have always been intertwined – as we saw in the history of Al-Andalus – wherever you draw the imaginary boundary. And, dare I say, if the idea of *a* western culture can mislead us, so can the idea of a singular culture of Islam.

Those who want the idea of the West to provide some solidarity against radical Islam are looking in the wrong place, too. What we need is a different boundary: the one between those who will share with strangers and live with difference and those who don't care for difference or won't share with strangers. And *that* divide is within 'the West', as it is internal to the world of Sunni and Shia, and the variety of other sects – Alawite, Isma'ili, Ibadhi, Druze and so on – that make up the world of Islam. It is the difference between the cosmopolitan perspective that recognizes the presence and the power of our mutual contamination and the counter-cosmopolitanism that aims for an imaginary and impossible purity.

Notes

1. Herodotus, *The Histories*, ed. John Marincola, trans. A. de Sélincourt (London and New York: Penguin, 1972), p. 254.
2. Which is where Gibraltar gets its name: Jabal Tariq in Arabic is Tariq's Mountain.
3. Edward Gibbon, *The Decline and Fall of the Roman Empire*, ed. H. H. Milman (New York: P. F. Collier & Son, 1899), p. 288.
4. The catalogue of the royal library 'alone consisted of 44 volumes. Under Al-Haim II (961–976) this library was reported to have given employment to over 500 people....Elsewhere [in] Moslem Spain there was a total of 70 libraries in the tenth century, several in Toledo. In addition to the royal library, these included libraries in universities in Cordoba, Seville, Malaga and Granada, among others, and in numerous mosques. Private libraries flourished in Moslem

Spain, and it was said that Cordoba was the greatest book market in the western world in the tenth century.' Michael H. Harris, *History of Libraries in the Western World*, 4th edn (Lanham, MD: Scarecrow Press, 1999[1995]), p. 81.

5. Cited in Reginald Horsman, *Race and Manifest Destiny: The Origins of American Racial Anglo-Saxonism* (Cambridge, MA: Harvard University Press, 1981), p. 19.

6. There are 193 UN members plus the Vatican, Taiwan, Palestine and Western Sahara, minus the United Kingdom plus England, Scotland, Wales and Northern Ireland.

7. See Eugen Weber, 'Who Sang the Marseillaise', in E. Weber, *My France: Politics, Culture, Myth* (Cambridge, MA: Belknap Press, 1991), pp. 92–102.

8. It did so, of course, without one large chunk of largely German-speaking territory, namely Austria, and without, as the Nazis were soon to point out, many German speakers in the Russian Empire and the Austro-Hungarian Empire.

9. The more than 1 million people of Japanese descent in the Brazilian city of Sao Paolo almost outnumber the non-Japanese legal residents who live among the 123 million Japanese.

10. Edward Burnett Tylor, *Primitive Culture*, vol. 1 (London: John Murray, 1971), p. 1.

Chapter 20
Many Cultures, One Citizenship

Alain Touraine

Abstract Two opposite statements must be rejected with the same rigor. First (1) is that a few countries have identified themselves with modernity by their scientific, technical and economic achievement and that the rest of the world, which is lagging behind the 'advanced countries', must follow in their footsteps and imitate their example. The article first of all sets out the falsity of such a statement, because there is not one but many western paths of modernization, and indicates that it is nothing but a colonialist ideology, which spread from European and American societies and cultures and destroyed all independent efforts of modernization in other countries, in particular China. The begemony of the western capitalist model is more than challenged by other ways of modernization, for though the soviet model has failed, other countries are 'emerging' or have already emerged. Second (2) the opposite representation defends the idea of a complete multiculturalism including political regimes and human rights. It fights against the previous colonialist model and supports a total relativism. But this view makes impossible the communication between completely different countries and cultures and reciprocal fear leads to an extreme conflict between 'civilizations', such as S. Huntington has described. This view leads to the conclusion that war is inevitable if each civilization has a complete internal unity and a complete control on all its activities. But the world is not divided into various theocratic states: no single theocratic state commands the whole or the majority of Muslim population. The central problem remains real and difficult: how to combine unity and diversity, the difference between cultures and the capacity for them to communicate with each other? The most useful idea is to elaborate one general definition of modernity, as a culture which is based on universalistic principles. The western mode of modernization is not the only possible one; nor is it at all sure that the western process of separation of temporal and spiritual powers is the

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only possibility. We cannot assert that universalism must penetrate social life only through political institutions and citizenship. It is beyond any reasonable doubt that modernity, with its universalistic components, cannot be identified with only one type of social organization and cultural values.

Keywords Colonialism • Multiculturalism • Theocracies • Universalism • Xenophobia

20.1

Our subject matter is typically one that makes it impossible to give answers in black and white. It is as impossible to identify one country or a few countries with modernity, meaning that the rest of the world is underdeveloped and follows the example of earlier developed countries, as to believe in a complete cultural pluralism, which would make communication among cultures impossible. All acceptable answers must be ambivalent. Our really central target should be to propose a combination between the two opposed but maybe complementary points of view.

The idea that there is only one way to reach modernity should be totally rejected because it does not correspond at all with observable facts.

First of all this is because of its naively colonialist or imperialist content. Countries do not all form a line in which each must follow the tracks of the one that precedes it. No African, Asian, or Latin American country has entirely followed the patterns of the European or North American modernization. It would be a ridiculous mistake to eliminate the power relations by which rich and powerful countries have imposed on poor and weaker ones their institutions, their religious creeds, their methods of education and even their military needs. A linear view of modernization process is quite erroneous. It is true that many countries after their decolonization have maintained some elements of the social and cultural orientations of the metropolis and especially its language and often its legal institutions. But it should be as unreal to defend the idea of a complete difference among countries as to defend the opposite idea of one and only one rational process of modernization. A long time ago, in industrial management the Taylorian's idea of the 'one best way' was abandoned. It is necessary and urgent to do the same in international comparisons. The truth is that today a rather small minority of people in industrialized countries still defends the idea that all countries should follow the old countries' path.

At a more elementary level we must be reminded that European countries have followed very different paths of modernization. Britain and the Netherlands have followed a capitalist process, fostering the interests of the merchants and the bankers to the point of opening to them the right to enter the aristocracy. France was modernized by its state, which allied itself with the bourgeoisie against the aristocracy and which resisted the formation of an absolute monarchy. The nature of the state was different in Germany where it was identified with the German *Volk* with its cultural and even biological roots.

   Should I add that in a period when Europe has almost the lowest rate of growth in the entire world, it seems preposterous to proclaim the absolute superiority of the European economic, social and political processes.

20.2

Most people easily recognize the existence and the positive value of a soft internal cultural diversity. Today they recognize that a strong and highly centralized state has negative effects when it tries to impose upon its society a homogenous and concentrated model of social relations and of policy towards incorporating new immigrants. The necessity of respecting the cultural rights of minorities is more and more amply recognized not only for cultural but as well for material reasons. In some cases efforts were even made to combine modern laws and traditional customs. This occurred, for example, in Mexico, in the San Andres Agreements, but even in that case it was agreed that the equality between men and women, which is part of the universal Declaration of Rights, should be respected even if it is completely absent from national customs.

   But this soft pluralism does not bring solutions to the most burning problems. Racism and discrimination on one side and anti-western terrorist actions and theocratic or communitarian models of society on the other cannot be combined in a soft tolerant pluralism.

   That does not mean that this tolerant multiculturalism is meaningless and useless. Its importance stems from the fact that we have abandoned the black and white intellectual judgment that was part of an evolutionist philosophy of history, which defined cultural or social facts by their relative positions on a scale going from traditionalism to modernism, or, on a different scale, going from a conservative to a progressive attitude. The second scale is even more arbitrary than the first one because the word 'progressive' has been so widely employed by communist dictatorships that it is impossible to use it today. To be short, let us say that the only advantage of a soft tolerant multiculturalism is that it resists radical multiculturalism which favours coexistence in one territory of various cultures that often contradict each other, not only in religious terms.

   We live in a world in which most national societies are multicultural but in which civil or international wars oppose so-called 'civilizations', like the Muslim, the Christian, the Jewish, or the Hindu ones. But the conclusion is that we must go beyond too soft answers and look for more real combinations between unity and diversity in all types of societies.

   The respect of everybody's basic liberties is part of what we call democracy and corresponds to '*laïcité*' itself, which cannot be used as a weapon against religious creeds and practices. But the respect for political or religious minorities supposes that minorities and majorities of all kinds accept some institutions and some forms of common social life.

Europeans easily remember that the defence of national minorities often meant a movement for the independence of nations which had been reduced to form components of an imperial power. The so-called 'movement of nationalities' in nineteenth-century central Europe could not be solved by tolerant measures. In the cases of today's Catalunya or Quebec, we have examples of halfway national movements, which failed in Quebec and up to now has been self-restricted in Catalunya, while the Basque movement has become a military one multiplying violent actions and other forms of rupture to obtain its independence. These elementary observations are clear enough to introduce us to the central problem: what should the members of different cultures or religions have in common to make their coexistence in a given territory possible? It is certainly not feasible to rely entirely on the market to make possible a multicultural society. But this view, weak as it is, introduces a basic idea: coexistence between various cultures or religions is possible only when so-called 'civilizations', defined in a global sense, become fragmented and lose their control of all aspects of social, economic and even cultural life. As long as people believe that economic, social, cultural and religious ideas and practices are completely interrelated and form a coherent system that resists autonomous processes in each sector of social and cultural life, multiculturalism is impossible. The autonomy of economic behaviour has very positive effects, as much as the autonomy of cultural or political behaviours.

Multiculturalism is impossible without the fragmentation and, in a strict sense, the destruction of a civilization as a global system. In western Europe and in North America, secularization and more precisely '*laïcité*' mean a separation of the state and the churches or cultural and religious organizations. The Catholic Church must free itself entirely from what we used to call '*chrétienté*' or Christian society to be compatible with tolerance and cultural or religious freedom.

This separation has taken very different forms in different countries. Totally and even brutally achieved in France, it is only very partial in the USA and is, in principle, non-existent in Lutheran countries or even in Britain, but state Churches have in general lost their real power. As long as we say *Gott mit uns*, neither democracy nor multiculturalism is possible.

The problem of Islam is today more important and difficult than others. But the conclusion in this particular case must be the same as that in all cases: religious pluralism can be respected only when religion is separated from cultural norms and forms of social organization. This is the reason why the Catholic Church loses a large part of its influence and authority, in particular in the field of private life, especially on sexual practices, because religion cannot be identified with culture as a whole. This kind of conflict is even more direct with Muslim institutions, especially about the status of women. To be able to be accepted and protected, a religion must abandon its control of cultural life, private and public. That is not a matter of free and open debate. All religions have been political and cultural institutions and all of them had to be forced to abandon their control of the whole of social and cultural life to be recognized and even protected. Where traditional social and cultural structures and values remain strong, it is difficult for religions as such to abandon their direct control of political and social life.

In many cases it is true that religion can be identified with national interests and mobilizes its influence, its capacity of mobilization against foreign domination. This was the case in many parts of Europe during the nineteenth and the twentieth centuries. But as soon as nations have recovered their political freedom, the Church which has had such a positive role transforms rapidly its influence and fights against multiculturalism. The debate within the Islamic world is lagging behind the situation of various Christian Churches. If Kemal Atatürk in Turkey or Habib Bourguiba in Tunisia have imposed on their country '*laicité*', much more numerous are the cases of political movements that identify themselves with Islam as a religion and a civilization and oppose all kinds of cultural liberties and multiculturalisms. Even in Europe, limited are the Islamic movements that accept '*laïcité*' and the separation of religion from other aspects of cultural life.

These are the first conditions for maintaining multiculturalism: the fragmentation of the so-called civilizations is actually more a precondition for such a real transformation of cultural life. But it is not enough to eliminate obstacles; some positive elements are necessary to make cultural and religious freedom and diversity possible.

The movement of secularization has convinced many political and intellectual leaders that instrumental rationality, if accepted as a general principle of government, is enough to eliminate all religious creeds and philosophy of history. Is it really necessary to repeat once more that these views have been condemned by historical facts? Religions have not disappeared and religious conflicts and wars are as present today as in any other historical period.

What we need is a really positive aspect of unity. Any type of analysis that relies entirely on the progressive weakening of values or transcendent principles is dramatically inefficient. The only satisfactory answer is that universal human rights exist, beyond all institutional and economic aspects of each society. That is why, against the idea of secularization, must be defended what we used to call 'humanism'; that is, the substitution of the creative capacity and the rights of human beings for the projection of this creativity outside the human world, by a religion or philosophy of history which, for example, believes in progress. If we do not accept the idea that human nature includes the capacity and the rights for everybody to mobilize an internal, purely human principle of legitimation of his or her actions, if we do not accept the idea that modernity exists only insofar as universalistic principles, such as reason and human rights, play a central role in personal and collective life, there is no possibility of building multiculturalism on strong foundations.

20.3

The main enemy of multiculturalism today is no longer the absolute monarchy that identifies itself with a religion, or a nation, or a language. It is the globalized mass society which transforms nations and cultures into markets, especially for mass consumption, mass communication and mass media. Mass society is first of all a

society without actors, without moral principles and without institutional principles.

Cultural diversity cannot survive if it does not link the defence of specific national local and minority cultures with positive actions against the dominant pattern of social and cultural life today. The diversity of cultures can transform itself into communitarian groups closed, intolerant and obsessed by their purity and homogeneity.

The only way to avoid this negative transformation is not to isolate and protect each national linguistic or religious culture but to attack mass society which destroys subjectivity, traditions, norms and representations. All cultures should have the same interests: not to be destroyed either by a worldwide cultural market or by an authoritarian and theocratic state. Each culture must defend everybody's right to create, use and transmit a culture which is defined first of all by the defence of universal contents, reason and human rights. Only such universalistic arguments are efficient defenders of cultural diversity. It is not the charm of diversity, even if this apparently strange argument is more serious than it seems.

But this counter-offensive action cannot be based on the positive aspect of cultural pluralism. To be strong enough to resist mass society and culture and a globalized economic system, we must give a priority to cultures that define themselves in universalistic terms. This is the case with the main religions, this is the case with political ecology and this is the case with all forms of feminist movements and with actions for the defence of minorities, whether national, sexual, linguistic, or religious.

20.4

Some people, among them postmodernists, can object here that they defend multiculturalism for more simple and non-dramatic reasons. They observe that modern societies have no longer a general principle of unity. There is no central agent to control education, leisure-time activities and the knowledge of national literature and works of art. Multiculturalism is not good or bad, they say, it is natural, because the state capacity to repress minorities is weaker and weaker. The dominant groups care about economic processes which are more and more global and frightening, but they do not feel frightened by the decline of a national language or by the concentration of top scientific researches in a few laboratories, the majority of which are in the USA and the rest of them in five or six other countries, even if this situation can change rapidly.

This view should not be judged in value terms. It is neither good nor bad; the only useful argument against it is that it is materially false.

The consciousness of a natural identity is strong in the United States and equally strong in new emergent countries, especially in the biggest among them. Very few Chinese think that they will be transformed before the end of the present century into Asian Americans. India, more than any other country, has been constantly

interested in combining traditions and innovations. And the same tendency, at a lower level of intensity, can be observed in most countries of the world. The only important exception is western Europe in which a large majority of people are convinced that their national identity and the universalistic role of their country belong to the past. In very few parts of the world are citizens less interested in the future of their nation and state than in western Europe.

20.5

Only Europeans are giving up their taste for difference and specificity because the younger generations are already ignorant of their original national history.

The cultural orientation which is growing more rapidly in western Europe is xenophobia: the rejection of foreigners and especially immigrants. Though at first sight xenophobia seems to be stronger in northern European countries, it is as strong in southern European countries.

The image of a soft tolerant multiculturalism, free from the former controls of a centralized state obsessed with the cultural identity of its nation, is nothing but an imaginary concept. Multiculturalism is more often perceived in negative than in positive terms. To give it a positive concept we must underline first of all the capacity of human groups with cultural values and social norms to resist a globalized mass culture and the material and cultural attraction of the main economic superpowers.

20.6

The defence of cultural pluralism cannot be limited to the protection of a cultural history which has actually already disappeared from young people's memories. It can be efficiently defended only by a direct attack against a globalized economy and a mass culture that eliminates culture as a reinterpretation of the past which is an important element for the construction of an original future. A strong defence of a national or regional culture is one of the main conditions for the creation of positive attitudes towards a cultural pluralism, at least when cultures, beyond their own identity and specificity, defined themselves as expressions of the general human capacity to create symbolic systems and value judgements.

Chapter 21
The Constant Mediation of Resentment and Retaliation

Abdullahi Ahmed An-Na'im

Abstract This article calls for moral choices and political action to escape the trap of the duality of aggression and resistance, of domination and liberation. Conflict is a permanent feature of human relationships, but violence is not only unproductive in resolving conflict, but can be rendered unnecessary by developing normative resources and institutional mechanisms for mediating conflict. Taking self-determination as a core human value and political reality in today's globalized world, this article argues that we should reconceive *realpolitik* to escape the trap by acknowledging the moral choices of others, and striving to be persuasive about our moral choices and political actions. Persuasion, and not violence, provides sustainable mediation of conflict. The article concludes with a brief discussion of the possibilities of mediation of the trap of resentment and retaliation in Dar Fur, Sudan, through multilayered strategies from immediate and short- to long-term action by local, regional and global actors.

Keywords Dar Fur • Mediation • *Realpolitik* • Self-determination Sudan

The dual premise of this article is that the ability of people and communities to mediate resentment and pre-empt retaliation is as integral to the human condition as the impulse to dominate and exploit others. I also see clear evidence of the duality of aggression and resistance, of domination and liberation, throughout human history. Frequent tensions in inter-personal, intra-communal and inter-communal relations are bound to breed resentments that tend to accelerate into open confrontation and even violent retaliation unless effectively mediated. This duality is not always

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obvious and the resistance and liberation aspects of the sequence may not always be immediate or successful, but I believe there are enough historical examples to make the point, including recent developments in eastern Europe in the 1990s and the Arab region in 2011. I am also referring here to familiar strategies we frequently deploy to facilitate peaceful competition and contestations among social movements and political parties within the national societies of the modern state. The required constant mediation should be cultural and contextual, based on a clear understanding of the history, demographics, power relations, and so forth, and drawing on deeply embedded and legitimate normative and institutional resources.

The position I want to advance in this article is that conflict is a permanent feature of human relationships, while violence is not only unproductive in resolving conflict, but should also be rendered unnecessary. Violence is unproductive because of the above-noted duality of resentment and retaliation. Yet, people will continue to see it as necessary until there is a peaceful alternative. I will argue that we can and should develop appropriate normative resources and pragmatic institutional mechanisms for mediating conflict in order to render violence widely accepted as unnecessary, at local, national and regional as well as global levels. In the rest of this brief introduction I will first highlight the main elements of an approach to cultural mediation of the duality of resentment and retaliation.

The first step in the process must surely be to acknowledge the reality that resentment and retaliation can become a vicious cycle, a trap, unless those concerned act to escape what I call 'the trap' of resentment and retaliation. Next, an exploration of imaginative strategies for deconstructing perceptions of the underlying causes of resentment and motivation for retaliation among all parties to the dispute should be included. Imaginative strategies are also needed for drawing on existing legitimate mediation resources and striving to develop new ones, as and when needed. As I will emphasize later, this calls for a combination of moral choice and political action to address local as well as global risks to what I call our shared human vulnerability. All human beings share vulnerabilities to disease, arbitrary violence and environmental degradation. While it may not always be possible for all or some of us to influence the causes or course of such threats to our lives and well-being, we must all strive to do the best we can for our own benefit as well of as others.

I would also emphasize the mutuality of these processes because the Golden Rule is the constant, simple yet totally comprehensive standard. In particular, this mutuality also indicated that we should honor the perceptions of other human beings of the 'factual basis' of their resentment as we would want them to honor ours. From this perspective, protagonists like Islamists and secularists in Turkey, indigenous populations and immigrant communities in Europe, Copts and Muslims in Egypt, should honor each other's concerns in order to be able to mediate their conflicts. I would also urge policy-makers and opinion-leaders to resist the chauvinistic impulse to seek short-term so-called 'solutions', like the idea of 'fortress Europe' that can keep out immigrants and refugees. We must move away from the simplistic duality of aggressor and victim to realize that we are all potential victims in the extent of our failure to oppose the victimization of others.

Another dimension of the context of cultural mediation is that it cannot be exclusively local because the recent acceleration of globalization intensifies the dynamics of local and global developments, diminishing distance and time without mitigating the realities of human difference and risks of cultural misunderstanding. The same technological and other advances that can improve the quality of our lives can also be means of violence and destruction. On the one hand, the imperatives of economic exchange and trade, security interdependence and human relations, mean that no community can insulate itself against cross-border risks of pandemic disease or the negative consequences of military conflict in other parts of the world. On the other hand, we must somehow act in concert despite our permanent and profound cultural and contextual differences. This is not only about reducing the causes of resentment to minimize the risks of retaliation, but also for the urgency of collaborative response to pre-empt mounting risks to the lives and well-being of people everywhere. As I will try to explain, the imperial impulse to dominate is simply untenable in this age of expansive self-determination of persons and communities and their ability to resist and retaliate, even against the most powerful protagonist, as we have Afghanistan against the Soviet Union and now the United States and its allies. The wisdom to act on this realization that the imperial impulse is untenable is what I call the true *realpolitik* of the twenty-first century. Conceptions of realism that are premised on so-called amoral rationality or that seek to realize self-interest at the expense of collective needs are totally untenable in this age of robust and dynamic self-determination. Whatever may have been possible to achieve in the name of imperial (colonial) *realpolitik* in the past can neither be realized nor maintained today.

21.1 Moral Choice and Political Action

The term *realpolitik* in German means 'the politics of reality', which should seek to promote the security of the state, instead of attempting to promote some religious or humanitarian objectives. The negative connotations of the term *realpolitik* are due to some of the ways in which its legitimate purpose is defined, rather than inherent to the concept. Instead of encouraging war and expansion, *realpolitik* promotes pragmatism and moderation, and cautions against grand designs of power that can easily become counter-productive. Even in its traditional sense, the idea of *realpolitik* is to serve the true security of the state by adjusting goals and strategies, developing resources and seeking a balance of power with adversaries. Other factors that indicate the desirability of employing moderate means in pursuit of modest goals include structural and contextual limitations, inadequate or misleading information, concerns about bias and miscalculations by leaders and inefficient implementation by their subordinates (Carr 1946; Morgenthau 1973; Waltz 1979).

Granted that politics must be realistic, the question is what does that mean in the present context of duality of aggression and resistance, of domination and liberation in the interplay between the local and global? I would also add that we are making

moral choices in addition to considering pragmatic factors in our conceptions of realistic politics and how it works in practice. The term 'realpolitik' is commonly understood to refer to foreign policy that is based on practical rather than ethical or ideological considerations, which only begs the question of what is 'practical', who determines that and how. As I have argued elsewhere (An-Na'im, 2012), an imperial conception of 'realism' for realpolitik is short-sighted both temporally and ethically. It is short-sighted temporally in that it applies only to the immediate consequences of our actions and short-term goals of gaining and retaining power and resources. It is also short-sighted ethically because it seeks to engage from and for the benefit of national, ethnic, or other narrow political allegiance, to the exclusion of those we deem to be 'our enemies'. Moreover, imperial realism is bound to invite retaliation from the proponents of similarly narrow and hostile conceptions. Imperial realpolitik is not realistic at all in this age of systemic and rigorous self-determination because more actors are now able to retaliate more effectively against aggressors than ever before in human history. This trend will probably grow in intensity and develop in sophistication and sustainability at every level, from the local to the national, regional and global. The point I am emphasizing is not only that realistic pragmatic politics need not be confrontational and aggressive, but that it should in fact be cooperative and conciliatory in view of the current implications of the duality of resentment and retaliation.

An interesting recent example of how statesmen can come to see things differently is the shift in the position on nuclear weapons by George Shultz, William Perry, Henry Kissinger and Sam Nunn,[1] who are now advocating the elimination of nuclear weapons (Shultz et al. 2007). It may be said that these are aging statesmen 'philosophizing' about this issue because they have exhausted all their personal ambitions. I would not take this skeptical view seriously in view of the magnitude of the problem of nuclear weapons – men of that caliber and experience would not take such a position on nuclear weapons just to be philosophical in ambition-free old age. Even if we accept an element of truth in that skeptical view, I would argue that it still supports my argument in the sense that intelligent, experienced and highly capable people who are not pursuing their personal ambitions would tend to see realistic politics differently.

The paradigm shift in realpolitik I am urging is a difficult, complex and protracted process, but there is no alternative in my view. I also believe that a core question for any significant change is how to overcome the persistent failure of our imagination and weakness of political will through a moral choice for peace with justice at all levels of human experience. Working with old notions of power politics is increasingly unlikely to produce good outcomes under current global conditions. The recent drastic transformations in power relations among a fast-expanding array of actors, who are now vastly empowered by technology, mobility of people and capital, decentralization of production and related factors are challenging the basic assumptions of old domestic and global power politics. It is no longer possible to insulate our domestic economies and human security by focusing on our national or local politics. On a global scale, the massive power and resources of non-state actors, like transnational corporations and global networks of insurgent groups and

terrorist organizations, are diminishing the coherence and viability of state-centric domestic politics and international relations.

The key to the possibility of reconceiving *realpolitik*, I suggest, is self-determination as a core human value that all human beings share. This premise leads me to acknowledge the moral choices of others, especially those who are different from me or disagree with me because those who are like me or agree with me probably would not need that acknowledgment. Another corollary of that basic idea is the realization that I must strive to be persuasive about my moral choices because that is necessary for developing solidarity with others who might help me live by my own moral choices. This vision is not idle utopia because it is realistic enough to be the political choice for most people and pragmatic enough because it can be supported by normative and institutional resources like constitutionalism and the international rule of law for keeping the peace and for protection of human rights. Moreover, what I am calling for is not new or totally absent from human affairs today. We do have some degree of the vision, as well as the normative and institutional resources for its realization through constitutionalism and the rule of law at home, and international law and institutions abroad. What may be lacking is sufficiently strong moral choice for peaceful coexistence and cooperation to support the political will to use and promote the normative and institutional resources we have.

It is true that moral and political choices are often made in response or reaction to choices made by others, but there are also possibilities for making different choices, even when responding or reacting to choices made by others. I also appreciate, however, that it is unrealistic to expect people to make the right moral choices without addressing their primary concerns for security and material well-being. But I also believe that some of us need to exercise moral leadership by taking some risks in order to promote the conditions under which others may need to feel sufficiently secure to join the process of mediation of the duality of resentment and retaliation I indicated earlier. The process of addressing our shared human vulnerabilities, I am suggesting, includes how we define our objectives, and to what extent we appreciate the connection between those objectives and the means we use to realize them. For instance, our definition and pursuit of 'national security' should not be at the expense of the security and human dignity of others. Failure to do so may undermine rather than enhance our security. The process of globalization and technological resources noted earlier indicates that none of us is able to protect our security acting alone. Even the most powerful and technologically advanced states need to work in concert with others by investing in the rule of law and safeguarding peace with justice at home and abroad.

To conclude this section on a positive note, let me briefly note the remarkable success of the international campaign for a global ban on landmines, an objective that would have been seen as near to impossible to achieve because of its presumed close association with state security and national sovereignty. Yet the international Mine Ban Treaty was adopted by 122 countries in December 1997 through the collaboration of a few states and civil society organizations (Williams and Goose 2008: 181–2). The achievements of the movement continued to inspire international cooperation among governments, landmine survivors, representatives of civil society and

international organizations (Smith 2008: 71). The process also included the Nairobi Summit on a Mine Free World, the first review conference of the Mine Ban Treaty held in November 2004. It is also important to note that the treaty has actually achieved significant compliance in practice. The available evidence indicates impressive levels of compliance regarding production, use and transfer of antipersonnel mines by states that are parties to the treaty. It is true that the success of all aspects of the landmine ban would have been impossible without the cooperation of governments at every stage of the process, including monitoring and verification (Kmentt 2008: 19, 20, 28; Williams and Goose 2008: 195, 196). But it is also true that civil society organizations have succeeded in influencing the behavior of their own governments in adopting and then ratifying the treaty, and into greater compliance after ratification.

21.2 Coping with Shared Human Vulnerabilities: The Case of Dar Fur

I will now turn to the recent/current severe humanitarian crisis in Dar Fur, Sudan to illustrate the cultural, contextual approach to mediation of resentment and retaliation I am proposing. The tragedy in Dar Fur has attracted increasing media attention and global human sympathy and concern since 2003, but an appropriate response requires attention to the underlying causes in broader historical and regional perspectives. Farming and nomadic communities of the Sahel region of Africa, from Ethiopia to Senegal, have always had conflicts over land and water resources, but whenever those conflicts developed into violence, tribal leaders were able to convene 'peace conferences' to adjudicate differences, agree on compensation for loss of life and property and allocation of resources. What is new in the recent crisis since the 1980s is fast intensification of competition as water and land became more scarce due to repeated droughts and increasing environmental changes causing the desert to spread (desertification).

Another complication has been the growing militarization of the region as a result of protracted civil war in Chad including the invasion of the country by Libya under Ghadafi rule in the 1980s. As more arms and military training became available to tribal militia and bandits in the region, traditional clashes became more violent and harder to contain, and the ability of tribal elders to mediate declined due to economic and social changes within their own communities. In short, the humanitarian crisis in Dar Fur has been rising in proportion to the intensification and mounting militarization of traditional tribal conflict over land and water, coupled with the declining ability of tribal elders to mediate and control the violence. The level of violence was growing throughout the 1990s, but reached national and international proportions in the early 2000s, perhaps partly due to the emergence of political/military groups claiming to speak in the name of various communities in Dar Fur, calling for more political autonomy from Sudan's central government in

Khartoum, and a greater share in economic development for Dar Fur. One of these factions, the Sudan Liberation Army (SLA), was allied with the Sudan People's Liberation Movement/Army (SPLM/A) of southern Sudan. As the south began to negotiate with the Khartoum government a peaceful end of the civil war there, the SLA felt betrayed and left out. At the same time, the concessions the Khartoum government was making for the south made the regime worried about having to make similar concessions for Dar Fur, which will encourage other regions to make similar demands.

The present crisis in Dar Fur is a result of decades of neglect and manipulation by successive governments in Khartoum, both civilian and military, since the independence of Sudan in 1956. In this respect, Dar Fur is not alone, as other marginalized regions in the south, east and west suffered from the same policies of the central government. What is new for Dar Fur is the rise of military and political resistance resulting in more violent clashes, which were aggravated by the regional factors noted above. As the level of military activities in Dar Fur increased, the central government tried to suppress rebel factions, but because it lacked the necessary troops, it resorted to arming and using tribal militia, exploiting ancient suspicion and hostility among Dar Fur tribes. When the civil war in the south of Sudan ended with the Comprehensive Peace Accord of 2005, more of the tribal militia used by the government in the south, the SLPA, returned to their traditional tribal regions in western Sudan, adding to the militarization of the region.

