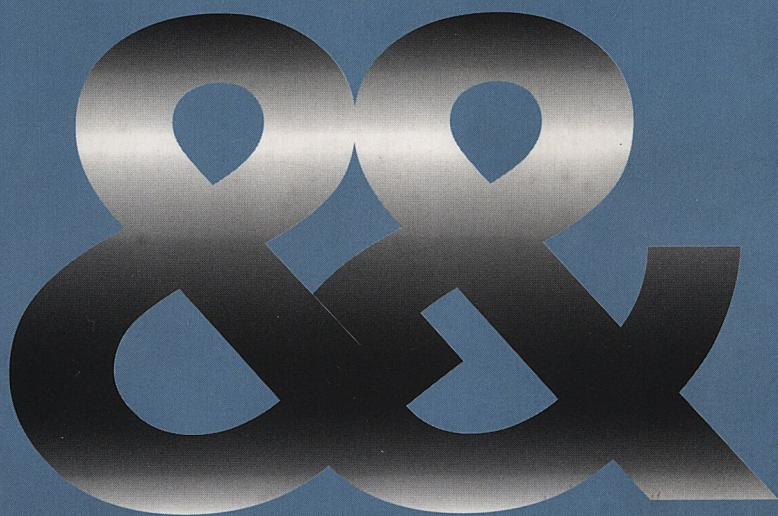# "East is East and West is West"?

Talks on Dialogue in Beirut

Leslie A. Tramontini (ed.)

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Orient-Institut Beirut

Beiruter Texte und Studien 80

This volume represents the lectures of the academic series *"East is East and West is West, and Never the Twain Shall Meet"? - Challenges of Dialogue*, held at the Orient-Institut Beirut throughout the year 2002. Triggered by the impact of the 9/11 tragedy on the Arab World, participants from different provenience contributed in calling for a serious and committed dialogue between the Arab and the Western World, the "East" and the "West". In the course of the year 2002 however, tensions started rising prior to the war on Iraq. This book reflects different aspects of dialogue: on cultural, religious and political level.

"East is East and West is West"?

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BEIRUTER TEXTE UND STUDIEN

HERAUSGEGEBEN VOM
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BAND 80

"East is East and West is West"?

Talks on Dialogue in Beirut

edited by

Leslie A. Tramontini

ACKNOWLEDGMENTS

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"... AND NEVER THE TWAIN SHALL MEET"?

INTRODUCTION TO A COLLECTION OF TEXTS ON DIALOGUE
BETWEEN THE ARAB AND THE WESTERN WORLD

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In the 1990's Europe and the Arab world suddenly realized that their relations needed readjustment. For a long time, Europe's sporadic overtures were met with disinterest and apathy. Then came 9/11 and with it the awareness of the necessity for serious dialogue. The result has been an explosion of literature on this subject as well as conferences, panel discussions and roundtables.

The history of the relations between Europe and the "Orient," is packed with religious wars, political power struggles, colonization and interference, but also with common values, cultural exchange, and cross-fertilization. This positive side of the relations is continuously being forgotten or downplayed. The new North-South-divide adds yet another dimension to the old "East/West"-fault line, the dismissal of globalization as new Western imperialism is its latest aspect. Dialogue is needed; but what kind of dialogue? No matter how we may define it, dialogue demands that we put aside our obsolete divisions of the planet into different incompatible worlds. The acceptance of pluralism and diversity of cultures and societies means the refusal of the one-dimensional theory of the "clashes" between civilizations. In a time of general reflection on the relationship between cultures, positions have to be revised, re-adjusted, and eventually redefined. Each attempt at understanding the Other will lead to understanding more of oneself, and each interpretation of the Other will reveal insights into one's own positions. The effects of a sincere dialogue will change not only the perception of the Other, but also self perception.

To define clearly what dialogue is and where it should lead is a difficult task. A very simple but concise definition that does not belittle the subject itself could be: dialogue is an open confrontation with the Other, a critical and self-critical encounter; its precondition is knowledge of one's self, and its aim is acceptance

of the Other without denial of one's self. So dialogue is a permanent delicate balance between Me and You, between Us and Them. This "minimal-position" is applicable to all levels of dialogue, in politics, religion, and everyday life. It means the absence of armed aggression, of violence, hate and fear, and the readiness to accept the Other on the basis of diversity and equality. Through the abuse and misuse of the word dialogue, especially in recent times, an inflation of the meaning has set in, diluting its primary meaning of (communication) "via the word". This meaning posits the term exactly as the counterpoint to violence and terrorism. Dialogue is a challenge, a fragile and risky enterprise that requires the willingness to get involved and impressed, and consequently, changed.

President Khatemi of Iran called the year 2001 the *International Year of Dialogue*[1], a fact that perhaps would have slipped into general oblivion had it not been that exactly in that year a very serious rupture happened: September 11 opened the rift not between two cultures but rather between two diverging *Weltanschauungen*. To simplify this rift as a conflict - or even a clash - between two religions or civilizations means ignoring the existence of conflicting and contradictory approaches to modern reality and its problems within each of these civilizations. This rift however, is fostered by those people in both cultures for whom life is measured in absolute terms, and who claim incompatibility of the other culture and exclusivity and superiority of their own.

The perception of the Other is shaped through different modes and forms, often relying on old stereotypes buried in the collective memory. Repetition and reprocessing of a given image without any variation or verification may, in the worst case, form a kind of de-legitimization and de-humanizing of the Other. The media have their share in shaping the conscience and attitude of a people, contributing to stereotypes through misrepresentation and simplification. They draw on historical prejudices and misconceptions. Now, especially after the events of 9/11, when in the US - and to a lesser degree in Europe - fears of an invisible and ungraspable terrorism are transformed into negative-images of Islam, as a whole, mixing terrorism and Islam into one unity, people are thrown back to their pre-conceptions of Islam where old patterns of understanding (or misunderstandings) re-emerge. Moving beyond stereotyping requires the will for rational analysis and for a certain amount of integrity and truth. Factual knowledge is the pre-requisite for achieving this.

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[1]   See http://www.unis.unvienna.org/mis/pressrels/2000.

Between the Arab World and Europe, there is a long history of confrontations and exchange. Europe looks back on century-long fighting with the East, with both religious and political motivations (its crusades, its expulsion of the Spanish Arabs from Andalusia, the Islamic expansion into Europe and the battles it involved, its long colonial past in the Arab countries). Europe however, also possessed a huge heritage from the science and philosophy of the Arab world, from which it had profited throughout the Middle Ages and which traces back common roots to the old Hellenistic culture. Through this, and especially in the early colonial times, the West, embedded in its Euro-centricity, had developed a romantic idyllic view of the Orient, - not derived from real open-minded encounter with the Other but rather from a pre-fixed view of an imagined Orient, of how the East should be. Then in the course of colonial times and the early exploitation of the region, the "Orient" became the counter-image, the mirror of the West, enabling the West to shape its own identity against the Other. In the middle of the 20th century this world then faded into oblivion and obscurity for the general public, and even the wars of the 1960's and 1970's in the Arab World, the rising terrorist activities of the 1970's, and the oil embargo, did not thoroughly shake this apathy. It was 9/11 that forcefully and definitely changed this situation and put the Western limelight back on the Middle East.

The Arab World looks back on the same history of confrontations and exchange but from another angle and perspective: it mourns its lost domination of the world, and its highly-refined culture in the High Middle Ages which slipped into decline some hundreds of years ago. It looks back on an ever growing imbalance of power. While pride in the past is unbroken, self-confidence and self-esteem are at a low. The West never ceased to "be there" for the East. In terms of technology, military and economic power, societal development, people in the Arab world felt their backwardness and strove hard to overcome it. Colonial rule had divided the Arab World conveniently into small manageable countries, counting on patriotism as counterweight to pan-Arab nationalism. The foundation of Israel and the expulsion of the Palestinians in the aftermath of WWII added another trauma, one that - even through military putsches and after the take-over of many Arab governments by military regimes - could not be resolved. Since nationalism and socialism failed to deliver their promises of equality, justice, and freedom, the return to Islam as the true and only response to the problems was all too natural. While colonial rule had very often consolidated old patterns of local rule (whether with tribal, feudal or confessional orientation), the post-

colonial times witnessed the consolidation of a new class of rulers who - supported by the West - maintained a certain amount of "stability" in the region,- very often at the expense of national and individual freedoms. In the name of regional stability and security-oriented policies, the request of enlightened intellectuals and reformers in the Arab World to *apply* the modern notions of self-determination, independence, or more democratic structures, were ignored or suppressed.

So Islam lent itself as the better solution. Its focus on social justice promised a brighter future if only Islamic principles were seriously applied. Islamic "fundamentalists", in their quest for authenticity claim to adhere to a tradition that goes back, unchanged, across centuries to a past perceived as the "golden age". Tradition however, is not a static bulk of beliefs, practices and customs but is, in itself, a dynamic process, subject to steady re-interpretation, re-adaptation and even re-invention. Contrasting definitions of fundamentalism abound, but all connect it to the reaction to modernity/individuality and an apparent rejection of rationalism while at the same time accepting the (technological) advantages of modernity. As a religious response to globalization, fundamentalism, a worldwide phenomenon, tries to explain change in a simplified way and to assert the self. Exclusiveness, selectiveness, self-righteousness[2], absolutism in its authority, but also a new sense of values, meaning, and hope for its followers are always parts of fundamentalist approaches to reality.

There is a clear dividing line between fundamentalism and *terrorism*: The topic is prone to clichés in public opinion in Europe, with misinformation and neglect very often leading to a simplification of the facts. In a way terrorism could be called a *strategy of communication*, with violence as its means for spreading the message, while fundamentalism usually does not engage in violence. In an interview with Abbas Beydoun, the Syrian philosopher and critic Sadiq al-Azm[3] compared the sympathy "normal, moderate" Muslims are feeling for the militant Islamist extremists to the sympathy the European leftists felt towards the German terrorists in the 1970's and 1980's. Social discontent breeds violent reactions within certain circles of society who want to escape their alienation, their feeling of helplessness, and who want to change the world in a moment's time, taking violent "shortcut-solutions" as a desperate attempt to break out of the historical impasse instead of following the longer and harder way of negotiation and

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[2]   Spengler's description of Puritanism as "religion without a smile" applies to fundamentalism, too.
[3]   In *al-Safir*, 13.9.2002; as well in his talk at the *Orient-Institut*, 26.11.2002.

dialogue. It is not Islam, as such, that is radical and extreme, but rather that Islam - as with any other religion, ideology, or political philosophy - can be exploited and misused by radical violent forces. Talking about *ghadab Allah* (the ire of God) and impatiently rejecting contemporary politics, giving up on their society and on mainstream Islam, they have no other outlet than criticism and despair, or else withdrawal and acknowledgment of defeat. Samuel Huntington's reduction of civilization=culture and culture=religion and religion=archetypal constant, is in full concordance with the Islamists' worldview who follow the same logic. A speculative discourse about the relation between terrorism, nowadays fashionably called "jihadism", and the "Islamic movements", - which include the whole spectrum of "political" Islam, "fundamentalist" Islam, and "revivalist" Islam - has willfully drawn connections that remain unverified. The ambiguity of the term "terrorism"[4] offers a chance to label different acts and different organizations as "terrorist", and the American-led "war on terror" provides Arab governments with pretexts of cracking down on their own critics and dissidents[5].

Now that colonial rule seems to be re-introduced, "democratization" of the Middle East is the new slogan. A process that took the Western world hundreds of years, bloody wars, painful experiences and - most important - all that without outside interference, cannot simply be exported; it has to grow and take roots. The "overstretch" of the word democracy in Western politics has led to ambivalent perceptions of this term in the Arab world, revealing an immense magnitude of contrasting interpretations: A popular reaction in the region is to refuse the term straight-out as a Western-borrowed term indicating a purely Western historical development. There are attempts at vilifying "democracy" as a kind of Western enforcement of a totally alien concept on non-Western people. Other reactions argue in the opposite direction: that a kind of democracy was already being lived and practiced by early Islam, quoting the principle of *shura* and the first "*constitution of Medina*", and the only thing left to do now is to establish a truly Islamic democracy.

Arab and Islamic reformers, human rights activists and intellectuals are the real agents of change who have to be involved and drawn to participation, be it by

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[4] While the first proposal for unifying the diverging meanings of the term "terrorism" was submitted to the League of Nations as early as 1937, it never came about. Until now, the UN has not yet agreed on a common definition. Efforts to end this impasse are undertaken; see the website: http://www.unodc.org/unodc/terrorism_definitions.html.
[5] See the *Arab Human Development Report 2004*, where the authors reach this conclusion.

their governments or by Western decision-makers. Any attempt from the "West" to induce change from outside without consulting those voices is doomed to failure, the latest example being the "Greater Middle East Initiative" in early 2004 when it was leaked to the London-based Arabic newspaper *al-Hayat*.[6] It led to angry reactions from all sides of the spectrum, not because of the content but because the initiators neglected to consult with Arabs, themselves, and because the centrality of the problem of Israel was not acknowledged. Only change brought about from within will produce a "sense of ownership".

The texts in this book are a collection of talks, held at the German *Orient-Institut* in Beirut[7] in the year 2002. Within the framework of a series of talks called *East is East and West is West and never the twain shall meet...*[8], *Challenges of Dialogue*, lecturers from the Arab world and Europe participated[9] and exchanged

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[6] *Al-Hayat*, 13.2.2004.

[7] In Lebanon, dialogue in its myriad of forms has always been a kind of "business", promoted by various official and civil society actors. The most recent work on this subject is the doctoral thesis of Anne Françoise Weber: *«On peut dialoguer sans vivre ensemble, et on peut vivre ensemble sans dialoguer». Relations interreligieuses et construction d'une unité nationale au Liban.* Unpublished PhD-thesis, Freiburg i.Br./EHESS, 2005.

[8] Rudyard Kipling's verse is one of the most widely quoted verses in English literary history. Its conciseness and apparent message makes it a subject of very controversial discussions about Kipling's alleged racism and arrogance towards the people of the "East". The verse does not end just like this but the following lines run: *Till Earth and Sky stand presently at God's great Judgment Seat / But there is neither East nor West, Border, nor Breed, nor Birth / When two strong men stand face to face, tho' they come from the ends of the earth!* It is clear that Kipling did not seek to belittle "Eastern" culture and civilization (whatever it may have meant at his time) but, to the contrary, that he stresses the equality of men, the individuality of each, from wherever they may be. It is very remarkable that these end-lines are much less often quoted or even known, and with a bit of bad will one might suggest that the reason for this omission or negligence lies in the fact that the audience selected what suited them most, their fears and their attitudes. So, in a way the verse chosen as motto of the series symbolizes in a very provocative manner what dialogue is all about: (mis)conceptions, (mis)perceptions, and what we *think* we understood.

[9] The original schedule had 14 talks and a one-day-conference, financed by the Friedrich-Ebert-Stiftung Lebanon with 10 participants.
Perspectives of Dialogue after September 11; Friedemann Büttner, Freie Universität Berlin
Translating God: Fundamentalism in the Great Religions; John Donohue, Université Saint Joseph Beirut
Muslims in Germany between Qur'an and Constitution: Religious Freedom within the German Legal Order; Mathias Rohe, Erlangen Universität
Fundamentalism versus Orthodoxy in Contemporary Islam; Ridwan al-Sayyid, Maqasid Beirut
Stereotypes of Muslims / Arabs in the US - Perspectives and Implications; Sami Ofeish,

views on their perceptions of each other. A clear commitment to dialogue and constructive engagement was given by all the participants.

The main subject of the talks is the perception of the Other: in culture, religion, and politics. The themes are arranged into three sections: cultural dialogue, religious dialogue with an additional focus on Euro-Islam, and political dialogue, although they may overlap in some instances. In the first section Ghassan Salameh renders a useful definition of dialogue, which is why it is put at the very beginning, followed by Abbas Beydoun who philosophizes on the nature of dialogue and the schism created by the Us/Them-mentality. Abdo Abboud shares some interesting thoughts on literature as means of achieving understanding and compassionate appreciation of the other. Knowing the other through literature is certainly an underestimated and neglected fundamental.

The second section of religious dialogue is the longest one, with contributions covering the role of Islam in different societies. Two texts try to come to terms

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Balamand University
Literary Indicators for the "Dialogue of Civilizations": Defining the Role of Literature therein;
Abdo Abboud, Damascus University (in Arabic)
Intellectuals in the Arab World Today - Problems and Perspectives; Elias Khoury, *al-Nahar* Beirut
Tolerance on Trial - Violence and Co-existence in Indonesia; Theodor Hanf, Bergstraesser Institut Freiburg / UNESCO International Centre for Human Sciences, Jubayl
The West and Us; Abbas Beydoun, *al-Safir* Beirut (in Arabic)
Some Thoughts on Islam, Terrorism and the West Today; Sadiq al-Azm, Damascus University
Islamic Movements and Terrorism: Myth and Reality; Saoud al-Mawla, Lebanese University Beirut
East and West: Reversing the Paradigm. An Answer to the US Intellectuals' Open Letter "What we're fighting for"; Chibli Mallat, Université Saint Joseph / Mallat Law Offices
Islam and Muslims in Denmark and Europe: from silent migrants to active citizens; Jørgen Bæk Simonsen, Danish Institute Damascus
Encountering Muslim Culture in Germany; Jamal Malik, Erfurt Universität
Conference: *Neither East nor West - 3 case-studies*:
Keynote speech by Ghassan Salameh, Minister of Culture
Political Dialogue: *The Involvement of European Foreign Policy in the Middle East*, Volker Perthes, Stiftung Wissenschaft und Politik, Berlin,
Discussant: Fadia Kiwan, Université Saint Joseph, Beirut.
Religious Dialogue: *Unwavering Designation, Contradictory Processes - The Changing Role of "Islam" in the Interior Politics of the Turkish Republic*, Günter Seufert, Berliner Zeitung, Istanbul,
Discussant: Muhammad Noureddine, Center for Strategic Studies, Research and Documentation, Beirut.
Inter-Religious dialogue: *Neither East nor West: Inter-religious Dialogue and Local Politics in the Age of Globalization* (Lebanon), Thomas Scheffler, Freie Universität Berlin,
Discussant: Farid al-Khazen, American University of Beirut.

with fundamentalism, a term widely used with great emotion and conviction, but with a very opaque notion of what it really means, lacking a clear-cut definition. John Donohue analyzes fundamentalism in the three world religions, depicting it as the search for identity in a changing world and the return to the roots. In the Islamic context, Ridwan al-Sayyid describes the difference between fundamentalism and orthodoxy, traditionalism in Islam, trying to clarify the confusion of terminology[10]. The fine dividing line between a fundamentalist and a traditional approach to one's religious roots is when religious tradition is transformed into a political ideology that claims absolute truth and, in consequence, power.