We should also realize that major global powers – France, the United States, China, Russia, the United Kingdom – as well as regional powers like Egypt and Nigeria, tend to act and interact in situations like Dar Fur in pursuit of their own view of their national interests. This is to be expected, but what is misleading and can be dangerous is to pretend that the policy of any government, domestic or foreign, can be primarily driven by 'humanitarian' concerns, as is often proclaimed. In the case of Dar Fur, for instance, France is the former colonial power in the whole region of Saharan West Africa, and continues to regard it as its 'sphere of influence', where it can intervene militarily, supply arms to any side in regional conflicts, protect or undermine regimes, and manipulate governments at will. The United States is apparently seeking to promote its own economic interests (oil in both Sudan and Chad), while respecting French dominance. Russia is a big supplier of arms to the Sudan government, and China is the main developer of Sudanese oil. Such geopolitical factors should be investigated and considered seriously in any analysis of the nature and dynamics of the humanitarian crisis in Dar Fur.

Assuming such analysis to be valid, I would suggest that the duality of resentment and retaliation in Dar Fur can be mediated through multilayered strategies from immediate and short- to long-term, by local, regional and global actors. All strategies, I suggest, need to combine efficacy with legitimacy. In the short term, there is need for concerted action to stop the violence through collective institutional action by the United Nations, which should probably delegate actual intervention on the ground to the African Union. Necessary action can be taken immediately through a range of measures, from the imposition of sanctions on the Sudan Government under article 23 of the Constituent Act of the African Union to

the use of force to maintain or restore international peace and security under chapter VII. Such measures do not violate the sovereignty of Sudan because they are based on treaties it officially ratified. As noted earlier, we do have the normative and institutional resources, but lack the political will to apply those resources to stop the countless killings and human suffering in Dar Fur, and wherever else it is happening. Short-term measures include local action to disarm tribal militia, and restore the authority of traditional leadership to mediate violent conflict. There is also need for immediate humanitarian relief and assistance with sustainable development. Longer-term measures include regional and international cooperation to combat desertification to preserve arable land and access underground water sources.

None of these measures is as far-fetched or unrealistic as they sound except for our squandering of the credibility of our governments and international institutions through reckless actions like our failure to stop genocide in Rwanda, or our failure to hold the United States and the United Kingdom accountable for their illegal invasion and occupation of Iraq in 2003. Consider how much sustainable good could have been done in Dar Fur with the human and material resources wasted within the same time-frame (2003–2005) in the illegal invasion of Iraq? The point I am making is not, of course, that the United States and the United Kingdom should stay away from Dar Fur, but is about how they and other major powers should act. At the same time, however, the urge to 'do something' should not become a call to 'do anything'. Here I recall what I said earlier about moral choice and political action, and about our shared human vulnerabilities. In Sudan, we have a proverb that can be translated as follows: '*You shouldn't feed your donkey only when you need to ride it.*' In other words, we must build and maintain our conflict mediation resources all the time, if we want them to work when we need them. If we can maintain the rule of law in international relations all the time, contribute to fair and just economic development, democratic governance, protection of human rights everywhere and at all times, then when situations like what has happened in Dar Fur since 2003 arise, we would have the institutional and material resources to deal with them effectively and humanely.

Note

1. Mr Shultz was Secretary of State from 1982 to 1989; Mr Perry was Secretary of Defense from 1994 to 1997; Mr Kissinger was Secretary of State from 1973 to 1977; and Mr Nunn is former chairman of the Senate Armed Services Committee.

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Chapter 22
The Specter Haunting Multiculturalism

Richard J. Bernstein

Abstract I argue that the specter haunting multiculturalism is incommensurability. In many discussions of multiculturalism there is a 'picture' that holds us captive – a picture of cultures, religious or ethnic groups that are self-contained and are incommensurably radical with each other. I explore and critique this concept of incommensurability. I trace the idea of incommensurability back to the discussion by Thomas Kuhn; and especially to the ways in which his views were received. Drawing on Gadamer's understanding of hermeneutics, I argue that the very idea of radical incommensurability is incoherent. This does not entail an abstract universalism but rather sensitivity to the ways in which *all* languages and cultures are in principle open to the real possibility of enlarging one's vision and mutually understanding.

Keywords Conflict • Incommensurability • Thomas Kuhn • Multiculturalism • Pluralism • Richard Rorty

In recent decades, the expression 'multiculturalism' has been widely discussed and has taken on many meanings. But a specter has haunted this discussion. Cultures are complex, changing and dynamic. Yet when we speak of multiculturalism, there is an enormous temptation to think of cultures as more or less coherent wholes, each with its own distinctive integrity that distinguishes it from other cultures – whether we think of this difference in an anthropological, religious, political or ethnic manner. Individuals living within a given culture frequently feel that they gain their deepest sense of identity as members of it. So the problem of multiculturalism becomes how we are to think about it, and how to deal practically with different cultures when

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there are serious conflicts. These conflicts become especially acute when members of cultures think that their values and beliefs are incommensurable with each other. The specter that haunts these controversies is *incommensurability*. I want to examine why the talk about incommensurability became so popular in the later part of the twentieth century – and why I believe that the concept, used uncritically, has pernicious consequences when dealing with multiculturalism. I propose to do so by exploring some of the philosophical sources of incommensurability.

In 1962, when Thomas Kuhn's *The Structure of Scientific Revolutions* appeared, it was an intellectual sensation. It would be difficult to name another book written in the 1960s that caused such an intellectual stir and was so widely discussed in the full range of the humanistic, cultural and social scientific disciplines. Although Kuhn's primary interest was with the well-established natural sciences, few natural scientists paid much attention to it, but the book became a central text for humanists and social scientists. Consider the extent to which expressions that Kuhn popularized have become part of our everyday discourse. We all speak about 'paradigms' and 'paradigm shifts' – frequently without realizing that they have their source in Kuhn's monograph. And one expression became a lightning rod for controversial debate: *incommensurability*. Suddenly everybody seemed to be talking about incommensurability – incommensurable paradigms, theories, languages, vocabularies, cultures, and worldviews. I do not want to review the tangled twists and turns of the debates about incommensurability – and what I take to be confusing and illuminating in these debates.[1] I am primarily concerned with another issue, the issue of reception. Why has the heady talk about incommensurability been so widespread? What is it about this expression and the many ideas associated with it that captured the imagination of so many thinkers? Even more important, what can we learn from the fierce debates about incommensurability? But I do want to begin with Kuhn's original text and briefly explore how Richard Rorty appropriated and transformed Kuhn.

The expression 'incommensurability' is used about a half-dozen times in *The Structure of Scientific Revolutions*.[2] When discussing the phenomenon of competing schools of thought in the early developmental stages of most sciences, Kuhn writes: 'What differentiated these various schools was not one or another failure of method – they were all "scientific" – but what we shall come to call their incommensurable ways of seeing the world and of practicing science in it' (1970: 41). Much later, when he analyzes the nature and necessity of scientific revolutions, he tells us that 'the normal-scientific tradition that emerges from a scientific revolution is not only incompatible but often actually incommensurable with what has gone before' (ibid.: 103).

But the main (although very brief) discussion of incommensurability occurs in the context of Kuhn's analysis of the resolution of scientific revolutions. Kuhn seeks to clarify why proponents of competing paradigms 'may [each] hope to convert the other to his way of seeing his science and its problems [but] neither may hope to prove his case'. He isolates three reasons why 'the proponents of competing paradigms must fail to make complete contact with each other's viewpoints'. These are the reasons for claiming that there is 'incommensurability of the pre- and post-

revolutionary normal-scientific traditions'. 'In the first place, the proponents of competing paradigms will often disagree about the list of problems that any candidate for a paradigm must resolve. Their standards or their definitions of science are not the same' (1970: 148). Secondly, 'more is involved than the incommensurability of standards'. There is also a radical shift in the conceptual web of concepts used for explanation. Thus, for example, to make the transition from Newton's universe to Einstein's universe, 'The whole conceptual web whose strands are space, time, matter, force, and so on, had to be shifted and laid down again on nature whole'. But the third reason is the 'most fundamental aspect of the incommensurability of competing paradigms' (ibid.: 149). I shall quote this passage at length because it became a primary source for the controversy about incommensurability.

> In a sense that I am unable to explicate further, the proponents of competing paradigms practice their trades in different worlds. One contains constrained bodies that fall slowly, the other pendulums that repeat their motions again and again. In one, solutions are compounds, in the other mixtures. One is embedded in a flat, the other in a curved, matrix of space. Practicing in different worlds, the two groups of scientists see different things when they look from the same point in the same direction. Again, that is not to say that they can see anything they please. Both are looking at the world, and what they look at has not changed. But in some areas they see different things, and they see them in different relations one to the other. That is why a law that cannot even be demonstrated to one group of scientists may occasionally seem intuitively obvious to another. Equally, it is why before they can hope to communicate fully, one group or the other must experience the conversion that we have been calling a paradigm shift. Just because it is a transition between incommensurables, the transition between competing paradigms cannot be made a step at a time, forced by logic and neutral experience. Like a gestalt switch, it must occur all at once (though not necessarily in an instant) or not at all. (Kuhn, 1970: 150)

I have cited virtually all the passages in which Kuhn speaks explicitly about incommensurability, although, of course, much of what he says in other places is relevant to his discussion. But these passages are instructive not only because of what they say but because of what they do not say – what they are silent about. Note that in none of these passages does Kuhn define or specify what he means when he uses the expression 'incommensurability'.[3]

But before commenting on Kuhn, and the fate of the expression 'incommensurability', I want to consider the way in which Kuhn's views were radicalized and transformed by Richard Rorty in *Philosophy and the Mirror of Nature* – a book that proved to be as provocative and controversial as *The Structure of Scientific Revolutions.* I have already indicated that Kuhn was concerned to clarify the structure and dynamics of the natural sciences. His primary motivation for introducing the term 'paradigm' is based on the claim that the appeal to paradigms is what enables us to distinguish the natural sciences from other disciplines and discourses. But with Rorty there is no such restriction. He is after bigger game. He seeks nothing less than to deconstruct Philosophy (with a capital 'P'), a tradition that he traces back to Plato, which was transformed in the 'Cartesian-Lockean-Kantian tradition', and has taken on new life in the epistemological and semantic obsessions of analytic philosophy. Rorty, unlike Kuhn, explicitly tells us what he means by 'commensurable':

… able to be brought under a set of rules which will tell us how rational agreement can be reached on what would settle the issue on every point where statements seem to conflict. These rules tell us how to construct an ideal situation, in which all residual disagreements will be seen to be 'noncognitive' or merely verbal, or else merely temporary – capable of being resolved by doing something further. (Rorty, 1979: 316)

Modern philosophy shaped by the Cartesian-Lockean-Kantian tradition in *both* its analytic and continental forms has been obsessed with commensuration. This is the quest that is characteristic of epistemology. Hermeneutics, as Rorty understands it, is not a name for a new method or discipline but is 'an expression of the hope that the cultural space left by the demise of epistemology will not be filled' (Rorty, 1979: 315). We can bring out the force of Rorty's provocative claims by seeing how he radicalizes Kuhn's understanding of 'normal' and 'abnormal' (revolutionary) science. For Kuhn, normal science is a form of puzzle-solving in which there are accepted procedures of commensuration. Abnormal science arises when an increasing number of anomalies occur that do not seem to fit a prevailing paradigm. But for Rorty, commensuration is not exclusively a characteristic of normal science, rather it can be a characteristic of *any* form of inquiry where there are

… agreed-upon practices of inquiry (or more generally, of discourse) – as easily in 'academic' art, 'scholastic' philosophy, or 'parliamentary' politics as in 'normal' science. We can get it [epistemological commensuration] not because we have discovered something about 'the nature of human knowledge' but simply because when a practice has continued long enough the conventions which make it possible – and which permit a consensus on how to divide it into parts – are relatively easily to isolate. (Rorty, 1979: 321)

In short, it is the 'familiarity' of entrenched practices that makes a discourse normal and commensurable. Practices can become 'normalized' in any field of discourse – from physics to theology. Abnormal discourse arises when familiar and accepted practices (whatever their domain) are challenged. 'The product of abnormal discourse can be anything from nonsense to intellectual revolution, and there is no discipline which describes it, any more than there is a discipline devoted to the study of the unpredictable, or of "creativity"' (Rorty, 1979: 321). Rorty is perfectly aware of the radical provocation of his claims. He knows that philosophers from the time of Plato until the present have generally thought that commensuration is, at the very least, a necessary condition for rationality.

Normal science is as close as real life comes to the epistemologist's notion of what it is to be rational. Everybody agrees on how to evaluate everything everybody else says. More generally, normal discourse is that which is conducted with an agreed-upon set of conventions about what counts as a relevant contribution, what counts as answering a question, what counts as having a good argument for that answer or a good criticism of it. (Rorty, 1979: 320)

It is little wonder that both *The Structure of Scientific Revolutions* and *Philosophy and the Mirror of Nature* initiated so much heated and intense discussion. Almost immediately, critics of both books claimed that the views of Kuhn and Rorty sanction *irrationality* and lead straight to a self-defeating relativism. Karl Popper, for example, criticized Kuhn for endorsing the 'Myth of the Framework', a metaphor that suggests that 'we are prisoners caught in the framework of our theories; our

expectations; our past experiences; our language' and that we are so locked into them that we cannot communicate with those encased in radically different 'incommensurable' paradigms (Popper 1970: 56). Hilary Putnam, who is sympathetic with many of Rorty's claims, nevertheless has consistently argued that Rorty leads us down the path of a self-defeating relativism.

Now it is one task to sort out what is right and wrong in the tangled disputes about incommensurability and its critics – disputes that preoccupied philosophers for several decades. But it is a very different question to ask why these disputes captured the imagination of so many thinkers in widely divergent fields. In *Beyond Objectivism and Relativism*, I suggested the beginnings of an answer when I spoke of the 'Cartesian Anxiety' – the anxiety that is generated by a grand Either/Or:

> *Either* there is some support for our being, a fixed foundation for our knowledge, *or* we cannot escape the forces of darkness that envelop us with madness, with intellectual and moral chaos. … It would be a mistake to think that the Cartesian Anxiety is primarily a religious, metaphysical, epistemological, or moral anxiety. These are only several of the many forms it may assume. In Heideggerian language, it is 'ontological' rather than 'ontic,' for it seems to lie at the very center of our being in the world. (Bernstein 1983: 18–19)[4]

Using Rorty's terminology, we might say that if we abandon commensuration, if 'vocabularies' are genuinely incommensurable, if there are no neutral ahistorical standards for judging and evaluating competing vocabularies, then it is hard to see what reasons one can have for favoring one vocabulary or paradigm over other vocabularies or paradigms. After all, Rorty tells us that 'anything can be made to look good or bad by being redescribed' (Rorty, 1989: 73).

Outsiders may be bemused by the passion with which philosophers debate these issues. But similar issues gain poignancy when we turn to the moral, political, cultural and religious dimensions of our everyday lives. The belief in commensuration is closely allied to the conception of moral universality. Many of us have been shaped by the conviction that there are moral universals and universal human rights that transcend religious, ethnic and cultural differences among peoples. Some critics argue that these alleged 'moral universals' (when unmasked) turn out to be projections of Eurocentric prejudices. This has not shaken the conviction of those who believe that *all* human beings possess a worth and dignity that ought not to be violated. But if we really pursue the claim of incommensurability 'all the way down' then we may well ask, what is the warrant for believing in moral universals and universal human rights?

Furthermore, despite the great hopes of what might happen after the fall of communism in 1989, we have witnessed the outbreaks of all sorts of collective hatreds, massacres and even genocides. From Bosnia, Rwanda, Darfur and many other places, we learn how easy it is to whip up murderous hatreds and manipulate ordinary people so that they become murderers and rapists. Peoples confront each other as if their total outlooks, values and commitments are incommensurable – so incommensurable and objectionable that the only 'solution' is to engage in 'ethnic cleansing' or the massacres of entire peoples. Perpetrators do not think of themselves as violating human rights because they do not even think of their 'enemies' as human. Richard Rorty makes this point succinctly when he says that

> The moral to be drawn about the stories of the cruelties perpetuated in the'90s by Serbs on Bosnian Muslims is that Serbian murderers and rapists do not think of themselves as violating human rights. For they are not doing these things to fellow human beings, but to *Muslims*. They are not being inhuman, but rather discriminating between true humans and pseudohumans. They are making the same sort of distinction as the Crusaders made between humans and infidel dogs, and the Black Muslims make between humans and blue-eyed devils. (Rorty, 1993: 112–13)

This is also the way in which many Nazis thought about Jews – they really were not human; they were vermin to be eliminated. The despised 'other' is not only incommensurable with everything that 'we' take to be human but a dangerous threat to humanity.

What then are we to say about this kind of incommensurability? And what are we to do about it? I certainly do not want to pretend to give full answers to these questions. I have a much more modest aim – to begin to suggest how to think about it and how to work through the relevant issues. Let us return to the philosophical context in which so much heated discussion about incommensurability was generated. Popper was on to something when he spoke about the 'Myth of the Framework', even though I think he was off the mark in his critique of Kuhn.[5] To use a Wittgensteinian turn of phrase, a certain picture of incommensurability has held us captive. It is a picture where – whether we speak of paradigms, frameworks, vocabularies, conceptual schemes, worldviews, cultures, etc. – we think of them as windowless monads. They are so self-enclosed that there is no real communication, no real point of contact between them. Kuhn's talk about 'different worlds' can suggest such a picture. But it is extremely misleading to use the commensurable– incommensurable dichotomy in such a global manner. Both Kuhn and Rorty presuppose that different paradigms or vocabularies – no matter how incommensurable they may be in some respects – are nevertheless commensurable in some other respects. If this were not true, we would not even be able to do what Kuhn and Rorty are always doing – comparing different paradigms or vocabularies. When we speak about incommensurability or commensurability in any domain, we should always specify in what respect (and in what sense) the candidates we are considering are incommensurable or commensurable. The point is not trivial because recognizing that there is always some overlap provides the necessary basis for comparison and mutual discussion.[6] But there is an even more important point. The picture of cultures, vocabularies, languages, paradigms, etc., suggested by totalizing incommensurability is deeply misleading; it is static and reified. This picture neglects the extent to which any *living* language, any vocabulary, is intrinsically open. Hans-Georg Gadamer makes this point vividly when he argues that all horizons are necessarily open even though our situations and perspectives are always finite and limited.

> Every finite present has its limitations. We define the concept of 'situation' by saying that it represents a standpoint that limits the possibility of vision. Hence essential to the concept of situation is the concept of 'horizon.' The horizon is the range of vision that includes everything that can be seen from a particular vantage point. Applying this to the thinking mind, we speak of narrowness of horizon, of the possible expansion of horizon, of opening up of new horizons, and so forth. Since Nietzsche and Husserl, the word has been used in

philosophy to characterize the way in which thought is tied to its finite determinacy, and the way one's range of vision is gradually expanded. (Gadamer 2004: 301)

And Gadamer goes on to criticize the very idea of a closed horizon.

The historical movement of human life consists in the fact that it is *never absolutely bound to any one standpoint, and hence can never have a truly closed horizon.* The horizon is, rather, something into which we move and that moves with us. Horizons change for a person who is moving. (Gadamer 2004: 303; emphasis added)

In *Truth and Method*, Gadamer is primarily concerned with the understanding of texts, works of art and historical traditions, but his reflections have important consequences for understanding other cultures and peoples. He is certainly not claiming that all horizons, all languages, all worldviews are commensurable (as Rorty defines it). On the contrary, the hermeneutical problem of understanding arises precisely because other historical and cultural horizons are incommensurable with our own. We do not have straightforward commensurable standards for understanding, interpreting and translating what initially strikes us as strange and alien. Gadamer is not denying incommensurability, but neither is he totalizing or reifying it. Incommensurability sets the hermeneutical problem whether we are concerned with understanding a strange text, a tradition, or an alien people. The task of understanding requires imagination, learning how to listen and respond. We have to pay careful attention to differences, to be wary of glib forms of translation, to modify our prejudgments when they do not fit. We cannot leap out of our own finite limited horizon to some neutral objective perspective, to some God's-eye point of view, but we can attempt to enlarge and enrich our horizon accomplishing what Gadamer calls a 'fusion of horizons'. This is essentially a dialogical process.

In his classic article 'From the Native's Point of View: On the Nature of Anthropological Understanding' Clifford Geertz beautifully captures the spirit of this hermeneutical process when he speaks of

A continuous dialectical tacking between the most local of local detail and the most global of global structure in such a way as to bring both into view simultaneously. … Hopping back and forth between the whole conceived through the parts which actualize it and the parts conceived through the whole which motivates them, we seek to turn them, by a sort of intellectual perpetual motion, into explications of one another. (1979: 239)

Geertz recognizes that he is describing the hermeneutical circle, arguing that it is essential for ethnographic interpretation when he concludes his article by telling us:

Whatever accurate or half-accurate sense one gets of what one's informants are 'really like' comes not from the experience of that acceptance as such, which is part of one's own biography, not of theirs, but from the ability to construe their modes of expression, what I would call their symbol systems, which such an acceptance allows one to work toward developing. Understanding the form and pressure of, to use the danger word one more time, natives' inner lives is more like grasping a proverb, catching an illusion, seeing a joke – or, as I have suggested, reading a poem – than it is like achieving communion. (1979: 241)

Because historical horizons are always changing, it makes no sense to speak of a final or complete understanding – one that, in principle, cannot be revised and modified. But even with the best will in the world and the most patient detailed attempts

to understand what is 'other' and incommensurable, we may fail. There are limits to understanding; we become aware of our own finitude and fallibility. The concept of incommensurability that emerges from Gadamer's hermeneutics is radically different from that of the myth of the framework. Incommensurability is a *challenge* to understanding; it is not fixed or static, but is changing, fluid, and open to reconsideration and revision. What Gadamer says about critical appropriation of tradition can be generalized for all understanding – including understanding other cultures, religions and ethnic groups.

> It is a grave misunderstanding to assume that emphasis on the essential factor of tradition which enters into all understanding implies an uncritical acceptance of tradition and sociopolitical conservatism. … In truth the confrontation of our historical tradition is always a critical challenge of this tradition. … Every experience is such a confrontation. (Gadamer 1979: 108)

I do not want to suggest that Gadamer's reflections on understanding, horizons, language and incommensurability are unproblematic. He tends, at times, to downplay the obstacles that stand in the way of understanding and the fusion of horizons. He does not account for all the ways in which understanding can fail or why misunderstanding is such a prevalent phenomenon. He has little to say about how power and media in the contemporary world distort communication. He is scarcely concerned with the 'material conditions' that are required to engage in the type of dialogue that he describes. As Habermas once remarked, Gadamer sometimes writes as if dialogue and Aristotelian *phronesis* are possible in any society or culture. But nevertheless, I do think there are important lessons to learn from Gadamer about the challenge of incommensurability.

There is an ethical-political horizon to his understanding of hermeneutics. Gadamer is not 'merely' describing and elucidating the happening of understanding. He is constantly telling us what is required for 'genuine' or 'authentic' understanding and dialogue. Dialogue, for Gadamer, requires learning the difficult art of listening – really listening – and learning to hear what is different and other than us. When he stresses our dialogue with texts, traditions and works of art, he emphasizes that dialogue is a *reciprocal* process. But this becomes much more central when we are speaking from a second-person participant's perspective – where the other is not a text or a tradition, but another person who can speak back to us, who can literally answer yes or no. This is a point that stands at the very center of Habermas' theory of communicative action and his discourse theory of ethics.

Genuine understanding requires both imagination and humility – the imagination to enlarge our own horizon and the humility to realize that our horizons are finite and limited. It is in the happening of understanding that we critically test our prejudgments and prejudices. We enhance our self-understanding only in and through the nuanced encounter with what is other than us. In short, to engage in the type of hermeneutic understanding that Gadamer sets as a task for us requires the development and cultivation of a whole set of interlocking virtues. Now I can easily imagine a critic raising the following objection:

What does this sketch of Gadamer's hermeneutics have to do with what you even called the 'frightening' problem of incommensurability in the 'real' world – the type of incommensurability that can lead to massacres and even genocide? Aren't you (and Gadamer) guilty of the temptation that is all too common among philosophers: the temptation of thinking that the brutal world of politics can or should be compared to an idealized seminar where presumably civilized dialogue can take place. In the 'real' world the call for dialogue turns out all too frequently to be a disguised power play for gaining dominance, not an invitation to reciprocal give-and-take.

As someone who has strongly identified with the American pragmatic tradition for more than 50 years, I do not need to be warned about the temptation of philosophers to ignore the hard realities of everyday practical life. But let me meet the objection head-on. I do not think that one can appeal to philosophy to solve concrete political problems. What philosophy – or more generally, intelligent self-reflection – can do is to orient us in our everyday lives and in confronting concrete problems and tasks. Gadamer's reflections on understanding and dialogue are relevant to the problem of incommensurability because they direct us to a practical task. One of the paradoxes of the global world that we live in is that on the one hand there are powerful tendencies toward the commonality and homogenization of everyday practices and experience, but on the other hand, these very tendencies exacerbate the sense of incommensurable hostile differences. All sorts of groups, whether religious, ethnic, or political, begin to think of themselves as self-enclosed windowless monads that are threatened by their 'enemies'. The 'Myth of the Framework' is not a myth for them but a living reality. One of the great dangers of the 'politics of identity' is that it fuels this type of mentality – the mentality of those who are convinced that 'outsiders' do not really understand; that 'outsiders' are threatening because they oppress and humiliate. A first task for philosophical reflection is to explode the 'Myth of the Framework', to engage in the type of philosophical or intellectual deconstructive therapy that allows us to escape from the grips of the picture of incommensurability as consisting of self-enclosed paradigms, worldviews, etc. Incommensurability is not a theoretical, epistemological, or semantic barrier that blocks understanding. Rather it presents us with a *practical challenge and a task* (actually a complex set of tasks). Too frequently, 'talk' of incommensurability is an excuse – a sign of the practical failure to engage in the difficult work of mutual understanding. It is much easier to retreat to simplistic binary oppositions and dichotomies – 'us' versus 'them'. And in times of perceived crisis, as occurred after 9/11, widespread anxiety and fear (frequently cynically manipulated) make simplistic binary thinking appealing.[7] If we are serious about encouraging mutual understanding, then we should not fool ourselves into thinking that this can be achieved simply by willing or by talking about it. It requires, as I have indicated, a whole set of interlocking habits, dispositions and practices. And it requires hard work. There is no wholesale way of achieving this. It requires constant effort and attention to detail – and it starts in local contexts. There is no substitute – or algorithm – for practical judgment that is attentive to details. Regardless of how we define 'culture', cultures are dynamic and rapidly changing. And within any given culture there are enormous differences. Secular Jews and secular Muslims frequently have much

more in common than they do with orthodox members of their own communities. All of us have multiple identities.

As I have indicated, seeking to understand what is incommensurable does not mean approval or agreement. There is a subtle dialectic between critique and understanding. If our critiques are to be intelligent then they must be informed by understanding – not by caricatures and stereotypes. In carrying out the task of understanding, our critiques will be modified and transformed.

In recent years Jürgen Habermas has written a number of challenging articles dealing with secularism and religion. I can relate what I have been arguing to one of his main concerns. Too frequently, secularists and religious believers caricature each other's outlook and confront each other as if their 'worldviews' were totally incommensurable. I have reservations about Habermas' talk about 'post-secularism', but I am sympathetic with his call for both secular non-believers and religious believers to be *self-reflective* and make the serious attempt to learn from each other. I agree with Habermas when he affirms that democratic citizenship requires a 'mentality on the part of secular citizens that is no less demanding than the corresponding mentality of their religious counterparts'.[8] This requires a spirit of openness that is compatible with a deep commitment to one's own values and convictions.

I want to conclude by emphasizing three key points.

1. First is a cautionary warning. We must be wary of being unrealistic and sentimental. No concept escapes from the possibility of distortion and corruption. This is especially true of the concept of dialogue as it is sometimes used in political life. Frequently, the call for dialogue is a ploy to gain political advantage; it is a move in a power game to advance one's interests. And we must be skeptical of the idea that conflicts can always be resolved or negotiated by talking them through. Hannah Arendt once remarked that the world of politics is not a nursery. Nor is it like an ideal seminar where we can talk through our differences. We can reach a point where incommensurable differences are intractable – where we encounter individuals or groups who have no interest in engaging in mutual understanding and genuine dialogue. Their primary goal is to eliminate physically what they take to be different, other and incommensurable. No one who has lived through the twentieth century and the beginning of the twenty-first century can be naïve about this. But a primary danger is that we are all too quick to make this judgment about intractable incommensurable differences and to act in misguided ways upon this belief.

2. Second, we must appreciate the fragility of the practices and virtues required for the type of hermeneutic openness that I am calling for. The quest for certainty – for psychological, moral, political and religious secure foundations – is deep and persistent. One rarely abandons the craving for absolutes because of philosophical argumentation. It is not easy to live with contingency, ambiguity, a sense of one's fallibility, and genuine openness to what is other and different from us. Openness and fallibility are always potentially under threat. I do not see this as a reason for despair or cynicism. On the contrary, because of the fragility of hermeneutical openness in the face of what is incommensurable, there is a need for passionate commitment to the task of achieving its concrete realization in both

local and global contexts. Pluralism is a basic fact of modern life, and it can take a great variety of benign and malignant forms. The key issue is how to respond to pluralism. We can seek to deny it or (literally) to eliminate it – this is the goal of totalitarian regimes. But we can also seek to engage critically what is really different, what strikes us as incommensurable and to attempt honestly to further the task – *die Aufgabe* – of critically understanding what is other than us without denying or distorting its 'otherness'. And we must constantly and passionately seek to bring about the 'material conditions' that are the necessary condition for forthright critical engagement.

3. Finally, we must be honest about the limitations and the importance of philosophic inquiry. As I noted earlier, I do not believe that philosophy by itself is ever sufficient to solve practical problems in the 'real world'. But it can help to deconstruct myths and prejudices that block mutual understanding and it can criticize misleading pictures of incommensurability that perpetuate hatred. It can clarify goals and norms that ought to govern our behavior. It can encourage the types of civility and public discourse about hard issues that arise when we encounter forms of otherness that seem to threaten us by challenging our most deeply held convictions.

I conclude with one of my favorite quotations from John Courtney Murray that epitomizes what I have been arguing.

> Barbarism … threatens when men cease to talk together according to reasonable laws. These are laws of argument, the observance of which is imperative if discourse is to be civilized. Argument ceases to be civil when it is dominated by passion and prejudice; when its vocabulary becomes solipsist, premised on the theory that my insight is mine alone and cannot be shared; when dialogue gives way to a series of monologues; when the parties to the conversation cease to listen to one another, or hear only what they want to hear, or see the other's argument only through the screen of their own categories. … When things like this happen, men cannot be locked in argument. Conversation becomes merely quarrelsome or querulous. Civility dies with the death of dialogue.[9]

Notes

1. I attempted to do this in *Beyond Objectivism and Relativism: Science, Hermeneutics, and Praxis* (1983). See especially Part Two, 'Science, Rationality, and Incommensurability'.
2. The following paragraphs are based on *Beyond Objectivism and Relativism* (1983: 81–2).
3. See my discussion of Kuhn's later attempts to clarify what he meant by incommensurability in ibid. (1983: 80).
4. See my discussion of the 'Cartesian Anxiety' in ibid. (1983: 16–25).
5. See my discussion of Popper in ibid. (1983: 84–5).
6. For a related critique of incommensurability see Donald Davidson's famous paper, 'On the Very Idea of a Conceptual Scheme' (1973–1994).
7. See my discussion of the dangerous consequences of the simplistic binary opposition of good and evil in *The Abuse of Evil* (2005).
8. Jürgen Habermas, 'Religion in the Public Sphere' (2008: 143).
9. John Courtney Murray, *We Hold These Truths* (1960: 14).

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Chapter 23
Reflexive Pluralism

Alessandro Ferrara

Abstract Reflexive pluralism is here put forward as the conception that is most reasonable for supporters of political liberalism to hold at a period when the reasons justifying acceptance of political and religious pluralism seem inadequate.

Never has political and religious 'pluralism' commanded such a strong appeal among the liberal publics of western democracies as today, when it appears as the only recipe capable of keeping the clash of civilizations off the radar screens, and yet the reasons that justify its acceptance still seem to me far from being adequate to the task. Many varieties of perfectionist or comprehensive liberalism incur a peculiar performative contradiction: they seem to admit pluralism in many areas except when it comes to the reasons why pluralism should be accepted – 'liberal monopluralism' is the name for such a mix of pluralist foundationalism, which in the end boils down to the fundamentalization of tolerance and individual autonomy. 'Political' varieties of liberalism, such as the ones propounded by Rawls, Larmore and others, seem to avoid such a risk, but they are also in need of spelling out in a clearer way what justifies their acceptance of pluralism: 'reflexive pluralism' is the name for what is here presented as the conception most reasonable for supporters of political liberalism to hold.

Let me start from the observation that we currently have three main views about the nature of a secular society and one major proposal for reconsidering contemporary western society as being a 'post-secular' one. We have the political narrative of the growth of toleration and religious neutrality – the separation of politics and

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religion – out of the disaster of the religious wars, the sociological narrative of secularization as the privatization and retreat of religion from the public realm, recently deeply thrown into question, and the recent Taylorian narrative of the rise of the 'immanent frame'. The narrative of political secularism pivots around the separation of religion and politics, Churches and state, the equal freedom for all citizens to exercise their religion or lead a non-religious life, and the securing of the religious neutrality or *laïcité* of state institutions. The sociological narrative of secularization, mostly thrown into question by recent debates on de-secularization, concerns the fact that religion in general retreats from directly influencing law, politics, education and public life, becomes the private concern of communities of like-minded believers, has less importance even in the private lives of people. Thirdly, Taylor's 'experience-near' or phenomenological reformulation of the concept identifies secularism[1] as the 'move from a society where belief in God is unchallenged and indeed unproblematic to one in which it is understood to be one option among others, and frequently not the easiest to embrace'.[2] From the standpoint of this third notion of secularism belief and non-belief, theism and atheism are different ways of 'being in the world'. The world which has not yet been secularized is a place in which everybody, not just me, takes for granted that the source of value and meaning and fullness lies outside human reach in something transcendent. That experience in a few centuries has undergone a transformation: in our time the believer is condemned to see his or her own faith as one among several choices. The believer may continue to believe, but her or his faith is now experienced from within what Taylor calls the prevailing 'immanent frame', namely a whole cultural horizon that identifies the good life with human flourishing, accepts no final goals beyond human flourishing and admits no allegiance or obligation to anything beyond this flourishing.[3]

This threefold picture of modern secularism is completed by the Habermasian notion of a post-secular society,[4] understood as one society that has finally become aware of the resilience and persistence of religion, of the positive contribution brought by religions to social life, of the need to eliminate the asymmetrical burden shouldered by religious citizens within democratic secular institutions and of the need to accommodate religious voices in the public arena – a post-secular society grown aware of the need for a reciprocal learning process involving the religious mind and secular reason.

Against this widely shared background I would like to address one issue that in my opinion is important if we want, at the beginning of the twenty-first century, to fine-tune our way of understanding the separation of religion and politics in a post-secular society, as opposed to the way in which the separation has been understood in societies where the prevailing expectation was for the religious phenomenon to disappear: what 'political' or 'non-parochial' justifications could and might there be for accepting pluralism? Are the standard justifications, couched in the various 'comprehensive' versions of liberalism currently available, at risk of being faulted for being insufficiently respectful of pluralism?

23.1   Varieties of Pluralism

The three narratives of political neutrality or *laïcité*, of secularization and of the rise of the 'immanent frame', diverse though they might be in their assumptions and purpose, intersect on one point: to inhabit a secular world means to come to terms with the necessity of acknowledging the legitimacy of some conception of life, justice and the good other than one's own. The question is then: on what basis? Why should parties, groups, congregations, movements, individuals be willing to give up their political chances to mold the whole of society after their beliefs if they are in a political position to do so? Why should they settle for institutions premised on a more 'limited', yet more widely shared, public set of values, out of recognition and respect for parties, groups, congregations, movements, individuals who to their eyes refuse to see the truth, perhaps even to listen? Why should majorities settle for what appear to their eyes less 'perfect' arrangements when they can afford imposing arrangements reputed, albeit contestedly, to be more conducive to salvation or simply 'better' from the point of view of a 'moral-realist' understanding of normativity?

The neo-Kantian lineage of contemporary theories of liberal democracy, notably of those propounded by Rawls and Habermas, somehow blinds them to the urgency of answering this question. In a train of thought reminiscent of Kant's own neglect of the classical question 'Why be moral?', Rawls' and Habermas' accounts of liberal legitimation tend to overlook the question 'Why be pluralist?' Much as Kant understood the task of a 'critique of pure practical reason' as the elucidation of the meaning of an already presupposed orientation towards acting morally – namely, to select as one's motives only those maxims of action susceptible of being adopted as a universal law – so current liberal theories often understand their task as that of elucidating the conditions under which a society of free and equal committed pluralists may exist and endure over time. What remains somehow out of focus is the more basic question: why be pluralist in the first place? Why should a committed Catholic, Jew, Muslim, or secular Marxist become a liberal and embrace respect for pluralism?

Unless this question is answered in a way that appeals to everybody, beyond the circle of the devotees of liberal democracy, we are in no position to justify the acceptance of toleration, pluralism and public reason to those who are not yet practising them. In other words, unless we answer this question in a way that appeals to everybody, we liberal-democrats are in no different predicament from those zealots who only inflame the hearts of those who already are convinced.

A number of standard answers to the question 'Why accept pluralism?' are on offer. First, there is the pragmatic answer that the goodness of pluralism lies in its potential for protecting us from the evils of conflict. Let me call this 'pragmatic pluralism'. I take this answer as quite unsatisfactory: as Rawls has eloquently shown, the acceptance of pluralism so understood can at best help consolidate a modus vivendi, a truce, a ceasefire between the infamous 'ignorant armies' that

'clash by night' evoked by Matthew Arnold in his poem 'Dover Beach'. I cannot fully legitimize a democratic order.

Second, we have the standard neo-Kantian view that forcing others to live under hetero-legislated principles violates their moral autonomy and fails to satisfy the premise of the equality of all individuals. This second answer, often heard in liberal and deliberative-democratic circles, has the advantage over the first of offering principled, as opposed to pragmatic or prudential, reasons for accepting pluralism. But it is also unsatisfactory in my opinion. However appealing it might be to western liberal publics, and however better equipped it might be for enabling us to account for the stability of a liberal-democratic regime over time and over the vicissitudes of alternate political hegemony, it fails to appeal to parties, groups, congregations, movements, individuals who share neither the moral individualistic premise of the value of autonomy nor the premise of the equality of the citizens. This justification of pluralism and toleration can appeal only to those who already subscribe to the idea of free and equal citizens jointly exercising their public autonomy.

Thus a different and more inclusive justification of the acceptance of pluralism must be explored, which stays clear of controversial assumptions about the value of moral autonomy. But let me add one word of clarification before addressing what I shall call reflexive pluralism. The ideal argument for establishing reflexive pluralism has a non-exclusionary trajectory. It embeds an awareness of being one among several possible ways of arguing for the acceptance of pluralism, and it rejects the very idea of one conclusive argument for pluralism as incurring the risk of a performative contradiction: namely the performative contradiction of inviting us to embrace a sort of 'monistic pluralism' or a 'monopluralism', which enjoins us to accept the non-rejectability of a variety of normative orientations in the public realm only to then deny pluralism when it comes to elucidate the reason why we should accept pluralism. This is the reason why the pluralism I advocate is called reflexive: like in the Rawlsian move of philosophy applying the principle of toleration to itself (and thus understanding justice as fairness as one among several possible political conceptions of justice) we should aim at a 'pluralistic defence of the grounds for accepting pluralism'.

'Reflexive pluralism' takes as its point of departure a thesis that Max Weber and John Rawls have put forward, respectively at the beginning and at the end of the last century, for reasons quite different from one another. Both of them – Weber for the purpose of showing the entwinement of values and objectivity in the epistemic structures of the social sciences and Rawls for the purpose of showing why reasonable pluralism is the default outcome of publicly using reason under conditions of freedom – have pointed to the unbridgeable gap between human finiteness and the prohibitive complexity of questions of truth and value. Given the nature of broad questions such as the nature of justice, of freedom, of legitimate government, of political obligation; given the observation not just of the finite quality of human life but also of the even more limited amount of time and energy that humans can dedicate to answering such questions; and given the ineludibility of what Rawls has called the 'burdens of judgment'[5]: a diversity of answers is the result most likely to be expected.

To rephrase Plato's myth of the cave – which has been so powerful in shaping the western imaginary about politics – it is as though we assumed that not just one of the captives but several ventured outside the cave and were later to come back into it. Their accounts of the outside world and of the sunlight which still blurs their vision once they are back in the obscurity of the cave would certainly overlap, but these accounts also would diverge to a larger or smaller extent. There would not be just one account of the Good but several accounts and they would all grasp diverse aspects of what humans emerging from the cave can perceive in a world flooded with sunlight. The idea can then emerge that legitimate government and political obligation are best derived not from the contested aspects of the various accounts but only from those aspects on which there is agreement, and that the question concerning which of the various accounts is 'closer to the truth' or, in a fallibilistic vein, less distant from it is best addressed in a realm different than politics and in any event disjoined from any use of coercion. This is the basic insight underlying 'political liberalism' as distinct from the well-known perfectionist varieties of liberalism, which turn instead on the idea that some basic liberal notion – for example, toleration, equal respect, the autonomy of the individual or the supreme virtue of equality – can be found outside the cave, brought inside and understood as the basis of legitimate government.

Interesting for our purposes is to unpack the argument that justifies such an idea that government and legal coercion can be legitimated only by the overlapping part of the diverse accounts. Anyone who, like Weber and Rawls, believes in the 'modern polytheism of values' or the 'fact of reasonable pluralism', will subscribe to a justification that at some point revolves around the notion that we could not be sure – especially in light of the newly acquired awareness of the illusion of the past, when shadows were believed to be real objects – about which of the contested viewpoints is the valid one. 'Epistemic humility' is one name for the attitude that grounds this non-individualistic 'political' pluralism.

These considerations seem fairly obvious. The normative point, however, still has to be brought out and illuminated philosophically: what exactly is wrong with paternalistically forcing people to do things that we in good faith and to the best of our knowledge think, contrary to their opinion, to be good for them? In our western republican tradition did we not at some point hear the expression 'force someone to be free'?

Epistemic humility by itself does not suffice, because the people whom we most urgently want to convince about the goodness of pluralism and toleration are those who precisely do not think of their faith as one among other points of view, who do not inhabit Taylor's 'immanent frame'. They think they are in the right, that their religious or secular vision of the 'truth outside the cave' is there for everybody to see, that some text available for anybody to read has eloquently reported that truth, and that it is only the skeptic's unwillingness to expose himself or herself to that reality or listen to those words that prevents him or her from seeing such truth. What reasons can we give them in order to justify a political regime that requires one to sacrifice the 'whole truth' in order to accommodate the opinions of those guiltily recalcitrant others?

I do not think that I have an answer and I even doubt that there could be just one standard answer good 'for all seasons' so to speak, for those who are into modern individual autonomy and for those who remain wary of it, and for all the variety of traditions that hesitate to embrace the liberal view of individual autonomy. What can be said in general, concerning the answers we are seeking to this question, however, are two things: first, the candidate answers must take the form of a conjecture, to use this Rawlsian term, namely their ideal form is of the kind 'because you believe x, you have all reasons to accept pluralism, toleration and to abstain from imposing via the coercive power of the law your beliefs onto those who reject them'. Second, consistently with the judgment approach to normativity that I advocate on a methodological level, the form of each conjecture does not rest on deriving consequences from a principle (so that a refusal to accept the conclusion can be labelled 'irrational') but rests on highlighting what would bring to exemplary realization a value core from which we start the conjecture. So the outlines of arguments that I shall give in the second and third sections are indeed examples, not demonstrations.

I will start from closer home, from Christianity, in order to better show how the conjectural argument goes. Then I shall venture into a famous argument for pluralism within the Jewish tradition. But my hope is that the approach in terms of reflexive pluralism will prove inspirational to others who are better equipped than I to apply it to the case of Islam and other religions.

23.2   A Christian Version of Reflexive Pluralism: Robert Bellah on Religion and Truth

Christianity of course has a long history that precedes toleration: the crusades and the Counter-Reformation leave no doubt as to this statement. As far as its Catholic variety is concerned, it is not until the 1960s that a full acceptance of the principles of liberal democracy takes place, in the context of the Second Vatican Council. Furthermore, we have within the Christian tradition all sorts of fundamentalisms of Protestant descent as well as 'integralistic' versions of Catholicism. Thus, also with reference to Christianity – which in a way is the religious seedbed of many secular liberal ideas – we are in need of a line of argument for pluralism and toleration that goes beyond the mere prudential aspect of avoiding conflict and avoids reference to that 'individual autonomy' which, at least in Catholic circles, continues to be rejected by several encyclical letters, including the famous 1993 encyclical 'Veritatis Splendor' by John Paul II, and is considered by Benedict XVI the basis of a threatening 'relativism'.

It could be argued in general that a religion which revolves around the idea that God incarnates himself in human form in order to offer salvation to humanity certainly has the internal resources to resist and oppose all temptations to divinize what

is human, all temptation to posit human values as renditions of the absolute and the transcendent. Idolatry is the name for such sin.

But perhaps this is just an overly general point. A suggestive proposal for reconciling the universalist yearning and the particularism of doctrine and a convincing basis for a conjectural argument deriving toleration from a comprehensive Christian perspective comes from Robert Bellah's illuminating essay 'At Home and Not at Home: Religious Pluralism and Religious Truth'.[6] Taking inspiration from the work of Richard Niebhur, Ernst Troeltsch and Karl Barth, Robert Bellah starts from the premise that the very idea of God's revealing himself in the life, death and resurrection of Jesus Christ makes sense only against the background constituted by the biblical and 'fundamentally Jewish notion of a creator God who is Lord of all and who will bring the world to an end in a last judgment'.[7] If that background is missing, as it is often experienced in missionary practice, adhesion to Christianity risks being reduced to a superficial belief in Jesus as a sort of 'guardian spirit'. Truly understanding Christ, continues Bellah, thus requires acquiring full membership in a culture, in a vocabulary and in a worshipping community: the Church. And here the tension arises: 'if we insist relentlessly on the historical, linguistic, cultural and social particularity of the Christian faith, how can we proclaim its universality?' How can we say that there is no salvation in anyone else's name but in Jesus', 'when we live side by side with good people of other faiths or, in their own eyes at least, of no faith at all'?[8]

Bellah reminds us of the wide range of responses that this question has elicited. He contrasts the exclusivist position, according to which there is no salvation in any other name but Jesus', and the inclusivist one, according to which the language of Peter and Paul should be abandoned in favor of acknowledging a plurality of paths to salvation; and then he mentions George Sumner's idea of 'prospective salvation' as an 'eschatological moment at the end of time when everyone will be given the opportunity of a saving encounter with Jesus'.[9] Bellah, however, advances an interesting suggestion, at this point, that shows how a 'comprehensive' religious conception can still allow for the full acceptance of pluralism without transforming itself into the standard liberal version of toleration: he warns us against taking 'language which is deeply contextual, that is confessional … and turn[ing] it into objective assertions of a quasi scientific form that give us information about the eternal fate of non-Christians'.[10] Salvation, in other words, is a notion that makes sense only within the vocabulary of what Bellah calls 'the Christian cultural-linguistic system'. Buddhists or Confucians, in this respect, are neither within nor without the circle of salvation. They cannot be meaningfully placed within this alternative. To apply categories foreign to their own constitutive vocabulary is to misunderstand both their and the Christian experience of life.

Bellah endorses Herbert Fingarette's own rendition of this insight, voiced long before the latest reflections by Taylor:

It is the special fate of modern man that he has a 'choice' of spiritual visions. The paradox is that although each requires complete commitment for complete validity, we can today generate a context in which we see that no one of them is the sole vision. … One may be a sensitive and seasoned traveler, at ease in many places, but one must have a home. Still, we

can be intimate with those we visit, and while we may be only travelers and guests in some domains, there are our hosts who are truly at home. Home is always home for someone; but there is no Absolute Home in general.[11]

Among the theologians, Niebuhr in particular is mentioned by Bellah as the one who best articulates a possible way for Christians to keep together the contextually limited moment of their religion and the aspiration to a transcendent truth. Niebuhr's idea that the line between Church and world 'runs through every soul, not between souls' means that any Church is always at risk of substituting 'right doctrine about God for God himself' and that when in the 'Creed' the Christian expresses faith in 'one, holy, catholic and apostolic Church' he or she does not mean the concrete Church experienced in daily life but the transcendent idea of a holy community bound in continuity since apostolic times and projecting itself until the end of time. At the same time, the Niebuhrian Christian is aware that the Church is not the only community to which she or he belongs and with which he or she identifies. So the acceptance of pluralism beyond the Church begins with and is rooted in one's own awareness of 'internal pluralism' so to speak. As Bellah puts it, 'we understand the pluralism of our social context in part because it reflects the variety of ways in which we understand our own experiences. … Pluralism is within us as well as without us.'[12]

Thus, concludes Robert Bellah, the Church somehow 'breaks the metaphor of home': 'its telos is not in itself but beyond itself, in the "city out of sight"'.[13] The Church constitutes the embodiment of 'Truth and Life' for the Christian, but also represents a concrete, contextual historical home in which the Christian cannot be completely at home: 'Only God is at home absolutely.'[14] A Church so understood leaves room for the Churches of others and would be betrayed, not affirmed, by the very project of holding others captive in it and purporting to be the living embodiment of the universal community. Bellah's considerations, as reconstructed here, suggest how comprehensive conceptions can indeed embed a strong and principled, not just prudential, acceptance of pluralism while keeping clear of the perfectionist liberal line of argument.

23.3   Two Prophetic Traditions in Ancient Judaism

A similar conjectural reconstruction can be found in Michael Walzer's discussion of two main prophetic currents in ancient Judaism. I will leave aside the methodological point that Walzer, in his essay 'Two Kinds of Universalism', is trying to drive home – namely the contrast between a covering-law and a reiterative universalism – and will concentrate on the substantive aspects of his reconstruction.

The first tradition 'holds that as there is one God, so there is one law, one justice, one correct understanding of the good life or the good society or the good regime, one salvation, one messiah, one millennium for all humanity'.[15] This is the understanding of salvation reflected in the prophet Isaiah's description of Israel as 'a light

unto the nations', one and the same light for all the nations, which will become responsive to it and will be 'enlightened' at different points in time. Walzer illustrates stronger and weaker versions of this anti-pluralist understanding on one's own role among the peoples of the world. In the stronger version the chosen people will win over the others, in the weaker versions the other peoples, cultures or civilizations will join the chosen, as when Isaiah writes: 'And many people shall go and say, Come ye, and let us go up to the mountain of the Lord.'[16] Until that day of final victory or unification of all faiths under the true one, missionary proselytizing is the mandate coming from God: until 'they' learn how to properly serve God, we the enlightened, we the chosen ones, must lead the way. 'The Lord's servants stand in the center of history, constitute its main current, while the histories of the others are so many chronicles of ignorance.'[17] To inhabit this narrative means to have the privilege of living now in the way that others, differently situated, will later only imitate – a way of seeing things which occasionally resurrects within entirely different vocabularies, such as the Hegelian-Marxian philosophy of history as well as a certain cosmopolitan understanding of democracy which assigns to westerners the privilege of living now within political arrangements which hopefully one day will be imitated by every society of the planet.

The second prophetic tradition within Judaism has its spokesman in the prophet Amos, and Walzer reconstruct this view from a fragment where the prophet reports that God asks the Children of Israel: 'Are ye not as children of the Ethiopians unto me, O children of Israel? … Have I not brought up Israel out of the land of Egypt? and the Philistines from Caphtor, and the Syrians from Kir?'[18] What is the point of these questions? It is, as Walzer suggests, to 'rebuke the pride of the Israelites. They are not the only chosen or the only liberated people.'[19] And the fundamental junctures of their history – the exodus from Egypt, for example – are not presented as something that has immediate relevance for everyone, but rather as junctures that have exemplary significance, namely as enterprises that 'other people can repeat in their own fashion'.

Thus 'the exodus from Egypt liberates only Israel, only the people whose exodus it was, but other liberations are always possible. In this second view, there is no universal history, but rather a series of histories in each of which value can be found.'[20] If we come to some kind of generalization, if we try to reconstruct some general view about 'liberation', such generalization comes bottom-up from experience, 'through a historical engagement with otherness', and this way of proceeding always presupposes a certain 'respect for particularity', as Walzer puts it, or an openness to 'different experiences of bondage and pain, by different people, whose liberation takes different forms'.[21]

Even the normative notion of wrongdoing can be redefined as plural. When the prophet Jeremiah has God say that if a nation will 'do evil in my sight', then God will repent of the good promised to it, the phrase 'evil in my sight' need not be taken as identifying just one set of evil acts:

> If God covenants separately with each nation or if he blesses each nation differently, then it would make sense to suggest that he holds each of them to its own standard. There is a set of evil acts for each nation, though the different sets certainly overlap. Or, if there is only

one set of evil acts (fixed by the overlap: murder, betrayal, oppression, and so on) it might still be the case that the good is produced in multiple sets. … It is because there are multiple sets, different kinds of goods, that there must also be multiple blessings.[22]

This idea of a tension between general rules and a normative appropriateness that goes beyond any single rule is reflected in the relation of *halakha* and *aggada* within the Jewish religious and moral tradition.

23.4   Conclusion

To conclude, I believe that a similar conjectural exercise could and should be repeated for Islam, for Buddhism, for Confucianism, for Orthodox Christianity, and for many other comprehensive views, religious or secular, and in the end would provide a better justification for accepting pluralism and abstaining from imposing one's reputed truths on others through the force of law.

The one (mostly secular) comprehensive tradition that is less in need of such a conjectural argument for the acceptance of pluralism is, of course, liberalism. For liberalism, in its perfectionist version, has produced the most sophisticated account of why a body politic of free and equal self-governing citizens should refrain from imposing contestable norms via coercion. The only detail that many liberals and democrats still need to become fully aware of is that their case for pluralism is but one among a 'plurality of pluralisms', not the one doctrine of pluralism that the other political cultures of the planet ignore at their peril. Paraphrasing Rawls, in a sense the task of applying the acceptance of pluralism to its own conception of pluralism is mostly still before liberal political theory. Without an awareness, fully present only in Rawls' Law of Peoples and in Walzer's essay 'Governing the Globe',[23] that there is nothing more anti-liberal than the idea that the world will be just only when everybody will be a liberal, liberal 'monopluralism' (either of a pragmatic or of a neo-Kantian kind) risks accruing to the already long list of western ideologies (such as 'secularization' before the resurgence of religion and post-secular conscience, or 'modernization', before 'multiple modernities') and risks forfeiting its chance to provide a suitable vocabulary for facilitating the transition of the other political cultures of the planet towards a full acceptance of pluralism and toleration.

Only a non-perfectionist liberal view of pluralism that turns reflexive and embeds the idea that there could be as many distinct and valid justifications for accepting pluralism as there are comprehensive views, because justification can only proceed immanently as the exemplary working-out of the hermeneutic potential inherent in each of them, can measure up to this urgent task of our time.

Notes

1. Charles Taylor, *A Secular Age* (Cambridge, MA: Harvard University Press, 2007). For a critical appraisal, see Charles Larmore, 'How Much can We stand?', *The New Republic*, 9 April 2008, pp. 39–44. For a very interesting discussion of Taylor's theses, see the excellent postings on the website: http://www.ssrc.org/blogs/immanent_frame/

2. ibid., p. 3.

3. On the notion of the 'immanent frame', see Taylor, *A Secular Age*, pp. 539–93.

4. Jürgen Habermas, 'Religion in the Public Sphere', *European Journal of Philosophy* 14(1) (2006): 1–25. See also Jürgen Habermas, 'Faith and Knowledge', speech on the occasion of the award of the Peace Prize, 2001, in: http://socialpolicy.ucc.ie/Habermas_Faith_and_knowledge_ev07-4_en.htm

    In addition, see Jürgen Habermas, 'On the Relation Between the Secular Liberal State and Religion', in H. De Vries and L. E. Sullivan (eds) *Political Theologies: Public Religions in a Post-Secular World* (New York: Fordham University Press, 2006), pp. 251–60 and Jürgen Habermas, 'La rinascita della religione: una sfida per l'autocomprensione laica della modernità?', in A. Ferrara (ed.) *Religione e politica nella società post-secolare* (Rome: Meltemi, 2009), pp. 24–41.

5. See John Rawls, *Political Liberalism*, expanded edn (New York: Columbia University Press, 2005[1993]), pp. 54–8.

6. Robert N. Bellah, 'At Home and Not at Home: Religious Pluralism and Religious Truth', *The Christian Century*, 19 April 1995, pp. 423–8.

7. ibid., p. 423.

8. ibid., p. 425.

9. ibid.

10. ibidem, p. 426.

11. Herbert Fingarette, *The Self in Transformation* (1963), quoted in ibid., p. 427.

12. ibid.

13. ibid., p. 428.

14. ibid.

15. Michael Walzer, 'Two Kinds of Universalism', in *Nation and Universe*, the Tanner Lectures on Human Values (Salt Lake City: University of Utah Press, 1990), p. 510.

16. ibid., p. 511.

17. ibid., p. 512.

18. Quoted in ibid., p. 513.

19. ibid., p. 514.

20. ibid.

21. ibid., p. 515. On the status of principles and generalizations as drawing their normativity from their relation to *exemplary* historical experiences, see Alessandro Ferrara, *The Force of the Example: Explorations in the Paradigm of Judgment* (New York: Columbia University Press, 2008), pp. 34–41.

22. Walzer, 'Two Kinds of Universalism', p. 516.

23. See John Rawls, *The Law of Peoples* (Cambridge, MA: Harvard University Press, 1999) and Michael Walzer, 'Governing the Globe' (2000), in *Arguing about War* (New Haven, CT and London: Yale University Press, 2004), pp. 171–91.

Chapter 24
The Emerging Domain of the Political

David M. Rasmussen

Abstract This essay deals with two conceptions of the political, one that entails a clash of civilizations associated with a Schmittian critique of liberalism and a second which envisions the political as an emerging domain. The latter idea can be associated with the later work of John Rawls which separates the comprehensive from the political. I argue that it is this idea, when reconstructed in relationship to a theory of multiple modernities, that can be appropriated for an emerging notion of global justice. Hence, it is in the domain of the political that we should look for a new and emerging concept of justice.

Keywords Habermas • Huntington • Political • Rawls • Schmitt • Taylor

24.1   Introduction: Huntington: On the Clash of Civilizations

In the 1993 article entitled 'The Clash of Civilizations?',[1] Samuel P. Huntington presented what we must acknowledge, written 3 years or so after the break-up of the Soviet Union and the fall of communism in Eastern Europe, was a more or less new theory about politics and power. Using a phrase that had been first been popularized by Bernard Lewis, the potential clash of civilizations was to replace now outmoded forms of conflict. His 'hypothesis' was that the forms of conflict would no longer be either 'primarily economic' or 'primarily ideological'; rather, the new form of conflict would be 'cultural'.[2] The nation state would continue to be the principle actor but the new conflicts would be between 'civilizations' which would more or less define nations and groups. Hence, the bold prediction, 'The clash of civilizations

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will dominate global politics'.[3] And that in turn would mean that the 'fault lines' that mark civilizations would be the 'battle lines' which will define the future.

Following a brief typology of conflict which characterizes its evolution from the Treaty of Westphalia, Huntington designates the evolution of conflict first among princes, then between nations, then through ideologies and now between civilizations. Civilizations in turn are characterized as that phenomenon with which people can identify on the broadest level even though they are possibly within the nation state. Huntington gives six reasons for the potential clash of civilizations. First, civilizations are characterized by basic differences in culture, tradition, and religion. Second, as the world grows smaller the potential for confrontation between civilizations is increasing. Third, modernization is having its effect on local identities. This does not necessarily mean that there is an increase of secularization. Quite the contrary de-secularization and the revival of religion may be the result of modernization because new identities can transcend national boundaries. Fourth, the fact that the role of the West in the process of modernization both effects a new mode of Westernization and at the same time it produces a counter-tendency toward 'Asianization', 'Hinduization', 're-Islamization' and 'Russianization'. Fifth, cultural characteristics are 'less mutable' than economic and political ones. And finally, sixth, the very forces of modernization in the form of trade produce a new regionalism, i.e., the growth in trade in Europe, East Asia, and North America.

The major point of the argument is that civilizational 'fault lines' were replacing the ideological and political boundaries which were the true basis for conflict in the last half of the twentieth century. In 1993, when the article was written, one could already see the potential shadow of the burgeoning crisis evoked by 9/11 when the trade towers collapsed in New York. The West would be confronted with the Moslem world. However, according to Huntington, in 1993 that was not the end of the story, Arab Islamic civilization would confront the Christian South of Africa, and on the northern border of Islam there would be the confrontations of Bosnia and Sarajevo. Although it was not clear then, the outlines of the Turkish realignment with Syria and Iran were foreshadowed in the somewhat difficult relations with the Armenians and the Russians. Equally, China would confront its Buddhist neighbors in Tibet and carry on a confrontation with the United States.

More than a generation later we can look back on Huntington's rather dire prediction with some ambivalence. On the one hand, much of what Huntington predicted has come true. Al-Qaeda has made its mark, provoking a true *bellum omnium contra omnes*. The details of such a clash are well known and it is not necessary to go into them here. However, it was no accident that the term quoted in Huntington's article originates from the conservative Islamic scholar Bernard Lewis. The point that might be taken from the article on the one hand is that the prediction was true and that what we have seen in the past few years is the coming to be of a clash of civilizations. On the other hand, during this same period we have witnessed and are witnessing an opposite movement that represents a certain evolution of the liberal claims to democracy. Today as we watch the revolution in Egypt, the demonstrations in Bahrain, the violence in Syria, the international action against Kadafi resulting in his downfall in Libya, all the contagious demonstrations sparked by the

self-immolation of a fruit-stand owner in Tunisia, we must seek an alternative explanation to the one provided by Huntington's provocative article.

At the heart of the idea of the clash of civilizations is an idea of politics as the realm of that which is contested. In my view the interpretation of that contested realm, no doubt an interpretation that could harbor the idea of resentment, has become one of the major problems of our time. In this paper I wish to consider first the idea of the political that is presupposed in the idea of the clash of civilizations. Then I will juxtapose that idea to another one that sees the political as an emerging domain. After that I will contextualize the idea of the political as an emerging domain by framing it within the context of theories of modernity. Finally, I will conclude with some remarks on how we might look at current developments on the international scene.