Thomas Scheffler focuses on the special relationship between the religions in Lebanon with its long tradition of conflict and co-existence. He describes the difficulties encountered when shaping national policy. The East and West-schism does not seem to be applicable in religion since both Christianity and Islam are universal religions with global reach. It is the new impact of globalization that now defines and influences politics and religion. So how resolve the dilemma that while economic globalization provokes a new kind of "global ethics" the old patterns of inter-religious rivalries still persist or get even more powerful?

The experiments in Turkey with new forms of "democratic Islamism" could serve as models to be emulated by other states. Turkey, the only state in the Middle East that has followed a strict and uncompromising secular agenda, was shaped by Atatürk some 80 years ago who promoted a fierce Turkish nationalism, abolished the caliphate, and introduced secularism: he forbade the veil for women, the *fez* for the men, and changed the alphabet from Arabic to Latin letters. Turkey now is facing a political opposition from a new variation of Islamist thinking that integrates democratic and free-market values in its discourse. Günter Seufert analyzes the role of political Islam, its ambivalent connection to the Turkish state and the dialogue arising from this conflict, while Muhammad Noureddine responds to it.

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[10] In Arabic, the confusion of terms is even more virulent. The literal translation from the English fundamentalism, *uṣūliyyah*, is usually dismissed as this term already denotes another meaning, the Uṣūlī school of thinking of the Middle Ages. A better option is the term *salafiyyah* which originally applied to the reformers at the turn of the 19th century, and which now indicates Sunni extremists; - it is rendered as the "Neo-Salafiyyah" in Western literature. Muslims who are commonly brandished "fundamentalists" prefer to see themselves as part of *al-ḥarakāt al-islāmiyyah* (Islamist/Islamic movements) which seems to me the most neutral and thus the best term; - or, by another translation from Western languages, as *al-Islām al-siyāsī* (political Islam).

Three articles address the phenomenon of so-called "Euro-Islam", the Muslim experience in Europe. This term, which is disliked in much of the Muslim world[11], means the way Islam takes form in the European cultural and societal ambience. In absence of a better term this word indicates the possibilities that Muslims in Western societies have at their disposal for expressing their growing self-awareness, - independent from the religious and political developments in their home-countries. In the attempt of overcoming their marginalization Muslims in Europe are facing the dilemma of identity: of choosing between total adaptation and assimilation or an authentic healthy integration in Western societies.

Jørgen Bæk Simonsen analyses the Danish situation within the complex European context, and the shift of perception in the 2nd and 3rd generations of Muslims migrants while Jamal Malik concentrates in his talk on the encounters between a Muslim minority and an overwhelming secular majority in Germany. Unlike France or Britain, Germany has no colonial past, and its Muslim minority does not consist of members from former colonies. The 2nd generation of Turks born in Germany, grew up there and mostly know their home-country Turkey only from some short vacations, - but they do not automatically possess German nationality. The question is how to integrate them into German society without them losing their identity, religion, cultural background; requiring a new process of self-discovery, on both sides. It is in these terms that Muslims are organizing themselves, trying to find some sort of legal framework into which to blend and within which they can express themselves. Problems which may arise for a Muslim believer in living in a secular European surrounding mostly touch daily-life-issues, like *ḥalāl*-slaughtering, wearing the *ḥijāb* etc. The most outstanding and controversially discussed issue however, is the question of religious teachings of Islam at German schools. Dialogue in this context is an intra-national affair, a dialogue within a given society between members of different religious and cultural background.

Mathias Rohe presents an analysis of the German legal system and the place it allows for Islam. In sharp contrast to France, the German Constitution follows the principle of *religious neutrality*, not of laicity. Within this principle of religious

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[11] The objections to this term seem to stem from fears of loss of identity, of an absolute adaptation and acceptance of the European way of life, ignoring the positive connotations inherent in the term of equal participation of Muslims in the multi-cultural societies of Europe. See e.g. the interview with Wolfgang Thierse in *Der Spiegel*, 23.12.2001.

neutrality the constitution states the freedom of faith and the equality between all religious groups, claiming religious freedom as a basic human right. In a pluralistic society like Germany all major religious groups - including the Muslims - have the legal right for institutionalized representation. This right is in itself an offer and a challenge for Muslims, as they will have to find their own unique way, unprecedented before in their own tradition and in their home-countries, to be represented in German society and to have their fair share in participating in public life within a peaceful co-existence.

In the third section (political dialogue) Chibli Mallat presents his Open Letter[12] as response to the Open Letter "*What we are fighting for*"[13] by some American intellectuals. In this text which appeared in Feb. 2002, signed by some US intellectuals among them S. Huntington and F. Fukuyama, the signatories agree on a certain definition of justice and a "just war", basing their opinion on moral principles. The letter legitimizes war, explaining why, ethically and morally, it is not only allowed but required for a democratic peace-loving and peace-promoting country like the US to go to "war on terror". This letter has triggered a "dialogue" and an exchange over the summer 2002, with responses by Germans,[14] Saudis,[15] and other Americans.[16] The German response shows a totally different way of thinking. The concepts directly derived from the moral discourse of justice like "good and evil", of classifying whole nations as "bad" (rogue states), certainly is not part of the European political discourse. The Saudi response is rather apologetic, claiming the huge impact of US foreign policy and double standards as root causes to the problem of worldwide terrorism and extremism. But while both the Saudis and the US agree on the notion of "justice", - without ever providing a clear definition of the term, - the Germans understand justice as a noble virtue, a philosophical and moral principle, but not as a political category. This debate has evoked another inner-American response as well, intellectuals who refuse the Manichean language of good and evil of the current US administration. They

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[12] An Arabic translation of the talk appeared later on in the Beirut daily *al-Nahar*, 27.1.2003. His open letter triggered an activist initiative of collecting signatures to support it.

[13] See http://www.americanvalues.org , 12.2.2002.

[14] Originally published in the *Frankfurter Allgemeine Zeitung*, 2.5.2002; for the English text refer to: www.americanvalues.org/html/german_statement.html.

[15] See http://www.americanvalues.org/html/saudi_statement.html, originally published under the title: *How we can coexist* in the site www.islamtoday.net/english/showme2 .cfm.

[16] See http://www.americanvalues.org/html/us_letter_to_europeans.html , 29.5.2002.

confirm that 9/11 is not the result of a rejection of American/Western "values" but rather a rejection of US influence politically and economically and the result of the US failure to promote those cherished values abroad.

Volker Perthes highlights the possibilities and the limits of a common foreign policy of the European Union, stressing the fact that European credibility in the Middle East will depend on the EU's ability to reach a just settlement in the Arab/Israeli conflict. Europe has been making a concerted effort not only for economic but for political union as well. This is quite unprecedented in the history of Europe which for centuries has been characterized by inter-(and extra)European wars and struggles for domination. So now the formulation of a common foreign policy especially towards the Southern Mediterranean neighbors is a new and promising step. Fadia Kiwan responds to this view and criticizes the timidity of the European approach, urging the EU to behave boldly and more independently.

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This book is meant to be a small contribution to the rising tide of dialogue. "Dialogue of civilizations" is not about exporting the Western secular, individualist models of society and democracy, but rather about allowing others to find their own forms of political rule and their own way of life. It is not about denying blame and victimizing oneself, but of being ready to admit shortcomings, to study the Other *and* oneself, and to interconnect with the Other. Its aim is peaceful coexistence, and its precondition equality and partnership, critique and self-critique, insight and change. Written before the 2003 US-invasion of Iraq, this book still catches the growing tension of the prelude to war. If communication and dialogue had been given a chance in the build-up to war, the outcome might have been very different.

I

CULTURAL DIALOGUE

SOME OBSERVATIONS ON DIALOGUE
A TRANSCRIPT OF ORAL REMARKS*

GHASSAN SALAME
Minister for Culture, Lebanon

The cabinet meeting yesterday afternoon did not discuss my views on dialogue among civilizations and therefore I am certainly not speaking in my official capacity - a fact that gives me the freedom to express my own views on the question of dialogue and on how we can possibly look at the future as far as this concept is concerned. I always thought that certain definitions of dialogue were extremely interesting but somehow more centered on the self than on the very concept of dialogue.

The preconditions for dialogue - between individuals, groups and states, without mentioning civilizations here for reasons that will be referred to later - are three.

The first condition for a successful dialogue is to recognize the world as diverse and to recognize that diversity is a source of wealth. This may sound banal at a first glance, but it is not. In fact *diversity* is threatened: The 20th century has been a cemetery for languages and cultures that have disappeared - thousands of languages disappeared. And if nothing is done to change that, the 21st century will be an even larger cemetery for languages and cultures. Diversity is threatened in at least four different ways.

First, it is threatened by natural evolution. The Canadian Minister of Culture stated during the *Francophone* summit in Beirut that if nothing is done very rapidly on one specific problem of one province in Canada, 56 languages are expected to disappear before the end of the decade. Therefore there is a need for an international convention to make the preservation and development of cultural

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* Key note speech at the conference on October 25, 2002, at the OIB, when Mr Salame was minister for culture in Lebanon.

and linguistic diversity in the world something compulsory. In Istanbul a month ago under the auspices of the UNESCO it was noticed that too much attention has been devoted, thus far, to the archaeological heritage and certainly not enough to the immaterial heritage. Languages, cultures, ways of life and other expressions of immaterial heritage need to be addressed rapidly and to be preserved through a *sui generis* convention.

Therefore the very first step in the dialogue should be to consider somehow philosophically that diversity is a source of wealth that is threatened. Threatened by the passage of time, by natural extinction due to demographic evolutions, and also by human acts, that can be seen in at least two different forms: Diversity is threatened first by acts of exclusion all over the world: in the Balkans, in the Great Lakes area of Africa, in the Caucasus and elsewhere. A huge heritage, a huge diversity, a huge history of diversity and conviviality was destroyed by war. The same happened in Lebanon as well: for 17 years we were destroying diversity. So the lack of dialogue leads in fact to an additional threat against cultural and linguistic diversity and of course to religious diversity. Therefore the most suspicious concept in the past ten years is the concept of purity - purity that leads to ethnic cleansing. The quest for purity leads to the idea that a territory has to be cleaned somehow, or has to be purified from diversity and from other minorities with a different language, a different religion or a different ethnic background. The last decade of the 20th century has been marked by incredible cases - extremely tragic cases - of savage quests for purity. In a few weeks around 900 000 people were killed in Rwanda in this kind of quest for ethnic purity. Within weeks, months or years, tens of thousands of people were killed in Kosovo, Bosnia-Herzegovina and the same attempt of a savage quest for purity was also threatening Macedonia. Across the globe in fact, diversity is not only threatened by the passage of time as was the case during the past centuries, but also by clean-cut-cultural entrepreneurs who dedicate themselves to the most dangerous of all endeavors, that is to establish purity, uniformity, on a given territory. The United Nations has counted that among 110 cases where wars erupted after the end of the Cold War, more than 100 of those wars are based on ethnic, religious, linguistic and other cleavages.

But there is a third way in which diversity is threatened. As said, it is not only the passage of time as it has been the case before, because we know that across time we lost tens of thousands of languages, cultures and religions. Inclusion, forced forms or soft forms of inclusion can also threaten diversity. Sometimes

politics of inclusion mean a threat to diversity. You state that you want to include diverse segments of your population and in fact this leads to their disappearance by soft constitutional means. The politics of inclusion continue to be threatening in many ways. That's how some minorities in Lebanon feel about the idea to have the country as one single electoral district. They feel that this would lead to forced inclusion, which means that diversity is going to be threatened.

As mentioned before, the very first precondition for dialogue is to recognize that the world is diverse and to adopt an ethical and philosophical stand that this diversity is a source of wealth that has to be preserved because it is threatened. Then one goes into dialogue as a form of preservation and development of this diversity. By doing this one may ask me: Isn't globalization a major threat to diversity? The answer would be both yes and no. Yes, because globalization brings two forms of threat to diversity. The first one is a threat to diversity through uniformity, uniformity of language, of habits, of computer language, of daily practice, of gastronomical taste etc. Yes, globalization is a threat because it establishes the concept of productivity and economy of sale in an almost religious way. You certainly know that economy of sale leads to a higher form of uniformity. And if you want to produce the same Mc Donald's Hamburger all over the world, you can produce it for less money, that's evident. Therefore you find a pressure in the globalization of economy to produce a Hamburger at a cheaper price and make it almost available for everybody because of the cheaper price.

Globalization threatens diversity in another way. Two Italian economists working at Harvard have very convincingly concluded that while globalization leads to a higher level of economic integration across the world, at the same time it provokes a higher level of social disintegration. If globalization leads to more economic integration, it encourages identity wars and therefore it becomes a threat to diversity. As stated earlier, the answer to the question of whether globalization is a threat, is a yes and no at the same time. On the one hand, globalization is a formidable and extraordinary vehicle to make universal what is extremely local: from the Turkish *dervish* who has now become a world phenomenon to Lebanese *Tabbouleh* which is now universal thanks to globalization, to the pastry maker in Tripoli who uses the internet to sell *Baklava* all over the world and of course to music. Or another example: the history of Reggae, which is absolutely extraordinary. Reggae was born in Jamaica among black workers who brought it with them to Florida where they used to work in the agricultural sector. There it mixed

up with the black music of America and then became - thanks to globalization - the music to which my daughter is dancing in Paris. Globalization is an incredible way to make universal what is local. So the relationship between globalization and diversity is complex and not necessarily unilateral as it is often written. It has negative and positive aspects; and that is why diversity is threatened more or less by the four factors I mentioned.

Therefore dialogue as a precondition should start with the recognition that diversity is important, that it is a source of wealth, and our common good which is threatened by the passage of time, exclusion, inclusion and - partly - by globalization as well.

The second precondition for a successful dialogue in my view is to consider diversity - or the *otherness* of the other - as *legitimate*. Of course this is problematic because basically when you accept that the difference is profoundly legitimate it has something to do with your view of yourself. You accept that the other's otherness is not a sign of inferiority as compared to you, which means that you somehow accept the idea - which is not easy to accept - that basically human beings are equal. It is not easy, because you may accept it on the level of principle, but then you may add as a footnote: "but my religion is better, but my language is more..." and this might actually be the case.

Everybody can notice that certain languages have more words than others, so they are wealthier. I can say: language A is wealthier in vocabulary than language B. But where is the defined limit? It is extremely difficult to draw a defined limit! Can you state as a scientific fact that Arabic is more musical than Urdu? Where do you draw the line? Where can you draw the line between stating a scientific fact that there are 20 or 25 ways in Arabic to say "lion" which you don't have in German - this is a scientific fact. But where is the line between this scientific statement and the statement that "my language is superior to yours"? This is indeed very problematic.

One should start by considering the other's otherness legitimate, absolutely legitimate, and fundamentally legitimate. And very often this legitimacy disappears somehow in daily practice. One always starts or might start with scientific facts, like the one that the western civilization has produced architecture, marvelous architecture, which is extremely difficult to find in other civilizations. I can say this without feeling that I am a self-hating Arab. Yet on what basis can you claim that this is not only true but also a proof that western civilization is

superior to Arab civilization? Therefore it is extremely important, before going into any comparative cultural studies, that you have an extremely strong belief in the legitimacy of the other's otherness. Otherwise, you can easily slip from comparison into judgments. Either you become fascinated with some other culture you come to study and you somehow find it superior to others because you had the chance to be familiar with it, or, which is more often the case, you state that your civilization is superior to all others just because you happen to belong to it, as a banal form of chauvinism. Unfortunately that is how racism starts, and racist ideas or feelings are an evident obstacle to a successful intercultural dialogue. Any preconception that civilizations somehow form a pyramid where some are high and others at the bottom is another form of racism, but there are officials who keep expressing this view, both in the West and in the Muslim world!

The third precondition for a successful dialogue is to consider that a dialogue does not only mean co-existence but also *interaction*. Interaction in a way that if dialogue is successful it should lead to some transformation in the beliefs, in the tastes, in the discourse of those who have entered the dialogue. Some change, some alteration in your views, in your opinions, in your *Weltanschauung*, should take place through dialogue. Otherwise dialogue would have been useless or would have completed only the first two preconditions: Recognizing others as different, recognizing that it is legitimate to be different, but basically not caring about the other.

There is therefore another precondition that is essential: Being ready to be affected. What does that mean? It means, first, not to see this dialogue as a way to change the other. This is a way of using the concept in order to affect the other's behavior or belief, to proselytize basically, to tell the other not to remain Christian or Muslim but instead to change because you hold the truth and you seek through a false form of dialogue to convert the other to your religion or your opinion, making sure to hold firmly for yourself to your pre-dialogue positions.

So, a successful dialogue has as its third precondition not only to affect the other's belief and behavior but at the same time to take the risk of being affected in your own behavior and belief through dialogue. You are taking a risk - that is why dialogue is an adventure. You do not know what the end may be, who will be affected by whom: this is a successful dialogue. Which also means that dialogue is not a substitute for struggle, but a form of struggle. While in a struggle you fight against each other, in a dialogue you basically fight against yourself to let

yourself accept the basic idea that the other has something to tell you, to teach you, to offer you so that at the end of a successful dialogue you are not exactly the same person.