24.2   Schmitt: On Defining the Political

Certainly one of the most interesting and influential notions of the 'political' was developed by Carl Schmitt in the famous essay *The Concept of the Political.*[4] What I find most fascinating about the essay is not only that it is a critique of liberalism but that it is a certain kind critique which must be associated with Nietzsche's critique of western civilization which began in his famous *The Birth of Tragedy.* Quite simply, Nietzsche found in the birth of Attic tragedy the truth of existence, which would be covered over later by the emergence of western philosophy under the guise of Plato through his representative Socrates. The truth of human existence is simply that human beings must die, a truth that can only be rendered aesthetically according to Nietzsche.[5] Philosophy, with its scientific potential, was able to cover over that truth with the questions of knowledge and being. As a consequence the human being could forget its destiny, seduced by what it conceives to be a more fundamental set of questions. Apparently, Schmitt thought that liberalism did for politics what, according to Nietzsche, classical thought did for humanity in general – namely, it made individuals forget about their fundamental destiny, seduced in this case by the 'neutrality' of liberalism. So, for Schmitt the rise of liberalism meant the death of politics. Equally, the end of liberalism would mean the return of politics, and Schmitt believed that liberalism had come to an end. For Schmitt the task of liberalism was not to replace but to conceal the truth of politics, which is based on the friend/enemy distinction. 'The specific political distinction to which political actions and motives can be reduced is that between friend and enemy'.[6] Schmitt believed this dichotomy was *sui generis,* not to be derived from other criteria, i.e. criteria from either the moral or the aesthetic or even the religious sphere. In this sense we could say that every group, whether it be economic, cultural or religious, has the potential of developing itself into a political one by transforming itself into an organization based on the friend/enemy distinction. No doubt here is the secret of the clash of civilizations thesis – the assertion of a return to the state of nature with its prediction about the primacy of evil. For Schmitt in a fundamental

sense the concept of friend is dependent on the concept of the enemy. 'The friend, enemy, and combat concepts receive their real meaning precisely because they refer to the real possibility of physical killing'.[7]

It is true that liberalism in its various forms attempts to move us beyond the friend/enemy distinction by organizing society under a scheme of cooperation that provides assurance for everyone that they will not remain isolated in a state of nature. Schmitt thought he could show that the 300 year history of liberalism ended in a fundamental contradiction in which liberalism returned to the friend/enemy distinction, hence proving his thesis regarding the primacy of the political. He states:

> Nothing can escape this logical conclusion of the political. If pacifist hostility toward war were so strong as to drive pacifists into a war against nonpacificists, in a war against war, that would prove that pacifism truly possesses political energy because it is sufficiently strong to group men according to friend and enemy. If, in fact, the will to abolish war is so strong that it no longer shuns war, then it has become a political motive, i.e., it affirms, even only as an extreme possibility, war and even the reason for war … The feasibility of such war is particularly illustrative of the fact that war as a real possibility is still present today, and this fact is crucial for the friend-and-enemy antithesis and for the recognition of politics.[8]

This conclusion proves, if nothing else, that no matter what we do we cannot escape the necessity of politics, or as Leo Strauss says, for Schmitt, politics is the inescapable 'destiny'[9] of humankind. From a philosophical point of view this creates a serious dilemma for the human community in the sense that the very attempt to escape the reality of the political results in the return of the political, and with it the ominous message regarding human tragedy. So much for liberalism.[10]

Of course, it would be unfair to Huntington to claim that his thesis about the clash of civilizations should be taken as an ontological description of the destiny of humankind. It should be noted that the very title of the 1993 article was followed by a question mark. No doubt it is with that question mark that we are still preoccupied. Certainly the article reminds us of how we should consider the relationship of politics and power and how we can get beyond the state of nature without a clash of civilizations. Or to put the problem in another way, can we conceive of the political without indulging in Schmittian metaphysics? I think we can by conceiving stability for the right reasons.

24.3   Rawls, Habermas and Taylor: On the Political

One way to avoid the clash of civilizations and the return of the war of all against all has been to rethink what has been called from Hobbes on the stability problem. In brief, the task has been to see politics as a cooperative scheme which can promise those under a political regime that they can be reasonably assured that if they cooperate others will do the same. As is well known John Rawls, in contrast to Hobbes who favored an instrumental framework, tried to achieve stability from a moral point of view. In his later work Rawls came to realize that it would be impossible to

resolve the stability problem without taking pluralism into account. As everybody knows, Rawls did that by developing the somewhat ingenious notion of overlapping consensus, a notion that has been widely misunderstood. Rawls wrote three essays on overlapping consensus, two that appeared in 1988 and a final one included in *Political Liberalism* in 1993. For our purposes it is the second essay, 'The Domain of the Political Overlapping Consensus',[11] that is important.

In Rawls's view overlapping consensus is necessary because 'a public workable agreement on a single general and comprehensive conception could only be maintained by the oppressive use of state power'.[12] Hence, one interpretation would be that in order to achieve stability it would be necessary to achieve a kind of compromise between comprehensive doctrines, whether they be religious, philosophical, or secular. That was the point of the first essay on overlapping consensus. However, that essay left unanswered one fundamental question, namely, what the consensus would be about. Ultimately, the consensus would be from the emerging domain of the political. Briefly, from the point of view of the history of political philosophy Rawls conceived of overlapping consensus as a 'third'[13] view that emerged between comprehensive philosophical, religious or secular positions. That third view would be from the emerging domain of the political.

In a recent work,[14] Jürgen Habermas and Charles Taylor more or less follow Rawls's concept of the political. Habermas states the following:

> In contrast to the classical works of the social contract tradition, which has stripped the concept of 'the political' of any serious references to religion, John Rawls recognizes that the problem of the political role of the impact of the role of religion in civil society has not been solved by the secularization of political authority per se. The secularization of the state is not the same as the secularization of society. This explains the air of paradox that to this day has a fed a subliminal resentment within religious circles concerning the justification of constitutional principles 'from reason alone'.[15]

Here Habermas implicitly supports an interpretation of Rawls that affirms the emerging domain of the political even though Rawls would probably reconstruct the 'from reason alone' affirmation to include his subordination of reason to reasonability. But what Habermas in his inimitable way does here is to sum up the manner in which the political emerges in civil society as a distinctive form in the process of the secularization of the state. In other words, in order for the state to assume political neutrality the political emerges as a phenomenon distinct in its own right from the comprehensive religious doctrines that exist within a growing pluralist society. Public reason is the discursive phenomenon that gives voice to that emerging phenomenon and, as I mentioned a moment ago, it almost has its own claim to truth in the sense that if the comprehensive doctrines cannot abide by it they are labeled as unreasonable.

Habermas highlights Rawls's insight into the necessary contribution of religion to an understanding of constitutions: 'The liberal constitution itself must not ignore the contributions that religious groups can well make to the democratic process *within civil society'*.[16] However, this interpretation raises a question regarding just how one should understand that contribution. Still commenting on Rawls Habermas goes on to state:

> It is not the conception of an overlapping consensus between competing doctrines and worldviews that is primarily relevant here. Rawls rather offers, with his idea of the 'public use of reason' a promising key for explaining how the proper role of religion in the public sphere contributes to the rational interpretation of what we still might call 'the political' as distinct from politics and policies.[17]

What is rather impressive given this interpretation is that Habermas now views, in contrast with his 1995 debate with Rawls, overlapping consensus in the way that Rawls seems to have intended it after the 1985 essay just referred to, namely, not as a compromise between competing comprehensive doctrines but rather as a consensus on the emerging domain of the political. Indeed, the emerging domain of the political works together with overlapping consensus to mediate the possible conflicting claims of comprehensive doctrines.

It appears that Taylor understates the case for the emerging domain of the political by not acknowledging its distinctiveness, which leads him to confuse the domain of the political with the heritage of the enlightenment.

> Clearer examples are found in contemporary political thinkers, or for instance, Rawls and Habermas. For all their differences, they seem to reserve a special status for nonreligiously informed Reason (let's call this 'reason alone'), as though a. the latter were able to resolve certain moral-political issues in a way that can legitimately satisfy any honest, unconfused thinker and b. where religiously based conclusions will always be dubious and in the end only convincing to people who have already accepted the dogmas in question.[18]

While this critique may work against Habermas, I don't think it works against Rawls. First, Rawls has no intention of defending some kind of enlightenment project as he states clearly in the introduction to *Political Liberalism.* Hence, the reference in Rawls is not to 'reason alone' but to the idea of the reasonable. Second, contrary to Taylor's interpretation I would defend Rawls on hermeneutic grounds, grounds similar to the ones Taylor uses for his argumentation. It is to the emergence of a political tradition that Rawls grounds his arguments after 1985 when he writes the article 'Justice as Fairness: Political not Metaphysical' and even more importantly when he writes in 1988 'The Domain of the Political and Overlapping Consensus'. Hence, the so-called moral claims that come from an emerging political tradition are not to be made over and against other comprehensive traditions in the name of enlightenment reason but in relationship to them.

Now, against Schmitt and even perhaps Huntington, one can say that it is this view that captures stability or, as Rawls would say, stability for the right reasons. One might hope that it is this view, the emerging domain of the political, that can carry us into the international arena beyond either the clash of civilizations or the friend/enemy distinction. However, it must be acknowledged that in so doing one must endorse a theory of modernity which, although indebted to Rawls, will move us beyond the basically liberal paradigm that began with Hobbes. For this I turn to the group of ideas associated with multiple modernities, which I will attempt to characterize.

24.4 Multiple Modernities and the Emerging Domain of the Political

Because we cannot liberate ourselves from a theory of modernity altogether we have to turn to multiple modernities as a theory that can account for the pluralistic world in which we live. However, it must be acknowledged that multiple modernities presents us with another theory of modernity. As such, it has a number of commitments of which three may be singled out.

First, it follows Karl Jaspers whose *Origin and Goal of History*[19] made an interpretative claim about the origin and development of religion, namely, that during a certain period in world history, the axial age, could be characterized by the discovery about the relationship between the transcendent and the mundane. This discovery was more or less universal in the sense that it occurred in a number of world religions in roughly the same period. Second, a corresponding but later development occurred regarding reflexivity. Third, a certain characterization occurred concerning the tendency towards self-correction.

In Eisenstadt's words:

> Two complementary but potentially contradictory tendencies developed within this program about the best ways in which social construction could take place. The first crystallized above all in the Great Revolutions, gave rise, perhaps for the first time in history, to the belief in the possibility of bridging the gap between the transcendental and the mundane orders – of realizing through conscious human agency, exercised in social life, major utopian and eschatological visions. The second emphasized a growing recognition of legitimacy of multiple individual and group goals and interests, as a consequence allowed for multiple interpretations of the common good.[20]

The two most significant aspects of the theory, significant particularly for those who are interested in the current expansion of religion across the globe, are the separation of modernization from westernization and secularization.

Instead, according to Eisenstadt, 'the best way to understand the contemporary world – indeed to explain the history of modernity – is to see it as a story of continual constitution and reconstitution of a multiplicity of cultural programs'.[21] This characterization of modernity would mean according to multiple modernity theory that one of the most contested areas would be the emerging domain of the political.

> From the ideology and premises of the political program of modernity and the core characteristics of modern political institutions, there emerged three central aspects of the modern political process: the restructuring of center-periphery relations as the principal focus of political dynamics of modern societies; a strong tendency toward politicizing the demands of various sectors of society, and the conflicts between them; and a continuing struggle over the definition of the realm of the political. Indeed, it is only with the coming of modernity that drawing the boundaries of the political becomes one of the major foci of open political contestation and struggle.[22]

This is where multiple modernity theory meets political philosophy because the problem of the political put in terms of political philosophy is the problem of stability. From Hobbes on the basic problem of western domestic societies was the assurance problem, i.e. the idea that co-operation would be achieved without violence.

This accounts for the emerging domain of the political. As cultures, nations and civilizations encounter one another my assumption is that this is becoming the problem internationally.

Since this domestic problem (stability) has become an international one, multiple modernity theory points out that the issue cannot be resolved by new forms of either westernization or further developments in the realm of secularization. Multiple modernity theory does not necessarily have to be committed to the resolution of the stability problem; however, it can help us understand the dilemma presented by the contestation of the political.

In broad terms, what multiple modernity theory provides political philosophy with is an alternative to a Hegelian philosophy of history as an account for the emergence of the political. In other words, what multiple modernity theory does is free us from having to put the story of the emerging domain of the political in strong Hegelian terms, weaker Weberian terms (although multiple modernities takes much from Weber) or even weaker Rawlsian terms by liberating political philosophy from its dependence on a commitment to westernization and modernization.

At the same time multiple modernity theory makes it possible for us to look at the emerging domain of the political from a positive or even hopeful perspective. In my view we can look at the political as reducible either to the friend/enemy distinction (Carl Schmitt) with the priority given to the enemy in a war of all against all, or from the perspective of the emerging domain of the political portending future forms of political cooperation.

Among political philosophers Rawls provides one of the most interesting examples of someone who faced the problematic associated with modernity. However, he didn't go far enough to accommodate it. He wisely separated modernization from secularization but he retained a mild philosophy of history that was committed to developments that were essentially western, i.e. a theory of explanation of modern politics that relied on western political developments from the Protestant Reformation on. The liberal story may be too narrow to accommodate pluralism on an international scale. However, it is just possible that it is that story that can overcome conflict on the international scale.

Finally, we should make a distinction between the cultural and the normative. The task of the future will be to preserve cultural diversity while on the political level normative issues will arise which require a certain level of political agreement. Hence, the emerging domain of the political will harbor our continued hope for stability. Our last best hope would be for an emerging overlapping consensus. But overlapping consensus is not the issue per se. Rather it is to the emerging domain of the political that we turn our attention.

24.5 Resentment: A Final Note

Finally, I want to make a brief comment about resentment. Of course it was Friedrich Nietzsche who made the classic statement. I do not have time to work out his theory of *ressentiment* developed in his *On the Genealogy of Morality* (*Zur Genealogie der Moral*), in which he attempts to 'overcome morality'.[23] I can only here refer to what I regard as one of the most extraordinary claims of that text. Speaking of justice, Nietzsche states the following: 'we have to admit … that viewed from the highest biological point of view, states of legality can never be anything but exceptional states, since they are partial restrictions of the true will of life, which is bent upon power, and are subordinate to its ultimate goal as a single means: as a means of creating bigger units of power'.[24] That too is a theory of modernity, but not one that I am particularly enthusiastic about endorsing. Rather the voices that have made and continue to make themselves heard in the so-called Arab revolt or Arab revolution (Zaid Eyadat) are not voices of *ressentiment* in Nietzsche's elaborate philosophical sense. Instead they belong to the ever emerging, ever changing domain of the political. I say this not to repudiate what has been said at this conference about resentment, which I affirm wholeheartedly. However, when a theory of resentment is transformed into a philosophical theory whose program is to overcome morality, it ceases to illuminate the present.

Notes

1. Huntington, S.P., 'The Clash of Civilizations?', *Foreign Affairs* (Summer 1993) 72(3): 22–49.
2. Huntington, S.P., 'The Clash of Civilizations?', p. 22.
3. Huntington, S.P., 'The Clash of Civilizations?', p. 22.
4. Schmitt, C., *The Concept of the Political,* trans. George Schwab from *Der Begriff des Politischen* (Chicago: University of Chicago Press, 1996).
5. The truth to which Nietzsche points is this 'it is only as an *aesthetic phenomenon* that existence and the world are *eternally justified'*, a claim which occurs in section five of *The Birth of Tragedy* (New York: Random House, 1967, p. 52) and repeated later. Nietzsche's claim is that the truth of existence was replaced or, perhaps better, covered over by 'Greek cheerfulness' heralded by Socrates who replaces the capacity to confront tragedy with science which masks the truth of tragedy in forgetfulness. To paraphrase Schmitt in light of Nietzsche, liberalism masks the political in its attempt to work out a scheme of cooperation.
6. Schmitt, C., *The Concept of the Political,* p. 26.
7. Schmitt, C., *The Concept of the Political,* p. 33.
8. Schmitt, C., *The Concept of the Political,* pp. 36–37.
9. Strauss, L., Notes on *The Concept of the Political,* included in *The Concept of the Political,* p. 117.
10. In my view Schmitt uses the term liberalism in a more or less metaphysical sense, namely, as that which obscures the political in the sense that it covers over the friend/enemy distinction. There are, of course, many ways in which one might think of Hobbes as an illiberal. Hobbes is clearly afraid of the power of private interests that would be allowed to reign if they were not held in check by a higher power. This would mean that one would have to give up freedom in order to gain protection by the sovereign. Following from this Hobbes believed that the

subjects of a commonwealth needed to be kept in check by fear. Later forms of liberalism, beginning with Locke and culminating in Kant, would ally the realization of freedom with moral autonomy. However, Hobbes sought to create a theory of politics in which through the exercise of reason individuals could unite under a common power in order to overcome the horrendous consequences of a state of nature. In my judgment it is in this metaphysical sense that Schmitt quite rightly classifies Hobbes as a liberal.

11. Rawls, J., *Collected Papers* (Cambridge, MA: Harvard University Press, 1999), pp. 473–496.
12. Rawls, J., *Collected Papers,* p. 425.
13. Rawls, J., *Collected Papers*, p. 446.
14. *The Power of Religion in the Public Sphere,* ed. Eudardo Mendieta and Jonathan van Antwerpen. New York: Columbia University Press, 2011.
15. *The Power of Religion in the Public Sphere,* p. 23.
16. *The Power of Religion in the Public Sphere*, p. 24.
17. *The Power of Religion in the Public Sphere,* pp. 24–5.
18. *The Power of Religion in the Public Sphere,* p. 53.
19. Jaspers, K., *The Origin and Goal of History*, trans. Michael Bullock. New Haven, CT: Yale University Press, 1953.
20. Eisenstadt, S.N., 'Multiple Modernities', *Daedalus* (Winter 2000) 129(1): Research Library Core p. 5.
21. Eisenstadt, S.N., 'Multiple Modernities', p. 2.
22. Eisenstadt, S.N., 'Multiple Modernities', p. 6.
23. Nietzsche, F., *On the Genealogy of Morality*, trans. Carol Diethe and ed. Keith Ansell-Pearson. Cambridge: Cambridge University Press, 1994.
24. Nietzsche, F., *On the Genealogy of Morality*, p. 54.

Part IV
Gender, Culture and Islam

Chapter 25
Foreword: Gender Equality and Multiculturalism

Volker Kaul

Many articles in the preceding sections have been concerned with the foundations of religious pluralism, tolerance and democracy as well as the political conditions that guarantee the peaceful coexistence of cultures and religions. We saw that liberal cosmopolitans contest the multiculturalists' claim that the ultimate sources of toleration and respect among communities are to be found in cultures and religions. Liberals, however, challenge multiculturalists on yet another front. They not only hold that multiculturalism has difficulties to ensure *intercultural* pluralism, but that multiculturalism is neither in a position to lay the basis for *intracultural* pluralism, that is to guarantee the equality of all members within a community and in particular gender equality.

Susan Moller Okin argues even that multiculturalism is bad for women. She claims that there are two inherent connections between culture and gender that are harmful for women: "First, the sphere of personal, sexual, and reproductive life provides a central focus of most cultures (…). Religious or cultural groups are often particularly concerned with 'personal law' – the laws of marriage, divorce, child custody, division and control of family property, and inheritance." And second," most cultures have as one of their principal aims the control of women by men" (1999: 12–13). These connections mean that not only most cultures and religions do not promote gender equality, giving women the same opportunities and rights as men within a community. According to Okin, most cultures, through the patriarchal regulation of the private sphere, actually justify the discrimination against and subordination of women as well as the control of their freedom. Therefore any sort of recognition in the form of cultural rights is detrimental to women's rights.

The essays in this section address the question of the extent gender equality is compatible with multiculturalism head-on. Amirpur and Grami tend to side with

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Okin against the claims of Islam in Iran and Tunisia. Guessous, Barlas and Shachar argue, on the contrary, that true gender equality is not only a matter of abstract individual rights but requires also some form of recognition of religious difference.

25.1   Gender Equality and Individual Rights

Katajun Amirpur interrogates if the struggle for democracy in Iran can be separated from the demands for individual rights, a question which she claims to be particular crucial for Iranian women. As Amirpur shows, the Islamic Revolution of 1978–1979 abridged heavily women's rights introducing a sort of gender apartheid in the country. And yet Amirpur maintains that in particular religious reformers, such as Abdolkarim Soroush, who argue for the compatibility of Islam and democracy neglect gender issues and hold even views in this regard that are "limited and discriminatory."

Amirpur's thesis is that this is due to the fact that at least until the rise of the Green Movement, emerging from protests against the results of the presidential elections in 2009, democracy was not claimed on liberal grounds and therefore gender questions could be dismissed as a 'women's only' problem and regarded as either a secondary type of right or as a mere special group right. Through the Green Movement, however, "'the woman question' has come to be viewed as part of the question of democracy."

The state media's discredit and ridiculization of one of the opposition leaders, Madjid Tavakkoli, after his escape from arrest hiding under a veil disguised as a woman during the protests in 2009 gave rise to the campaign 'Men in Hijabs' in which Iranian men posed for photographs wearing chadors. According to Amirpur, as a result of this campaign focusing on the equality of men and women, "today, there is a stronger connection between the democratic movement and women's rights." And more in general, given the "post-modern, post-ideological" and civic character of the Green Movement for the first time the struggle for democracy is situated within the larger framework of individual rights.

Whereas in Iran the Green Movement eventually did not succeed in overthrowing the Islamic regime, Tunisia managed in 2014 to strike a compromise between the secular and Islamic forces after the Jasmine Revolution giving rise to the Arab Spring in 2010/2011. Yet, as Amel Grami argues in a similar fashion to Amirpur, democracy in Tunisia, as also in other Muslim-majority countries like Egypt, has not necessarily come along with the protection of individual rights and in particular the implementation of women's rights. If, as Grami writes, "Ennahda[1] leaders found democracy compatible with their phased Islamization process as 'the nation is the source of authority,'" they claimed at the same time that "the constitution should not just defend freedom as the basis of all universal liberties but should also reflect and defend the Arab Islamic identity of the Tunisians."

And, according to Grami, the primary structure of Islam and Arab culture is formed by "the age-old concept of gender differentiated roles that see the male as

the final decision-maker and power wielder, and the female as the nurturer, care-taker and producer (…), touching nearly every dimension of women's lives." In fact, gender issues were among the most controversial in the constituent assembly that elaborated a new Tunisian constitution from 2011 to 2014. Female Ennahda depu-ties supported by civil society associations of Islamist women overtly "opposed the principle of equality and rejected the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW), defending the concept of complemen-tarity as being closer to the religious views they advocate." (See also Benhabib, "Introduction" in this volume)

Eventually Islamic groups did not manage, mainly due to civil society protests and campaigns by activists and bloggers, to impose their views of polygamy, early marriage, forced marriage and the veil in the new constitution and the article "stat-ing that women are 'complementary' to men" was deleted from an early draft of the constitution. Article 46 in the new constitution affirms: "The state commits to pro-tect women's accrued rights and work to strengthen and develop those rights. The state guarantees the equality of opportunities between women and men to have access to all levels of responsibility in all domains. The state works to attain parity between women and men in elected Assemblies. The state shall take all necessary measures in order to eradicate violence against women."

And still, Grami claims, there are loopholes in the constitution that might put women's rights at risk. Article 6 gives the state the right to "undertake the protection of the sacred, and the prohibition of all violations thereof." This rather vague formu-lation, according to Grami, gives "judges and politicians much leeway in writing judgments or laws that restrict rival interpretations of religion or critiques of reli-gious belief."

25.2 Gender Equality and Cultural Rights

Feminists defending multiculturalism do not deny the discrimination of women in Muslim countries and communities. Moreover, they recognize that gender inequal-ity in a Muslim context is to a large extent the result of Islam itself, given that family law traditionally is based upon principles of Islamic jurisprudence, the *Fiqh*. So does Nouzha Guessous clearly attribute the Moroccan Personal Status Code of 1958 that "restricted women's rights in the field of marriage, family responsibility, divorce, custody of the children, etc." to Islamic jurisprudence and the Qur'an. Multicultural feminism is criticizing liberalism according to which gender equality can be achieved on the sole basis of individual rights against culture and religion. They maintain that reform must come from within cultural and religious traditions themselves.

Guessous, reflecting upon her experience in the Royal Advisory Commission whose final proposals eventually resulted into a new family code, unanimously adopted by the Moroccan Parliament in 2004, that was "locally and internationally recognized as an important step toward more justice and gender equality," claims

that in a Muslim-majority country like Morocco, where "religion is a very important part of the Moroccan identity," it would have been unthinkable to propose a reform of the family law without grounding it in Islam. Therefore many of the civil society organizations consulted by the Commission questioned explicitly the patriarchal norms found in Islamic jurisprudence on religious grounds and contributed, in Guessous' words, "to *rewriting* gender equality through cultural lenses, using Islam's founding principles – *Maqasid* – as a structural component."

The question is how more conservative Muslims can be convinced that Islam indeed supports gender equality, if certain passages in the scripture and Muslim legal tradition commonly sanction men's authority over women. Guessous holds, following Abu Zayd, that contextualizing interpretations of the Qur'an can deconstruct concepts of millennial thinking and simultaneously reconstruct a new, more emancipatory narrative. Asma Barlas, on the contrary, thinks that any sort of relativization of the holy text, is a risk. As we have seen in the second part, Abu Zayd's 'democratic hermeneutics' effectively takes this risk but for Barlas, it is counterproductive, since it aims "to hollow out Islam from the inside by chipping away at the Qur'an." "Put simply, to be an observant Muslim is to have faith in a God who speaks and whose speech (the Qur'an) is timeless, thus binding on one until eternity. It is these beliefs *together* that make the Qur'an the 'source of truth and the means of realizing it in action' for Muslims."

Barlas clearly touches here upon an important concern of any religious believer. Yet Barlas, in contrast to Abou El Fadl who objects to Abu Zayd on similar grounds, does not refer in her critique of the patriarchy to a moral reality prior to the Qur'an, but holds that the Qur'an itself is a "liberatory text" and that an immanent reading brings to the foreground its emancipatory potential. God, according to Barlas emphatically repudiates "the patriarchal imaginary of God as father. This refusal to engender and sexualize God also militates against viewing patriarchy as reflecting divine sanction or providence." "Those verses that differentiate between women and men with respect to certain social issues" do so on the basis of *difference* and not inequality. If Barlas maintains that "the Qur'an does not define the differing rights and roles of women and men in terms of their biology (sex)," she does not make explicit, however, if she in principle agrees with the difference approach in the Qur'an, given that many liberal feminists as Grami criticize precisely this aspect. Nonetheless, for Barlas an immanent reading of the Qur'an coupled with a theory of difference is not yet sufficient to guarantee gender equality. Barlas contrasts those "few words and lines in the text that speak to male authority" with the help of historical contextualization, arguing that these reflect "the fact that the Qur'an's first audience was a seventh-century tribal Arab patriarchy in which men *did* exercise certain types of authority." And, as she goes on, "our understanding of what is best is itself changeable" and more "modern and egalitarian readings" are therefore justified. But at that point it remains open in what exactly Barlas' hermeneutics is different from Abu Zayd's approach that she puts so radically into question.

Given the difficulties to ensure women's rights on the sole basis of Islam and within an exclusively multicultural framework more in general, Ayelet Shachar combines, in line with Guessous, a secular human rights approach with cultural

group rights, advocating a regulated interaction between secular and religious sources of obligations and law. Shachar recognizes, as Barlas does, that traditional liberalism and republicanism separating strictly between the state and religion, the public and the private, might harm in particularly observant women, leaving them thereby vulnerable to communal discrimination. In case of divorce, for example, a civil divorce "does not, and cannot, dissolve the religious aspect of the relationship" and is from the point of view of religious law not sufficient for allowing women to remarry.

On the other hand, Shachar, contrary to Barlas, does not think that religion alone and Millet system-type multicultural jurisdictions, according to which religious communities resolve disputes autonomously on the basis of their respective juris-prudences, can provide the instruments to effectively emancipate women. Shachar, in agreement with Okin, is well aware that "family law is the area in which women have historically and traditionally been placed at a disadvantage by religious com-munities." Accordingly, she knows that "women are often especially hard hit by the privatized diversity framework and are left to fend for themselves under structurally unfavorable conditions."

In order to accommodate diversity with equality, Shachar proposes the model of state-regulated, liberal multicultural jurisdictions that grant cultural and in particu-lar religious "communities the freedom to regulate certain functions (especially those dealing with family law) according to faith-based principles tamed by state-defined baseline protections." The combined protections of governmental *ex ante* modes of oversight of religious tribunals and *ex post* review by public courts "in the case of severe breaches of procedural or substantive justice" assure, according to Shachar, that alternative dispute resolutions do not generate new power imbalances and gender inequalities. Moreover, regulated religious tribunals "may nourish the conditions for the development of a more dynamic, context-sensitive and potentially moderate interpretation of the faith tradition," "increasing new voices and reread-ings of the tradition in a more egalitarian and inclusive fashion, but still within its permissible decision-making and interpretative techniques."

At first sight, Shachar's approach is highly attractive given that it combines the best of two worlds, individual *and* group rights. However, the framework of regu-lated interaction between secular and religious jurisdictions might not necessarily protect the category of persons for whom it is intended, namely observant women. If religious courts have to be indeed strongly regulated by the state to keep the base-line of citizenship-guaranteed rights firmly in place, the question is how much legit-imacy such courts have within the religious community itself. It is clear that if court decisions are considered illegitimate by the members of the religious community, little to nothing is won with regard to the interests of religious women and 'unoffi-cial', but culturally recognized dispute-resolution forums might, contrary to what Shachar believes, actually serve their purpose better, even though women might have to waive certain rights. State-Islam consultations taking place in Europe over the last decade are the political experiment put so far into practice that perhaps comes closest to the idea of regulated interaction. Despite Jonathan Laurence's (2012) overall positive assessment of Islam Councils, that have been established by

the national interior ministries, with regard to minority integration, it is not quite clear that they have been successful in avoiding the radicalization of European Muslims and, above all, that the co-opted Muslim groups effectively represent and are recognized by the Muslim communities in Europe.[2]

If regulated interaction might prove insufficient from a multicultural point of view, the problem Shachar and Barlas are pointing to is very real and persists. Guessous proposes the following solution in this regard: "Muslim societies need to educate people properly in order to change their traditional representations and patterns of thought. To promote justice, equity and equality in general, as well as to protect women's economic rights, they need appropriate economic and social policies. Then Muslim women can really promote, protect and benefit from any advance in their legal status." Although Guessous' proposal might equally face multicultural criticism, in the long run it promotes gender equality perhaps in a more efficient manner than liberal multiculturalism.

Notes

1. Ennahda is the major Islamist political party in Tunisia and was the major party in the constitutent assembly during the transition period from 2011 to 2014.
2. For example, the Islamic Cultural Center of Italy, the only Muslim institution in Italy recognized by the state and "historically the Italian Islamic organization most favorable to dialogue, is often attacked (precisely for this reason) (…) [to] not express the true and deep Islam of the neighborhoods, in short, the everyday Islam we find around us" (Buccini 2015, translation mine).

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Chapter 26
Uncrossed Bridges: Islam, Feminism and Secular Democracy

Asma Barlas

Abstract In this article I review two contrasting approaches to Muslim women's rights: those that want Muslims to secularize the Qur'an as the precondition for getting rights and those that emphasize the importance of a liberatory Qur'anic hermeneutics to Muslim women's struggles for rights and equality. As examples of the former, I take the works of Nasr Abu Zayd and Raja Rhouni and, of the latter, my own. In addition to joining the debates on Muslim women's rights, this exercise is meant to illustrate that secular attempts to undermine Islam also undermine the prospects for rights and democracy in Muslim societies. In fact, I see the secular project in Muslim societies as a form of self-harm. Lastly, I revisit Antonio Gramsci's critique of democracy as a way to query the title of the İstanbul Seminars, 'The Promises of Democracy'.

Keywords Democracy • Islamic feminism • Qur'anic hermeneutics • Secularism

Before I discuss my chosen topic, I want to comment on the format and agenda of the İstanbul Seminars, starting with their stated goal of enabling 'close encounters across all divides'. Although I find the intent itself admirable, I have to wonder how far *any* encounter can go if it occurs within a predetermined framework, which is not to argue against structures, of course, but to recognize their constraints. For instance, framing the 2012 theme as 'The Promises of Democracy' puts the very thing in which we are being called on to have faith beyond critique itself by treating it as a given. Moreover, people who believe in the promises of democracy usually also believe that secularism is a self-evident and universal good and not everyone

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may share their conviction. However, there is little space to contest it if secularism also remains off the table in discussions.

Similarly, the seminars' definition of claims to justice, economic decision-making and Muslim women's rights as the 'pre-political conditions for democracy' forecloses other ways to talk about the political. Certainly, I would argue just the reverse, that struggles for justice and rights occur in arenas that are always political. This is because politics constitutes the ideological terrain on which unequal power relationships, of gender, race and class, get played out which means that little is ever pre- or non-political. Lastly, I am not sure what to make of the seminars' tag line, 'philosophers bridge the Bosphorus'. Do philosophers regard themselves as being exceptionally well-suited to the enterprise of bridge-building between the 'imagined geographies'[1] of East and West? And, if this is not a throwback to the old orientalist binary between Islam and the West, then why allude to the Bosphorus? Also, what sorts of bridges can one build if one starts with some problematical assumptions?

In any event, I raise these questions not just as incipient critiques of the seminars but also as a way to anticipate the slant of my own commentary, which is in two parts. In the first, I contrast two differing approaches to Muslim women's rights: those that want Muslims to secularize the Qur'an as the precondition for having any rights and those that make the case for rights and equality from within a Qur'anic framework. As examples of the former, I have taken the works of Nasr Abu Zayd, the celebrated Egyptian thinker, and of Raja Rhouni, a new-wave Moroccan feminist, and, of the latter, my own. In the last part of the article, I outline some problems with the secular project in Muslim societies, as I call it, and also revive Antonio Gramsci's critique of democracy as a way to raise certain questions about its promises. My primary motive in undertaking this exercise is to affirm the importance of an anti-patriarchal Qur'anic hermeneutics to Muslim women's struggles for equality.[2] A related one is to suggest that secular attempts to undermine Islam also undermine such struggles. In fact, secularism in Muslim societies also undermines the promise of democracy if by this we mean a comprehensive regime of rights and liberties.

Since the question of Muslim women's rights is tied up with debates on how to interpret Islam's teachings, I will focus on Abu Zayd's[3] and Rhouni's key arguments about how Muslims should treat their religious texts, especially the Qur'an.

26.1 Interpreting the Qur'an

Essentially, Abu Zayd believed that Islam was in need of a reformation which could only come about if Muslims stopped viewing their 'religious texts as repositories of truths, from which [to] retrieve an egalitarian Islam'.[4] To this end, he urged them to rethink the status of these texts, especially of the Qur'an, which, he argued, was better regarded as a historically produced discourse incorporating both divine and human voices than as a sacred text. He felt that if Muslims were to do this they

would be freed from the need 'to recontextualize one or more passages in the fight against literalism and fundamentalism or against a specific historical practice that seems inappropriate for our modern contexts'.[5] Indeed, they might even be freed from the interpretive enterprise as a whole. Though he never put it this way and even invoked a 'democratic hermeneutics', in actuality, Abu Zayd found all interpretive approaches objectionable. Thus, he chastised modern hermeneutics for justifying the 'historicity and hence the relativity of every mode of understanding', while also legitimizing the idea 'that our modern interpretation is more appropriate and more valid'.[6] In a different vein, he faulted classical jurists, as well as reformists and Islamic feminists, for reading the Qur'an as a text because, according to him, doing so meant taking a 'focal point that will always point to God'. As he put it,

> … feminist hermeneutics faces the problem that as long as the Qur'an is dealt with only as a text – implying a concept of author (i.e. God as divine author) – one is forced to find a focal point of gravity to which all variations should be linked. This automatically implies that the Qur'an is at the mercy of the ideology of its interpreter. For a communist, the Qur'an would thus reveal communism, for a fundamentalist it would be a highly fundamentalist text, for a feminist it would be a feminist text, and so on.[7]

In Abu Zayd's view, then, it is this focal point, which claims to be 'universal – the irrevocable and the eternal truth', that leads to ideologizing the Qur'an. Yet, even as he blames different interpretations of the Qur'an on its authorship, he simultaneously ascribes them to standpoint epistemologies (the stance of its readers). However, not only did he seem unaware of this inconsistency in his position but he also thought one could end the 'crisis of interpretation and counter-interpretation'[8] by dispensing with *asl* readings of the Qur'an (readings that purport to be true; *asl* is Arabic for 'true'), and, indeed, with the idea of universal truths and by abjuring foundationalist approaches to Islam.

Rhouni, who calls herself a post-foundationalist, follows closely in Abu Zayd's footsteps and says that, like him, she also believes 'in the virtues of the contextual approach to the founding texts'. She describes this as follows:

> I disagree with the methodology that chooses to give a more progressive, or egalitarian, meaning to a verse and presenting [*sic*] it as the truth, when it has the means to do so, while resorting to the idea that such and such verse needs to be contextualized in order to discover its contingency, when it reaches a semantic dead-end.

This is, of course, less a description of contextualization than it is a statement about Rhouni's own preference that one should either interpret a text or contextualize it. At another point, she reframes this a bit differently: 'I disagree with the approach that reinterprets verses to invest them with a more modern and more egalitarian meaning, on the one hand, and that resorts to a historical and contextual reading when no progressive meaning can possibly be invented, on the other hand.'[9] As it turns out, then, what she is objecting to is not just combining two strategies to read the Qur'an, but reading it in an egalitarian mode. This seems to be a rather inexplicable, and even indefensible, position to hold given the problems its patriarchal interpretations create for Muslim women, but she does not explain why she opposes egalitarian readings.

Perhaps her clearest description of contextualization is that it should be a 'systematic and pondered approach that recognizes and asserts the Qur'an's historicity'.[10] By this she means what Abu Zayd does: seeing it 'as originally an oral discourse involving divine and human communication *rather than a divinely authored text* that has been revealed to all humanity regardless of its context of production, or historicity'.[11] However, even as she denies the Qur'an's sacrality, she insists that adhering to this view does not amount to a 'denial of its divine origin'.[12] Finally, she, too, argues that Muslims need to get out of 'the vicious circle of "truth talk"'[13] by abandoning *asl* readings of the Qur'an.

There are several theoretical and logical flaws in Abu Zayd's and Rhouni's arguments but I will only outline a few. First, it is terribly naive to think that one can end interpretive pluralism or do away with 'truth-talk', by treating the Qur'an as a discourse or by disavowing the idea of truth. Discourses, no less than texts, are open to different meanings and even those who do not believe in truths are not beyond interpretive quibbling and 'truth-talk' of their own, as is clear from Rhouni's and Abu Zayd's own claims. Even their assertion, that there are no universal truths – a classic case of self-refutation – rests on our willingness to accept it as being universally true.

Second, there is no methodological taboo against analysing both the meanings of a text and also its relationship to a given context. Far from being a hermeneutical sleight of hand, as Rhouni implies, it is a standard practice to do both, and not just among Islamic feminists. As for her and Abu Zayd's notions of contextualization and historicity, not only are they confusing but they also conflate authorship, historicity and contextualization. One can historicize and contextualize a scripture without calling its authorship into question by reading 'behind' it; that is, by explaining the historical contexts in which it was revealed and the moral universe and the social conditions of the people to whom it was initially addressed. This is what allows believers in all ages to differentiate between teachings that are universal in their scope and those that were aimed at particular historical circumstances. In fact, being able to make this determination is what it means to read 'in front of' the text, which is to say, to reinterpret it from our own location in the present so as to recontextualize it. In effect, all texts have multiple contexts and the Qur'an is no different on this score.

Interestingly, Abu Zayd, Rhouni and others who favor contextualizing the Qur'an (a nice euphemism for secularizing it) fail to do so themselves by ignoring the belief structure within which it is embedded. Put simply, to be an observant Muslim is to have faith in a God who speaks and whose speech (the Qur'an) is timeless, thus binding on one until eternity. It is these beliefs *together* that make the Qur'an the 'source of truth and the means of realizing it in action' for Muslims.[14] As both the 'methodology of ascent to God'[15] and a guide 'for action in this world',[16] it is in fact the 'quintessential source and language' of faith.[17] This is why urging Muslims not to view it as a text, or to view it as a historically produced text, or as a part human/part sacred discourse, or to say 'no' to the text, or to move 'beyond' the text, etc., all the while paying lip-service to our right to be Muslims, is so rankly deceitful. Of course, in the end, the ones who are deceived are not those who know that 'only in

faith can they find the meaning and possibility of life',[18] but those who imagine that they can shake this conviction. Even so, this does not make their strategy any less underhanded.

Lastly, Abu Zayd's and Rhouni's criticism of Islamic feminists for reading the Qur'an on behalf of women's rights (in a modern and egalitarian way) suggests that they think only secularists have the right to speak about rights. However, there is no reason why Muslims cannot do so from their own religious perspectives. Since this is what I have done myself, I should explain why I read the Qur'an as a liberatory text.[19]

I do so partly on the basis of God's self-disclosure in the Qur'an, in particular, its emphatic repudiation of the patriarchal imaginary of God as father. This refusal to engender and sexualize God, I argue, also militates against viewing patriarchy (the chief instrument of women's oppression in Muslim societies) as reflecting divine sanction or providence. For, why would a God who is above sex/gender and who promises not to transgress against the rights of others, as the Qur'an teaches, fall prey to shoddy sexual partisanship or hatred by privileging men over women or advocating the oppression of women? Indeed, not only does the Qur'an not oppress women, but it also affirms that women and men originated in the same self, have the same capacity for moral choice and personality and, as God's vice-regents on earth, have a mutual duty to enjoin the right and forbid the wrong.[20] This is the second reason I read the text on behalf of women's rights, because of its ontic view of sexual equality.

I also take this view, which I consider to be foundational to the Qur'an's episteme, as the template for interpreting those verses that differentiate between women and men with respect to certain social issues. It is these verses, or, rather, a couple of lines, that most Muslims interpret as evidence of God's partiality to men. What is significant, however, is that the Qur'an itself does not present difference as inequality since it does not define the differing rights and roles of women and men in terms of their biology (sex) or make the claim that men are superior to women because they are males or that women are inferior to men because they are females. In fact, missing from it entirely is gender symbolism of this sort.

Naturally, I am hyper-aware of the few words and lines in the text that speak to male authority but I view these as reflecting the fact that the Qur'an's first audience was a seventh- century tribal Arab patriarchy in which men *did* exercise certain types of authority. For the Qur'an to have dealt with this reality is not to say that it therefore advocates 'patriarchal norms, since that was the historical condition in which [it] was revealed'.[21] Dealing with a historical contingency is not the same as upholding it as a norm. Besides, the Qur'an is meant to be a universal text which means that it is

> … not bound *to* any society's history or even *by* history; it could not be, because what is historically contingent (particular) cannot be prescriptive (universal). What is prescriptive in the Qur'an is not history, society, or patriarchy, but certain principles.[22]

And, these principles are conducive to modern and egalitarian readings. After all, a scripture encompasses a horizon of ethical possibilities and the Qur'an's own

counsel to read it for its best meanings[23] confirms that we do not need to link it to just one historical context or to one reading alone since our understanding of what is best is itself changeable. This is what allows us to realize its liberatory promise over time.

Finally, I do not agree with the claim that Islamic feminists are politicizing the Qur'an by rereading it or that they are 'islamiz[ing] the secular' by reading it on behalf of women's rights.[24] One does not need to be an Islamic feminist to know that interpretation is by its very nature political, if by the term we mean something along the lines I defined earlier. And, as the recapitulation of my reading of the Qur'an illustrates, it is not just secularism's prerogative to make the case for women's rights, and nor does making it from a Qur'anic perspective Islamize the secular. Not only is this an absurd claim but it ignores that part of secularism's project is to secularize Islam.

26.2   Interpreting Secularism and Democracy

Earlier, I said that it is a secular illusion to think that Muslims will give up believing that 'only in faith can they find the meaning and possibility of life'. This is a quote from Tolstoy who wrote in *A Confession* that the reason people reject belief in God is 'so that we may yet again pose the question that confronts us all, and for which we do not have an answer'.[25] Perhaps some secularists have found the answers to this question or, what might be truer to say, perhaps secularism has freed them from the need of having to pose it. However, it has definitely not freed many of them from the need to embrace doctrinal certitude or to attempt conversion projects of their own. These appear, rather metaphysically, in the guise of both necessity and possibility; as, for instance, in arguments about the need to secularize the Qur'an and to privatize Islam and to put one's faith in democracy and rights, and so on.

Let me clarify: what I object to is not the conversion project that aims to introduce and/ or strengthen civil and political rights and liberties in Muslim societies. No right-minded person could quarrel with that. What I object to is the conversion project that aims to hollow out Islam from the inside by chipping away at the Qur'an. The fact that some Muslims are involved in doing this does not lend this strategy any legitimacy or make it more likely to succeed. If anything, assailing the religious beliefs of Muslims, and even just peddling the specious binary between Islam and democracy, Islam and women's rights, Islam and freedom, etc., makes it seem that Muslims can have only one or the other. The secular hope, clearly, is that they will opt for a regime of secularization that will gut their religion as the condition for ensuring them certain rights. Instead, and quite predictably, Muslims go on choosing Islam or, rather, those interpretations of it that are prevalent in their societies. Insofar as these are overwhelmingly patriarchal and inhospitable to certain ideas, Muslim women also go on being caught in a double bind. It takes little foresight to predict that, as long as this cycle remains in place, the Arab awakening, as Tariq

Ramadan has rechristened it,[26] will not augur much for their rights in the Middle East and North Africa.

To make such an argument is not to deny that Muslim states in the MENA region *are* repressive. But, it is much too fraudulent to represent the sundry kings, dictators, sultans and emirs who are being propped up by the USA and their own oil wealth, as the poster boys of Islam. Nothing in Islam justifies hereditary rule by royal or clan lineages or political dynasties and, as a matter of fact, the worst despotisms – in Syria, Iraq, Algeria, Egypt, Libya and Tunisia – were, or are, secular. As such, pitting secularism against Islam or, worse, against Islamism (a term I find utterly nonsensical) is not only pointless but it also narrows the political arena by presenting Muslims with false choices (Islam versus rights, etc.). Paradoxically, such a strategy also tends to gut secularism itself. By this I mean that, in the West, secular democracy allows citizens to claim not only political and civil rights and liberties but also religious freedoms (to believe what they want and to practise their religions as they see fit). In contrast, in Muslim societies, secularism seems to require them to dismantle their core religious beliefs in order to savor the promises of democracy. Given such a prospect, it seems reasonable to ask why some people want this kind of secularism for Muslims.

Before I end and, in fact, by way of concluding this article, I want to raise some questions about democracy prompted by Gramsci's critique of it. The most notable feature of democracy for him was its continued reproduction of divisions between the 'rulers and ruled, leaders and led', which then led him to ask how 'the former are able to secure the latter's willing endorsement for their rule'.[27] It is in this context that he used the concept of hegemony 'for a differential analysis of the structures of bourgeois power in the West'.[28] He argued that the political ascendancy of the ruling class manifests itself 'in two ways, as "domination" and as "intellectual and moral leadership"',[29] and hegemony refers to its ability to achieve predominance through 'consent … rather than force'.[30] This does not mean, however, that hegemony requires democracy or that democracy implies that the hegemony itself is strong. On the contrary, Gramsci believed that it was *weaker* forms of hegemony that manifest themselves in the form of both democracy and fascism.

Whatever its form, however, the hegemonic phase of a class is its most 'purely political' since it allows the class to transcend its own 'economic-corporative' interests to become an agent of 'more universal activities'.[31] It is during this phase that political alliances between classes become possible and these have the potential to transform national politics as well. By transformative politics Gramsci meant raising politics to a higher intellectual and moral *plane* and also achieving a new *type* of moral reform through revolutionary praxis, both of which require ideologically informed participation by the people in politics. In fact, for him, democracy was not a set of institutions but a mode of 'conducting politics based on creating the conditions for active political intervention by the mass of the people and aimed at abolishing the division between rulers and ruled'. If such a likelihood did not exist then he felt that appeals to the people also became 'pure demagogy'.[32]

While this does not mean that democracies 'are mere cosmetics on the face of coercion',[33] one could argue that this is what US and European democracies have

become over the last decade, at least for many of their Muslim citizens. Moreover, the USA's entrenchment in a state of eternal war and the slide into right-wing xenophobia in many European states testify to the limits of transformative politics even in secular democracies. My intent in noting this is not to make a case against democracy but to suggest that its promise is by no means assured even in the West and it is likely to be no different in the so-called Muslim world one day. So-called because although most Muslims live in a state of apartheid in Europe, we are all inhabitants of what Hava Lazarus-Yafeh called 'intertwined worlds'.[34] I find this to be a richer and more compelling metaphor for the world than the monochromatic image of it conjured up by terms like 'a secular age' and 'a secular world', self-referential phrases that mean little outside the USA and Europe. What happened to the ideal, shared by Islam and secularism alike, of 'to each their own'? As I see it, without respect for religious and political autonomy and diversity, secular democracy will have no promise in Muslim countries regardless of how many bridges are built across divides. After all, bridges are meant to enable travel in opposite directions and, without this possibility and mutuality, I feel some bridges are better left uncrossed.

Notes

1. I borrow the phrase from Said (1979).
2. I define such a hermeneutics in Barlas (2002).
3. Nasr Hamid Abu Zayd (2006).
4. This is Raja Rhouni's (2010: 272) reading of Abu Zayd. Such an argument sounds counterproductive since it suggests that what is holding back reform in Islam are positive (egalitarian) interpretations of it.
5. Abu Zayd (2006: 98).
6. ibid.
7. ibid.: 91.
8. ibid.
9. Rhouni (2010: 14).
10. ibid. (2010: 256).
11. ibid. (2010: 260; emphasis added).
12. ibid. (2010: 257).
13. ibid. (2010: 272).
14. Denny (1985: 95).
15. Taha (1987: 148).
16. Fazlur Rahman (1982: 14).
17. El-Solh and Mabro (1994: 2).
18. Tolstoy (1987: 54).
19. See Barlas (2002) for a detailed exposition of this argument.
20. ibid., chs 5 and 6.
21. Moosa (2003: 125).
22. Barlas (2008: 25).
23. The Qur'an, 39:18; Ali (1988: 1241).
24. Seker (n.d.).
25. Tolstoy (1987: 55).

26. Tariq Ramadan, public lecture, Cornell University, Ithaca, NY, April 2012.
27. Gramsci (1971: 144).
28. Barlas (1995: 22).
29. Gramsci (1971: 57).
30. Femia (1981: 31).
31. Barlas (1995: 24).
32. Gramsci (1971: 230).
33. Hobsbawm (1982: 32).
34. Lazarus-Yafeh (1992).

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Chapter 27
Women's Problems as a 'Women's Only' Problem? Debates on Gender and Democracy in Iran

Katajun Amirpur

Abstract In this article I will argue that in the last years the way of thinking about gender has undergone a change. I believe that in the Iranian public discourse, 'the woman question' has come to be viewed as part of the question of democracy. This is a recent development; until very recently, women's legal discrimination was perceived in Iranian discourse as a 'women's only' problem.

Keywords Democracy • Gender • Iran • Islam

On 12 June 2009, Iran's latest presidential elections were held. The winner was – or so he claims himself – Mahmoud Ahmadinejad (b. 1956), president then and still president today. However, a great many people doubted the official outcome of the elections, convinced that, in fact, Ahmadinejad's challenger Mir Hossein Moussavi (b. 1942) had gained the most votes.

Both on the initial announcement of the election results on Saturday and again on the following Wednesday when the results were formally confirmed in the face of persistent protests, people took to the streets by the millions. Even Tehran's conservative mayor Mohammad Baqer Qalibaf (b. 1961) estimated the protesters to number about three million people.

A remarkably large number of the initial protesters were women. Even when after a few days of protest, the Revolutionary Guards began clubbing and shooting demonstrators, an exceptionally large number of women remained in the front line

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of the protests. The protest movement's face turned out to be a woman's, too: student Neda Agha Soltan (b. 1982) was shot – possibly by a sniper – and died at a protest march against alleged electoral fraud on 20 June 2009. The video documenting her dying moments went around the world, making public the Iranian regime's brutality and stirring up hitherto unprecedented international awareness of this protest movement which presented such a young and feminine face. There are songs in her honour, an Oxford-based grant bears her name, and US American sculptor Paula Slater created a bust of Neda Agha Soltan.

It is no surprise that so many women protested against the allegedly fraudulent elections as it is they who have paid the highest price in the changes of the past decades. Iran has become a country of gender apartheid. The system established after the 1978–9 revolution in Iran made it a top priority to abridge women's rights. Mere weeks after the Pahlavi dynasty came tumbling down, the progressive Family Law of 1967 was repealed and a new law based on the principles of Islamic jurisprudence was established. Women's rights to divorce and child custody were limited, the age of consent for girls was at first lowered to 13, later again to 9 years, and polygyny was legalized. A woman's testimony in court legally was set to be worth only half a man's, and the same applied to the compensation payable in case of lethal accidents: a woman's bereaved family still is due only half the blood money that would be paid to relatives of a male victim. A woman's life, as a logical consequence, is deemed worth only half a man's .

Notwithstanding this legal discrimination, today's Iran is a country where women make up two-thirds of the student body. They hold one in three doctoral degrees; women are parliamentarians, physicians, teachers, mayors and members of the police force. They have even carved out a place for themselves in the Near East's most male-dominated of public spaces, i.e. road traffic: women are taxi drivers, and even car racers. A great many Iranian women practise the 'masculine' martial art karate; the national women's karate organization has about one million members. Karate – an answer to a legal system which allows men to beat up their wives? That is one possible explanation.

Women have made the arts their home, as well. Their novels can be found at the top of bestseller lists, and they make movies. Some directors are by now nationally and internationally renowned for their work using their skills to exercise influence on an international stage, among them Samira Makhmalbaf (b. 1980) and Rakhshan Bani E'temad (b. 1954). Mir Hossein Moussavi, the man Iranian women saw as the true winner of the 2009 election, was the man they trusted to better their lot.

It is to director Rakhshan Bani E'temad that we owe a harrowing portrayal of the situation of Iranian women today, filmed in the spring of 2009 right before the elections took place. In her movie *We are Half of Iran's Population* Bani E'temad recorded meetings of the politically most diverse women uniting to present their demands to the four presidential candidates. These include: joining the United Nation's CEDAW (Committee on the Elimination of Discrimination against Women) and changing the laws on divorce and on polygyny. The movie shows discussions among Iranian women's rights activists who openly talk about problems such as the fact that in Iran, you cannot even google the phrase 'women's diseases'

because the word for woman, *Zan*, is blocked by filters, and that journalists in magazines and newspapers are not allowed to use the phrase 'women's movement' .

The movie project included an invitation to the presidential candidates to attend a preview after which their reactions would be filmed and used in the final cut. Of the four candidates invited, Ahmadinejad declined the invitation while Mir Hossein Moussavi attended the preview in the company of his wife, Zahra Rahnavard (b. 1945). When Moussavi was asked to comment and had nothing more to offer than the standard fare of how there is a need for culture and society to change, Rahnavard interrupted him: 'The main problem is the legal system,' she blurted out, '90 % of this country's laws are against women.'[1] Zahra Rahnavard, Moussavi's wife, had been Chancellor of Alzahra University until Ahmadinejad, shortly after his election in 2005, had all Iranian universities purged of professors not to his liking, including her.

Rahnavard certainly is no radical reformer, and her frame of reference is seen as too strictly Islamic by some, but over the past 30 years, she has raised her voice in defence of women's rights time and time again. She demands more opportunities for political participation and more representation of women by women in parliament. She argues in an interview with the women's magazine *Zan-e ruz* in 1990 that it is wrong to ostracize women, pointing to their commitment in the 1978–1979 revolution. There she explained that women always have played and continue to play an important role in Iranian society. During the revolution, they contributed centrally and were instrumental in bringing about its victory. Yet when it comes to appointing someone to public office, women are always passed over.

During the presidential campaigns, many women voters thought that as a man with a woman like her at his side, Moussavi would be certain to champion equal rights once he was elected president. It is even possible that Zahra Rahnavard – albeit indirectly – swung the vote, since at the campaign's outset, Ahmadinejad, who controls the state media and used taxpayer money for pork barrel politics, stood a good chance of re-election, as surveys from independent sources show. Stood, that is, until the memorable television presidential debate between Ahmadinejad and Moussavi. In this duel, out of the blue, President Ahmadinejad confronted his contender Moussavi with a picture of the latter's wife and stated that she, the university professor and women's rights activist, had gotten her various diplomas by fraud. Many Iranians say that this move lost Ahmadinejad a great deal of support. It was his nastily mocking '*Begam, begam?*'[2] [You want me to tell? You want me to tell?] that reminded many people of the numerous occasions in their own lives when they had undergone inquisition-style interrogation by a so-called revolutionary 'komité' because of a headdress slipped too low or music played too loudly inside their car.

Then there was Moussavi's reaction. Upon hearing this defamation, the normally reticent economic specialist turned vivid and passionate, rising to his wife's defence with touching fervour. This tender closeness, which the couple also displayed publicly during the campaign, had given rise to many hopes for a new style of politics, especially since Rahnavard was present at every single one of her husband's campaign appearances and always delivered closing remarks to frenzied cheers. This practice, documented even in Moussavi's official campaign ads, was previously

unheard of in the Islamic Republic of Iran: a man publicly letting his wife have the last word. For her sake or because she was with him, a great many women were on Moussavi's side in the campaign and actively supported him.

Thus it came as no surprise that women specifically felt terribly betrayed after the official results were announced and took to the streets by the millions. One of the most popular slogans visible during the protests next to 'Where is my vote' and 'No War, No Lies, Freedom' was 'Women equal Men' ('Women = Men').

The Iranian protest movement of 2009, which was born from protests against a fraudulent election and grew into an outcry against the entire system, has not enjoyed the kind of success the protesters in Egypt or Tunisia have had. But neither is the protest movement of 2009 that came to be known as the Green Movement dead, as the regime likes to claim on all channels; proof of that is provided by news of protests flaring up whenever people see any opportunity, which keep reaching us despite the official news blackout.

This is not the place for me to address the question why Egyptian and Tunisian protesters, women and men both, succeeded where Iranians did not. The fact remains that some kind of progress has been achieved because the way of thinking about gender has undergone a change. I will now go into some detail to explain why I think this is the case: I believe that in the Iranian public discourse, 'the woman question' has come to be viewed as part of the question of democracy. This is a recent development; until very recently, women's legal discrimination was perceived in Iranian discourse as a 'women's only' problem. There was no widespread public awareness of women's suppression in Iran as part of a greater issue.

An important agent of that change, or possibly more of an indicator of how the attitude has changed to what we are seeing these days, was a campaign called 'Men in Hijabs' (though, to be precise, it actually featured men in chadors). The issue was not the campaign alone, but rather the whole long ongoing process in which several factors contributed to the change; one of them was the emergence of an indigenous feminism in Iran since the 1990s, which unfortunately cannot be addressed at greater length here. The movement now commonly referred to as 'Islamic Feminism' in Iran has made feminism more readily compatible with the local reform discourse.

But let us return to the campaign 'Men in Hijabs' which made international headlines in December 2009 when, after an Iranian photographer's call for entries, hundreds of pictures of men wearing chadors were posted on a Facebook page. Using these pictures, a movie with a clear political message was produced: the men who had had their pictures taken in this manner had done so to express their commitment to the so-called Green Movement, the movement which arose after the presidential election of June 2009 and which is fighting for democracy.

'Men in Hijabs', however, was not a solidarity campaign for Iranian women who are forced by the law to wear headdress, but rather an act of solidarity with a man, Madjid Tavakkoli (b. 1986), who had delivered a passionate speech on 7 December 2009 on the occasion of the Iranian Students' Day at Tehran's Amir Kabir University and had escaped arrest by running from police in disguise. The next day, the Iranian

news agency FARS published an article on the dissident illustrated with a photograph of him in women's clothing.

This picture was a visual reference to a photograph of the Islamic Republic's first president Abolhassan Bani Sadr (b. 1933). Both pictures were published on the same page side by side. After falling into disgrace in 1981, Bani Sadr fled Iran. It was rumoured at the time that he had disguised himself as a woman, but this has never been proven, and Bani Sadr himself has never commented on these allegations. As Iran's erstwhile president, who now lives in Paris, did not get caught when he made good his escape, it must be assumed that the photograph showing him in women's clothing is a fake. The point in question is: what is being referred to here, opposition politician Bani Sadr's escape, allegedly veiled and in women's clothing, is a widely known *topos* in Iran. As a journalist of Iranian descent explained in the *Guardian*:

> In street slang the image of a man dressed as woman is a slanderous [*sic*] of his sexuality and essential manhood. In political terms, evoking Banisadr represents a sort of political red card.[3]

The message the state news agency wanted to convey was: the opposition movement's members aren't real men; they cowardly hide under women's clothing while they secretly steal away. They are wimps, sissies, not opponents worth taking seriously. This is a particularly twisted message (and blatantly untrue to boot) since there were notably large numbers of women protesters in the summer of 2009. Not surprisingly, the regime's tactics fell through and the message backfired massively. The Facebook site mentioned above entitled its campaign: 'Be a Man. Send us your Picture as a Woman' and from this, the movie *Men in Hijabs* was created which soon caused quite a stir both nationally and internationally .

On YouTube, the film's title in both Persian and English is 'We are all Madjid Tavakkoli – *ma hame madjid tavakkoli hastim*', and the film also ends with this message in Persian. It starts with a few snapshots, a short clip of the student protests at Amir Kabir University, and Tavakkoli's speech during these protests. There is also a screen-shot of the Internet site showing the article and photographs of Bani Sadr and Tavakkoli in women's clothing. The soundtrack of the film's first pictures consists of a commentary by Mir Hossein Moussavi. In his words:

> The regime may imprison our children and put them into clothes meant to humiliate them, but we can see them as heroes. We know they are heroes, and we are proud of them.[4]

The film ends with repeated chants of the word 'Freedom', and the appeal: *Let Madjid go.*

Building a solidarity campaign on a film showing veiled men was an interesting experiment because, for one thing, it subverted Iranian men's and women's viewing habits, and also made clear to many men donning a headdress for the first time in their lives how it feels to be wearing one. Another important effect was that gender questions were now being discussed by the Iranian public with a fresh awareness. Aside from creating international awareness, the film also aims its message at an Iranian audience – both the domestic Iranian public and the Iranian diaspora. These

two public spheres are increasingly merging into one unified discursive community. By 'domestic Iranian public' I mean the public that has constituted itself as an alternative or counter-public to the state-controlled official Iranian public sphere. The place where it unfolds is the Internet, widely available in Iran with its 25 million registered Internet connections. This 'Internet agora' is dominated by Iranians living in exile, but they are engaged in an intense dialogue with Iranians living in Iran.