I will stop here with a final observation. And this is the following: I am talking about dialogue among individuals or groups, collectivities, communities, possibly among states. I am certainly not talking about dialogue among civilizations. Basically, I do not believe in that concept at all. Not because civilizations have to be fighting against each other or rather dialoguing with each other. In the first place I don't believe that civilizations exist as actors in order to dialogue or to clash. I don't believe that civilizations exist as actors! I certainly, as a born Christian, did not call on either Pope John Paul II or on George Bush, certainly not on George W. Bush, to represent me in any *crusade* against anybody. And I certainly do not believe that one king or one ayatollah or anybody represents my Muslim friends to speak for them in a dialogue or to fight in their name in a clash of civilizations. Nobody can mandate anybody to talk for a whole civilization. Meaning that there is no process to produce somebody to speak for a civilization, so I am speaking for myself. Secondly, again I don't believe that civilizations are actors, states may be, and communities may be in dialogue. Civilizations are simply not organized to be actors in the international arena. Individuals can go into a dialogue or a clash, groups, possibly states but certainly not civilizations.

Civilizations are just a stock, a reservoir, a set of values, tastes, habitat modes, languages, to which we go back in order to define or to redefine our identity. I will end by saying exactly that. I basically do not believe that identity is a given, I believe it is a construct, a permanent act of reconstruction where our return to our own heritage or our encounters with other heritages help us redefine, rebuild and ultimately refine our identity.

Thank you for giving me the opportunity to reconstruct mine before you this morning.

THE WEST AND US NOW

ABBAS BEYDOUN
Al-Safir, Beirut

The West and Us now. I may have left "Us" ambiguous and undefined on purpose; what do we mean by "Us"? Is it we Arabs, or Muslims, or Easterners? Actually these classifications are not synonymous. One could be Arab Muslim or non-Muslim; Muslim Easterner or non-Easterner; or Arab or non-Arab, Muslim or non-Muslim Easterner. These classifications and identifications are not synonymous, nor do they have the same meaning. Being Easterner means that you are confronting the West; being Muslim means that you are not Christian, nor Jew, nor Buddhist; and being Arab means that you are not Iranian, nor Turkish, nor Indonesian, etc. These classifications are diverse to the point of becoming conflictive. However, we keep the term "Us" since it is common to all of them; indeed, if one is not Muslim, he is Arab and, in either case, he is Easterner. It is not one identity but a combination of identities.

The difficulty of identifying should be our first lesson; indeed, we should deal very cautiously with the identity issue, not trust its definitions too explicitly, nor accept its uniqueness. Most probably, even if identities appear absolute, definite, and complete, this is only how they consider themselves. Identity is the religion of communities, but also their opium, according to the famous saying. Most probably, identities are a mixture that calls itself purity, a hybrid that calls itself originality, and a plurality that calls itself uniqueness; in other words, identities are psychological necessities, a voluntary complicity, reactions against fear and abuse, if not the creation of the other, or a mere distinction from the other; then, Easterner would mean non-Westerner, Muslim non-Christian, and Arab non-European, or non-Israeli.

This may not please many who believe that the identity issue is more profound and deep-rooted; that it has continuity between past and present, and has probably always existed even before history. It may not please those who believe that identity is the quintessence of the community, its mystery, and its

truth; that it does not need any proof or any definition, because it gives itself existence and truth to others. Indeed, no identity remains unchanged during the course of history, nor does it remain unchanged if subjected to characterization or definition; and, most probably, it may then seem contradictory and confusing like the above-mentioned "Us". It may be Arab, or Easterner, or Muslim; but it may not require that those who share the same identity have all above-mentioned characteristics; or may be shared by non-Muslims and non-Westerners, and probably non-Easterners, when we speak about European Islam and Europeans from Arab or Eastern descent. That is why identity seems, at first glance, a perplexing, confused, and contradictory concept; and that might induce many people to see in it nothing but an illusion, thus ignoring and denying it. However, facts do not say so; indeed, this perplexing, confused, and contradictory energy suddenly seems a sure strength, a true motivation, an actual bond, and a present horizon; it seems capable of direct action and impact, without having a unified meaning, or elucidation of its confusion, or reconciliation of its contradictions, or a clear definition and description. This is disturbing for those who think that only matters that can be reasoned and defined exist and are effective; or for those who do not believe that something can be at times a psychological and emotional incident, or a mere name which is uncertain, or a mere negative reflection of the other, or dissimilarity with the other; they do not believe that such a thing can become, under certain circumstances, a solid force, and a real unification factor. This might disturb those who think that only a historical issue, whether economic, political, or cultural, can have an impact. Identities can sometimes be against that issue; they can be against economics, or without policy, or sometimes a cultural presumption. We might not look with seriousness and belief at many identities that seem unbelievable to us; however, any identity, no matter how made up and concocted it may look - in all identities, there is a great deal of falsification and concoction - any identity, no matter how fragile and weak, can become, one day and under a certain circumstance, a fierce force.

Going back to "Us", I would say that it is better to keep it as it is, confused and contradictory, and not to be afraid of its confusion and contradiction. Indeed, despite that and sometimes with that, we exist. We also exist as confusing and confused creatures. It is our destiny, even the human destiny; and we have to deal with our destiny with acquiescence and wisdom.

When the majority of Arab intelligentsia speaks about the West, they do not mean the same thing. There is the West of the Crusades which used to combat

Islam for several centuries; there is the imperialist West which wants the region as a market, a strategic base, and a source of oil reserves; there is the cultural West which puts forward rationalism versus our faith, relativism versus our absolutism, historicism versus our determinism, individualism versus our unanimity, freedom versus our 'enforcing virtue and forbidding vice' maxim, secular democracy versus theocracy; there is also the scientific West with its technological progress, and nobody doubts the necessity of following and attaining it. The West for this intelligentsia is not a unique concept. Religious people are concerned about the West of the crusades; nationalists are concerned about the imperialist West; the cultural West is the concern of both, and the scientific West draws the interest of liberals who often talk about the cultural West positively.

If the West is not a unique concept, it is, however, for the majority of Arab intelligentsia always a homogeneous bloc. Those who speak about the West of the crusades forget that criticism of religion is within the foundation of the modern West, or presume that this has no impact on the reminiscence of the crusades, the historical animosity, and tribal feelings against Islam.

Those who speak about the imperialist West are not concerned with the cultural "political street" which is against imperialism in the West, or with the criticism which has gradually developed in the West against the imperialist state of mind. As for those who study the cultural West, they often focus on the "orientalist" aspect without giving too much attention to western tendencies of criticism inherent to western culture.

The result is to portray the West as a homogeneous and monolithic block without looking into the actual cultural and political history of the West, and without taking into consideration the opposing and critical schismatic trends within the West itself. The West, as seen by the majority of Arab intelligentsia, is an Arab invention; it is the 'other' whom religious people see as a Christian enemy, the nationalists as an imperialistic enemy, and the liberals as a democratic paradise and a cultural ideal that is within our range and capability, and a technological revolution that we must follow. Thus, the West is the enemy and the example; it is the enemy, whenever we evoke the imperialistic history of the region, and as long as we consider it the creator of Israel which is, in our view, an imperialistic arm and an extension of the West, as well as a permanent presence of the western aggression, the imperialistic arrogance, and a wound to the Arab identity; Israel whose presence in the region makes it difficult to overlook the imperialistic relationship throughout history, and to have an actual act of

remembrance and a critical and historical vision of our relationship with the West.

However, the West-enemy is also the West-model. Except for unanimity over western science, the models of education, army, state, and economics are western models: the unified and strong nation-state, the modern army, the industrial economy, the technological revolution, and the modern society which disregards the tribal and sectarian divisions and champions the State and the Army. The project that has been pursued by the religious people and the nationalists is, to a large extent, our own vision of the western superiority, or a reflected image of our struggle against the West. The religious and nationalist project did not aim at defending traditional architecture, furniture, dress, tastes, and daily lifestyle; indeed, family-centered communities got involved in international economic systems without resistance; traditional architecture collapsed without restriction; and no specific concept came out about the state, the army, and the education.

This means that the international political and economic project did not completely break free from the West. There was always the western model, with some adjustments, modifications, and amendments; and there was this combination of the western state, the tribal sectarian adjustments, and the soviet totalitarianism founded on the state monopoly of politics, economy, culture, and society. The West remained the standard for progress, unity, and power; and we did not have any specific concept on society, state, and culture.

That is why defense of the West remained purely ideological and was kept at the ideological level, i.e. left without any factual and historical equivalent. Ideological incitement usually uses itself up in the strength of the slogan; its flexibility and capability to move results from its independence of reality, and from not being subject to any historical questioning; therefore, it prefers repetition and imitation like a parrot. In fact, its strength lies in an unconditional promise to go beyond reality, and beyond history, and return to obscure beginnings: the beginning of history, the beginning of the *ummah* (nation) and the beginning of the religion; the beginning of pre-colonialism, the beginning of pre-modernism; a promise to go back to an origin non-historical necessarily, an absolute unity, a theocracy, and a nationalistic or religious empire. Ideological incitement is, to a large extent, an example of post-colonialist cultures. In those cultures, there is no big difference; and the nationalist theory is the same as the religious theory, with some semantic modification; it is at certain times even the same as the leftist theory. The nationalist *ummah* is almost the religious *ummah*; it is the Muslim

people united under a leftist slogan. Thus, we find ourselves before a post-colonial culture, a culture of liberation from colonialism; in fact, they are, as described by Edward Said, colonialist cultures.

In all these calls, there is the ideal of a lost historical origin, and an aggressive and unifying nationalist state; the ideal of a people massed in an army, and the warfare imagination of the eternal perpetual battle. In all these calls, there is the western enemy-model: colonialist cultures; and it is no use to go back earlier. We may find in Islam the principle of *jihād* (struggle, Holy War) and *tabshīr* (propagation of Islam) by the word and the sword; however, this call only recurs in specific historical theories; most probably, today it is the last echo of the revolutionary violence call and nationalist war. Thus it is difficult to find big cultural differences in the cultural simplification of liberation ideologies. Religious calls have inherited nationalist calls without major conflicts, since they often carry the same spirit, imagination, and model.

The suicidal and terrorist trends found in religious calls could even be an actual legacy of leftist movements. A mere review of the history of terrorism in the Arab world will certainly show that it began with the nationalist movements, then the extremist leftist movements. Thus we find ourselves vis-à-vis reactions that are not too distinct, as much as they actually are ideological echoes of the same historical predicament. They are the frustrated promises that are always renewed under different names, but the spirit remains the same. Ideological incitement is capable of almost remaining itself, without any change, as long as it is not required to submit anything real, as long as it is exempt from any historical test, and as long as it is not responsible for the present. Therefore, the same questions and issues remain; and the Arab culture keeps on repeating the same issues, problems, and questions.

It is indeed a depressing and wasted period; but history is not a voluntary action nor subject to our will; we cannot remove what does not suit us and keep what is convenient to us. Therefore, we cannot remain at the starting point, and we have to wonder not about what imperialism and Israel have done to us, but also what we have done to ourselves in our reactions and confrontation to them.

What then did we do? At the beginning there was the modernization model that failed; we were unable to win the modernization battle and, with time, we drifted farther away from the western modernization model. Was this due to our unpreparedness for modernization, and the excessive and organic traditionalism inherent to our cultural, psychological, and social legacy? Or should we look

for causes in the modernization process itself? There is no doubt that there were many anti-modernization elements in our cultural and social structure; but the modernization process itself was doomed to failure. A project that required the participation of the whole society was most often assigned to an isolated group of officers, and that group attempted to implement it by an operation of revenge against almost all categories of the society. It soon became a totalitarian ideology based on impairment of the whole society, its subjugation by force, and its conversion into an army tightly aligned under the leader's image and the army. One cannot imagine a modernization project without social forces to be achieved by a small governing group embodying the state, the *ummah*, nationalism, and modernization; it was not too long before this group was drowned in its petty interests and narrow disputes.

The modernization process itself was not innocent, and what I said about it is not new; however, I would like to focus on a facet not always discussed, i.e. the excessive ideology of the modernization project, which gives precedence to ideological purposes over its economic, political, and cultural objectives. The project was conceived in a nationalist warfare imagination, and it envisioned building the society and the state as the image of an army. The project itself looked as if it were a competition of force, an object of national pride, hostility to the West, and confrontation with Israel. The modernization project resembled the socialism project in the Soviet block, drowned under its ideological demands, giving ideology precedence over the normal development of the economy, politics, and culture. It looked as if the concepts of industrialization, economic independence, agricultural modernization, education, State, and social mobilization, all fall under ideological exigencies: i.e. exaltation of the State-Nation-Nationalism, supportive military mass demonstrations, boastfulness of the regime, and vociferous hostility of the street against imperialism. The modernization project fell under the ideological tumult and was converted into a hideously ineffective spending; it soon even became the nest of huge corruption, and the cocoon that gave birth to the new class.

Can we say that we are not at all responsible for the failure of the modernization project? After and during this failure the same setting seemed to repeat itself: giving precedence to an ideology gradually losing contact with, and having no responsibility vis-à-vis, reality. The leftist, and then the religious ideology were not different. Under no circumstances and situations it seemed that there was room for the concept of interest, of a historical build-up, the recognition of the present,

the acceptance of deals and compromises, and the phasing in of tracks. Likewise, it practically appeared that the revolutionary ideology, always being subjugated to a warfare imagination, being the sole ideology rejecting any pluralism, or differentiation, or sharing, or sectioning, that such a revolutionary ideology, based on refuting reality, moment, and history, is the winning ideology, recurring under different names: from nationalism, to leftist extremism, to Islam. At all times, an isolated minority, a struggling, active, and aggressive minority replaced the entire society, acting on behalf of the whole society, and moving, of course, through splitting and isolation to more violence, and to terrorism against itself and its society, before switching to terrorism against other societies.

The modernization process itself was contradictory; however, from within the other trends emerged and were nurtured. The modernization process was in a way a legalization of the minority's violence against society; a disregard for, and a refutation of, social differences and disputes; an exaltation of the isolated elite so as to embody the concept of nation and state; and giving precedence to the ideology, ideology of war mobilization. Those are the elements that will recur, in a clearer and more simplified form, in the leftist and fundamentalist movements.

The events of 9/11, and later on Bali, were an expression of the ability of an organized group to grow everywhere, thanks to globalization and by its means; a group whose tools are in the West and western science itself, even though its leadership is in Afghanistan. Baudrier spoke about the implosion of the West, and others about a civil war against the West, but the events of Bali suggest that the problem goes beyond the West, and that such violence can spread all over the world and threaten the whole world.

Of course, this looks terrifying. The majority of Muslims and Arabs understand that this symbolic revenge will be harmful to them. If we set aside moral considerations, and the danger of engaging into the chaos of indiscriminate killing, even on societies themselves, and the risk of seeing this chaos instantaneously moving inside; if we set aside moral considerations, for a society to get to "suicide policy" and indiscriminate killing, is nothing but the pre-final phase for that society and its causes. This suicide policy is also a premonition of a historical suicide; it is the last chaos before final and tragic vanishing from the world; or it is, at least and at best, the suicide of the revolutionary solution by reaching the end of its logic.

That is certain. However, the biggest problem is the declaration of war; what seems at the beginning an isolated act and violence of a minority ends up be-

coming frequent until it becomes war, and war is something else. War, no matter what form it takes, does not accept moral questioning, and gradually denies political questioning. Violence becomes a boundary that one cannot go beyond with discussion. It was not clever on the part of President Bush, who is not notorious for his cleverness, to present the issue as a war. Indeed, if this premise can stimulate the backing of his people, and the declaration of general mobilization in the United States, it can also, unfortunately, to the same extent mobilize other peoples, Islamic and Arab. It can impel them to forget about the moral and political question and confront the issue as a war declared against them. That is what Sharon is doing when he considers what is going on in Palestine as war. He mobilizes his people with this premise, but he also gives the other people every right to disregard the political and moral question, and confront the war declared against them, without any consideration to the means that become for both of them secondary.

This is war, raging everywhere. The wholesale destruction of Palestinian establishments, the collective punishment, and indiscriminate killings of Palestinians seems legitimate. This is war. On the other hand, suicide operations seem a fate that cannot be discussed, since this is war. This is war, and it does not matter if lethal gas is used to kill Russians, in front of Chechens, in Moscow. This is war, and it does not matter if people are jailed in individual cells at Guantanamo, or if systematic indiscriminate bombing is carried out in Afghanistan. Also, the lethal gas in Moscow can be ignored in order to look for another lethal gas in Baghdad. This is war, and during war people do not look at politics and ethics but at objectives, and wreaking havoc at the enemy.

The ultimate danger is that the declaration of war by Bush and Sharon will end up by the duplication of fronts, all of them Islamic, up to the point of seeming as if it were a declaration of war against Islam. This increasingly will mean that Muslims are induced to mobilization of another kind.

Let us admit that all this does not call for rejoicing; and that all this has nothing to do with wisdom, sanity, or politics. Let us also admit that nobody will believe that democracy is the objective and that peoples' liberation is the goal; one will not believe this, with all the American mobilization going on, and with the worst policy ever practiced by an Israeli ruler against Arabs in Palestine. Words here do not match deeds, but the result will be disastrous on Arabs or Muslims or Easterners, because this will take them back to the warfare imagination, and to slavishly line up waiting for a military order, whether imaginary or real, from

a declared or secret leader; this also will take the whole region back to the same state of affairs, even to worse than that.

Is there hope? I think that the situation is not completely hopeless. This seems dreadful of course, and the majority of Muslims and Arabs realize that the symbolic revenge will actually be disastrous for them, if we set aside ethical, and even religious, standards.