In a blog, a comment on the film stated:

> We'll humiliate you by dressing one of your friends up as a woman! Oh yeah? Well now we're all dressed like women. And anyway, what's so bad about women?

Another commentary read:

> The green movement is a post-modern, post-ideological civic movement. It also points to how far the notion of women as a political force has travelled in the 30 years since the revolution. Women are at the forefront of this movement and its badge of honour – they are not an accessory. Zahra Rahnavard [Mir Hossein Moussavi's wife (K.A.)] and Shirin Ebadi are key leaders and spokeswomen of the movement and Neda [Agha Soltan] its most famous martyr. The green movement is helping to redefine the idea of womanhood in the language of a contemporary Iran.

This brings me back to my earlier hypothesis: today, there is a stronger connection between the democratic movement and women's rights, and paradoxically enough this connection was at least in part established by the attempted humiliation of Tavakkoli; not by that alone of course, but it was a contributing factor.

This was clearly expressed in speeches held at a solidarity event for Tavakkoli – yet another video widely circulated in the net.[5] The main speaker at this event was Ahmad Batebi (b. 1977). Batebi became a figurehead of the Iranian opposition after he was photographed during the 1999 student protests holding the bloodied shirt of a dead fellow student. Iranian official security forces had stormed Tehran University's campus, attacked several of the protesting students and thrown some of them out of windows. Batebi's picture made it all the way to *The Economist*'s cover and was named 'Photo of the Year 1999' – and it put Ahmad Batebi in prison. After his escape, Batebi today continues his work as a political activist in the USA. The interviews he has given since his arrival in the USA are widely circulated over the Internet and have made him famous. His every action is followed in Iran.

It is not only Batebi saying that the people gathered in the hall should decide if wearing a headdress is shameful or worthy of praise who draws attention to the veil's symbolical meaning in Iran and connects the Green Movement to the women's movement; Shirin Ebadi (b. 1947), Iran's 2003 Peace Nobel Prize winner, has done the same. In an article posted both on the website of her campaign 'One Million Votes for Women's Rights' and on her website named *madrese-ye feministi* [Feminist School], she stated that the men participating in the symbolic campaign had not only stood by their friend, but also defended 'being a woman'. These men, she wrote, had positioned themselves against the Islamic Republic's discriminatory laws. They had 'cried out that they respect their mothers and that they respect the human rights of their sisters'.[6]

In the many blogs and videos by now circulating on the net that use the veiled men's photographs, many comments in a similar vein can be found. A user named *lacountess* writes:

> Our values have made a huge leap into the future and we are all riding the waves of this amazing cultural revolution, thanks to Madjid and thanks to all these brave, honorable men.

In the end, the solidarity campaign for Madjid Tavakkoli turned out to serve several purposes at once: it was a chance to express support for Tavakkoli as well as livening up the debate among the different factions of the opposition movement. In addition, it presented an opportunity to express rejection of state-ordered *hijab* and discrimination of women, to demand equal rights, and thus take a stand for democratic values.

It is true that it has taken a long time until the problem of women's legal discrimination in Iran was no longer seen as a 'women only' problem, and perceived as a problem for men as well. Only recently have Iranian intellectuals started taking a critical stance towards their own past behaviour. Hamid Dabashi (b. 1951), professor of Iranian Studies and Comparative Literature at Columbia University, who must be numbered among the most important contemporary Iranian *public intellectuals*, is on record stating:

> The head scarf protest is a way of showing the same solidarity against a system that came into being after the Iranian Revolution. We Iranian men are late doing this. If we did this when *rusari* [a form of headcover for women, whose wearing is legally enforced in Iran] was forced on those among our sisters who did not wish to wear it 30 years ago, we would have perhaps not been [*sic*] here today. 'If the Islamic Republic of Iran is this narrow-minded', Shahin Najafi [an Iranian musician, poet and singer], has put it, 'then we will accept the challenge.' [7]

One of Iran's most famous contemporary writers, Shahriar Mandanipour (b. 1956), tells a similar tale about this delay, the lack of solidarity, and how the connection between democracy, women's rights and compulsory veiling was ignored, in his novel *Censoring an Iranian Love Story*:

> Sara goes to the dressing room. This is the perfect opportunity for Dara to savor the bitter taste of Sara's tooth-shattering report. Well, like many enlightened Iranian men, he is subconsciously ashamed of his own incompetence and inaction, when after the revolution, mothers, sisters, and wives, through coercion and by having pushpins stabbed into their foreheads, were forced to wear headscarves and chadors, and year after year, their human rights were taken away from them. And at this very moment, the stinging slap of a political inspiration lands on his ear. Dara discovers that during all the years that he and his generation fought for utopia in Iran, they were wrong, and they should have instead fought for this small and basic right.[8]

While Iranian women's rights activists always – and quite rightly – insist that Iranian women have more pressing problems than their headdress, the veil as such has tremendous symbolic significance stemming from its history. It is an essential part of the history of the Iranian government's disregard for and suppression of its citizens' rights.

Within the Iranian discourse, however, awareness of this connection was virtually non-existent. Looking at the writings of the reformers most dedicated to fighting

for human rights and democracy, this absence is very striking. Most reformist thinkers, be they religious or secular in outlook, have little to say in regard to gender. This is especially true of the *roushanfekran-e dini*, religious intellectuals, as they call themselves. Take ʿAbdolkarim Soroush (b. 1945), the Iranian reform movement's leading figure: he rarely talks about gender, and when he does, he stays inside the traditional conceptual framework. A detailed analysis of his views by Parvin Paidar comes to the conclusion that they are 'limited and discriminatory'.[9] *Kiyan*, possibly the most important magazine of reformist Islam, which was shut down in 2008, did not once feature either a contribution under a female author's name or a single article on gender questions. When asked why this was, Soroush said that the religious intellectuals had more important issues to address and that women's issues had their place in women's magazines. In the reform intellectuals' mode of thinking, there was no category called gender. To be fair it must be said that the secular opposition is hardly less gender-blind – the intellectuals who gathered around the magazine *Goft-o Gu* [Dialogue] in the 1990s being an exception – and that also applies to the opposition in exile outside Iran.

Human rights issues were viewed in a hierarchical order with democracy regarded as a primary right that, in the hierarchy of rights, held priority over women's rights, which were regarded as a secondary type of right. This has led to a perception of the democracy movement as the main struggle and the women's movement as the less important one. Some reformists articulated this view and concluded that, although it was acceptable that groups would organize for and around their special group rights, care had to be taken that these special group activities did not come into conflict with the broader and more general struggle for democracy.

Naturally, women have protested against this attitude saying there could not possibly be a hierarchical ranking in which women's rights find themselves positioned below democracy as women's rights are an intrinsic part of human rights and thus of the democratic process itself. Disregarding this criticism, the male-dominated discourse long assigned all gender issues exclusively to the field of jurisprudence, *feqh*. However, the reformers did not see *feqh* as the arena where a new interpretation or reorientation of Islam ought to be promoted. *Feqh* proper was no subject of interest to reform intellectuals such as Soroush, Akbar Ganji (b. 1960), or Saeed Hajjarian (b. 1954), and those who did work on it – Mohsen Kadivar (b. 1959), for example – only concerned themselves with constitutional law. Gender was not only too unimportant to be addressed, but the prevailing attitude – you could call it a hopeful view – even was that once the reformist agenda had been realized, questions of gender would just go away.

My impression is that ever since the summer of 2009, this has changed. These days, there is an awareness that women's rights are not a secondary type of rights, but that rights are interconnected. This was made possible by women's mass participation in the protests, the discussions that followed, some of which were sparked by the movie *Men in Hijabs*, and of course by the state of Iran's 'Islamist feminism'. The part women played in the summer of 2009 and continue to play guarantees that their role in a democratic Iran – which will come into being at one point, all setbacks notwithstanding – will be on a much more equal footing with that of the men than it is now.[10]

Notes

1. See site last checked 2 February 2012 @:http://www.youtube.com/watch?v=l_BinbdFndI&feature=related

2. See site last checked 9 September 2012 @: http://www.youtube.com/watch?v=Luvx4gwgdSg&feature=related

3. See site last checked 9 September 2012 @: http://www.guardian.co.uk/commentisfree/belief/2009/dec/16/men-hijab-majid-tavakoli

4. See site last checked 9 September 2012 @: http://www.youtube.com/watch?v=xNgN1rbXjLc

5. See site last checked 9 September 2012 @:http://www.youtube.com/watch?v=VG-6yhEVMm8&feature=related

6. See site re Shirin Ebadi, 'Bara-ye mardani ke zan budan-ra nang namidanand' [For the Men, Who don't think being a Woman is a Shame], last checked 9 September 2012 @:http://www.iranfemschool.com/spip.php?article3916

7. See site last checked 9 September 2012 @:http://articles.cnn.com/2009-12-14/world/iran.headscarf.protest_1_iranian-women-head-scarves-protester/2?_s=PM:WORLD

8. Shahriyar Mandanipour, *Censoring an Iranian Love Story* (New York: Vintage/ Random House, 2009), p. 187.

9. Parvin Paidar, 'Gender of Democracy: The Encounter between Feminism and Reformism in Contemporary Iran', Democracy, Governance and Human Rights Programme, paper no. 6 (October 2001): 20.

10. The article was completed before the election of Hassan Rouhani as President of Iran in 2013, but the situation of women, according to the author, remains unchanged (Editor's Note).

Chapter 28
Women's Rights in Muslim Societies: Lessons from the Moroccan Experience

Nouzha Guessous

Abstract Major changes have taken place in Muslim societies in general during the last decades. Traditional family and social organizational structures have come into conflict with the perceptions and needs of development and modern state-building. Moreover, the international context of globalization, as well as changes in intercommunity relations through immigration, have also deeply affected social and cultural mutations by facilitating contact between different cultures and civilizations.

Of the dilemmas arising from these changes, those concerning women's and men's roles were the most conflictive issues because of different interpretations and evaluations of historical, religious and/or cultural heritages.

In the case of Morocco, for over 30 years, women's and human rights NGOs have acted and advocated to promote women's rights. The main disputes have concerned the distinction between what is within the requirements of Islam and what is the consequence of traditional social beliefs and practices. This ended nevertheless with the adoption by the Parliament of a new Family Law proclaimed in February 2004. This law was the result of a process of consultation and national debate, which made possible substantial progress in terms of proclaimed values of equality of rights between men and women, with the support of most national political and social leaders. Several lessons can be learned from the Moroccan experience. The crucial role of civil society, the political support of the state at its highest level, the working methodology of the Royal Advisory Commission and the final process for the adoption of the new code were from the most determinant parameters.

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In light of recent developments in some majority-Muslim countries, the future of women's rights is a key issue of the so-called Arab spring. Muslim women's challenges and struggles are not only ideological and legal battles, but they are also social and political struggles for which one of the major conditions is to prevent and prohibit the use of Islam as a political instrument. Muslim societies need to educate people properly and change their traditional representations and patterns of thought. To promote justice, equity and equality in general, as well as to protect women's economic rights, they need appropriate economic and social policies. Then women can really promote, protect and benefit from the advances of their legal status.

Keywords The Arab spring • Morocco • Mudawana • Muslim cultures • Women's rights

As I am not a philosopher or a social scientist, but am working in practice in the field of human and women's rights, I will not deal with concepts. Instead, I will try to show and analyse through the experience I have had in taking part in the change of the family laws and in the ongoing processes of change in Morocco, including those related to the so-called Arab spring.

I will start with a general comment about family law and women's status in Muslim countries. Please note that I prefer not to speak about Islam, but about Muslim context, Muslim culture, Muslim civilization, because Islam is a very large and complicated matter.

We all know that the status of women in general was and still remains one of the most controversial and difficult issues all over the Muslim countries. Why? Because, until now, family law fell under the so-called Islamic jurisprudence, the *Fiqh*, which is a collection of rules settled in the historical context of the seventh century. Without making any distinction between the requirements of Islam as set out in the Qur'an and the faith-based social practices through 14 centuries, many of these rules do not fit any more with the current situation. But, as the *Fiqh* is derived from the Qur'an and from the Prophet's *Hadiths*, it came to be considered sacred, and touching on these rules means, for some people – and especially for those who use religion as a political tool – to touch on Islam.

Nowadays these rules are not adapted to the current situation any more, and I will show that through some data about Morocco. Many intellectuals and researchers of Muslim origin have been claiming that even the spirit of the Qur'an has been and is currently distorted by using these rules in a context that has deeply changed.

For example, in Morocco, there was a large demographic transition from the late 1950s/early 1960s to nowadays, according to national data of 2010.[1] Women's average age at their marriage is now 27 years, while it was 17 in 1960. Fertility rates dropped from more than 7.2 to 2.19 (1.8 in urban areas vs. 2.7 in rural areas) so that almost 70 % of families are nuclear families, meaning two parents and their children. Interestingly, although one woman out of two is still illiterate, 60 % of secondary students and more than 52 % of graduate students are girls. By investing in schools and universities, women also invested in public life and the economic

sphere. Still far from parity, women's empowerment has shown some progress, e.g. 20 % of the judges and of the magistracy are females. But as happens worldwide, women are the first victims of unemployment in the current context of economic crisis. This is reflected as well by the fact that female emigration for economic reasons has become more important than male emigration since 2008, and this is also an important shift.

The main consequence of these shifts is that the traditional dichotomy in Moroccan society between the private and public spheres has now started to become more of an overlap, as has the role distribution between men and women. These changes let Emmanuel Todd describe Morocco as being 'in a transitional stage of destabilization of the patrilineal ideology and practices'.[2] This transition reveals contradictions between the historical and traditional culture still dominant in discourses and proclamations and the range of behaviors evolving in the society. Thus, the conflict between modern individualism and the traditional family and society system is very often viewed as 'schizophrenic'.

But as Emmanuel Todd says, beyond this transitional stage of destabilization and disorientation of behavior, one may believe in 'the emergence of a more egalitarian and more open society'. In my opinion, this could be viewed as a consequence of what I call the 'reality principle', with reference to the Freudian psychoanalytic concept.

28.1 Case Study of the Process of Changing Family Law in Morocco

The Moroccan Personal Status Code ('Mudawanat Al-Ahwal Al-Shakhsiyya') was one of the most conflict-riddenand divisive issues of the beginning of the twenty-first century. Rapidly adopted in 1958 after independence, it was a classical patriarchal law based on a very conservative interpretation of the Malikite school of Islamic jurisprudence. It was based on the axiomatic concept and affirmation that Islam has decided that men are superior to women and that women are eternal minors and always have to stay under the guardianship of a man – either the father, the brother, or the husband. This interpretation of Qur'anic texts and Islamic jurisprudence restricted women's rights in the field of marriage, family responsibility, divorce, custody of the children, etc., and as such, these laws were considered sacred, and nobody was allowed to touch them.

Beginning in the early 1970s, a strong civil society emerged and grew in Morocco, focusing on political and social rights. Changing the Mudawana was a predominant topic for social activism especially among women's rights and human rights activists. For 30 years, groups acted diversely to advocate more equitable rights, and large and hot debates took place all over Morocco. The most formidable challenge was finding socially acceptable answers to key questions. How would family law be coherent with the evolution of the individual and familial practice?

How would the law distinguish between the social and traditional beliefs and practices and the spirit of Islam? How would society become less 'schizophrenic'? After 30 years of research, work and advocacy, as well as a lot of trouble – including two big protests in recent times, one in Casablanca and one in Rabat in 2000 – and an innovative approach, Morocco developed a new family code – 'Mudawanat Al-Ousra' – that was passed unanimously by Parliament in 2004. It has been locally and internationally recognized as an important step toward more justice and gender equality.

The new family code introduced both formal and substantive changes. First, the new family law used a modern formulation and removed many degrading terms undermining the dignity of women as human beings, which had existed in the old Mudawana.

Second, in the new family code, the principles of *partnership* and *sharing responsibility* between spouses were introduced as the basis of the law. This is the opposite of the traditional principle of required obedience of women to their husbands, which underlay the old law in its entirety.

Third, the last article of the new family code introduced the principle of gender equality in all issues presented before judges and family courts when applying the law.[3]

28.1.1   Summary of Changes to the Code

The main legislative changes can be summarized as follows.[4]

1. Unless a situation is deemed exceptional under evaluation of the court, 18 years has been defined as the minimum age for marriage, for for men and for women, while before it was respectively 15 and 16. Nevertheless, there are still some problems in the application of this article. Too many 'exceptions' are used; 10 % of all the marriages were of girls under 18 in 2010, and some judges give easily the authorization to marry a girl of even 12 or 13 years of age.
2. The abolition of the obligation of marital tutorship for adult women was an important and difficult goal to achieve. An adult woman is no longer in legal need of the authorization of her father or brother, or even her son, to get married. Now, she herself can decide to marry, or, for personal and cultural reasons, delegate a man of her choice to act on her behalf if she wants. This is viewed as a recognition of the full maturity of women, as well as men, after age 18.
3. The principle of mutual respect and partnership was introduced instead of the obligation of the wife's obedience to her husband, which was one of the underlying reasons for domestic violence in Morocco, this latter being highly prevalent.
4. Joint responsibility of husbands and wives *vis-à-vis* the family was introduced.
5. New judicial procedures for divorce have been introduced as well; for example, making it easier for women victims of all kinds of domestic violence, who used

to suffer sometimes over 10 years before getting their divorces, if they were able to obtain them at all. However, uneducated and vulnerable women cannot easily benefit from this mainly because of poverty and lack of social support.

6. Polygamy could not be abolished but remains as an exception with strict regulation. And again national court records show too many exceptions on this issue so that many women NGOs are advocating its total abolition.
7. Although each of the two spouses now has an estate that is separate from the other's, they may make a legal agreement on the investment and distribution of assets to be acquired during the marriage. This agreement is indicated in a written document separate from the marriage contract. In the absence of such an agreement, recourse in a case of divorce is made to general standards of evidence, while taking into consideration the work of each spouse, and the efforts made as well as the responsibilities assumed in the development of the family assets.
8. The mandatory right to inheritance was extended to grandchildren from the maternal category – i.e. from deceased mother/daughter – while this had earlier been restricted to grandchildren from deceased father/son (the Wassiya Wajiba).

28.1.2   How Were These Changes Achieved?

What helped activists, NGOs and human rights defenders was the fact that since 2000 all had been convinced that there was no other way than to combine social references, human rights references *and* religious references. This was necessary, because Moroccan society is pious, and religion is a very important part of the Moroccan identity. But facing the consequences of the demographic changes for families, there was a need to change the law, and this was seen as a way to change mentalities as well. Another argument was the fact that Morocco had signed its commitment to the universal principle of human rights, which is also included in the preamble of the 1996 constitution. Last but not least, several women's rights NGOs and networking groups invested in the religious debate, arguing that the Qur'an and *Hadiths* have been subjected to a masculine and conservative interpretation, which impacts family law in most Muslim countries. In fact, and this was something very new, women's NGOs and female researchers invested in an area where usually men have the privilege and are predominant. They invested in the religious debate and called for and contributed to *ijtihad* [the making of a personal decision in Islamic law]. They produced a large set of documents providing religious arguments for what they were claiming in the process of changing the family code. In some way, they contributed to *rewriting* gender equality through cultural lenses, using Islam's founding principles – Maqasid – as a structural component.

Through this process, a sort of 'cultural-deconstruction-reconstruction' has begun in Morocco. Indeed, several parameters showed that no change could have been made without advocacy based on cultural and religious arguments, taking into account the cultural impact of decades of patriarchal and conservative religious edu-

cation at school, in the mosques and via the media. Everyone in Morocco was raised in this patriarchal way of understanding our culture and our religion. I will give two examples. One of them comes from my experience in the Royal Advisory Commission in charge of drafting the new family code (2001–2004). We had been listening to almost 80 NGOs, political parties, ministerial departments, professional bodies, etc., for their analysis of the situation and their proposals for changes concerning the Mudawana. It is important to note that among the 60 proposals we received, 59 referenced the Qur'an and *Fiqh*: mainly with – but some without – calling on the universal human rights principles. Only one human rights NGO referred exclusively to universal human rights principles and instruments without making any reference to Qur'anic and *Fiqh* arguments. This shows that the religious background is very strong in our society.

The second example is that one of the most conflicted issues we had to face – and one for which we did not reach a consensus – was the spouse's obedience to her husband. It was presented as a religious duty based on one Sura of the Qur'an, which speaks about the *Qiwama*, as well as on some of the *Hadiths*. We had to argue that the spouse's obedience to her husband is not an obligation in Islam, and that this idea was based on a non-contextualized interpretation, since this reflected the roles of men and women at the time of Islam's revelation. Several papers developed an understanding of the *Qiwama* concept, even in the Qur'an, as deeply linked to the contribution of both men and women to providing for and protecting the needs of the family and society members.

There is no doubt that the socio-political, national and international context impacted the process and its results. First, the context of the advent of a new king in 1999 obviously had a positive impact. King Mohamed VI stated from his very first declarations his determination to ensure that women's rights would be recognized and protected and that the issue of justice and equity for women would be part of his global democratic project.

Second, civil society work, advocacy and the spread and the economic impact at a global level of the respect for universal human values played an important role. Gender issues are given top priority in the politics of international organizations that provide financial support to developing countries. Another reason for changing the old Mudawana was also related to globalization: the old laws were flagged by Moroccan feminists through reports and testimony showing the difficulties in applying this law for Moroccans living abroad, due to deep conflicts with the laws of their host countries.

Finally, unfortunately some very sad things also played an ultimately positive role in the formation of the law as a whole. In the context following 9/11 and the subsequent 'diabolization' of Islam, activists and women's rights defenders wanted to show that majority-Muslim countries can cope with human rights universalism in women's issues. The terrorist attack in Casablanca in May 2003 and the rise of a political Islamist party in the municipal elections of September 2003 could have affected the proposals of the Royal Advisory Commission in charge of the elaboration of a draft project of a new Mudawana. Interestingly, though, it acted as a signal for both women's and human rights NGOs on the one hand, and political leaders

and other stakeholders on the other hand, to make all efforts to reach acceptable consensus on major issues as much as possible.

28.2 What Was the Impact of the New Family Law on the Global Process of Change in Morocco?

First, the new family law catalysed discussion and spread the public debate over religious issues and over what kind of Moroccan society we want for the future.

Second, it helped to increase the female leadership in politics, as well as in the public and private sectors.

Third, it helped to change other laws, in order to make them consistent with the new principle of equality introduced by the new family law. Thus, the labor code has paid attention to sexual harassment in the workplace. Apart from that, in 2007 the citizenship code was amended, and for the first time Moroccan women are now able to pass their citizenship on to their children, even if they are not married to Moroccan men. Nowadays, a process of revising the penal code is ongoing as well, and a drafting project of a national law protecting women against violence. In October 2008 there was an announcement about the lifting of the Moroccan reserves to the UN CEDAW convention, and this was formally confirmed in April 2011; the UN Additional Protocol has also endorsed Morocco for being against gender-based violence.

Finally in October 2009, the so-called Soulaliyates, a group of women belonging to some tribes who own ancestral lands and who – since the 1920s in the last century – had been deprived as women of their right to the income from these collective lands, were granted like men the right to benefit from the patrimony of their ancestors.

28.3 The Challenges

Changing the law is undeniably a very important step. Still, to benefit from, protect and promote the rights brought by the new family law, the Moroccan society as a whole still faces major challenges.

1. Public information and practical implementation of the new family law are both still insufficient.
2. Mainstreaming the gender issues in all policies and laws has started but is not yet enough.
3. For the empowerment of Moroccan women the big issue is reducing the poverty and illiteracy rates and promoting more integration of women into the economic sphere.

4. Changing the mentality, which for sure is the most difficult task, will take much time. This can be done by families, schools and the media, all based on the principle of equality.

28.4 The Present and the Future of Women's Rights in Arab Societies

28.4.1 How Did Women Act, and What Kind of Role Did They Play in the Arab Spring?

There is general agreement that Arab women have suffered as workers and family caregivers but also as second-class citizens who were denied rights. This is why we could predict a large participation of Arab women at the forefront of the protests. Today, the question is: what will the future bring for women, after the revolutions are over?

I have published on this issue in one Moroccan daily newspaper. In early March 2011, I wrote a paper called 'So that Also Women can benefit from the Arab Spring',[5] showing two pictures from Tunisia's protests: one saying 'Don't touch my dreams' and another saying 'Don't touch my rights'. This was to reflect and discuss how Tunisian women – and all Arabs in general – are afraid about the future of their general status. In my paper I recalled the fact that usually, after revolutions, women become disillusioned. In Algeria, Democratic Yemen, Iran and Iraq, changes of political regimes ended with substantial declines in terms of women's rights. By a retrograde and patriarchal instrumentalization of Islam, the new revolutionary teams justified the regression of women's rights by recalling *the attachment of Muslim people to the 'sanctity' of their 'cultural specificities'*. Therefore, it is a duty for all democrats to be careful about women's rights and not forget that women have taken on important roles in these revolutions that brought down the totalitarian political regimes that were in place. As such, all democrats have not only the duty to secure women's rights when they exist but also to promote justice and gender equality as universally defined.

In Morocco, as a result of the 20 February 2011 protests, there is now a process of changing the constitution. Women are skeptical of this process. How will it be guaranteed that the new constitution will secure and promote the egalitarian spirit brought by the new Mudawana? This key question is supported by the current attempt of Islamic parties and traditionalist groups repeatedly to use religion as a political tool against the clear constitutional statement of gender equality.

What should the founding principle of the new constitution be? From which referential framework should it come? Human rights? Islamic jurisprudence? Should it be based, like the new Mudawana, on the double referential framework integrating human rights and Islam?

The ongoing process for a new constitution has a lot of similarities with the one for the Mudawana: gender issues are in both cases at the heart of the debates. This is why I published another paper, entitled 'Open Letter to the Consultative Commission in Charge of revising the Constitution', where I make some parallels with the challenges faced during the process of changing the Mudawana. The major question I put into discussion is: '*What is negotiable in human rights?*' Women's civil rights have historically been the issues where religion is used to maintain patriarchal injustices. The reluctance expressed by some protagonists against the clear registration of gender equality in the constitution is the fear that this could open up the possibility of questioning current rules of inheritance. Some are waving the spectrum of 'religious immutability' once again. Besides the fact that reforms in this area have already started in the family code with the Wassiya Wajiba, it is also unacceptable to sell out or amputate the principle of equality. The inheritance law issue is already subject to debates, whether on Taâsib – the agnatic inheritance rule – or on the right of women to benefit from their inherited ancestral communal lands, as with the Soulaliyate women. We should debate responsibly. The experience of 8 years has shown that Moroccan society can responsibly use the relative equality proclaimed by the family code, with greater stability for Moroccan families as a positive result.

To advocate for reform of the constitution that respects democracy and women's rights/human rights principles and laws, large networks have been created, such as the 'Female Spring for Democracy and Equality network'. Working with representatives of NGOs operating outside of Morocco, they published on 18 May a memorandum requesting '*gender equality in political, civil, economic, social and cultural rights*' and claiming the '*overwriting of the national law with the international laws on human rights and the prohibition of any bilateral agreement with Europe which does not take into account the rights of women and the equality principle of men and women*'.

28.4.2 How to Deal with Democracy, Human Rights and Women's Rights in Muslim Countries and in a Muslim Context?

The future of women's rights is a key issue of the Arab spring. Women's challenges and struggles are not only ideological and legal battles, they are also social and political struggles. Women's rights are one of the major ways to prevent and prohibit the use of Islam as a political instrument; in other words, they help encourage a separation between religion and the state laws and policies. Muslim societies need to educate people properly in order to change their traditional representations and patterns of thought. To promote justice, equity and equality in general, as well as to protect women's economic rights, they need appropriate economic and social policies. Then Muslim women can really promote, protect and benefit from any advance in their legal status.

Notes

1. National Socio-demographic Survey 2009–2010, Haut Commissariat au Plan, Royaume du Maroc; available online @: http://www.hcp.ma/Enquêtes-socio-demographiques_r29.html
2. Emmanuel Todd and Youssef Courbage, *Révolution culturelle au Maroc: Le sens d'une transition démographique* (Paris: Institut National d'Etudes Démographiques de Paris, 2007); available online @: http://www.fondation-res-publica.org
3. Article 400: 'concerning issues not addressed by the Code: *Reference may be made to the Malikite school of jurisprudence and to Ijtihad to fulfil and enhance Islamic values, notably justice,* equality *and amicable social relations*'.
4. An English-language version of the Moroccan Family Code can be found @: http://www.hrea.org/moudawana.html
5. *L'Economiste* 3477 (2 March 2011), available @: http://www.leconomiste.com/article/pour-que-le-printemps-arabe-soit-aussi-femininbripar-le-pr-nouzha-guessousi

Chapter 29
The Debate on Religion, Law and Gender in Post-Revolution Tunisia

Amel Grami

Abstract In a society transitioning to democracy from an authoritarian regime, drafting a new constitution is an important step in the establishment of a civil and democratic state. Indeed, the demand of Tunisians to write a new constitution reflects their ambitions, aspirations and hopes; but reality shows a huge gap between the expectations of the majority of Tunisians and the result of the drafting process. The Tunisian transition is characterized by a fierce debate between the secular and the religious forces. This unfolding confrontation forms the backdrop to the process of drafting a new constitution, amid anxiety surrounding the place of Islam in the new political system. However, fears of the resurrection of a new theocratic dictatorship are mitigated by a dynamic civil society in which the voiceless or those who were abused by the former regime of Zine Al-Abidine Ben Ali are becoming distinctly vocal. Their action has become increasingly visible, evolving around the place of religion, law and gender in the new constitutional framework and context. This article focuses on the debate on religion, law and gender in post-revolution Tunisia.

Keywords Gender • Law • Post-revolution transition • Religion • Tunisia

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29.1 Introduction

Since Ben Ali fled the country on 14 January 2011, Tunisia has been going through a period of transition on many levels. At the political level, two interim governments accompanied Tunisia to its first free elections (23 October 2011), when a constituent assembly was elected to draft a new constitution and govern the country, initially, for a year. At the level of civil society, a bulk of actors emerged, to which we add the proliferation of media outlets, both print and broadcast media, to mention just a few sectors that have been visibly affected by change in the post-revolution era. One of the key sectors equally affected by transition is the legal one. This has equivalently been accompanied with an important surge of religious activism and debates on the role and function of religion in the transition period reflected essentially in the victory of the Ennahda Islamist movement in the elections and the proliferation of various forms of extremism calling for the establishment of a caliphate and the application of shariah law.