The forthright question is: Is the West really and definitely responsible for all our tragedies, concerns, and problems, and do we really have no responsibility for them? There is no doubt that western governments have never had any project for our countries except to protect their interests and presence at any price; and the price was often to keep the region under the threat of Israeli might, always insulted and wounded; to keep peoples under tyrannical regimes, whether supported by the West, or opposed to it. The West did nothing here in favour of democracy; it assisted in aborting semi-democratic regimes that prevailed during the post-colonial era, or it did not provide any real support to them; it also backed tribal and religious regimes without any reservations. Therefore, we can say that we do not know any western project for the region except to keep it under fear, threat, and tyranny. But is this enough to have the West assume the whole responsibility, and to proclaim our total lack of responsibility vis-à-vis our history and ourselves?

This depends on the question itself; on our way of presenting the problem, or both problems, as we say today; that is, do we content ourselves with questions of beginnings: the beginning of colonialism, and the beginning of the creation of Israel in the region; or do we consider that the beginning alone is not sufficient, and that we ought to ask what happened after that beginning? Do we consider discussing almost a century since colonialism came about, and half a century and more since liberation from colonialism and the creation of Israel? Do we consider that period a mere insignificant addition to the beginning, to the original mistake? Do we consider it a dark and insulting period that we do not espouse nor accept for ourselves, and that we prefer to forget when we go back to our history as if it had never existed?

LITERARY MODELS FOR THE DIALOGUE
OF CIVILIZATIONS AND CULTURES*

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I. LESSING AND THE THREE RINGS

In February 1998, the German scholar for comparative literature, Jürgen Wertheimer, gave a lecture at the Faculty of Letters, Damascus University, entitled "Lessing's *Nathan der Weise*: Lesson in Coexistence or Necessary Provocation?".[1] The lecture set off a lively debate between the lecturer and some of his Syrian listeners. The topic of the lecture was the play by the German dramatist and critic, of the Enlightenment Century, Gotthold Ephraim Lessing,[2] *Nathan der Weise* (Nathan the Wise), a play written in 1779. Since then, this play was received with great and multi-faceted enthusiasm; it still constitutes an integral part of the repertoires of German theaters, and is taught at schools and universities. Hence, it is one of the highly successful plays in the history of the German theater. Despite the fact that this play has been translated into many foreign languages, it has not yet been translated into Arabic, although two other plays by Lessing, i.e. *Emilia Galotti* and *Minna von Barnhelm* were translated into Arabic at a relatively early period. The Arabic translation of the play, *Emilia Galotti* was published in the mid-fifties, and the one of *Mina von Barnhelm* in the mid-1960's.[3] As for the play *Nathan der Weise*, we think that most likely its subject and intellectual content,

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* This lecture was held originally in Arabic.
[1] Al-Usbūʿ al-Adabī Magazine, issued by the Arab Writers Federation in Damascus, published an Arabic translation of this lecture, by Dr. Ḥussayn ʿUmrān, entitled "Masraḥīyat Nātān: ḥujjīyat al-taʿāyush wal-taḥaddī" (*al-Usbūʿ al-Adabī*, No. 608, 2.5.1998, p.12).
[2] Lessing was born in 1729 and passed away in 1781. He was a first-class playwright, considered the foremost representative of the 'Enlightenment Era' in German literature.
[3] Ref. Wolfgang Uhle: *Muʾallifīn almān bil-lughah al-ʿarabiyyah (German Writers in Arabic Language)*, Amman: Goethe Institute, 1998, p. 80.

i.e. the question of which of the three monotheist religions is the true one, have made Arab translators, up until this point, refrain from translating it into Arabic. Religion, as it is well-known, is one of the major taboos in the Arab Muslim world. Mr. Wertheimer suggested in his lecture that this play may be considered a provocation for the Muslim reader, for various reasons, mainly the portrayal of Ṣalāḥ al-dīn al-Ayyūbī (Saladin) and the discussion of the issue of religious truth. Indeed, in the Arab world, the author who portrays a historical character in his literary work is expected to portray that character in a way faithful to history and in conformity with historical facts; whereas in western literature the writer is free to portray historical characters as he wishes. These characters are then looked upon as imagined literary characters that should be judged solely on artistic and intellectual grounds, whether this is in conformity with historical facts or not. In Lessing's play, Saladin is indeed an imagined historical character, created by the writer according to the artistic considerations of character shaping in drama, and used to carry his intellectual message. The Western writer subordinates the historical material to literature, contrary to his Arab Muslim counterpart whose society expects him to comply with historical facts.

The other factor that is likely to make the play *Nathan der Weise* be felt as a provocation by a Muslim audience is the way it deals with the issue of the truth of religions through the parable of 'The Three Rings'. In this play, the events are located in Jerusalem during the Crusades. The Muslim commander Saladin, well-known for his religious tolerance even towards his enemy crusaders, had a friend, a rich and intelligent Jew named Nathan. One day, Saladin asked his friend an embarrassing question about why people fight each other in the holy places, i.e. the issue of religions and their truth. There was indeed a bloody confrontation among opposing followers of the three religions, Islam, Christianity, and Judaism, the followers of each religion pretending that their religion was the true one, and that the other religions were not true; therefore, which of these three religions is the true one? This is the same question an Arab poet expressed as follows:

> In Lattakia there is an uproar / between Ahmad and the Christ
> This one rings a bell / and that one screams from a minaret
> Antagonism between them has long lasted / I wish I knew where the truth is[4]

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[4] This verse has been attributed to the poet Abul-ʿAlāʾ al-Maʿarrī (973-1057).

The wise Jew did not directly answer this embarrassing question addressed to him by Saladin; instead, he indirectly answered, through the parable of 'The Three Rings', as follows:

A virtuous man had three sons. As he became old and felt that his final days were coming close, he decided to leave as an inheritance his only ring to one of his sons; however, he had scruples about that, since it would deprive the other two sons from the ring, and this would be an injustice incompatible with good ethics. After thoughtful consideration, he arrived at an inventive solution to that problem: he called on a skilful goldsmith and asked him to make two rings perfectly identical to the original ring. This is what happened, and the goldsmith handed over to the father three rings so identical that he was unable to distinguish the original ring from the two replicas. Then the father separately called each one of his three sons and handed him a ring, telling each one that the ring had the characteristic of giving its holder peoples' love and God's gratification. After the death of the virtuous man, the three sons quarrelled, each one claiming that his ring was the genuine one and that the other two were fake. When their quarrel became vicious, the sons submitted their case to a judge, and stood before him screaming and accusing each other of forgery. When the judge asked them about the characteristic of the genuine ring and listened to their answers, he became angry and expelled them from his court saying: "You are all deceivers and deceived, and your behavior shows that none of you possesses the genuine ring. The three rings you are holding are all fake, and maybe the genuine ring is lost. I don't want to see you anymore. But come back after a few years, when the characteristic of the genuine ring could have surfaced again; you will then find another judge sitting in my place".[5] This was the end of 'The Three Rings' tale narrated by Nathan the Jew to his friend, the Muslim commander Saladin in answer to his question "Which of the three religions is the true religion?". Saladin did not repeat his question when he listened to the story; he was deeply affected and had tears in his eyes. The story had answered his question in an intelligent way, and showed him that this was not the right way to ask the question and would not lead to any result.

The German scholar of comparative literature Jürgen Wertheimer, suggests that Lessing has set up, through 'The Three Rings' story, the basis for a model of coexistence between the followers of the three religions, and hence what we call

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[5]   Ref. Peter Bachmann: *Ghūthūld Līsīngh wa-ḥikāyat al-khawātim al-thalāthah* (Gotthold Ephraim Lessing and the Three Rings Story), Beirut: Dār al-Shurūq, 1984.

today 'The Dialogue of Civilizations and Cultures'. According to this model, all religions, and all cultures, are either genuine and true, or non-genuine, i.e. fake, like the three rings; and it does not matter which of the three rings is the original one, but rather which one has the characteristic and function of the original ring. Recognizing and identifying the original ring is no longer possible, even for the father himself. Lessing put the three rings on the same parity, considering that their respective merit is not evaluated by oldness, precedence in time, or originality, but by moral function. By so doing, Lessing gave an answer to the question concerning the truth of religions. This model also applies to civilizations and cultures for different reasons, the first one being the fact that they are founded on systems of values of religious sources; indeed we speak about an Arab Muslim civilization and culture, a Christian Western civilization and culture, etc...[6] By applying the parable of 'The Three Rings' on civilizations and cultures and their relationships we can say that all civilizations and cultures are true and legitimate; and if we have to give a value judgment on them, then the ethical morals of peoples belonging to each civilization or culture should be the right criteria for evaluation. This is in conformity with Almighty God's saying about His Prophet Muhammad: "You have a great morality", and His saying: "We sent you as mercy for peoples", and with the Prophet's logion: "I have been sent to preach high ethical morals". As we can see, Lessing has undermined, through the moral of 'The Three Rings' tale, the foundations of conflict and shock among religions, and consequently among civilizations or cultures, and replaced the meaningless conflict or shock based on mere sectarian and doctrinal considerations with a new pattern of relationship based on tolerance, pluralism, mutual recognition, and respect. It is a pattern that does not conceal the differences among religions and civilizations or cultures, but proposes a new perspective for looking at these differences, for dealing with them, and for establishing a quiet dialogue, away from any fanaticism and claim of possession of the absolute truth. Competition among followers of different religions and civilizations or cultures ought to be over good ethics, over 'godliness and devoutness', per the verse 'Over that let rivals compete'. It is the constructive competition that leads to the thriving of civilizations and cultures and to the preservation of their pluralism and diversity; whereas the conflict between religions and cultures does not resolve religious differences or

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[6]   Ref. Roland J.-L. Breton: *Jaghrāfiyā al-ḥaḍārāt* (Géographie des Civilisations; 1987), tr. into Arabic by Dr. Khalīl Aḥmad Khalīl, Beirut: ʿUwaydāt Publications, 1993.

cultural divergences, but only results in violence, death, and destruction. Invading European crusaders remained in Jerusalem and the Sham region almost two centuries, but were finally defeated. They returned to where they had come from, leaving behind many dead and wounded and much destruction and rancor that did not subside even in the seven centuries since the end of the crusaders' campaigns. This resulted in a deep rift in Arab-European, and Islamic-Christian, relationships. Invading crusaders failed to impose their 'Christian' European civilization and culture on the Muslim Arab Orient, and this Orient firmly held on to its Islamic religion and Islamic civilization and culture. It defeated the aggressors under the command of Saladin, who confronted the crusaders' fanaticism with Islam's tolerance, humanitarianism, and mercy, becoming a model of tolerance and a source of admiration for the Occident itself. The German writer Lessing took inspiration from this bloody religious and cultural confrontation, which took place in Jerusalem during the crusaders' wars, to write his play, *Nathan der Weise*, in which he presented, through literary means, a model of coexistence among religions and civilizations. The model presented by Lessing more than two centuries ago is the model that humankind needs to imitate and adopt as a permanent solution to the relationship among religions and civilizations. In *Nathan der Weise*, literature led the way and played a farsighted role, which forces us to admit that this play has constituted one of the most important literary models for the dialogue of civilizations and cultures. Indeed, what makes this literary model even more important is the fact that it put an end to stereotypes on Islam in the European West, not only in the Middle Ages, but also during the Enlightenment. Some European writers whose foremost representative was the famous French writer of the Enlightenment, Voltaire (1694-1778), still continued to fight Islam. In his play *Mahomet*, this writer outrageously turned the Prophet of Islam into derision. It is true that Voltaire has turned into derision all religions, including Christianity and the Church, merely out of Enlightenment principle, not to put one religion against another; however, this did not prevent anti-Islam Western circles to use this play to their advantage. Indeed, Voltaire distorted the image of the Prophet of Islam in an unacceptable way, which caused the great German writer Johann Wolfgang von Goethe to protest against Voltaire's *Mahomet* and propose a new literary portrayal of the Prophet's character. Turning Prophet Muhammad into derision and distorting his image, as did Voltaire, is totally rejected, and could only result in igniting 'the conflict and shock of civilizations and cultures'. The most recent example of a similar affair involves the British writer of

Indian descent Salman Rushdie: his *Satanic Verses*, once again provoked Muslims, inflamed rancor, and caused a new serious deterioration of cultural relationship between the Islamic World and the West. In this context, one cannot but mention another serious case in which literature did not have a positive contribution to the dialogue of civilizations and cultures, but contributed to intensifying the clash of civilizations, and that is the case of the *Divina Commedia* (Divine Comedy), of the great Italian poet Dante Alighieri (1265-1321). In his poetic masterwork, Dante sent away the Prophet of Islam Muhammad and all his Muslim followers to hell. This is strange when we notice that the Holy Qurʾān reveres Jesus, the Christ, (ʿĪsā) son of Maryam, and considers Him a prophet with a Holy Book, and dedicates to Him one of its *sūrah's*, the *Sūrat Maryam*.[7] Islam, as is well-known, reveres all prophets and (God's) messengers, including ʿĪsā (Jesus) and Mūsā (Moses), and recognizes all Revealed Books, including the Gospel and the Torah: "We do not discriminate against any of His Books, We do not discriminate against any of His Messengers". As for the Italian poet Dante, he is believed to have been inspired by *Risālat al-ghufrān* (The Essay on Pardon) of Abul-ʿAlāʾ al-Maʿarrī, and by the Islamic story of 'al-Isrāʾ wal-Miʿrāj', i.e. the Arab Muslim cultural heritage,[8] including the Sultan Saladin, the symbol of noble-mindedness, chivalry, mercy, and religious tolerance.[9] By so doing, Dante sowed, purposefully or not - in this case purposefulness or lack thereof is not the issue -, one of the seeds of the conflict and shock of religions and cultures. A good word is like the good tree which daily bears science, knowledge, maturity, civilization and culture; whereas the wicked word is like a wicked plant, or poisonous decayed food which also daily corrupts the recipients' soul and mind. Millions of readers have read Dante's *Divina Commedia*, including students, and this literary masterpiece has been translated into various languages conveying to millions of peoples all over the world that Islam's Prophet Muhammad and all His followers

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[7]   This intelligent remark is made by the French philosopher Roger Garaudy in his book *Ḥiwār al-ḥaḍārāt* (*Pour un dialogue des civilisations*; 1977), p.109.

[8]   Studies about Arabic Islamic influences in *Divina Commedia* are numerous. Suffice to refer here to Ṣalāḥ Faḍl: *Taʾthīr al-thaqāfah al-islāmiyyah fil-Kūmīdiyā al-ilāhiyyah* (*The Influence of Islamic Culture in the Divina Commedia*), Cairo, Egyptian General Authority for the Book, 1985.

[9]   Ref. Dante Alighieri, *La Divina Commedia*, tr. into Arabic and commented by Ḥasan ʿUthmān, Cairo, Egyptian General Authority for the Book, 2001.

deserve to go to hell, i.e. to be tortured and burned.[10] Is that not what the United States and their allies have done in Iraq and Afghanistan, what Milosevic has done in Bosnia, what Russians are doing in Chechnya, and what Zionists are doing in Palestine and Lebanon, a concrete translation of the *Divina Commedia*? Nonetheless, the matter did not go unnoticed by Arabs and Muslims, yet they tackled it in an inappropriate way, like the ostrich that buries its head under its wing or in the sand. Indeed, Arab translators who translated the *Divina Commedia* into Arabic showed cowardice, and observed self-censorship before it was imposed on them by political and religious authorities. Instead of translating into Arabic the sections related to Islam and Muslims with precision and accuracy, and commenting on them, they just dropped them from their translations and suppressed them. This, of course, does not settle the issue of the *Divina Commedia*;[11] indeed, skipping the religious and cultural differences does not eliminate them. In any case, the difference between the model of relationship between religions and civilizations presented by Dante in the *Divina Commedia*, and the model presented by Lessing in his play *Nathan der Weise* is considerable. In the first case, literature has given a literary model for the conflict of religions and civilizations, whereas in the second case it gave a model for dialogue and coexistence among religions and civilizations.

II. GOETHE AND WORLD LITERATURE (WELTLITERATUR)

In the 1820's and early 1830's, another German writer, Johann Wolfgang von Goethe (1749-1832), presented another important model for the dialogue of civilizations and cultures. This great writer made the first attempt "to understand the East for itself, not as a mere 'negation' of, or the mere 'other' in relation to the West", as stated by the French philosopher Roger Garaudy.[12] Indeed, Goethe, who made his first contact with the Orient at an early age by reading the tales of *One Thousand and One Nights*, assiduously devoted himself at an advanced age to studying and becoming knowledgeable in the Islamic Arabic culture, with much love, humility, respect, and seriousness. He read old Arabic poetry as much as

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[10] On the influence of the massive and diversified favorable reception to the *Divina Commedia*: idem, p. 80.

[11] Idem, p. 154.

[12] Garaudy, p. 113.

was available to him, and wrote important critical remarks and comments about it which indicate a deep understanding of that poetry.[13] He also read old Persian literature, namely the works of the two great Shirazi's, Hafez (1320-1390) and Saadi al-Shirazi, with much love and respect. He even considered himself, he who was the greatest poet of Germany, a mere disciple of Hafez when he wrote in his anthology *West-östlicher Diwan* (West-Eastern Divan):

> *What though the whole wide world were sinking!*
> *Hafiz, with you, with you and else none*
> *I will compete! Let joy and pain*
> *Be ours in common as twins are one!*
> *Like you in loving, like you in drinking,*
> *That shall be my pride, my life's sustain.*
>
> *My song, let your own fire be ignited!*
> *For you have old and new united.*
> <div align="right">(Book of Hafiz)[14]</div>

In his anthology, Goethe went so far as to consider learning and knowing Hafez Shirazi's poetry as a prerequisite for understanding the Spanish poet Pedro Calderon de la Barca (1600-1680), one of the most famous figures of European literature. Goethe wrote:

> *Splendidly the East arose,*
> *'Cross the Middle Sea it sprang;*
> *Only he who Hafiz loves and knows*
> *Understands what Calderon sang.*
> <div align="right">(Book of Proverbs)[15]</div>

Goethe has endeavored, in his anthology, to design "a great structure linking Occident and Orient", to unite East and West, and to make thinking pattern in

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[13] Ref. on this: Katharina Mommsen: *Jūtī wal-ʿālam al-ʿarabī* (*Goethe und die arabische Welt*; 1988), tr. into Arabic by ʿAdnān ʿAbbās ʿAlī, Kuwait (ʿĀlam al-Maʿrifah Collection, No. 194), 1995, p. 55-175.

[14] English quotations from John Whaley: *Poems of the West and East*, bilingual edition, Bern/Weimar: Peter Lang, 1998, p. 63. [Arabic translation by ʿAbd al-Ghaffār Makkāwī: *Al-Nūr wal-farāshah* (The Light and the Butterfly with the complete text of Goethe's Oriental Anthology), 2nd edition, Cairo: Apollo, 1997, p. 329.]

[15] Whaley, p. 225.

both regions interrelate", as Roger Garaudy said.[16] By so doing, he seemed as if he were contesting Kipling's famous saying: "East is East and West is West, and never the twain shall meet". Goethe wrote in his *West-Eastern Divan*:

> *He who knows himself and others*
> *Here will also see,*
> *That the East and West, like brothers,*
> *Parted ne'er shall be.*[17]

Goethe also wrote in another section of his Oriental Divan:

> *God has made the Orient!*
> *God has made the Occident!*
> *North and South his hands are holding,*
> *All the lands in peace unfolding.*
>   (Talismans - Book of the Singer)[18]

Is there a more unambiguous and more beautiful rejection of the saying "East is East and West is West"? What is very important is that Goethe did not go through the complex of Islam or the "Islamophobia", the same complex that strongly came out again after the 9/11 events. He says in his anthology:

> *Stupid, that each his own special opinion*
> *Praises as though his case be odd!*
> *If Islam means submission to God*
> *We all live and die in Islam's dominion.*
>   (Book of Proverbs)[19]

In our opinion, Goethe plays a very important role in the dialogue of civilizations and cultures. The importance of this role is due to several reasons, mainly:

1. His attitude towards the civilization of the other, characterized by respect, love, and recognition of equivalence without any complex of inferiority; and this is the first condition for a dialogue of civilizations and cultures. Indeed, he who does not respect and rightly appreciate

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[16] Garaudy, p. 113.
[17] Translation from "*The Poems of Goethe in the Original Metres*", translated by Edgar Alfred Bowring, Worthington NY, 1853. [Arabic translation from *al-Nūr wal-farāshah*, p. 329.]
[18] Whaley, p. 14, [*al-Nūr wal-farāshah*, p. 137].
[19] Whaley, p. 221, [*al-Nūr wal-farāshah*, p. 92].

other civilizations and cultures will not be able to enter into a relationship of dialogue with them. This is a lesson for all who talk about dialogue of civilizations and cultures to be learned from Goethe.

2. To seriously be ready to know the other and accept his own civilization and culture by exerting a laborious effort for this acceptance and understanding; and this is what Goethe did when he studied the Arabic and Persian literatures. This shows the importance of facilitating the familiarization with foreign civilizations and cultures, such as translation and the learning of foreign languages. Indeed, to have a cultural dialogue with the other necessarily means to expose ourselves and be receptive to the other civilization and culture. Therefore, it is necessary to apply the receptivity theory in carrying out the dialogue of civilizations and cultures.

3. Goethe's study of oriental literatures has influenced his work, technique - as well as content - wise. This productive creative influence has reached its climax in The *West-Eastern Divan*, and this is an inevitable result of the study of foreign literatures. Indeed he who studies a foreign literature will necessarily be influenced by it, and this will be reflected in his literary creativity in the form of foreign nuances, that do not make this creativity loose its genuineness and distinguishing features. We do not imagine that anyone could think of denying the literary originality of *The West-Eastern Divan* because of the oriental nuances it contains. This also applies to the dialogue of civilizations and cultures; indeed, the favorable reception of foreign civilizations will influence any civilization, but will not make it loose its own identity and genuineness. Should that happen, it will become a 'cultural invasion' instead of a dialogue of civilizations and cultures, and this will not be acceptable to followers of any civilization. Opening up to other civilizations necessarily enriches any civilization, gives it new features, and leads to an increase of similarity and rapprochement among civilizations, but without melting and vanishing in the 'globalization' melting pot. Dialogue of civilizations makes the civilization evolve, on one hand, while preserving its distinguishing features, on the other hand. The best example of that is the way the German poet and dramatist Goethe has been influenced by oriental literatures. This influence gave his literary work exquisite oriental nuances, clearly noticeable in *The West-Eastern Divan*,

without, however, destroying the German and European identity of this work. This is a realistic example of the 'I and the Other' debate, and of the productive reception, genuineness, and identity in the dialogue of civilizations and cultures.

4. Goethe did more than opening up to oriental literatures and being creatively influenced by them: he presented a theoretical blueprint for future relationships among literatures, i.e. the concept of '*Weltliteratur*' (*World Literature*). Goethe has realized that the time of national literatures cocooned within their linguistic, cultural, and political boundaries has gone forever, as a result of the development of the means of communications, transportation, publishing, and distribution. The world is no more a collection of secluded national entities, surrounded by boundaries and customs posts, within which there is a national literature written in a national language, and protected from the competition of foreign literatures. This is over in economics and politics, as well as in literature. The literature that will replace the cocooned national literature, is what Goethe called '*Weltliteratur*'.[20] It is a literature whose creators have been acquainted with foreign literatures, have assimilated its artistic and intellectual achievements, and have been influenced by them in their creative work; something that could be considered a literary import. Globalization, however, also means that this literature be favorably accepted abroad by other peoples, and this could be described as literary export. Nonetheless, all this does not abolish the national identities of literatures; literature is written with a national language and is, therefore, necessarily a national literature. As for the '*Weltliteratur*' mentioned and announced by Goethe, it is a literary state of affairs in which men of letters of each nation are open to other national literatures, favorably receive their contents and upgrade their literary creations to their levels, without renouncing their national identities. '*Weltliteratur*' is not an abolition of national literatures, but a means of developing and improving them up to universal levels. Those who imagine that the 'Weltliteratur' grows on the rubbles of

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[20] On the concept of 'World Literature' and Goethe's role in laying its foundation, ref. our book *al-Adab al-muqārin: mushkilāt wa-āfāq* (Comparative Literature: Problems and Horizons), Damascus: Arab Writers Federation Publications, 1999, p. 80.

national literatures are mistaken, because this means abolishing literary pluralism in the world and impoverishing the world literarily and culturally. This, of course, was not the intention of the creator of the '*Weltliteratur*', Goethe, whose literary work was as much national as universal.

The '*Weltliteratur*' model that Goethe shaped in the first half of the nineteenth century is suitable to be taken as a model for what we today call the 'Dialogue of Civilizations and Cultures'. Indeed, the time of the introverted and cocooned national literatures is gone forever, and likewise the time of isolationist and co-cooned cultures, to be supplanted by opening up to other cultures and favorably accepting, and being influenced by them, without sliding down into the cultural globalization. We can today announce that the era of universal culture has occurred; it is an era that does not wreck or abolish the national cultures, but develops and upgrade them so as to become distinct national tributaries for a universal culture that emerges from the interaction and dialogue of these tributaries. Goethe formed the '*Weltliteratur*' concept at the beginning of the nineteenth century, and subsequent developments came to confirm what he had expressed and foreseen. Indeed, the means of publishing, transportation, and communications continue to evolve at high rates, and the electronic and informatics revolution have opened limitless horizons for cultural expansion. An unprecedented potential has become available for interaction and dialogue among literatures and cultures. However, what is noteworthy in this new state of affairs is the fact that those parties that are economically and technologically strong began to exploit their technological and scientific superiority by imposing their civilizations and cultures on the world, eradicating the other civilizations and cultures. As a result, instead of promoting world peace thanks to the contact, interaction and dialogue among civilizations, the world state of affairs has been deteriorating to the extent of foreboding a 'conflict of civilizations'. The cause of all this is the non-observance of the argumentative relationship between national and universal, as well as the non-respect of peoples' cultural identities by the parties who are superior in resources and technology, and the endeavor by these parties to impose 'globalization' in lieu of 'universalism', and hegemony in lieu of dialogue. This will only lead to new conflicts. Under such circumstances, it is useful to constantly recall the model of religious and cultural coexistence that Lessing literarily created in his play *Nathan der Weise*, and the model of cultural open-mindedness that Goethe literarily created in *The West-Eastern Divan* and theoretically through the

'*Weltliteratur*' concept, and to recall other literary models and expressions of the dialogue of civilizations.

III. OTHER LITERARY MODELS

The models I mentioned above are taken from the German literature, not because there are no such models in other literatures, but because I am acquainted with that literature. I leave it to my researcher colleagues familiar with these literatures to study and expound them. In this context, I would like to refer to one of Goethe's contemporaries, i.e. Russian poet Aleksandr Sergeyevich Pushkin (1799-1837), who raised Russian literature to the universal level. His attitude vis-à-vis Islam and its civilization represents one of the important models for the dialogue of civilizations in the World Literature.[21] If we review the Arab literary heritage, we come across numerous works that can be considered early literary models for the dialogue of civilizations and cultures, such as the works of Jāḥiẓ, Abī Ḥayyān al-Tawḥīdī, Abul-ʿAlāʾ al-Maʿarrī, Muḥyīddīn Ibn ʿArabī, and others. Also, there are numerous models of dialogue of civilizations in the World Literature, whether foreign or Arabic, that set the foundation for a literary heritage which continues and evolves throughout the modern and contemporary literature. Indeed, the German literature witnessed, after Lessing and Goethe, the emergence of men of letters who continued on the same path of these two writers. The foremost of these men of letters is the playwright, producer, and theoretician Bertolt Brecht (1898-1956). He got acquainted with non-European theater traditions like the Japanese theater, and was influenced by them in his work. Also, he placed the setting of some of his plays in non-European environments, like *Der gute Mensch von Sezuan* (*The Good Man of Szechuan*), the events of which take place in a Chinese environment; and *Der kaukasische Kreidekreis* (*The Caucasian Chalk Circle*), the events of which take place in the Caucasus. Brecht's theater was favorably received all over the world, and became one of the most important theater schools of the Twentieth Century, despite the fact that Brecht's plays and theoretical works were written in German. Thus, Brecht became a universal writer at both production and reception levels. This also applies at both levels to

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[21] Ref. Mālik Ṣuqūr: *Būshkīn wal-Qurʾān* (Pushkin and the Qurʾān), Damascus: Al-Hārith Publishing House, 2000.

several other writers of German provenance and culture, such as Hermann Hesse, Peter Weiss, Anna Seghers, Max Frisch, and Friedrich Dürrenmatt; they are both national as well as universal writers. This is the sound practical embodiment of the '*Weltliteratur*' concept that Goethe formed. This concept consists of the most important foreseen modern project for the dialogue of civilizations and cultures that leads to a universal culture free from Western hegemony, in which the creative cultural values concocted by non-Western as well as Western cultures merge into a 'symphonic vision', as described by Roger Garaudy.[22]

On the other hand, modern Arabic literature has seen a plethora of works expressing the cultural contact between Arabs and the West, such as the works of Shakīb al-Jābirī, Yaḥyā Ḥaqqī, al-Ṭayyib Ṣāliḥ, Tawfīq al-Ḥakīm, Suhayl Idrīs, Ghāda al-Sammān, Ḥannā Mīnah, Saʿdallah Wannūs, Bahāʾ Ṭāhīr, and others. Thus Arabic literature was expressing the relationship of the Arabic Islamic civilization with other civilizations, especially western civilization, with all the differences that these relationships contain. Each one of these writers deserves a separate critical study session for discussing their literary works from the perspective of a dialogue of civilizations.

CONCLUSION

Literature has so far been taught according to critical programs and from various perspectives which has been good and useful for literary and critical studies alike. But today we live in an era in which the call for dialogue of civilizations has spread and evolved into an argument against two other, dangerous modern calls, i.e. 'Globalization' and 'Conflict of Civilizations'. Globalization leads to the eradication of cultures, languages, and civilizations, including the Arabic Islamic civilization and culture, and abolishes cultural pluralism in the world to replace it with the Western capitalist model of civilization and culture. The 'Conflict of Civilizations', first formulated by Samuel Huntington, in which he characterizes Islam and its civilization as the new enemy of the West, is no less dangerous than the first call, and could represent an intellectual basis for a new western offensive against the Islamic world and its civilization. In view of that, it is becoming necessary for literary and critical studies to self-assign a new goal, i.e. to conduct a

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[22] Garaudy, p. 113.

second reading of literature, old and new, Arabic and foreign, from a new perspective: the one of dialogue of civilizations and cultures; and with the new objective of serving that dialogue, which has become the new project of hope for the Arabs, the Muslims, and all of mankind. When literary and critical studies have been put at the service of the project of dialogue of civilizations, new horizons will be wide open before them, and they will become an active partner in the making of a civilized future suitable to mankind.

II

RELIGIOUS DIALOGUE

TRANSLATING GOD IN THE 21ST CENTURY: ARE WE ALL FUNDAMENTALISTS?[1]

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The subject of fundamentalism is hardly original, but it is timely. It has been a personal preoccupation for some time mainly because of my geographical placement in Lebanon. Today of course the term is thrown around with abandon. Some object and claim the term is inapplicable to anything but American Protestantism; others claim all Muslims are fundamentalist[2] and even a few say that all Catholics are fundamentalists.[3] Usually the subject is approached by defining fundamentalism, establishing its links with violence, and evaluating the various groups on a scale ranging from quietist to terrorist. Fundamentalists, of course, are other people and we get exasperated trying to discover what makes them tick.

I propose to approach the subject from another angle setting out a few ideas that may help us to understand fundamentalism and provoke some reflections based on a presentation of three cases: one Muslim, one Jewish and one Christian. My aim is to help clarify our notions of fundamentalism, and to move beyond the convenient stereotypes cultivated after September 11th.

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[1] This is an adaptation of a conference originally given at the Orient-Institut Beirut in the series "East is East and West is West, and never the twain shall meet?" in 2002.

[2] Historically the term is traced to American Protestantism at the beginning of the 20th century. Much has been written concerning its aptness for non-Christian religions, but at this point in time it would appear pedantic to go into such a discussion. See the study of Johannes Jansen, *The Dual Nature of Islamic Fundamentalism*, who finds that all Muslims are fundamentalists.

[3] See Peter Hebblethwaite, "A Fundamentalist Pope," *CONCILIUM International Journal of Theology*, 1992/3 Fundamentalism as an Ecumenical Challenge, 88-96.

The title was inspired by an article by Jan Assmann in a collection called *Translating Culture*.[4] The generally accepted hypothesis is that religion is the hard core of culture which defies translation or change. He, on the contrary, finds that in the Ancient Near East gods were the element the most easily translated. There are lists of the names of gods in three or even four languages, not all in the same cultural set. The ancients understood that though the names of gods differed, they all had similar functions no matter what their name. The practice of translating foreign panthea has to be seen in the context of this general emergence of a common world with integrated networks of commercial, political and cultural communication. This common world extended from Egypt to the Near and Middle East and westward to the shore of the Atlantic.

The process of intensification and unification was not always peaceful but even war promoted the idea of an *oikumene* where all peoples are interconnected in a common history.[5] So how did we evolve to our present state of rupture and division where God's names are static and even for some unmentionable?

He proposes that people in a minority situation - as were the Jews and the Egyptians under the Macedonian hegemony[6] - developed a cultural resistance which centered on their own conception of religion. Elsewhere[7] he states that Israel and Egypt invented the notion of paganism in self-defense and thus the notion of true and false enters into religion to produce later the distinctions between Jews and Gentiles, Christians and Pagans, Muslims and unbelievers. Once this distinction is drawn, there is no end of reentries or subdistinctions. We start with Christians and pagans and end up with Catholics and Protestants, Calvinists and Lutherans, Socinians and Latitudinarians and a thousand similar denominations and subdenominations. These cultural or intellectual distinctions construct a universe that is full not only of meaning, identity, and orientation but also of conflict, intolerance, and violence.

These universes - secondary cultures - centered on religion, construct solid defenses: one enters by conversion and exits only by apostasy.

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[4] Jan Assmann, "Translating Gods: Religion as a factor of Cultural (Un)Translatability" in *Translatability of Cultures: Figurations of the Space Between*, Sanford Budick and Wolfgang Iser (eds.), Stanford CA: Stanford University Press 1996, 25-36.

[5] J. Assman, "Translating Gods", 28.

[6] Fourth century BC.

[7] J. Assman, "The Mosaic Distinction: Israel, Egypt, and the Invention of Paganism," in *Representations*, vol. 0, Issue 56, Special Issue: The New Erudition, autumn 1996, 48-67.

Of course, he realizes that this translatability rests on reason and experience, once revelation and belief enter in, translatability departs. In speaking of the three monotheistic religions one cannot avoid the essential role of revelation and a revealed text, no matter how one may define revelation. At the very least, revelation is inspired by religious reflection on the human condition.

I. INITIAL UNITY OF MANKIND

The preoccupation of this religious reflection or revelation with a once and former unity of humankind is remarkable. In the book of *Genesis* (11:1-9) we have the story of the tower of Babel where God punishes the pretensions of men to build a tower reaching up to the heavens by dividing their language. Christianity takes over the story and the Qur'ān too has indirect references.[8] We are in search of a lost unity. If only we could rediscover that first language, the language Adam spoke with God, then perhaps there would be no need of dialogue.