Soon after the elections, the Tunisian people started to discuss a number of issues such as the role of religion in the Tunisian public, political and legal spheres, the status of women, the role of laïcite' [secularity] as a central element of the political constitution, secularism, the application of shariah law and many other fundamental theoretical issues. Indeed, although the Tunisian people appear united on the narrative of corruption and oppression under the Ben Ali regime, only part of the population seems to share the idea to build a civil and democratic state. Opinions on the nature of the political regime and the new social and cultural projects differed. On the one hand, the supporters of secularism campaigned for a civil state while Islamists defended Islamic principles, and the radicals among them called for a shariah-abiding state. The different opinions culminated in a different understanding of 'shariah law', civil state, democracy, legitimacy: namely, the power relations in a country that is going through political transition.

29.2 The Debate on Religion

Religion is a human, historical, social and cultural phenomenon. As such, religious ideas, practices, discourses, symbols, institutions and social expressions are constantly undergoing change. After the recent Tunisian uprising, the role of religion in the social and political spheres, including the constitutional debate and political action as a whole, has taken many forms: rejection or confrontation leading to attempts at either adaptation or acculturation. All these forms have an impact on:

- the relationship between religion and the state;
- the relationship between religion and the wider political society;
- the role of religion in public life;
- the visibility of some religious rituals in the public sphere
- religion and its effects on political and social change;
- the outcome of state and civil law on religion.

It is obvious that Tunisia is embarking on a long process of constitution writing that takes an unprecedented national dialogue and a broad involvement of various stakeholders and actors. The gap between Islamists on the one hand, and liberals, leftists and secularists on the other, is of particular concern, especially in the light of the growing influence of radical groups amid calls to include shariah law in the constitution as the main source for lawmaking.

There is no doubt that almost all forms of religious expression had been banned under Ben Ali's regime. However, after the revolution, Tunisians witnessed a quest for visible religious culture: new discourses, new practices, new styles of dress, beards, public preaching, spectacular communal prayers in stadiums, on beaches and in the streets, the creation of religious nursery schools, Qu'ranic associations, charity organizations and an explosion in religious book sales. To these local emergences, one can add the role played by the influx of radical preachers coming from Egypt, Bahrain, Kuwait, or Saudi Arabia, known to the Tunisian public thanks to religious satellite channels, who present themselves as agents of change, calling for the adoption of shariah law and the need for a radical social change affecting behaviors, relationships and politics. They preach a form of radical Islam that praises female circumcision and veiling young girls, urging Islamists to fight secularists and purify the country from unbelievers. All these beliefs and practices are conceptualized as 'religion'. It has been the background to an important debate, sometimes clashes, between the various trends and movements in the country that, as discussed in this article, have been noticed and commented upon by foreigners and Tunisians alike.

For months, the question of how Tunisia's Arab Muslim identity should be expressed has been a central issue to the debate on the constitution's preamble. Deputies from the Ennahda Party succeeded in stressing the importance of including in the draft constitution some symbolic statements about identity, religion and legal principles. There was also an attempt by the majority members of Ennahda in the constituent assembly to reconcile Islamic and international law. They sought to make international conventions applicable in certain cases and not others when, as they judge, these conventions do not accord with shariah principles. However, these measures have not succeeded in clarifying completely the relationship between religious law and international human rights. There are striking ambiguities in some of the provisions of the new 2014 Constitution leaving room for interpretations that can be detrimental to women's and minorities' liberties and rights.

According to Ennahda leaders, law is a socio-cultural paradigm; it should reflect the belonging of Tunisians to the Islamic Umma [community] and reflect, too, the Islamic principles, rules and vision of life. In fact since the 2011 elections, when the Ennahda Party tried to make concessions when it met with fierce opposition, it has encountered vocal opposition from fundamentalist groups calling for an Islamic state. These groups come from within the party (some deputies such as Habib Ellouz and Sadok Chourou are reputed to be hardline Islamists . . .), as well as from Salafist groups who advocate an Islamic state governed by shariah law (Islamic law).

In 2011, a number of associations and thousands of demonstrators gathered together to urge the members of the national constituent assembly to use shariah as

the fundamental source of legislation for Tunisia's new constitution. According to fundamentalists, secular laws conflict with some interpretations of shariah, such as those concerning adoption and single mothers who give their own names to their children. They sustain that the ban on polygamy challenges the teachings of Allah and the Prophet Muhammad. Islam allows men to have up to four wives while the secular laws deny it. Also some fundamentalist groups proposed legislation that would criminalize drinking alcohol and eating in public spaces during the holy month of Ramadan. However, their plan is not only limited to Tunisian domestic law; they demanded that international treaties that contradict shariah law be disregarded.

Although the re-Islamization of society has been a shared aim of Ennahda and other groups, such as HizbTahrir, Ansar Al-Shariaa and jihadists, Ennahda's position towards shariah has been from the beginning unclear. The ruling party was accused of attempts to displace the demands and slogans of the protesters and to insert shariah into the constitution. Furthermore, Ennahda's position regarding democracy and Salafists also has been questioned. Ennahda leaders found democracy compatible with their phased Islamization process as 'the nation is the source of authority'. According to many, their victory in the elections was not political but a will of Allah to save a society drifting away from the teachings of Islam.

Many members of the opposition in the constituent assembly have voiced their concerns that the civil aspect of the state is not sufficiently highlighted in the draft constitution and that religion dominates its preamble. Several thousand Tunisians from across the political spectrum gathered on 20 March 2012, Tunisia's Independence Day, to protest, calling for a modern, civil and democratic state which protects human rights.

On 25 March, Salafists came out in droves with roughly 8000 protesters to call for shariah law. The protest caused quite a stir, with a few protesters climbing a national monument and waving the black Salafist flag. The growing dissent embarrassed Ennahda, which found itself humiliated and exposed. Rached Al-Ghannouchi declared that shariah law will not be implemented and took a stand on 25 March, issuing a statement that the first article of Tunisia's original constitution which states that Tunisia is a free, sovereign and independent state whose 'religion is Islam, language is Arabic, and regime is republic' will remain the same.[1] Al-Ghannouchi insisted that his party strives to draft a constitution that represents all Tunisians and to show that it is a moderate party.[2]

However, in May 2012, the Ennahda-led government granted a licence to Jabhat Al-Islah, one of the main Salafist groups, allowing it to become an official political party, and one to the Moderate Association for Awareness and Reform, a 'civil society' organization that advocates the implementation of Islamic law by controlling the behaviors of people and imposing social rules. There is no doubt that this decision is an attempt to win back support from Salafists. For the first time, Salafist groups that openly reject the principle of the civil state and even elections, advocating the sovereignty of Islamic legislation, are officially participating in the political process. Some Ennahda leaders explained their decision as part of the principle of allowing all groups to express their political opposition within the social sphere

provided that they do not use violence. Nevertheless, it remains problematic that a group which rejects a core democratic institution and hints at the use of violence is eligible to participate in elections.

In October 2012, a video of Al-Ghannouchi in a meeting with a group of Salafists revealed other facts as he stated that 'secularists still control the economy, the media and the administration. The army and police are not guaranteed either.' He advised the Salafi leaders to 'use the "popular" associations, establish Qu'ranic schools where they wish and appeal for more religious preachers, as Tunisians are still ignorant of Islam'.[3] All the attempts of Ennahda leaders to discredit the video did not succeed in dispelling this growing mistrust among Tunisians.

Liberties have also been part of the issues that raised debate and attracted the attention of a wide national and international audience. Ennahda defends article 3, which calls for the criminalization of religious offences, stating that 'The state guarantees freedom of religious belief and practice and criminalizes all attacks on that which is sacred'. In fact article 3, which has been the subject of an important debate, has been considered as the most problematic in the draft constitution. Many activists saw the article as restricting the range of freedom of expression in Tunisia, and felt it may be used as a convenient vehicle for political and social repression. However, groups that would typically be expected to oppose article 3, like the Tunisian League of Human Rights, journalists' associations and secular political parties, have kept silent, likely for fear of losing legitimacy with Tunisian society, which tends to view offences against Islam as unacceptable. Those political forces felt that they were obliged to appropriate their ideologies in conformity with the occurring conflict between the state, the conservative forces and the radical forces. While some Ennahda leaders spoke out publicly against what they saw as the excesses of free speech and 'attack on the sacred', a number of democratic political leaders criticized particularly artists and bloggers for overt criticism of religion. Moreover, most of the political bodies have recourse to a religious lexicon in order to fit into the larger legitimate narration officially embraced by the state. It is important to note that both Islamists and secularists, while competing for power and public space domination, manifested an intellectual impasse in reaching an agreement about the place of religion in politics.

In sum, the debate inside and outside the constituent assembly shifted from the debate on the universal questions of citizens' rights regardless of religion, gender, class or race, to the difference between good and bad Muslims – those who support Islam and those who are increasingly and overtly accused of being the "enemies" of Islam. The national constituent assembly reflected a larger debate and overt clashes took place at the wider public sphere between the defenders of 'good Islam'. There is on the one hand, a Salafist concept shaped by the more radical, medieval elements within the Muslim community that is dismissed as foreign to Tunisian Islam by the moderate Islamists and seculars. And on the other hand, there is a much more liberal view of Islam compatible with Western institutions and lifestyle that is equally rejected as foreign to Islam.

There is no doubt that the emergence of a free, vibrant and critical public debate about many issues such as freedoms of expression, belief, thought and creativity

was not confined to Ennahda party. The party tried to establish a new role for religion in the public sphere, which both freed religion from the state instrumentalization and yet protected religious values as the pillar of a new Tunisian identity. According to Ennahda the constitution should not just defend freedom as the basis of all universal liberties but should also reflect and defend the Arab Islamic identity of the Tunisians. The final article 6 voted in 2014 decreed that the state guaranteed freedoms of belief, conscience as well as worship and gave the state the right to 'protect the sacred' and prevent 'harm' to it. As Rory Mccarthy argues "Article 6 was vague and contradictory. It defended freedom of conscience, which implied the right to change one's religious conviction and to express this change freely. However, the article also gave the state broad power to prevent unspecified harm to the unspecified 'sacred', a formulation that would give judges and politicians much leeway in writing judgments or laws that restricted rival interpretations of religion or critiques of religious belief."[4]

29.3   The Debate on Law

In pre-revolution Tunisia, people viewed the law as a tool used by the autocratic government of President Zine Al-Abidine Ben Ali to oppress them. It was feared and mistrusted. This is no longer the case, according to political leaders. After a popular uprising that ousted the government and its leader in 2011, law is now at the heart of public debates and action in the country. As L. Flynn points out:

> Law is one of the sites at which the self is formed and shaped, along with education, religion, medicine and the other constituents of culture. In this sense, law operates as a social contract in which identities are assumed, altered and traded. This process is particularly powerful in the realm of constitutional law because, in defining the boundaries of public power, the nature of the State and the role of the citizen, a constitution claims to be the base from which public power is constituted and, implicitly, on which key aspects of legal personhood are constructed.[5]

There is no doubt the process of drafting a new constitution is very long. So far, four drafts have been made public and the latest version represents an effort to reach compromise. Ennahda has been advocating that the drafting will be the fruit of a broad consensus. It is important to note that Ennahda confirmed on the one hand its will not to impose shariah as a main source for legislation in the new constitution, and using an Islamic terminology giving room to many interpretations on the other hand. Ennahda perceives liberal values negatively but has tried at the same time to create a compromise between religion on the one side and politics and culture on the other. This effort to conciliate both religious and liberal values and to combine them together in the Tunisian life has failed because Ennahda preferred religion's prevalence in politics and culture and succeeded step by step in imposing its rule inside the constituent assembly.

It is important to note that democratic traditions and religious value systems are interacting and coexisting in more than one way inside the constituent assembly. The final version of the Constitution (2014) is an improvement but still contains loopholes that could be used by future rulers to undermine human rights and restrict them on several bases. In fact, most of the problems are not apparent within individual articles but by viewing the document as a whole we can notice contradictions that could be exploited in the long run by a government that does not hold moderate views. The preamble that was added to the final draft (2014) shows that the legislator restricts universal human rights to those 'that are in harmony with the Tunisian people's cultural specificities'. The vague and loose concept could mean anything for future rulers and could be used in order to empty the rights of their real meaning.

Article 136 of the constitution also prohibits revisions 'related to Islam as the religion of the state', a provision that could be interpreted as alluding to an Islamic state or Shariah law. The majority of Ennahda constituent assembly members do not recognize international conventions that Tunisia has already signed as part of the new law of the country. They are convinced that it is time to change this relationship between national laws and international laws. The nature of treaty obligations is of significance for the purposes of arguing for constitutional change, but deputies from the Ennahda Party are convinced that international law is a distinct legal order which operates separately from the domestic legal systems. They do not think that international law is some sort of 'higher law' which trumps the domestic one.

The dialogue about law mirrors the perception of the role of law in post-revolution Tunisia. The challenge of bridging the gap between what is preached and what is practiced can be achieved only with time, citizen participation, vigilance, commitment, political will and the support of leaders. It is a longterm challenge.

29.4   Gender Considerations in the Draft Constitution

The first Tunisian constitution was drafted exclusively by men and contains a number of provisions that directly or indirectly raise gender concerns. Bearing this in mind, many activists and feminists thought that the transition period represents an important opportunity to open a dialogue with women about citizenship and the modern values we want the state to embody and apply. Because of the emerging demands by fundamentalists and extremists (claiming for polygamy, early marriage, forced marriage, the veil, the niqab (integral veiling)) and the war with terrorism, the struggle for Tunisian women's rights continues today. The constitution that institutionalizes full gender equality may remain a utopian vision unless a concerted effort by societal forces transforms these visions into reality. The concern of democratic and liberal forces is to place equality and women's rights at the heart of the new constitution.

Indeed patriarchal attitudes and practices were already rife in Tunisian society before the revolution. However, by crystallizing those attitudes in a symbolic text,

the second draft of the constitution at best impeded their reversal and at worst actively entrenched them. In fact, since 2011, gender roles, relations and norms have been contested by the majority of Salafists and Islamists. The Ennahda Party believes that stating in the constitution's preamble that women and men are equal will suffice. However, a closer look at the individual articles of the several drafts of the constitution reveals serious discrepancies with this broad statement in the preamble. Many discourses of Ennahda leaders show that they do not believe in the concept of gender equality as stipulated in international human rights treaties. Many leaders sustain that no law can be enacted that 'contradicts the universally agreed tenets of Islam'.[6] According to them equality means equity.

The lack of political will to take further steps to improve and update the code and advance women's rights (inheritance law, for instance) can be attributed to the widely accepted idea that such reforms are contrary to Islam and Arab culture. The age-old concept of gender differentiated roles that see the male as the final decision-maker and power wielder, and the female as the nurturer, caretaker and producer, forms the primary structure of Arab society, touching nearly every dimension of women's lives.

Some women members from Ennahda believe that women have an equal, but different, role to play in society. This is not an uncommon view among religious groups, especially from the Abrahamic faiths, who believe that God created human-kind in pairs and assigned different roles to each gender. This idea is also shared by Brotherhood and Islamist groups in Egypt, Jordan, Palestine and Morocco. The 'Silent Sisters' (Ennahda deputies inside the constituent assembly) made no mean-ingful contribution to the debate on what needs to be taken into account in writing a constitution when gender equity and agency are goals. Neither did they focus on equality rights and examine constitutional language, interpretation, structures and distribution of power, rules of citizenship, processes of representation, and the con-stitutional recognition of international and customary law. The majority of women deputies from the Ennahda Party in the constituent assembly have not been working in the interest of women's rights. They aspire to show greater independence from western hegemony by returning to "authentic" Muslim culture. Also they did not claim parity in drafting the new law on elections and some overtly have opposed the principle of equality and rejected the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW), defending the concept of complemen-tarity as being closer to the religious views they advocate.

Their distinctive project has been voiced as Islamist women have been lobbying to impose their agenda. They created a solidarity network in the form of a civil society coalition 'Union des Femmes Libres' [Union of Free Women] in 2011 for the defense of Arab and Islamic identity. It includes 4 associations: 'Haouwa' [Eve], 'Femmes Tunisiennes' [Tunisian Women], 'Femmes et Complémentarite´' [Women and Complementarity] and 'Tounissiet' [Tunisian Women]; and it organized a cam-paign against CEDAW. According to activists and liberal forces, the constitution may reaffirm the importance of cultural and religious traditions, but it should also state clearly that these sources of informal law must conform to international law,

especially regarding women's rights, and that the state does not condone practices that discriminate against women and other groups.

Following the controversy that was caused by the question of equality between men and women, article 28 (stating that women are 'complementary' to men) was deleted from the second draft constitution. On the 13th of August 2012, Tunisian Women's Day, thousands of Tunisians took to the street protesting against this decision. A general consensus has been reached on the principle of equality between men and women, in rights and duties. It has been also agreed that women and men are equal not in the law but before the law and enjoy equal opportunities. In making recommendations for the constitution, Tunisian women's rights advocates had to grapple with the very real conflicts and tensions between popularly held interpretations of religion and tradition on the one hand, and standards for the promotion and protection of women's human rights on the other. For instance, it was very important to feminist women to include the term 'Tunisian men and Tunisian women' in the new constitution instead of 'people', (the term in Arabic language being gendered can be read as referring to men) which could be interpreted as applying only to men. Women activists have been keenly aware that they may be denied rights equal to men if the final language does not reflect gender consciousness. Therefore, women activists advocated including the term 'Tunisian women' in some of the provisions and articles of the new constitution.

We should mention that the issue of women's political representation was discussed in terms not only of gender but also of religion. While secularists were defending the parity law requiring the alternation of men and women on the lists of all political parties running in national and regional elections, some conservative women from Ennahda Party were strongly against this law. The debate was gendered at the outset, because both supporters and (to a lesser extent) opponents of the parity made explicit references to women and men. Some deputies attacked parity by using the classic anti-feminist argument: that feminist demands were particularistic and 'bourgeois' deviations from reality. They wondered whether it was the right moment to increase the women's quota and whether the party might not better concentrate on the resolution of more pressing problems.

On the opposite side, activists used several arguments to defend the parity law. They countered that women were absent from the hierarchy of the party and the state because they were discriminated against in subtle and not so subtle ways, and not because there was an insufficient supply of potential female candidates. Advocates argued that in the absence of parity men would never voluntarily give up power, given that many party structures are dominated by men seeking to keep the upper hand in all key areas. However, many women want power to improve society and help others. Moreover, activists reminded their opponents that the international recommendation on the measures to increase women's presence in political decision-making positions should be adopted by member state parties.

After a heated debate, the assembly accepted an amendment to Article 45 outlining the protection of women's rights under the new constitution. Nine women deputies from the Islamist party Ennahda voted against the amendment. The amended article reads: "The state guarantees the protection of women's rights and supports

the advances therein. The state guarantees equal opportunities for women and men to take on various responsibilities across domains. The state strives for gender parity in all elected councils. The state takes all necessary measures to eradicate violence against women."

According to the Tunisian women's movement, the transition provides them with opportunities to open the way for new political and economic participation and to achieve constitutional gains that can be stored up for more substantive achievements in the future. But transitions are also times when reconstruction can be a euphemism for reinventing patterns of patriarchal and elite control over society. Both the possibilities and the dangers present strategic challenges for feminist and gender activists. A danger in 'rights' talk is that tradition might trump more democratic ways of doing things.

Fortunately, women have been well-organized in a diverse range of groups in Tunisia and formed a coalition that vigilantly monitored the negotiations and prevented the constituent assembly from compromising women's equal citizenship claims. The Women's National Coalition protested and lobbied, held media conferences and appeared on television challenging the negotiators to dare to tamper with women's rights. The first lesson of transition learned in Tunisia is the imperative for women to be well-organized and to vigilantly monitor peace and constitutional processes.

29.5   Ideological Polarization of Society

The debate on religion, law and gender in the Tunisian draft constitution has had an important impact on the process of transition and on the political and social environment during the transition period. The 'moderation' of the Ennahda Party has lately been questioned due to its ambiguous position vis-a`-vis the democratic principle of individual freedom, religious liberty and the civil state. The issues of Salafism and women's rights serve to highlight that there are tensions regarding the establishment of a democratic order with space for Islamic values and pluralism in Tunisia. In fact, there are two social projects for Tunisians.

The experience of building a ruling Islamist–secular coalition in parliament illustrated the critical importance of – and potential for – compromise. But, tensions between Islamist and other secular groups have starkly mounted; each group remains stuck in its respective position, rendering communication and exchange very difficult. The polarized political context, the fragmentation of civil society, a lack of vision and strategic thinking and the deficiency to unite around important topics have together led to a weakening in the position and influence of civil society.

After the emerging tensions that complicate and undermine prospects for successful transitions, Tunisians are wondering why Ennahda sought to address issues of identity and state, issues dating back to the early years of independence. Such questions include the place of religion, specificity and the brand of modernity suited

to a 'Muslim' Tunisia. Another question is the reason behind the involvement of religion and constitution in this dialectic on modernity and conservatism, to which are added the doubts raised about Tunisia's potential in establishing the foundations of a civil and democratic state to serve as a model for democratization in the region.

To answer these questions, there is a need for an ongoing all-inclusive national dialogue in the future addressing various topics related to state-building, the economy and society that does justice to the people's needs. Recently, disappointment with new regimes gave rise to absenteeism. When people do not believe that their vote can make a difference, more and more of the electorate abstain from casting their vote on the day of elections. These are the real challenges for Tunisians.

Experience showed that despite the legislative power Ennahda enjoyed by controlling 41 % of the seats in the constituent assembly, the party "failed" in its attempts to implement a stronger role for Islamic law in either the constitution or the domestic legislation of Tunisia. This "failure" appears to be the result of fierce opposition from secular forces not only in the constituent assembly itself, but also in the streets in the form of public protests. Previously, constitutional matters were not a central topic in public discussions. Actually, people have been more interested in issues related to law. The public debate on the processes of drafting the constitution, transition and election has become emblematic of a much wider discussion in Tunisia that is going on.

In sum, we can say that the Tunisian constitution was the product of negotiation and compromise reached with difficulty by the main parties during the transition to democracy. The debate shows that the process giving rise to relative success is shaped not just by internal revisiting and ideological evolution within Ennahda party. It is also the result of compromises made necessary by the fact of being the ruling party forced to negotiate with an opposition and to answer to media and civil society criticism. We should acknowledge that Ennahda was ready to accept the pragmatism and policy challenges required by being in government and was able to cope with international and local pressures.

29.6   Conclusion

Exploring the Tunisian public debates on religion, gender and law, we distinguish between the role played by civil society on the one hand, and the reaction of the government on the other. The events and debates that occurred over the last 4 years were behind hopes and expectations as well as fears of involution and further polarization.

Although the process of democratic transition is characterized by an increasing polarization between those who defend secularism and those on the religious right, Tunisians are using civil society and party politics to create some conditions for active participation, and building new strategies of resistance. By organizing meetings, protests, campaigns, writing in newspapers, using blogs and other social networks, activists have successfully influenced the political debate as politicians have

been obliged to reconsider and change their positions and views. Civil society pressure aimed in fact at abolishing the division between the rulers and the ruled, establishing the first steps for inclusive democracy.

In this long and complex path towards democracy and in this context of economic crises, fear of terrorism,[7] Tunisians are aware about the need for debate and the exchange of ideas. For the first time, they are sitting around the same table, learning how to listen to each other, to reach compromise and understanding despite difference. In such a crucial time, as their future state and society are being defined and discussed with many controversies, politicians, state institutions, civil society organizations and agents of change from all professional, cultural, societal and ideological backgrounds are, according to their capacities, skills and degree of engagement, involved in the process of shaping their society, its political system, its identity, its institutional model, among other elements, through the writing of their constitution as well as through the reform of institutions and governance mechanisms.

In the transition period, discussions were not battles about the form of the political system, since views on this soon became virtually unanimous, nor about rival political ideologies, but rather about the Tunisian "way of life", namely the 'correct' beliefs and 'appropriate' conduct for post-2011 Tunisian society.[8]

The story of the Tunisian revolution is a narrative, and like all narratives it brings with it a set of elisions and particular positioning factors that, in this case, have resulted in forms of disorientation over how things have progressed. Indeed, the majority of Tunisian citizens is proud of the new constitution and defends it as legitimate, progressive and reflecting their expectations. Regardless of their positions, they feel both bound and protected by its provisions. However, the implementation process will certainly be the biggest challenge for the consensus achieved around sensitive issues of religion and law.

Notes

1. Luke Browne (2012), "Tunisia's Ennahda Party to Oppose Sharia in New Constitution," in *GlobalPost* (26 March), accessible @: http://www.globalpost.com/dispatch/news/regions/africa/120326/tunisia-ennahda-party-oppose-sharia-new-constitution.
2. Wilson Center (2014), Ghannouchi: Tunisia's New Political Order, (26 February) accessible @: https://www.wilsoncenter.org/article/ghannouchi-tunisias-new-political-order
3. A video secretly shot by one of the Salafists attending the meeting with Ghannouchi was widely shared on the social networks. Extracts are available @: https://www.youtube.com/watch?v=wk1iiBEnC_E
4. Rory Mccarthy, "Protecting the Sacred: Tunisia's Islamist Movement Ennahdha and the Challenge of Free Speech", *British Journal of Middle Eastern Studies*, 2015. Vol. 42, No. 4, 447–464, http://dx.doi.org/10.1080/13530194.2015.1005055, p. 463.
5. L. Flynn, 'To be an Irish Man: Constructions of Masculinity within the Constitution', in T. Murphy and P. Twomey (eds), *Ireland's Evolving Constitution 1937–97: Collected Essays* (Oxford: Hart Publishing, 1998), pp. 135 ff. (p. 137).

6. Amel Djaït (2013), "L'autre portrait d'un « Faucon » d'Ennahdha: Habib Ellouze," in *Directinfo* (3 March), accessible @ http://directinfo.webmanagercenter.com/2013/03/03/lautre-portrait-dun-faucon-dennahdha-habib-ellouze/.

7. The drafting process was interrupted for some time owing to the assassination of the secular opposition leader, Chokri Belaid, on 6 February 2013 and Mohammed Brahmi on 25 July.

8. Malika Zeghal (2013), 'Competing Ways of Life: Islamism, Secularism and Public Order in the Tunisian Transition', in *Constellations*, 20 (2), p. 255.

Chapter 30
Faith in Law? Diffusing Tensions Between Diversity and Equality

Ayelet Shachar

Abstract This article evaluates demands for *privatized diversity* that destabilize traditional notions of separation of state and religion, by asking secular authorities to adopt a hands-off, non-interventionist approach, placing civil and family disputes with a religious or cultural aspect beyond the official realm of equal citizenship. This potential storm to come must be addressed head on because it mixes three inflammatory components in today's political environment: religion; gender; and the rise of a neo-liberal state. The volatility of these issues is undisputed; they require a mere spark to ignite. The standard legal response to this challenge is to seek shelter behind a formidable 'wall of separation' between state and religion, even if this implies turning a blind eye to the concerns of religious women – especially those caught in the uncoordinated web of secular and religious marriage bonds. I will advance a different approach. By placing these once-ignored agents at the centre of analysis, this article explores the idea of permitting a degree of *regulated interaction* between religious and secular sources of identity and obligation, so long as the baseline of citizenship-guaranteed rights remains firmly in place.

Keywords Gender • Identity • Neo-liberalism • Privatized diversity • Religious jurisdiction • Religious minorities • Secular jurisdiction

How should a democratic state and its public law system respond to claims by members of religious minorities seeking to establish private faith-based arbitration tribunals to resolve family disputes? Classic liberals and civic republicans would have

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had a quick response to such a query. They favoured a strict separation between state and religion, as part of their support for drawing a plain and clean line between the public and private spheres. Be a citizen in public, a Jew (or a Catholic or a Muslim, and so on) in private, remains the favoured mantra, dating back to as early as the 1791 French National Assembly's decree admitting Jews as individuals to the rights of citizenship, after they had freed themselves from any communal semi-autonomous governance institutions.

But the world now is a very different place. My aim in this article is to highlight the centrality of women, gender and the family in renewed state and religion contestations that inject new meanings into the traditional categories of 'private' and 'public'. The article focuses exclusively on the situation of members of minority religions living in otherwise secularized societies. My interest, more specifically, lies in exploring how different legal arrangements between secular and religious jurisdictions shape and affect women's rights to religious freedom and equality. Of special interest here are those situations in which renegotiated relations between state and religion intersect and interact with public concerns about power disparities between men and women in the resolution of family-law disputes.[1]

At present, the bulk of the theoretical literature on citizenship and multiculturalism engages in intricate attempts to delineate the boundaries of *public*, state-sponsored accommodation of diversity, as exemplified by the veiling controversies. As if these charged dilemmas currently playing out in the courts do not present enough of a hurdle, we are also starting to see a new type of challenge on the horizon: the request by members of religious minorities already present on the territory of a secular state to *privatize diversity*. By this I mean the recent proposals raised by self-proclaimed 'guardians of the faith' to establish private arbitration tribunals in which consenting members of the group will have their legal disputes resolved in a binding fashion – according to religious principles – under the secular umbrella of alternative dispute resolution ('ADR'). While formally deploying the logic of ADR, this new development is potentially as far-reaching as it is unnerving. The main claim raised by advocates of privatized diversity is that respect for religious freedom or cultural integrity does not require inclusion in the public sphere, but *exclusion* from it. This leads to a demand that the state adopt a hands-off, non-interventionist approach, placing civil and family disputes with a religious or cultural aspect 'outside' the official realm of equal citizenship. This potential storm must be addressed head on. This is the case because privatized diversity mixes three inflammatory components in today's political environment: religion, gender and the rise of a neoliberal state. The volatility of these issues is undisputed; they require a mere spark to ignite.

Privatized diversity's potentially dramatic alterations to the legal system increasingly revolve around the regulation of women and the family, placing them at the centre of larger debates about citizenship and identity. These challenges cannot be fully captured by our existing legal categories; they require a new vocabulary and a fresh approach. I will begin to sketch here the contours of such an approach by asking what is owed to women whose legal dilemmas (at least in the family law arena) arise from the fact that their lives have already been affected by the interplay

between overlapping systems of identification, authority and belief: in this case, religious and secular law.

The standard legal response to this challenge is to seek shelter behind a formidable 'wall of separation' between state and religion, even if this implies turning a blind eye to the concerns of religious women – especially those caught in the uncoordinated web of secular and religious marriage bonds. I will advance a different approach. By placing these once-ignored agents at the centre of analysis, this article explores the idea of permitting a degree of *regulated interaction* between religious and secular sources of obligation, so long as the baseline of citizenship-guaranteed rights remains firmly in place.[2] Despite the understandable desire to 'disentangle' law from religion by metaphorically 'caging' each in its appropriate sphere or domain, it is worth contemplating whether a carefully regulated recognition of multiple legal affiliations (and the subtle interactions among them) can allow devout women to benefit from the protections offered by the state to other citizens – yet without abandoning the tenets of their faith. I will demonstrate the possibility of implementing such a vision by reference to a recent decision of the Supreme Court of Canada, *Bruker* v *Marcovitz*, which breaks new ground.[3]

Finally, I will revisit an acrimonious controversy that broke out in Canada following a proposal by a communal Muslim organization in Ontario to establish a private 'Islamic court of justice' (*darul qada*) to resolve family law disputes among consenting adults, known as the 'Shari'a tribunal' debate. I will reflect on the government's chosen policy to ban any type of family arbitration by such faith-based tribunals, thus reaffirming the classic secular–religious divide. While this decision is politically defensible and symbolically astute, it does not necessarily provide adequate protection for those individuals most vulnerable to their community's formal and informal pressures to push them to accept 'unofficial' dispute-resolution forums in resolving marital issues. The decision may instead thrust these tribunals underground where no state regulation, coordination, or legal recourse is made available to those who may need it most.