The Late Middle Ages were preoccupied with finding the language. Umberto Eco has a delightful series of lectures entitled *Serendipities*[9] in which he recounts the search for the original Adamic language. And after Babel, the search was for the most perfect language, which would resemble the original Adamic speech. For the Hebrews it was Hebrew, of course. The Gospel of Barnabas would later discover it was Arabic. The Jesuit Athanasius Kircher believed that it was ancient Egyptian - more perfect than Hebrew and more ancient. There were even some Irish grammarians who had proofs that Gaelic represented the language closest to that of Paradise. And Dante, in search of the perfect idiom for human expression, found that it was Italian, his own Italian!

Somehow, we perceive that we are lacking an essential unity and search everywhere to find it. Perhaps one of the more original attempts was the theory of the *Intellectus Agens*[10] in which all humans participate. But even with one shared intellect, humankind was adept at finding divisions, not across cultures but also within. However we may explain that diversity and the rise of monotheist

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[8]   Qur'an 2: 213; 10:19; 16:26.
[9]   Umberto Eco, *Serendipities: Language and Lunacy*, A Harvest Book, 1998, San Diego, NY, London: Harcourt Brace & Co. Chapter 2 is entitled "Languages in Paradise".
[10]   See "Intellect, unity of," in the *New Catholic Encyclopedia*, NY McGraw-Hill 1967, vol. 7, 557.

religions, the fact is that people drew lines in the sand and marked out distinctions, cultural for sure and at times geographic.

Why are we so prone to division?

There is a tradition ascribed to Muhammad on sects, which serves as an introduction to the works on heresiology (*milal wa-niḥal* works). "Banu Israel divided into 72 *millah*, my *ummah* will divide into 73 and all but one will end up in the fire."[11]

The revelation in a given religion may be one but it is open to varied interpretations, literal, figurative, and even numeric: the Kabbalism of Jewish Mysticism, Cracking the Bible Code;[12] the notion of a Messiah or a messianic age, new prophets, new revelations. It seems there are always enough credulous souls to create a movement. We have Joseph Smith discovering an ancient book in 1830 in New York and now we are told that the Mormons are the world leaders in recruitment of new members.

II. CHANGE

Revealed religions, by definition, are valid for all times and places; as if they never change, but in fact they do change. Changes in society generate changes in religion and in our conception of religion, mostly unnoticed. Explicit changes come with difficulty. We may not have new prophets but we do have Emperors who define doctrine or charismatic people, outstanding religious interpreters who can set the old religion on new paths.

In general there is adaptation to change which is inevitable. It goes unnoticed until it accumulates a bit too much, throws off the old center of gravity and provokes resistance. New elites impose change and marginalized elements react. There are always guardians of the deposit of revelation and tradition, official or self appointed, who rise up to divert the current of change.

But all this is within a religion and a culture. What about other religions and other cultures? Plurality is in style. How does one culture regard another it deems inferior? Or how does one religion regard another when it claims to have the truth?

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[11] Al-Baghdadi, *Characteristics of Muslim Sects (al-Farq bayn al-firāq)*, abridged, edited by Philip K. Hitti, Cairo: al-Hilāl Printing Press, 1925, 14-15.

[12] For Kabbalism see the treatment by Karen Armstrong in her *History of God*, NY: Ballentine Books 1993, 266ff. See also Jeffery Satinover, *Cracking the Bible Code*, 1997.

III. CULTURAL SHOCK

Projecting back to a pre-Samuel Huntington era we can look quickly at the history of cultural encounters. When two different cultures meet, there is inevitably a shock, provoked by their diversity. One of three reactions is possible: conquest, pillage, or exchange.

Conquest occurs when members of culture A find those of B so different that they cannot recognize them as human; they are barbarians. Accordingly they must either be civilized and become replicas of culture A, or be destroyed. The latter option was taken by Europeans in their treatment of African and American Indian civilizations.

A second possibility occurs when culture A recognizes something of value in culture B to the point that while subjecting culture B politically and militarily, culture A tries to steal the secrets of B. So it was with the Greeks when they Hellenized the Egyptians, they tried to steal and integrate Egyptian wisdom, its mathematics, its alchemy, its magic and religion.

The third possibility is exchange based on mutual respect and influence. Such was the relation between Europe and China. Beginning with the era of Marco Polo, then with Father Matteo Ricci, the two cultures were exchanging their secrets. The Chinese gladly accepted many aspects of European science from the Jesuits and the Jesuits transmitted many aspects of Chinese civilization to Europe.[13]

We propose, at least in theory, exchange. We call it dialogue. But who are the spokesmen for dialogue? Religious leaders? Political leaders? Intellectuals? Some are already calling for institutionalizing dialogue. Do we dialogue with the mainstream or with reactionary groups? Is there a difference?

IV. REACTION TO CHANGE

For a while many thought religion was retreating to the margins in the face of modernization and that globalization would level cultural barriers. Now the pundits of secularism are preoccupied with the persistence of religion on a global scale as the key factor of resistance to cultural change.

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[13] These reactions are a paraphrase of Umberto Eco, *Serendipities*, 53-54.

There are several possible reactions to change: adaptation or assimilation; withdrawal and isolation; rejection and return to one's authentic roots to reestablish identity.

Fundamentalism is a reaction - an attempt to change the course things are taking. Change seems to be inevitable but there are many who do not agree. Economic and social development often seems to take priority at the expense of or at the neglect of identity.

Protestant Fundamentalism was, in part, a reaction to new scientific concepts and new form criticism applied to Biblical Interpretation.

Catholic reactions to new scientific approaches were not very different. There was the Index of Forbidden Books, the Syllabus of Errors, etc. And then when change did enter with Vatican II, it was not as effective as desired. One analysis labels it "Contested Accommodation."[14] "[T]here are conflicting interpretations of this renewal: traditionalist, progressive, charismatic. The change is on-going."

Jewish fundamentalism is, in part, a reaction to assimilation. America was a paradise which allowed assimilation until recently it is seen as obscuring Jewish identity.

Change has been a constant in history. Why should it be such a preoccupation at present? Is change today more profound or more penetrating than ever? Is it corroding the bases of religious belief?

Karen Armstrong considering the global extent of fundamentalism looks for the profound change in society as a whole, which might provoke such a reaction. She finds that the period from 700 to 200 B.C. - the Axial Age[15] - was a period of transition in the spiritual development of mankind. The age was the product of thousands of years of economic, social and cultural evolution. Citizens acquired a wider perspective and broader horizons, which made old local cults, seem limited and parochial and thereby discovered a single universal transcendence and source of sacredness. In this way the great confessional faiths sprung up.

Today she sees a similar period of transition whose roots lie in the 16th and 17th centuries. Economic changes have been accompanied by social, political, and intellectual revolutions producing an entirely different scientific and rational

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[14] John Seidler, "Contested Accommodation: The Catholic Church as a special case of Social change," *Social Forces*, vol. 64, Issue 4, Jan. 1986, 847-874.

[15] The term comes from Karl Jaspers who considered it a crucial age for world religions: An ethical revolution - emphasis on proper conduct/ human relations.

concept of the nature of truth. A radical religious change has become necessary. People are looking for a new way of being religious. One of these modern experiments is, paradoxically, fundamentalism.[16]

V. FUNDAMENTALISM AS A GLOBAL PHENOMENON

Fundamentalism today is widespread and for many people unsettling. The Islamic Revolution in Iran in 1979 prompted a broad and intensive study of fundamentalist groups between 1990 and 1995. The Fundamentalist Project,[17] undertaken by the American Academy of Arts and Sciences, embraced an interdisciplinary program to analyze the global resurgence of religion from North America to the Far East. The project headed by Martin Marty of the University of Chicago Divinity School and R. Scott Appleby of Notre Dame University produced five volumes covering several thousand pages on the current phenomenon.

Now three of the participants have produced a manageable volume entitled *Strong Religion: the Rise of Fundamentalisms around the world.*[18] In the introduction the authors define fundamentalism as follows: *Fundamentalism, in this usage, refers to a discernable pattern of religious militancy by which self-styled "true believers" attempt to arrest the erosion of religious identity, fortify the borders of the religious community, and create viable alternatives to secular institutions and behaviors.*[19]

Resistance to modern forms of secularization, according to the authors, is a defining common feature of religious fundamentalisms. Many, but not all, religious traditions make clear separations between the sacred and the secular, posit an "end of days" deliverance by a savior or messiah, and have clearly formulated doctrines and codes imputed to divine origins.[20]

Certainly there are nuances distinguishing fundamentalism within a given culture not threatened from without, from that of a culture dominated by

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[16] *The Battle for God,* New York: Ballentine Books 2000, xv.
[17] See http://religiousmovements.lib.virginia.edu/ for a profile report on fundamentalism prepared by Steven Jones at the University of Virginia.
[18] Almond, Gabriel, R. Scott Appleby and Emmanuel Sivan, *Strong Religion: The Rise of Fundamentalisms around the World,* Chicago and London: University of Chicago Press 2003.
[19] Ibid, 17.
[20] Ibid, 20.

another. Whatever the case, all fundamentalism seems to be preoccupied with identity and authenticity.

This concern for authenticity however has different facets:

- one can find that new developments were already there in the original heritage but neglected;
- or one can claim that the new is actually the logical development of the authentic tradition;
- or condemn the new and reinforce the authentic;
- or neglect of what is going on to take refuge quietly in what one has always believed.

Note that often the call to return to the old, the original and the authentic is used as a pretext to make progressive change and ignore the immediately preceding customs and traditions.

The study of fundamentalism, with its concern for comparison among groups, looks to common elements and attempts to ferret out the specific circumstances, which gave rise to the various movements selected. It is explicitly aware of the specific and often parochial character of many movements. The attempt to understand fundamentalism as a global phenomenon does efface somewhat the peculiar circumstances of given cases and of regional movements, especially where outside hegemony is more keenly felt.

VI. THREE PROFILES

I would like to present three profiles of reaction to modern change by an assertion of identity for our reflection here. The first is Muḥammad Bāqir al-Ṣadr, Shiite *sayyid* and scholar who is considered the thinker behind modern Shiite activism; Rabbi Abraham Kook and his son Rav Zvi Yehuda Kook whose writings inspired the movement *Gush Emunim*; and the late Dr. John Walvoord, former chancellor of Dallas Theological Seminary, the outstanding figure of pre-millennial dispensationalism.

VI.I. ISLAM

Usually treatments of fundamentalism in Islam go back to the Wahhabites or to Ḥasan al-Bannā and Sayyid Quṭb. For the sake of variety I chose a lesser known Shiite thinker whose work represents a serious attempt to renew Islam and

assert Islamic identity adapted to the modern world: Muḥammad Bāqir al-Ṣadr.

Muḥammad Bāqir al-Ṣadr was born in Kadhamiyyah, Baghdad in 1933. The Ṣadrs had emigrated from Jabal ʿAmil (Lebanon) in the 18th century to settle in Baghdad. In the inter-war period, the Ṣadrs and the Āl Yāsīns were the two prominent Shiite families in Baghdad. Muḥammad Bāqir al-Ṣadr did his studies in Najaf. He was a brilliant student according to accounts and wrote his first book in 1959, *Falsafatunā* (Our Philosophy). He was planning to write a treatise on "our society" but pressure was exerted to have him work on *Our Economy*,[21] which appeared in 1960 or 1961. He also wrote several other works.

He was member of the *Jamāʿat al-ʿUlamāʾ* in Najaf founded by his uncle Murtaḍā Āl Yāsīn in 1960. The group published the review *al-Aḍwāʾ* which according to Muḥammad Ḥusain Faḍlallah was a new type of publication in the history of Najaf because it was written in an Islamic activist (*ḥarakiyyah*) language.[22] He wrote the editorials for the magazine. There is little information on his other activities.

Muḥammad Ḥusain Faḍlallah says that Muḥammad Bāqir al-Ṣadr's *Risālah ʿamaliyyah* written when he was candidate for *marjaʿ* represents an extremely high level of thought on the subject of *marjiʿiyyah*.[23] No one of his time was deeper. ʿUlamāʾ had doubts about the purity of non-Muslims, even the People of the Book; Muḥsin al-Ḥakīm issued a *fatwa* on the purity of people of the book; Ṣadr went further and issued a *fatwa* declaring the purity of every man.

He is also credited with having begun a reform of the courses of study in the religious school (*Ḥawzah*) at Najaf which would have important repercussions. He had a project to reform the institution of religious leadership of the Shiah (*Mashrūʿ al-marjiʿiyyah al-ṣāliḥah*) by getting the *marjiʿiyyah* in Najaf out of its subjective state and individual style by structuring it so that the death of a man would not affect its functioning - a successor would immediately take up where

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[21] The edition of *Our Economy* (*Iqtiṣādunā*) available was the 6th printing, Beirut: Dār al-Fikr 1974 (1394H), 684pp. The same year the same publisher issued the 5th printing of *Our Philosophy*, 369ff. The latter volume is also current in its 10th printing by Dār al-Taʿāruf, Beirut 1980.

[22] See the interview with Sayyid Faḍlallah in *Diyar* 11/1/92.

[23] A *marjaʿ* is a religious scholar who has attained the level of *mujtahid* and has a following. See the article "*Marjaʿ al-taqlīd*" by Norman Calder in (Esposito ed.) *The Oxford Encyclopedia of the Modern Islamic World* 1995, Oxford, NY: Oxford UP. Vol. 3, 45.

the deceased left off. The *marjiꜥiyyah* would have a committee to oversee Islamic action.[24]

According to a former student, he issued two *fatwas*, which led to his elimination by the Iraqi government - one prohibited membership in the Baath party and praying behind Imams who collaborated with the regime, the other called for open armed struggle against the regime. On April 8, 1980 he was liquidated along with his sister, Bint al-Hudā. His liquidation was a blow to the Shiite underground parties, *Ḥizb al-Daꜥwah* and the *Mujāhidīn*, both of whom took their inspiration from him, though apparently he had no direct connection with either. He was one of the 8 Shiite *marjaꜥ*'s of our time.

The question is, what is there about his writings that may explain the impact he had in Shiite circles? Well, he wrote his first books in 1959 and 1960. Iraq at that time had just had its revolution (1958) and the Communist Party began taking front stage. The party had been recruiting among the Shiites in the south of Iraq for several years previous and the menace of Communism was felt so strongly among Shiite religious men that Shaykh Murtaḍā Āl Yāsīn felt obliged to issue a *fatwa* against Communism in 1960. In that situation, al-Sadr appeared as the brilliant young *mujtahid* whose broad reading and deep reflection had equipped him to come to the fore and refute the erroneous doctrine of historical materialism.

His book *Our Economy* is considered one of three most influential works[25] on Islamic economy. He wanted to show that Islam, like capitalism and Marxism, had its own unique economic philosophy and its own answers to contemporary economic problems. His work was an exercise in the rejection of "alien" ideologies and in the assertion of a distinct Islamic identity. Then, he sought to depict Islam as a religion committed to social justice, the equitable distribution of wealth, and the cause of the deprived classes. Thus he attempted to use Islam as an instrument for social and economic reform, and to suggest to a younger generation attracted to socialism or Marxism that Islam could also serve as a vehicle for social transformation. Finally, he wished to prove that the economic system and

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[24]　ꜥIzz al-Dīn Salīm, "al-Shahīd al-Ṣadr: rāʾid ḥarakat al-taghyīr fīl-ummah," *al-Tawḥīd*, vol. 5, no. 27, April 1987, 25-39. The project was published by *Jamāꜥat al-ꜥUlamāʾ al-Mujāhidīn fīl-ꜥIrāq*.

[25]　Three works were particularly influential in Islamic economics: Mahmud Taleqani's *Eslam va Malekiyyat* (*Islam and Property*), Muḥammad Bāqir al-Ṣadr's *Iqtiṣādunā* (*Our Economics*) and Abol-Hasan Bani Sadr's *Eqtesad-e Towhidi* (*The Economics of Divine Harmony*).

doctrines they were running after could be derived systematically and in a manner acceptable to Islamic jurists, from the Qurʾān and the authoritative texts on Islamic jurisprudence. His work was part of the debate within the clerical community regarding the extent to which Islamic law and doctrine could be reinterpreted to allow for the more equitable distribution of wealth, tampering with property rights, and state regulation of the economy.

Muḥammad Ḥusain Faḍlallah says that the book of Muḥammad Bāqir al-Ṣadr represents a revolution in thought in this domain. No one has approached it since. True, but it was also criticized for being dense and impossible to understand.[26] Muḥammad Bāqir al-Ṣadr himself realized that his study was difficult to grasp and so wrote *al-Madrasah al-islāmiyyah*[27] to fill the need for something easier to follow for the majority of people, something to convince. Here he reprinted the Introduction to *Our Economy*, which I find an excellent declaration of identity. It is an extremely clever piece of rhetoric. He takes the standard theme of the materialistic West over against the spiritual East, fleshes it out with pertinent arguments and finally transforms it into a trump card for mobilization and development. In it we find several of the terms which became common in Shiite discourse: opening up to Islam and its mission; mission and missionary; movement; in the Islamic line; style.

There is no anti-Western vituperation in the text. East is East and West is West with the implication that the West is in error and awaits the mission of Islam which is for the whole world. Actually East comes in only once when he compares its spirituality with the materialism of the West. But for the rest it is the Islamic Ummah, the mind of the Ummah, the feelings of the Ummah, Muslim man in the Islamic world.

His small booklets became common reading and a source of mobilization for Shiite youth in Lebanon and in Iraq.

Muḥammad Bāqir al-Ṣadr certainly represents a serious attempt to renew Islam and give it a prime role in modern development. His influence cannot be denied. He is one of the thinkers that prepared for the Islamic revolution and set in motion changes the final consequences of which are not yet clear.

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[26] Michael Fischer in *Iran from Religious Dispute to Revolution*, Cambridge: Harvard University Press 1980.

[27] *Al-Madrasah al-islāmiyyah* (*The Islamic School*), Beirut: Dār al-Zahrāʾ, Beirut, 4th printing 1983, 198ff. Note: the first printing in Beirut was in 1973.