30.1   Privatized Diversity

Before we turn to alternative remedies, it is important first to articulate the privatized diversity challenge in greater detail. In discussions about citizenship, we repeatedly come across the modernist and liberal schema of separate spheres: we are expected to act as citizens in the public sphere, but remain free to express our distinct cultural or religious identities in the private domain of family and communal life. Yet multiple tensions have exposed cracks in this separate-spheres formula. For example, where precisely does the 'private' end and the 'public' begin? Who is to bear the burdens if the modern state's desire to keep religion out of the public sphere indirectly inspires calls to limit access to citizenship, or, conversely, to create unregulated 'islands of jurisdiction' that immunize the practices of certain religious communities because they occurred under the cover of privatized diversity? By

focusing on these topical issues, we are faced with a larger puzzle: what might the new engagement between state and religion in the twenty-first century look like? Would it permit a path to accommodating diversity *with* equality? In the remainder of this article I will try to provide some concrete institutional answers to this query by reliance on recent and quite creative attempts by courts and legislatures to break new grounds.

Family law serves as an excellent illustration to these simmering gender and religion tensions. It demonstrates that for some observant women, the claim for achieving greater equality and legal protection as female citizens may in part be informed by their claim for religious recognition and accommodation. Consider, for example, the situation of observant religious women who may wish (or feel bound) to follow their faith community's divorce requirements in addition to the rules of the state that remove barriers to remarriage. Without the removal of such barriers, women's ability to build new families, if not their very membership status (or that of their children), may be adversely affected. This is particularly true for observant Jewish and Muslim women living in secular societies who have entered marriage through a religious ceremony – as permitted by law in many jurisdictions.[4] For them, a civil divorce – which is all that a secular state committed to a separation of state and Church can provide – is simply part of the story; it does not, and cannot, dissolve the religious aspect of the relationship. Failure to recognize their 'split-status' position – of being legally divorced according to state law, but still married according to their faith tradition – may leave these women prone to abuse by recalcitrant husbands. These men are often well aware of the adverse effect this split-status situation has on their wives, women who fall between the cracks of the civil and religious jurisdictions.[5]

Add to this the recognition that, for a host of complex historical, theological and institutional path-dependency reasons, family law has become crucial for minority religions in maintaining their definition of membership. Religious minorities in secularized democracies are typically non-territorial entities; unlike certain national or linguistic communities (think of the Québécois in Canada, the Catalans in Spain, and so on). They have no semi-autonomous sub-unit in which they constitute a majority, nor have they power to define the public symbols that manifest, and in turn help preserve, their distinctive national or linguistic heritage. Religious minorities, as non-territorial communities, are thus forced to find other ways to sustain their distinct traditions and ways of life. With no authority to issue formal documents of membership, regulate mobility, or hold the power to collect mandatory taxes, religious personal laws that define marriage, divorce and lineage have come to serve an important role in regulating membership boundaries. These laws demarcate a pool of individuals endowed with the collective responsibility to maintain the group's values, practices and distinct ways of life (if they maintain their standing as members in that community). I label this as family law's *demarcating* function. For some religious minorities it comes close to serving the same core purposes as citizenship law does for the state. It delineates who is legally affiliated to the community and thus strengthens the bonds of continuity between past and future by identifying who is considered part of the tradition. This is why gaining control over the religious

aspects of entry into (or exit from) marriage matters greatly to these communities; it is part of their membership demarcation and intergenerational project. At the same time, family law is also the area in which women have historically and traditionally been placed at a disadvantage both by states and by religious communities, in part because the recognition of female members plays a crucial role in 'reproducing the collective' – both literally and figuratively. Although this core contribution to the collective could, in theory, have empowered them, in most places and legal traditions it led to tight control and regulation of women, treating them, by law, as less than equal.

With this background in mind, we can now see more clearly why the Shari'a tribunal controversy in Canada has provoked such an unwieldy storm of response, as did the Archbishop of Canterbury's lecture on civil and religious law in England, which contemplated the option of allowing British Muslim communities the freedom to regulate certain functions (especially those dealing with family law) according to faith-based principles tamed by state-defined baseline protections. In Ontario, a bitter debate erupted after a small and relatively conservative organization, the Canadian Society of Muslims, declared in a series of press releases its intention to establish a faith-based tribunal that would operate as a forum for binding arbitration on consenting parties. The envisioned tribunal (which never came into operation) would have permitted consenting parties not only to enter a less adversarial, out-of-court, dispute resolution process, but also to use choice of law provisions to apply religious norms to resolve family disputes, according to the 'laws (*fiqh*)' of any Islamic school, e.g. *Shiah* or *Sunni* (*Hanafi*, *Shafi'i*, *Hanbali*, or *Maliki*).

The proposal to establish a tribunal of this kind was perceived as challenging the normative and juridical authority, not to mention legitimacy, of the secular state's asserted mandate to represent and regulate the interests and rights of *all* its citizens in their family matters, irrespective of communal affiliation. In this respect, it raised profound questions concerning hierarchy and lexical order in the contexts of law and citizenship: which norms should prevail, and who, or what entity, ought to have the final word in resolving any value-conflicts between equality and diversity. No less significant for our discussion is the recognition that the proposal to establish a non-state arbitration tribunal of this kind does not by itself provide a conclusive answer to determining how secular and religious norms should interact in governing the family. To the contrary, it served to provoke just such a debate. As an analytical matter, secular and religious norms may stand in tension with one another, point in different directions, lead to broadly similar results, or directly contradict one another. It is the latter outcome that is seen to pose the greatest challenge to the superiority of secular family law by its old adversary: religion.

If the only choice on offer were between rejecting or accepting such a tribunal (as a concrete illustration of privatized diversity comprising 'enclaves' or 'islands' of unregulated jurisdictions) I would strongly oppose it. I would hold this position even if we accept the force of the argument for non-intervention on the grounds of allowing communities as much associational freedom as possible to pursue their own visions of the good in a diverse society. The reason is as simple as it is powerful: hardly anyone suggests that religious liberty is absolute; it may be overridden or

restricted by other liberties or compelling state interests. Without such limitations in place, the state becomes an implicit accomplice in potentially tolerating infringements of women's basic citizenship protections in the name of respecting cultural and religious diversity.

Furthermore, the privatized diversity framework relies on an artificial and oversimplified distinction between private and public, culture and citizenship, contractual and moral obligation. This vision is not only inaccurate on a descriptive level; it is normatively unattractive as well. It is blind to the intersection of overlapping affiliations in individuals' lives. These parallel 'belongings' are often the significant source of meaning and value for religious women; at the same time, they may also make them vulnerable to a double or triple disadvantage, especially in a legal and governance system that permits little interaction and dialogue between their overlapping sources of obligation. Women situated in minority religious communities are often especially hard hit by the privatized diversity framework and are left to fend for themselves under structurally unfavourable conditions.

30.2   The Predicament Facing Vulnerable Members of Religious Communities

The established strict-separation approach asks religious women to adhere to the civil rules on the dissolution of marriage and divorce, leaving it up to each individual woman to somehow negotiate a termination of the religious aspect of the relationship – a task that may prove extremely difficult if the husband is recalcitrant. Another response, often presented by well-meaning philosophers and political theorists, is to recommend that these members simply 'exit' their home communities if they experience injustice within.[6] However, this recommendation provides little solace. If pious women wanted to leave their communities, the central legal dilemmas that haunt them – the challenge of adhering both to secular and to non-state religious requirements of forming and dissolving marriage – would not have arisen in the first place.

Into this vacuum enters the privatized diversity approach. It takes a diametrically opposed path to that of strict separation, placing the need to address the religious side of the marriage at the heart of the non-statist legal response: for instance, by recommending that parties move the 'full docket' of their disputes from public state-provided courtrooms to private faith-based tribunals that may or may not comply with statutory and constitutional protections of rights and obligations. Blanket acceptance of privatized diversity would thus amount to a dramatic redefinition of the relationship between state and religion under the guise of mere procedural reliance on private alternative dispute resolution mechanisms. The price to be paid for such a move might prove dangerously high: forfeiting the hard-won protections that women won through democratic and equity-enhancing legislation, itself achieved as a result of significant social mobilization by women's groups and other justice-seeking

individuals and communities. While offering opposing solutions, the strict-separation and privatized-diversity approaches rely on a common matrix of denying their *shared* responsibility and obligation to assist women whose marriage regulation is grounded in an uneasy amalgam of secular and religious traditions. Between them, the two approaches compel devout women to make an all-or-nothing choice between these sources of law and identity.

This punishing dilemma can be avoided if the option of regulated interaction is contemplated. The core issue for us to assess is whether, and under what conditions, women's freedom and equality can be promoted (rather than inhibited) by law's recognition of certain faith-based obligations that structure marriage and divorce for religious citizens. The additional challenge is to develop a legal approach that can foster viable institutional paths for cooperation that begin to match the actual complexity of women's lived experience. Instead of assuming that gender equality and religious pluralism inevitably pull in contrasting directions, the recognizing of the actual dilemmas and claims raised by women embedded in religion (as in the split-status example) calls for new approaches that utilize state regulation and protection of certain faith-based processes as an opportunity both to empower women and to encourage transformation from within the tradition and by its authorized interpreters. This kind of regulated interaction promotes the intersection of religion with state oversight, ideally encouraging the participation of those long excluded from the temple of formal religious knowledge and the work of interpreting the faith's sacred texts. This is done with an eye to increasing new voices and rereadings of the tradition in a more egalitarian and inclusive fashion, but still within its permissible decision-making and interpretative techniques.

The traditional legal response to such dilemmas is of course different. It tends to relegate civil and family disputes with certain religious aspects *beyond* the reach of the secular courts – and thus outside the realm of provision of the safeguards provided by the state to other litigants or vulnerable parties. This need not, however, be the sole or even primary response to such dilemmas, especially when 'non-intervention' effectively translates into immunizing wrongful behaviour by more powerful parties. In the deeply gendered world of intersecting religious and secular norms of family law, these more powerful parties are often husbands who may refuse to remove barriers to religious remarriage (as in the Jewish *get* [bill of divorcement], elaborated later) or who may seek to retract a financial commitment undertaken as part of the religious marriage contract (as might be the case with deferred *mahr* in certain Islamic marriages). Such retaliation impairs the woman's ability to build a new family or establish financial independence after divorce. The broader concern here is that while their multiple affiliations might offer religious women a significant source of meaning and value, they may also make them vulnerable to a double or triple disadvantage, especially in a legal system that categorically denies cooperation between their overlapping sources of obligation.

Is it possible to find a more fruitful engagement that overcomes this predicament by placing the interests of these historically marginalized participants at the centre of the analysis? Arguably, the obligation to engage in just such renegotiation is pressing in light of growing global demands to re-evaluate the crucial social arena

of family law. From the perspective of women caught in the web of overlapping and potentially competing systems of secular and sacred law, the almost automatic rejection of any attempt to establish a forum for resolving standing disputes that address the religious dimension of their marriage might respect the protection-of-rights dimension of their lived experience, but unfortunately does little to address the cultural or religious affiliation issue. The latter may well be better addressed by attending to the removal of religious barriers to remarriage, obstacles that do not automatically disappear following a civil divorce. This is particularly true for observant women who have solemnized marriage according to the requirements of their religious tradition, and who may now wish – or feel obliged – to receive the blessing of this tradition for the dissolution of that relationship.

In the Canadian debate, this constituency also reflected a transnational element. In families with roots in more than one country, a divorce agreement that complies with the demands of the faith (as a non-territorial identity community) – in addition to those of the state of residence – is perceived as more 'transferable' across different Muslim jurisdictions.[7] In technical terms, this need not be the case – private international law norms are based on the laws of states, *not* of religions. But what matters here is the perception that a faith-based tribunal may provide a valuable legal service to its potential clientele, a service that the secular state, by virtue of its formal divorce from religion, simply cannot provide.

I believe we also face the urgent task of investigating and highlighting the importance of state action (or *in*action) in shaping, through law and institutional design, the context in which women can pursue their claims for equity and justice. Viewed through this perspective, the rise of privatized diversity mechanisms to implement religious principles should rightly be perceived with a healthy dose of scepticism, particularly if the parties lose the background protections and bargaining chips they are otherwise entitled to under secular law. One may well wonder whether this development represents a whole new and convenient way for the neo-liberal state (and its 'rolled-back' public institutions) to avoid taking responsibility for protecting the rights of more vulnerable parties precisely in that arena of social life, the family, that is most crucial for realizing both gender equality and collective identity.

In order to militate against such a result, it is high time to search for new terms of engagement between the major players. They have a stake in finding a viable path that accommodates diversity *with* equality, a path that includes the faith community, the state and the individual. Any solution, however, must do so in ways that will benefit religious women, while duly acknowledging they are members of intersecting (and potentially conflicting) identity- and law-creating jurisdictions.

30.3   Forging a New Path

Any new path requires a delicate balance. On the one hand, it demands vigilance to address the serious communal pressures that make 'free consent' to arbitration a code name for thinly veiled coercion. On the other hand, it requires avoidance of

any hasty conclusion that the answer to such complex legal and identity challenges lies in turning a blind eye to the severe implications of the split-status problem confronting women who wish to maintain good standing both in their religious and in their non-religious communities. A number of alternative ideal-type responses present themselves. I will discuss just two promising alternatives: democratic deliberation and intercultural dialogue in civil society; and changing the background conditions that shape such intra- and inter-cultural negotiations.[8]

The democratic deliberation path emphasizes the importance of dialogue in civil society and involves formal and informal intercultural exchanges. This route permits revealing the internal diversity of opinions and interpretations of the religious and secular family law traditions in question. Deliberation and contestation can also promote agency and direct empowerment through political participation.

While I fully endorse and support these civil society avenues, something else might be required in terms of institutional design to address situations of negotiation breakdown, imbalance of power, and restoration or establishment of rights. That 'something else' translates into a focus on legal-institutional remedies that respond to the fact that erosion of women's freedom and autonomy is increasingly the 'collateral damage' of charged state–religious 'showdowns'. To avert this disturbing result, I will briefly explore how, despite the fact that the strict-separation approach still remains the standard or default response, courts and legislatures have recently broken new ground by adopting what we might refer to as 'intersectionist' or 'joint governance' remedies.

One example is the case I mentioned earlier, *Bruker* v *Marcovitz*,[9] in which the Canadian Supreme Court explicitly rejected the simplistic 'your culture or your rights' formula. Instead, it ruled in favour of '[r]ecognizing the enforceability by civil courts of agreements to discourage religious barriers to remarriage, addressing the gender discrimination those barriers may represent and alleviat[ing] the effects they may have on extracting unfair concessions in a civil divorce'.[10] In the *Marcovitz* case, a Jewish husband made a promise to remove barriers to religious remarriage in a negotiated, settled agreement, which was incorporated into the final divorce decree between the parties. He said he would give his wife a *get*, a bill of divorcement. This contractual obligation thus became part of the terms that enabled the civil divorce to proceed. Once the husband had the secular divorce in hand, however, he failed to honour the signed agreement to remove the religious barriers to his wife's remarriage, claiming that he had undertaken a moral rather than legal obligation. The Supreme Court was not in a position to order specific performance (forcing the husband to grant a *get*); instead, the court ordered the husband to pay monetary damages for breach of the contractual promise, a breach that had harmed the wife personally and the public interest generally. What *Marcovitz* demonstrates is the possibility of employing a standard legal remedy (damages for breach of contract, in this example) in response to specifically gendered harms that arise out of the intersection between multiple sources of authority and identity – religious and secular – in the actual lives of women.

The significance of the *Marcovitz* decision lies in its recognition that both the secular and religious aspects of divorce matter greatly to observant women if they

are to enjoy gender equality, articulate their religious identity, enter new families after divorce, or rely on contractual ordering just like any other citizen. This joint-governance framework offers us a vision in which the secular law may be invoked to provide remedies for religious women to protect them from husbands who might otherwise 'cherry-pick' their religious and secular obligations. This is a clear rejection of a punishing 'either/or' approach, and instead offers a more nuanced and context-sensitive analysis that begins from the 'ground up'. It identifies who is harmed and why, and then proceeds to find a remedy that matches, as much as possible, the need to recognize the (indirect) intersection of law and religion that contributed to the creation of the very harm for which legal recourse is now sought.

30.4 Regulated Interaction

The last set of issues that I wish to address relates to the thorny challenge of tackling the potential conflict between secular and religious norms governing family disputes. The fear that religious law represented a rival normative system that resisted and challenged the paramount constitutional principle of the rule of law clearly played a significant part in the anxiety surrounding the Shari'a tribunal debate.[11] Given the deference typically afforded to out-of-court arbitration procedures, critics of the proposal charged that nothing less than an attempt to use a technique of privatized diversity to redefine the relationship between state and religion was under way. This posed an existential threat that no secular state authority was likely to accept with indifference – not even in tolerant, multicultural Canada. And so, after much contemplation, the chosen response to the challenge was to quash the proposed tribunal with all the legal force the authorities could muster. This took the shape of an absolutist solution: prohibiting by decree the operation of any religious arbitration process in the family law arena.[12] This response, which relies on imposition by state fiat, sends a strong symbolic message of unity, although it is a unity achieved by prohibition instead of dialogue. This universal ban effectively shuts down, rather than encourages, coordination between civil and religious authorities.

A less heavy-handed approach might have been worth exploring, especially once the idea of granting unrestricted immunity in the name of religious freedom to any kind of dispute resolution forum is rejected. The alternatives include a range of options that permit a mixture of *ex ante* and *ex post* regulatory oversight, mandatory provisions that no party is permitted to waive, and enhanced access to whatever public-sponsored resources are normally available to anyone facing a family breakdown. Regulated interaction envisions a new way of allocating and sharing jurisdiction between states and religious minorities.

The major insight here is that today's most contested social arenas – education, family law, criminal justice, and immigration, to mention but a few key examples – are internally divisible into parts or 'sub-matters': multiple, separable yet complementary, legal components. Existing legal and normative models rarely recognize that most contested social arenas encompass multiple functions, or diverse sub-

matters. Rather, they operate on the misguided assumption that each social arena is internally *indivisible* and thus should be under the full and exclusive jurisdiction of one authority, either the state or faith community. On this account, there is always a winner and a loser in the jurisdictional contest between state and religion. But if power can be divided into sub-matters within a single social activity, it becomes possible to have a more creative, nuanced and context-sensitive basis for coordination.[13]

Take marriage. Here at least two sub-matters should be identified. There is a *demarcating* function mentioned earlier, which regulates, among other things, the change of one's marital status or one's entitlement to membership in a given community. And then there is a *distributing* function, which covers, among other things, the definition of the rights and obligations of married spouses, together with a determination, in the event of divorce or death, of the property and economic consequences of this change in marital status. These demarcation and distributive sub-matters parallel the two key legal aspects of marriage and divorce rules: status and property relations. This division permits ample room for legal creativity. Recent studies have shown, for example, that Muslim women in Britain have turned to non-state institutions in order to gain a religious-authorized release from a dead marriage, one that, in certain cases, no longer legally existed because a state divorce decree had already been granted.[14] For these women, the religious councils were performing the crucial communal demarcating function of removing religious barriers to remarriage. These 'end users' were seeking specialized religious-oriented divorce services that the secular state is, by definition, barred from supplying. At the same time, the women who turned to these religious councils expressed no interest in (and indeed, some explicitly rejected) the idea of delegating control over the distributive components of their fractured marriage. They did not want their post-divorce property relations (controlling matters such as the rights and obligations owed by each former spouse to the other, to the children, if any, and to various third parties) determined by these non-state institutions.[15] Such division of responsibility fits well with the idea of sub-matter jurisdictions. It rejects transferring the 'full docket' or 'package' to privatized-diversity entities and, instead, demands that some degree of coordination occur between religious and civil institutions in any initial allocation of shared responsibility and its subsequent implementation.[16]

In addition to the recommended division of authority according to component functions, the literature on institutional design distinguishes between different forms or techniques of oversight. The classic approach envisages minimal oversight: the rationale here is that the consenting parties intentionally removed their dispute from the public system, preferring instead an out-of-court process. In the case of severe breaches of procedural justice, however, laws governing alternative dispute resolution routinely permit the arbitrating parties to seek judicial review.[17] This is characterized in the literature as the 'fire alarm' response (a decentralized and *ex post* review initiated by individual complainants or public interest groups) as opposed to 'police control' (a more centralized, governmental *ex ante* mode of regulation).[18] Once we enter the realm of family dispute resolution, we cannot rely solely on *ex post*, 'fire alarm', judicial review; rather, the *complementary* technique of *ex*

ante or 'police control' oversight is needed.[19] These combined protections can assist individuals by reducing information asymmetries and power imbalances, as well as providing a check on the exercise of authority by arbitrators or any other independent third-party decision-makers; regrettably, however, just like any other legal measure that respects individual choice, they may fall short of providing a *full* guarantee that no communal (or other) pressure was imposed on those utilizing an alternative dispute-resolution forum. To address these real concerns, any oversight scheme must also include a substantive commitment to ensure that women are not dispossessed of whatever equal rights and protections they have as citizens when they raise a legal claim that incorporates the religious dimension as well. The possibility of implementing precisely such an 'intersectionist' commitment was exemplified by the *Marcovitz* ruling.

With these conditions firmly in place, we can appreciate the dynamism and behaviour-alteration potential of the regulated interaction approach. For instance, communal decision-makers (ideally trained in *both* civil and religious law) have the opportunity to enjoy the benefits of state recognition of their decisions – including the coveted public enforcement of their awards – when dissolving a religious marriage in accordance with the tenets of the relevant faith. The state retains the power to issue a civil divorce and to define the thresholds or default rules in matters such as the post-divorce distribution of matrimonial and other property, matters that inevitably concern *all* citizens facing a marriage breakdown. These safeguards typically establish a minimal baseline or 'floor' of protection, above which significant room for variation is permitted. These protections were designed, in the first place, to address concerns about power and gender inequities in family relations – concerns that are not absent from religious communities either. If anything, these concerns probably apply with equal force in the religious context as in the individualized, secular case.

This then is the regulated interaction model, one that offers an alternative to the 'top-down' prohibition model that was eventually chosen by the government in the Canadian debate. Provided the resolution by a religious arbitration body falls within the reasonable margin of discretion permitted a family-law judge or secular arbitrator, there is no reason to discriminate against that tribunal *solely* for the reason that it was guided by, and applied, religious norms and principles. The operative assumption here is that, in a diverse society, we can safely assume that at least some individuals might wish to turn to their 'communal' institutions, knowing that their basic state-backed rights are still protected by these alternative fora.

Permitting community members to turn to a *regulated* non-state tribunal may, perhaps paradoxically, nourish the conditions for the development of a more dynamic, context-sensitive and potentially moderate interpretation of the faith tradition. Such a revitalized tradition may prove eminently acceptable to the faithful and be endorsed by religious authorities themselves. Such processes could plant the seeds for meaningful reform that falls within the interpretative margins and methodologies for innovation permitted by the religious tradition *and* improves women's bargaining position and rights protection. The prospect for such change from within may translate into a recognition by the tribunal's arbitrators themselves that if they

wish to issue binding and compelling decisions, they cannot breach the basic protections to which each woman is entitled by virtue of her equal citizenship status. If they ignore these entitlements, religious arbitrators risk depriving themselves of the ability to provide relevant legal services to the very members of the community they most dearly care about. If they wish to see their faith community survive (and indeed, flourish), and if they wish to continue to define who belongs within the faith community's membership boundaries, these basic protections cannot be spurned.[20]

As we have seen earlier, religious marriage and divorce rules play a crucial role in fulfilling this identity-demarcating function. The obligation to comply with minimal standards defined by the larger community in governing the distributive obligations between the separated or divorced parties (and toward relevant third parties) does not have to cripple the new-found authority gained by the religious community and its tribunals. They may maintain their identity through control over the demarcating aspect of marriage and divorce (for those members who desire such an affiliation). By ensuring that incidents of 'split status' are reduced within a diverse plural society (one that retains the option of secular divorce), both the community at large and the specific women involved benefit by having all barriers to remarriage removed in a conclusive and non-ambivalent manner. Hopefully, this creates an alignment of interests between the group, the state and the individuals at risk. Regulated interaction strives for a comprehensive solution that addresses the multiple aspects of the marriage and its breakdown. In this fashion, regulated interaction can generate conditions that permit an effective, non-coercive encouragement of more egalitarian and reformist changes from *within* the tradition itself.

The state system, too, is transformed from strict separation by regulated interaction. It is no longer permitted to categorically relegate competing sources of authority to the realm of unofficial, exotic, if not outright dangerous, 'non-law'. The regulated interaction approach discourages an underworld of unregulated religious tribunals. It offers a path to transcend the 'either/or' choice between culture and rights, family and state, citizenship and islands of 'privatized diversity'.

30.5   Conclusion

The familiar and almost automatic response of insisting on the *dis*entanglement of state and church (or mosque, synagogue, and so forth) in regulating the family may not always work to the benefit of female religious citizens, persons who are deeply attached to, and influenced by, *both* systems of law and identity. Their complex claim for inclusion in both the state and their faith group as full members derives from women's multilayered connections to both systems. Some insight into this complex phenomenon was evident in the *Marcovitz* case, where the Supreme Court challenged the very assumption that it is impossible to grant consideration to religious diversity and gender equality at the same time.

While some, perhaps many, are accustomed to seek shelter behind a high 'wall of separation' between state and religion, a qualified yet dynamic 'entanglement'

between these old rivals – under a combined *ex ante* and *ex post* regulatory framework (coupled with due recognition of interlocking and complementary submatters) – may present the best hope for expanding recognition to, and equal citizenship for, once-marginalized and voiceless religious women. Existing legal strategies offer a false sense of confidence. They draw uncompromising lines that aim to compartmentalize sacred from secular, private from public – despite the fact that the social reality they regulate no longer fits this bill (if it ever did).

To overcome this impasse, we must recognize the limits of our existing legal vocabulary: it relies upon, and replicates, a polarized, oppositional dichotomy between either promoting (gender) equality or promoting (religious) liberty. But this misses the mark: it provides no remedies or answers for religious women who seek to find recognition as *both* culture bearers *and* rights bearers. This new terrain is admittedly rugged and yet uncharted. It is worth exploring, however, because it holds significant moral and legal promise. It envisions the once-vulnerable becoming potential agents of renewal of both their own religious traditions and the larger political communities in which they strive to belong as equal citizens.

Notes

1. In addressing these weighty issues, my departure point is a deep commitment toward respecting women's identity and membership interests, as well as promoting their equality both within and across communities. I am also guided by an understanding of culture and religion as amenable to change and open to a plurality of interpretations.
2. The term 'citizenship rights' here applies to anyone who resides on the territory, regardless of her or his formal membership status.
3. [2007] 3 SCR 607.
4. Even in France, which does not permit entry into marriage through the religious route (only a civil marriage is visible to the eyes of the state), we find growing attention paid to the effects of religious marriage and divorce on women. The concern is this: if the parties have not married in a civil fashion but have entered a 'halâl marriage' in France, the state will not recognize the religious marriage and therefore cannot provide a divorce. Because there are no religious institutions to turn to, the wife can then remain trapped in an unsuccessful marriage, without an ability to free herself. See J. R. Bowen, *Can Islam Be French? Pluralism and Pragmatism in a Secularist State* (Princeton, NJ: Princeton University Press, 2009), pp. 158–78.
5. Related legal dilemmas can also arise for Roman Catholic couples in the context of a civil divorce. In certain cases, the Catholic Church has nullified the religious marriage bond so as to avoid the split-status situation.
6. For a critical discussion of the exit option, see S. M. Okin, '"Mistresses of Their Own Destiny": Group Rights, Gender and Realistic Rights of Exit', *Ethics* 112 (January 2002): 205–30 (205); A. Phillips, *Multiculturalism Without Culture* (Princeton, NJ and Oxford: Princeton University Press, 2007), pp. 133–57.
7. Similar misconceptions are traced in England as well: Lucy Carroll, 'Muslim Women and "Islamic Divorce" in England', *Journal of Muslim Minority Affairs* 17 (1997): 97–115 (97, 100–11).
8. This categorization fits well with Seyla Benhabib's 'dual track' approach: S. Benhabib, *The Claims of Culture: Equality and Diversity in the Global Age* (Princeton, NJ and Oxford:

Princeton University Press, 2002), pp. 130–2. A similar distinction between the 'legal track' and 'citizen track' is found in a major report recently published in Quebec about the boundaries of reasonable accommodation: G. Bouchard and C. Taylor, *Building the Future: A Time for Reconciliation*, report (Quebec: Commission de Consultation sur les Pratiques d'Accommodement reliées aux Différences Culturelles, 2008).

9. [2007] 3 SCR 607.
10. ibid., [3], [92].
11. R. Hirschl and A. Shachar, 'The New Wall of Separation: Respecting Diversity, Prohibiting Competition', *Cardozo Law Review* 30 (2009): 2535–60 (2535).
12. The government adopted this solution with the enactment of the Family Statute Law Amendment Act 2005 (amending the Arbitration Act 1991) and the subsequent regulations that followed in 2007: Family Arbitration, O Reg 134/07 (Ontario).
13. For further discussion, see A. Shachar, *Multicultural Jurisdictions: Cultural Differences and Women's Rights* (Cambridge: Cambridge University Press, 2001), pp. 117–45.
14. S. Bano, 'In Pursuit of Religious and Legal Diversity: a Reply to the Archbishop of Canterbury and the "Sharia Debate" in Britain', *Ecclesiastical Law Journal* 10(3) (September 2008): 283, 309.
15. ibid.
16. Presently, these non-state entities operate outside the official system of law in England and Wales – remaining 'non-existent' from the state's perspective, notwithstanding the fact they operate within its territory and affect its citizens. This situation spells trouble for women and their hard-won equality rights. Why? Because there is no guarantee that the unregulated religious councils will not try to extend their reach beyond pure status or demarcation decisions to certain 'ancillary' distributive issues, even where the latter have already been dealt with by civil courts. This concern is exacerbated, ironically, where there is no regulation, coordination, or even mere knowledge of what occurs behind the closed doors of privatized-diversity institutions. This represents precisely the kind of deleterious situation that the regulated interaction approach seeks to prevent.
17. E.g. the provisions (prior to its amendment in 2006) of the Arbitration Act, 1991 SO, ch 17, §§ 6, 19, 45–7.
18. These two models are described in M. McCubbins and T. Schwartz, 'Congressional Oversight Overlooked: Police Patrols versus Fire Alarms', *American Journal of Political Science* 29 (February 1984): 165–79 1(65).
19. The distinction between ex ante and ex post regulation is addressed at greater length in A. Shachar, 'Privatizing Diversity: a Cautionary Tale from Religious Arbitration in Family Law', *Theoretical Inquiries in Law* 9(2) (2008): article 11 (573).
20. Such a result is unattractive for religious authorities, which strive to provide distinct legal services that no other agency can offer, as well as for the individual who turns to this specialized forum in order to bring closure to a charged marital or family dispute that bears a religious aspect that simply cannot be fully addressed by the secular court system.

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