IV.2. JUDAISM

There is no need to go into the principal Jewish reaction to modern developments, which was Zionism. Zionism sought not only a refuge from persecution but also a base upon which to re-construct Jewish national identity, specifically in Eretz Yisrael, the homeland of the people in ancient times. Most of the founders and activists of Zionism were non-religious and even anti-religious.

Religious Jews, of all variations, are caught in a dilemma concerning their relationship to a movement, which does not see religious belief as its core and foundation, but does contribute significantly to Jewish national existence.[28]

Jewish movements and parties are legion because Judaism is rather loosely structured. You have probably heard the current Jewish joke which brings this out: Yeshiva U decided to form a crew team. Unfortunately they lost race after race. They practiced for hours every day, but never managed to come in any better than dead last. The Rosh Yeshiva finally decided to send Yankel to spy on the Harvard team. So Yankel schlepped off to Cambridge and hid in the bulrushes on the banks of the Charles River from where he carefully watched the Harvard team as they practiced. Yankel finally returned to Yeshiva. "I have figured out their secret," he announced. "They have eight guys rowing and only one guy shouting!"[29]

While the Zionists were organizing politically there was also a contemporary educational movement - the Yeshiva movement. Begun by a Rabbi in Vilna in the early 19th century, the Yeshiva was an academy for the study of the Torah. By the end of the century Yeshivas were started in several cities in Eastern and Western Europe. Previously the great Torah scholars were community Rabbis. The Yeshivas become seminaries for forming rabbis.[30]

Reactions to Zionism within Jewish communities fall into three groups:
- Total rejection of Zionism and its activities and active opposition to it;
- A view of Zionism as a necessary, positive political development which may perhaps bring us closer to eventual redemption but which, for the present lacks any specific religious meaning;
- Adoption of Zionism as an expression of the process of redemption though most of its participants are unaware of that fact.

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[28] See Emmanuel Sivan and Menachim Friedman (eds.), *Religious Radicalism and Politics in the Middle East*, New York 1990, SUNY passim and Chapter 2, "Redemption as Catastrophe," by Gedeon Aran.

[29] See http://members.tripod.com/~jewishjokes/yeshiva-crew.htm.

[30] See www.JewishAmerica.com.

This last category is connected with a Yeshiva which has become famous, the Yeshivat Mercatz Harav, founded in Jerusalem in 1924 by the first Chief Rabbi of Eretz Yisrael, Rabbi Abraham Isaac Kook (1865-1935), a mystic and philosopher, a preeminent Talmudic scholar and Lurian Cabbalist, and, according to some, a saint.[31]

Rav Kook saw secular Zionism as a mistake and a falsification of the Jewish nationality. He did not invalidate the mistake entirely, but rather saw it as a basis which unknowingly draws from the divine source of Israelite Nationality. For this reason one must work with it and nurture it until the mistake is recognized. It is an expression of the beginning of the Redemption (*Geulah*) process. Eretz Israel has a special quality and only the union of Am Israel to Eretz Yisrael can make both of them whole:[32]

The soul of the people and the land work together to create the secret of their existence, demanding their role in the realization of their aspiration of holiness... the people expend their spiritual power upon the land ... and the land causes the people to realize their attribute of desiring Divine life complete in their construction.

His theories were developed more fully by his son, Rabbi Tzvi Yehudah Hacohen Kook (1891-1981) and by his disciples who were educated in the Merkaz Harav Yeshiva. The State of Israel, which represents the Zionist endeavor, is, according to Rav Tzvi Yehudah:

The true redemption, revealed in the perfection of settlement on the Land and the rebirth of Israel upon it, then, further renewal of settlement on the Land and the ingathering of the exiles ... it appears at the zenith of its actual growth - inheritance of the Land ... and the rule of our government upon it.

Yeshivat Mercaz Harav grew in status, and its graduates, from the end of the 1950's onward, began a widespread development of the Religious Zionist

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[31] His son Rabbi Zvi Yehudah Kook, who succeeded him, was not overjoyed with the establishment of Israel because it was not Eretz Israel, it lacked essential parts. But he saw it as an instrument whose purpose was the conquest of the land. The Jews and the Land of Israel both possess spiritual sanctity. This sanctity is a physical quality created by God that inheres in both the Jewish people and the Land of Israel because that is the will of God. God has determined, once and forever, this is a holy land and this is a holy people. Emmanuel Sivan and Menachim Friedman (eds.), op. cit. 82.

[32] Chapter IV of the work of Ian S. Lustick, "For the land and the Lord: the worldview of Jewish Fundamentalism: the Breadth of Consensus", available on the Internet at http://www.sas.upenn.edu/penncip/lustick/. The following is based on his chapter. See also the article by Kevin Avruch, "Political Judaism and the Post-Zionist Era," in *Judaism*, Spring 1998.

educational system. In a little over a decade - during the 1960's - they became the leading force in Religious Zionism.

The Six-Day War was the first turning point for the Religious-Zionist community. The territories which were conquered - Judea , Samaria, Gaza, Sinai and the Golan - hinted at the realization of the *Geulah* messianic redemption motif. Then came the Yom Kippur War of 1973. To counteract the apparent set-back, the inner circle of Mercaz Harav Yeshiva and Bnai Akiva, the religious Zionist youth movement, formed "Gush Emunim" (the bloc of the faithful) to reinforce sentiments of national renaissance, restore self-confidence to the Redemption school of thought and point the way for the masses. Its activism would push the other Religious-Zionists alternatives to the sidelines.

Rabbi Kook, the younger, worked out the adaptation of the ideology to the 1973 crisis and incorporated in it a critique of secular Israeli society. A group of young disciples set itself up as a collective leadership innovating the modus operandi of settlement as the great endeavor of the movement building bridges to nonreligious nationalists, and organizing the national Religious Party periphery as a support network.

The political upheaval of 1977 - the rise of the Likud to power - became another turning point. The new administration made possible a much broader entry for Religious Zionism to a leading position in society and gave significant backing to the settlement endeavors.

The second political upheaval - that of 1992 (Madrid) - brought the dominant Redemption (*Geulah*) school of thought in Religious Zionism to a point of severe crisis. The turnabout in Government policy - especially the willingness to withdraw from parts of Eretz Yisrael - was perceived (by those who saw Eretz Yisrael as the focal point of national renaissance) as proportional to *Churban* (Destruction). These policies were compared even to the Holocaust.[33] More recent developments under Prime Ministers Netanyahu and Sharon have erased any fear of a real turnabout in Israeli policy and have given new impetus to Gush Emunim.

The tenets of Gush Emunim:

- The Jews are not and cannot be a normal people; they are unique and intrinsically superior.

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[33]   Allan D. Corré, "Jewish Fundamentalism",
www.uwm.edu.~corre/occasionala/fundamentalism.html.

- The conflict with the Arabs is the latest and most crucial episode in Israel's eternal battle to overcome the forces of evil.
- Israel's international isolation is a proof of Jewish chosenness.
- A negotiated peace is impossible.
- The Land is of cardinal importance
- Current history is the unfolding of the redemptive process. The contemporary political struggle has cosmic significance.
- The Jewish people are God's assistants in repairing the world (tikkun olam). The internal contest over the future of the occupied territories is nonetheless of critical importance. It represents a struggle between authentic Zionism, which accepts the lonely destiny of the Jews as God's covenant people and embraces the "scandal of biblical reality," and a Zionism that distorts and abandons Jewish history in a vain search for normalcy.[34]

The "radical" ambiance of Gush is supported by the maverik haredi movement of Habad Hasidism (Lubavitch), which is anti-Zionist but extremely nationalist.[35]

There is, however, a certain reaction developing within the "redemptionists." Two Rabbis, Lichtenstein and Amital, leaders of the elite Yeshiva in the settlement of Allon Shevut on the West Bank are teaching that souls are more important than land: if the surrender of territory will save human life, then such a surrender is justified.[36]

IV.3. CHRISTIANITY

When we come to American Protestant Fundamentalism we are at the very origin of the word "fundamentalism." It is generally known that the American Fundamentalists believe in the literal interpretation of the Bible and try to impose a "creationist" theology in regions where they have a majority. At times the fundamentalists are represented as rural people out of the current of urban

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[34] Lustick, "For the land and the Lord". See also Harold Fischer, *The Zionist Revolution: a new perspective*, New York: St. Martin's Press 1978. Fischer, former rector of Bar Ilan University, is a core member of Gush Emunim.

[35] See the article by Menachim Friedman, "Habad as Messianic Fundamentalism: From local particularism to Universal Jewish Mission," in *Fundamentalisms and Society*, vol. 3, Chapter 13, 328 ff.

[36] See Alan D. Corré, "Jewish Fundamentalism".

intellectual developments. In the 1980's, with Jerry Falwell's "Moral Majority" and the "Christian Coalition" of Pat Robertson the Fundamentalists entered noisily on the political scene.[37] And most recently some of their representatives have been outspoken in maligning Islam and supporting Israel's suppression of the Palestinians. This pro-Israeli position may appear as somewhat curious until one realizes that the Fundamentalists of today are the successors to the Millenarian Movement of 19th century Protestantism with roots in the pre-millenarian dispensationalism of John Nelson Darby, an Irish preacher. The American formulation was worked out in the Princeton Theological Seminary and the Niagra Bible Conferences convened between 1883 and 1897. The Fundamentalists are not rural simpletons; they have a touch of Ivy in them.[38]

Fundamentalists today are estimated to form at least a quarter of the United States population, though a very recent estimate claimed 46%.[39]

I would like to present you with some basic information on the late Chancellor of the Dallas Theological Seminary, John F. Walvoord. He was said to carry the mantle of John Nelson Darby for all literalist Christians at the turn of this century. He died in December 2001 at the age of 91.

He wrote much on prophecy. He was perhaps best known for his 1974 book *Armageddon, Oil and the Middle East Crisis*. He updated the volume in 1990 for the Gulf War and added the subtitle "What the Bible says about the future of the Middle East."[40] The book is reported to have sold two million copies in 16 different languages.[41] Former President George Bush read it and immediately ordered copies for the White House staff.[42]

Walvoord was born in Wisconsin in 1910. The family attended the First Presbyterian Church where his father was an elder. Later the family moved to Racine and joined the Union Gospel Tabernacle (now the Racine Bible Church). After

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[37] According to Susan Harding, *The Book of Jerry Falwell*, Princeton: Princeton University Press 2000, 22. Falwell by 1976 was preaching that the idea that "religion and politics don't mix, was invented by the devil to keep Christians from running their own country."

[38] See Ernest Sandeen, *The Roots of Fundamentalism: British and American Millenarianism 1800-1930*, Chicago: University of Chicago Press 1970. Also George Marsden, *Fundamentalism and American Culture: the Shaping of 20th Century Evangelicalism 1870 - 1930*, NY: Oxford University Press, 1980.

[39] Nicholas Kristof, "God Satan and the Media," NYT, March 4, 2003.

[40] *Armageddon, Oil and the Middle East Crisis*, Grand Rapids, MI: Zondervan Publishing House 1990.

[41] Press release from the Dallas Theological Seminary, Dec. 21, 2002.

[42] Cited in the article on Walvoord by Nicole Balnius in *The Who's Who of Prophecy*.

taking a Bachelor of Arts degree from Wheaton College in Illinois he went to the Dallas Seminary for a doctoral degree. He served as pastor of the Rosen Heights Presbyterian Church in Fort Worth for 16 years and held various positions at the Dallas Seminary until in 1953 he was inaugurated as the second president of the seminary, a position he would hold until 1986 when he became chancellor.

As president he built up the enrollment of the seminary from 250 to 1,700 students. The seminary press release says,

During his long tenure at Dallas Seminary, he trained thousands of pastors, missionaries and seminary and Bible institute professors who have served in ministry around the world. In addition to being a masterful theologian and teacher, Dr Walvoord was also a prolific writer and editor who used compelling biblical arguments to substantiate the doctrines of the rapture of the church, the tribulation, and the second coming of Christ.[43]

John F. Walvoord, carrying the mantle of John Nelson Darby, was a pre-millennial dispensationalist. Pre-millennial dispensationalism is a pessimistic Christian reaction to modernism imported from the British Isles and refined in the U.S.

Pre-millennialism is pessimistic about social progress and the church's ability to stem the tide of evil. The doctrine considers that things are so bad that the only possible response from God will be judgment and demolition. Convinced of the inerrancy of the Bible, they read the signs of the times and interpret the Book of Revelation and the Book of Daniel. They consider that we are living in the sixth dispensation[44] which began with Pentecost and will end with the first resurrection - the rapture - which will rapt the true believers up to heaven (Rev 20.6) to escape the great and final tribulation and the battle of Armageddon (Rev. 19.17-21) after which Satan will be bound and Christ will come in glory for the millennium of Justice. Meanwhile, two-thirds of the Jews will be destroyed and the remnant third will be converted to Christianity.

The French Revolution came as proof of pre-millennial convictions; it destroyed Papal power in France and French troops marched on Rome to banish the Pope. Chapter 13 of the Book of Revelation was being fulfilled. At that particular time, the Protestants were not alone in their pessimism and millennial hopes. A Chilean Jesuit, Manuel Lacunza wrote a two-volume work entitled

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[43] Press release from the Dallas Theological Seminary, Dec. 21, 2002.
[44] The dispensations are: 1) Age of Innocence (Creation to sin of Adam and Eve), 2) Age of Conscience (Fall up to the Flood), 3) Age of Human Government (Noah to Abraham), 4) Age of Promise (Abraham to Moses), 5) Age of Law (Moses to Christ), 6) Age of Grace (Death of Christ to the Rapture), 7) Age of Christ (1000 year reign).

The Coming of the Messiah in Glory and Majesty[45] in which the anti-Christ is the Church hierarchy and the priesthood. He was expelled from Chile in 1767; the following year the Jesuit reductions in Paraguay would be suppressed and five years later the Society of Jesus was suppressed. For most Jesuits it looked like the end of the world. While Rome put Lacunza's two volumes on the Index, Edward Irving, a Scottish preacher translated them into English in 1826.

More telling than the anti-papist signs was the return of the Jews to Palestine - an essential sign that the end of time is near. So there was rejoicing at the British capture of Jerusalem in 1917, reinforced in 1948 by the creation of the state of Israel. From then on the millenarian and fundamentalist interpretation is not unlike that of the religious Zionists in the reading of the 6-day war of 1967 and other high points of Israeli dominance in the Middle East.

For Walvoord, it was

"unbelievable that capable scholars who were undoubtedly devoted Christians and who read the same Bible that we read could be so blind to God's purpose for Israel... it really wasn't until the last part of the 19th century that there started to be an awakening of which this was a partial result. In the great prophetic conferences held in the last part of the 19th century, as they faced the question of the future, it gradually emerged that Israel was the key to understanding God's purpose."[46]

God's promise to the Jews covers both the natural descendants of Abraham (his seed) and the spiritual children of God, the church. But Israel and the Church remain distinct and God follows two distinct purposes: with the Jews the purpose is earthly, with the Christians, Heavenly.

The creation of Israel and ingathering of the Jews serve God's ultimate purposes in the second coming of Jesus. The ingathering moves inexorably toward Armageddon. One third of the Jews will survive the final tribulations and will be converted. Out of the total number of Jews, 144,000 are sealed and protected from destruction. (Rev 7:4)[47]

To quote from Walvoord's book *Armageddon*:

The world today is like a stage being set for a great drama. The major actors are already in the wings waiting for their moment in history. The main stage props are already in place.

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[45] Sandeen, *The Roots of Fundamentalism*, 17.

[46] Speech given at the dedication of Chosen People Ministries International headquarters building in Charlotte, North Carolina. "Why are the Jewish People Special?".

[47] Strozier, *Apocalypse: on the Psychology of Fundamentalism in America*, Boston: Beacon Press 1964.

The prophetic play is about to begin... All the necessary historical developments have already taken place... Since the stage is set for this dramatic climax of the age, it must mean that Christ's coming for His own is very near. If there ever was an hour when men should consider their personal relationship to Jesus Christ, it is today. God is saying to this generation: "Prepare for the coming of the Lord."

Special attention is now being focused on this major strain in American religious thought and its alliance with Israel. But it is not new. It has been there since the late 19th century in the form of the Gentile Zionists who engineered the Balfour Declaration and the British mandate for Palestine: Gen. Smuts, Col. Wedgewood, Blanche Dugdale and all that crowd.[48]

One should not ridicule the faith of others, but I also think that reflection on these various forms of fundamentalism should give us pause, and prod us to revise the lopsided judgments which seem to have been formed in the wake of September 11.

I presented three thinkers; all of them represent a messianic tradition. But strangely, just when the Shiites are neglecting thoughts about the *Mahdi*, it is the Western varieties that are forcing themselves on the world scene. None of the three varieties is necessarily violent. It is God who is acting in time. But once the faithful start aiding God and once the concept of conquering land is brought in it is hard to see how violence can be avoided and where the basic cause is found.

And that brings me back to translating God in the 21st century. It is not merely that hard nucleus of belief which renders cultures and sub-cultures untranslatable. Peoples have a tendency to hem God in with what they consider "their own" values whether they be Catholic or Christian or Jewish or Islamic, or even American. Most of them, of course, are human. If we pretend to be that "City upon a hill"[49] then we should stop looking up or down and look out. We have to develop a horizontal vision, to look out and across. That is dialogue.

One of the present shibboleths in describing Islam has been "they resent our way of life." It is "us" over against "them." Their culture and our culture. Here I would like to conclude by quoting a perceptive reflection on 9/11 by an

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[48] See N.A. Rose, *The Gentile Zionists: a study in Anglo-Zionist Diplomacy 1929-39*, London: Frank Cass 1973.

[49] The Gospel phrase was applied to America by John Winthrop in 1630.

anthropologist at Johns Hopkins, Veena Das. She says:

> [I question] the purity of the concepts that are put into play when claims are made on behalf of tradition, religious autonomy, modernity, or human rights. The translation of these concepts is not a matter of something external to culture but something internal to it. It is when a particular vision both refuses pluralism as internal to its culture and claims finality for itself in some avatar of an end of history that a struggle for cultural rights and the necessity to protect "our way of life" turns into violence and oppression.[50]

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[50] Veena Das, "Violence and Translation", Social Science Research Council: www.ssrc.org/sept11/essays/das.htm.

FUNDAMENTALISM VERSUS ORTHODOXY

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I.

During a meeting of *al-Azhar's College of Islamic Research* a few weeks ago, a wide range of discussions took place over two issues related to the tragic situation in Palestine and its juristic and political impact on Arabs and Muslims. The first issue relates to the legality or illegality of the martyrdom operations carried out by some Palestinian youths that have led, at times, to the death of Israeli civilians. The second issue relates to the Arabs' and Muslims' duty in confronting both the Israeli occupation and violence and the U.S. political and military support for Israel.

The attendees split into two groups, a majority headed by Shaykh Yūsuf al-Qaraḍāwī, the well-known Islamist advocate and a leading figure of Islamic revivalism. While this group stands against the killing of civilians, it argues, however, that there are no civilians residing in Israel. As to the second issue, it advocates the necessity of damaging the interests of those powers that support Israel in order to pressure them to change their positions and take an unbiased stand - such actions include a boycott of American goods, an oil embargo and, of course, severing diplomatic relations with Israel.

The other group was represented by the rector of al-Azhar who prohibited the killing of civilians who are not fighting. He also prohibited the killing of one's self. However, because of the pressure from the majority, who have been angered by Israeli crimes, the rector restated his position by saying that suicide operations might be a necessity at certain times. Necessities could therefore permit what is officially prohibited. As to the second issue, the rector relegated it to politicians, since the matter does not require a legal opinion but rather a political one. He explained that some experts say that boycotting goods is not feasible, and that an oil embargo is detrimental to the Arabs and their allies rather than to the Americans. And while the rector stood his ground, the majority made the decision to impose

an oil embargo and recommended boycotting American goods.

This introductory note is not made to support one group or another vis-à-vis the United States after September 11, 2001 and its support of the Israeli occupation of the Palestinian territory. The main purpose is to show the existence of two trends in contemporary Islamic thought that are confused by both experts and laymen. There is first the *traditional Islamic* trend that is still represented by Islamic educational and religious institutions that are mostly under the supervision of the official Arab and Islamic authorities. The other trend is *Islamic revivalism*, which has surfaced and been on the rise in the last quarter of the 20th century. It includes the Islamic parties that are calling for the establishment of an Islamic state. It is made up mostly of the activists in the intellectual and cultural fields and the advocates of confronting the West, especially the United States, as a response to their aggressiveness against the Arabs and the Muslims in the periods of colonialism and post-colonialism.

The final divergence between the viewpoints of the rector of al-Azhar and Shaykh al-Qaraḍāwī is not purely methodological in nature, although the forum for their discussion was the *College of Islamic Research*, which is part of al-Azhar, and is made up of selected religious scholars from Egypt and the Arab and Islamic world that normally represent religious officialdom. In terms of method, Shaykh al-Qaraḍāwī did not resort directly to analyzing the realities or arrive at conclusions from the well-known fundamentals of jurisprudence, specifically, from the traditional method of analogical deduction that has been historically employed to issue new legal opinions and decrees.

The traditional juristic operation is based on either going back to the Qurʾān, the Traditions, and consensus that could be applied to the new incident or using analogical deduction to superimpose the new incident onto a similar old incident that already had a juristic judgment. Shaykh al-Qaraḍāwī resorted directly to the Qurʾān, "If you are subject to aggression, you must fight the aggressors"; "fight those who fight you and do not transgress." He also resorted to political argumentation: Our land is occupied, our holy places are violated, our regimes are not dependable, but should not be freed from their responsibility. We ask the regimes to stand up and confront our enemies and we criticize them because of their fear of the United States. We depend on the masses that are the backbone of the uprising in Palestine and who are able to boycott the American goods and to pressure their regimes to impose an oil embargo and sever diplomatic relations.

The Rector of al-Azhar resorted to another juristic argument that applies to both jurisprudence and politics: that is, the principle of maintaining interest. This could mean, among other things, that a lesser evil is tolerated in order to prevent a greater evil. Thus, one has to balance the lesser damage that the suicide operations inflict on Israel with the greater damage that befalls the Palestinians and the Arabs as a consequence of the events of September 11 and other incidents that led to the death of American and Israeli civilians. All of this is reinforced by the general principle that prohibits intentional injury inflicted on the self and on civilians. As for imposing an oil embargo and boycotting American goods, the principle of interest requires a careful analysis of who will be made to suffer more: the Arabs who impose the oil embargo and boycott American goods, or the Americans, who will certainly react negatively to Arab measures.

We can therefore observe that the background for the two trends is political, to a large extent. However, it also includes a lot of methodological differences derived from two worldviews and the role that Islam occupies therein. Islamic revivalism was originally a movement of social protest against world changes that are viewed as dangerous to Islam. It is a movement of identity and authenticity that aims to purify Islamic identity and to protect it from the dangers of the modern age and Western politics that dominate the globe. This feeling started during World War I with the collapse of the Ottoman Empire and the colonization of most of the Islamic world. The confrontation with such a new reality gave rise to Islamic Revivalism or Puritanism, specifically the Muslim Brotherhood (*al-Ikhwān al-Muslimīn*), Muslim Youth (*al-Shubbān al-Muslimīn*), the Islamic Group (*al-Jamāʿah al-Islāmiyyah*), the Islamic Liberation Party (*Ḥizb al-Taḥrīr al-Islāmī*), the Islamic League, the Association of Supporters of the Sunnah, and other movements. The Muslim Brotherhood in Egypt and *al-Jamāʿah al-Islāmiyyah* in India and then Pakistan are the most successful among these movements due to organizational and historical particularities. There are other ingredients that should be mentioned in order to complete the portrait of the ideal type or the primary model. The main concern of the Islamic revivalist and puritanical movements is to counter the changes that have been going on in the public and private lives of Muslims. Thus, they have tried to invent new methods for protecting their Islamic identity, for regaining its lost components and for purifying its distorted elements. They have tried to defend it against the process of Westernization, on the one hand, and against the imposition of national states in the Islamic world, on the other.

If the politics of identity have led to the setting up of an economic, cultural, educational and social domain independent of the national states and its institutions and mechanisms, it has also created new methodologies to understand the issue of legitimacy and the means for its attainment. The Islamic Revivalists started setting up a wide range of new institutions, activities, and fields that enjoyed independence and authenticity such as philanthropic educational and cultural institutes and scouts' clubs, as well as training and teaching sessions that attracted the lower middle classes of civil servants and farmers. While the cadres of these movements are very religious, the majority are not religious clerics or graduates of traditional religious legal schools. Thus, the revivalist Islamic movements grew up outside official state contexts and traditional religious institutions. This is why these movements did not originally pay much attention to juristic formulations and differences among legal schools. Instead, they aimed at uniting the Muslims in confronting the new changes. Thus, they quickly abandoned the traditional juristic methods, including analogical deduction, in their attempt to acquire Islamic legitimacy. They adopted instead a new puritanical methodology they consider authentic, that is, to return directly to Qurʾānic and Prophetic texts on matters of public concern and interest as well as on questions of what is legal or illegal. They also refer to the same texts for particular issues or detailed ordinances.

This understanding of authenticity has two major implications: first, a critical attitude toward modernity as it relates to intellectual, social, religious, and legal aspects; and second, the crystallization of a new conception of the Sharīʿah and Islamic system. At the critical level, Islamic movements have placed the blame for all new phenomena on Western hegemony, which trickled down from orientalism, colonialism and missionary activities. This has led to sharp comparisons between Western positivism and the divine Islamic method and their dissimilar impact on some fields. Such comparisons have come to reflect the deep-rootedness of the alienation of Arab and Islamic political and cultural systems. This was happening at a time when the idea of a worldwide complete and comprehensive Islamic system had been put in circulation to confront the other world systems, capitalism and socialism. Such a new Islamic system of divine governance (ḥākimiyyah) based on the Islamic divine conception confronts all pagan systems (jāhiliyyah) and establishes Islamic law over all aspects of life by employing the force of the state. However, the state should be islamized first by an Islamist seizure of power organized by new Muslim vanguards, whose primary objective is the establishment of divine governance across the universe.

II.

The idea of a complete system that is based on divine governance and aims at establishing Islamic law was started initially by Abūl-Aᶜlā al-Mawdūdī, the leader of *al-Jamaᶜah al-Islāmiyyah* in Pakistan, during the 1950s. Then it was developed further by Sayyid Quṭb, who became one of the most distinguished thinkers of the Muslim Brotherhood in Egypt, during the 1960s. The development of such an idea is underpinned by diverse intellectual, cultural, and political contexts as well as political orientations of new political elites that took over governments in the Arab countries. On the one hand, the context of the Cold War between the Western and the socialist camps polarized the Arab and Islamic worlds into different camps. Some Arab and Muslim states joined the Soviet Union, others, the United States and its allies. This situation presented an opportunity for the political and cultural spread of Islamic revivalism. The pro-U.S. regimes employed the cultural influence of Islamic movements to counterbalance the communist influence. On the other hand, the pro-Soviet regimes oppressed Islamic movements that were competing for power, at one level, while showing high amounts of enmity to socialism and the national state, at another level.

Thus, two distinguishable developments have characterized the period of the 1960s, which Malcolm Kerr labeled as the *Arab Cold War* (1959-1968). The first is the politicization of Islam that manifested itself in the seventies as "political Islam", which was a new phenomenon at the time. The Islamic movements were originally movements of identity, revivalism, and belief, with focus on the creedal, symbolic and national issues with no immediate political goals. But when they clashed with the regimes in Syria, Egypt, Pakistan, and Indonesia and were used to confront the Soviet Union, the movements quickly adopted the idea of the complete system that is the alternative to the dominant tyrannical and positive systems.

However, the second development has been more important at the religious level because it carries within it the seeds for a new understanding of Islamic law. From a traditional point of view, Islamic law is almost equivalent to Islam at times, or, it is, at least, made up of a compendium of issues relating to daily life, human interactions and detailed legal particularities. In contrast, creed means the pillars of belief that include divine oneness, predestination and the Day of Judgment. Because of this broad and imprecise understanding of Islamic law, traditional Islam deals with the law from the perspective of jurisprudence, as

explicated by the diverse legal schools, whether at the level of creed or human interactions. Put differently, traditionalism views Islamic law as an interconnected web of customs, traditions, and issues that are submerged in the comprehensive and common conception of culture. However, the revivalists (Islamists) have developed a new conception of the law, that is to equate Islamic law with the strict western view of law that precisely regulates all aspects of life: the way people dress, grow beards, the proper way of walking, and relationships between members of a family as well as political, economic, social and educational systems. The Islamic law has become a strict law distinct from the people with an ideological and religious nature. This is why calling for the implementation of Islamic law became possible, for it is now limited to the Qurʾān and Sunnah, both by text and by interpretation. Consequently, it has become obligatory, as it directly represents the divine will. Not only has Islamic law become similar to positive law but, more importantly, it is now the source of legitimacy. This new understanding means that no society is Islamic without also applying that law. Without the proper implementation of the law, the society is either ignorant, pagan or infidel. All political orders that do not apply the law are close to paganism and unbelief.

It should be obvious that Islam, like other monotheistic religions, has always had a tendency towards puritanism; this tendency formerly existed on the margin of orthodoxy apart from the majority. But on the eve of the modern age, a reformist trend appeared, later known as Muḥammad ʿAbduh's school or *al-Manār* in the Arab East and *neo-Salafiyyah* in the Arab West. The reformers have identified backwardness and deterioration as the main problems in the Islamic world. Therefore, there should be a comprehensive religious, cultural, scientific, and institutional reform in order to bring about progress, as happened in Europe. Thus, the reformers criticized Islamic traditionalism, because of its stagnation and inability to resolve new problems and to transcend non-Islamic popular customs. On this point, the puritans, for different reasons, agreed with the reformers on criticizing Islamic traditionalism and the need to transcend it. However, the source of authority for the reformers is European, and therefore they find in the reform of Islam the means to arrive at modern progress. The puritans want to rid themselves of folk and traditional Islam and return to the text that has been purified with historical accumulations. The realities of the Islamic world after Word War I weakened the reformers among the public and produced a cultural and political crisis. While political regimes adopted some of the reformist principles and proposals, the reformers themselves were alienated.

Thus, the puritans were able to form mass movements fighting Westernization and confronting the penetration of modernization. Therefore, they have attained numerous footholds at the expense of Muslim traditionalists, who, first, failed to properly respond to the problems of the modern age, and, second, yielded to the demands and requirements of the new national state.

III.

When the major differences between the Muslim Brotherhood and the *Egyptian Revolutionary Command Council* surfaced in 1954, only three members of the Brotherhood's leadership were graduates of al-Azhar. One of them joined the Abd al-Nasser camp; the other two were neutral because they rejected any sort of violence. No doubt, the clerical membership of the Islamists has greatly increased. Shaykh Yūsuf al-Qaradāwī, the most distinguished Islamist authority nowadays, has an *Azharite* education. However, the distinctions between the traditionalists and the Islamists are increasing and expanding. It is noteworthy to mention that among the leadership of all radical Islamists there is only one Shaykh, ʿUmar ʿAbdal-Rahmān, who is now serving a prison term in the United States.

During the 1980s, most of the discussions over the basis of legitimacy turned into a question over the source of authority. While the *Azharite* Shaykhs believe that authority is from the people, the jurists of the Islamic movements locate it in Islamic law = Shariʿah. However, this difference has been diluted because of the massive following that Islamism enjoys and because of the unattractiveness and withdrawal of the top traditional leadership. Today, one can rarely find a traditional scholar who is ready to voice his view against the implementation of Islamic law - even its fundamentalist formulation. When the Islamists loudly objected to reprinting a novel, *Banquet of Sea Weeds*, written by the Syrian novelist Ḥaydar Ḥaydar, the *Azharites* tried to compete with the Islamists by taking a more extremist position. It is therefore clear that the authority of traditionalism is on the decline and that of Islamism on the rise in two ways: first, due to the traditionalists' surrendering to Islamist viewpoints, while maintaining a non-violent gradualist attitude in implementing the Islamist agenda, and secondly, due to the traditionalist acknowledgement of the validity of Islamist proposals, while condemning Islamist actions and practices. However, the behaviors of the Americans and Israelis, as well as many Arab and Islamic regimes, do not leave much room

for the moderate clerics to condemn the behavior of the Islamists.

What is to be done, then? Tony Blair, the British Prime Minister, advises the Muslims to go back to mainstream Islam or traditional Islam. Karen Armstrong, who was quoted by President Bush in one of his speeches after September 11, calls on the moderate Muslims to regain Islam "from those who have hijacked it". There is no religion without a majority or a middle way or an orthodoxy that is followed by the majority of the believers.

The problem is that the Muslims' feelings are directed in one way and their reasoning is directed in another. The traditionalists are still holding on to Islam's tolerance and acceptance of the others, as was the case with Medieval Islam, but they are losing ground. There is a third group that is often neglected when we analyze the Islamic predicament, that is the Sufis, whose attitude is pacifist and tranquil. Moreover, this group is now closer to traditional Islam, and it is not as attractive as it used to be. It is also loosing ground to the Islamists.

Today, there are three contradictory opinions on contemporary Islamic cultural and religious developments. The first opinion is that Islam has historically been pluralistic, and that these differences among the diverse groups, whether Islamists, traditionalists, neo-reformist or Sufis, are part of that historical pluralism. Thus, Islam will always have a middle view held by the majority of Muslims. The second opinion believes that traditionalism is over and that fundamentalism cannot be transformed to a majority, and therefore, the Muslims are confronting a major existential crisis. An example of this crisis is the series of events that took place among the Taliban, al-Qāʾidah and Pakistan. The Taliban are traditional Hanafites without any political experience and without a specific worldview. Pakistan has used them to control Afghanistan and to end the civil war that was raging between the Islamist factions. The Islamists were able to use the Taliban to fulfill their worldview, which led to the events of September 11 and its aftermath. The third opinion believes that traditionalism is still strong, for when the Revolution in Iran succeeded, the Iranians reverted to their traditional institutions and not to the revolutionaries. The same happened in Sudan, for the military neutralized Ḥasan al-Turābī and today Sudan is closer to traditionalism.

The power of the Islamists is derived today from the tense regional and international political conditions. This power will be weakened when the conditions improve. My opinion is that neither the traditionalists nor the Islamists have the means for a better future; the real hope is with the neo-reformers, who will play an important role, whether within the Arab and Islamic world or in the Diaspora.

NEITHER EAST NOR WEST

INTER-RELIGIOUS DIALOGUE AND LOCAL POLITICS
IN THE AGE OF GLOBALIZATION*

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I. INTRODUCTION: MONOTHEISM AND SPACE

First published in 1889, Rudyard Kipling's famous "Ballad of the East and West" begins with two memorable and almost proverbial (but often misinterpreted) lines: "*Oh, East is East, and West is West, and never the twain shall meet/ Till Earth and Sky stand presently at God's great Judgment Seat*".

For a lecture on Muslim-Christian dialogue, this would be a rather misleading motto. Christianity and Islam are neither "East" nor "West"; they are *universal* and, increasingly, *global* religions. As the Qur'ān says, God is Lord of the two Easts and of the two Wests, *rabbu al-mashriqayni wa-rabbu al-maghribayni*;[1] and Jesus requested his disciples to go and make disciples of all nations, baptizing them and teaching them all the commands He gave them[2] so that salvation may reach the remotest parts of the earth.[3]

Looked at under the angle of peace building, the universalism of both Christianity and Islam is an asset as well as a burden:

It is a burden because both religions' hunger for souls, devotion, and submission cannot be saturated by local, territorial compromises. What a peaceful world this could be, if only Christianity would remain in the "West" and Islam in the

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* A previous version of this chapter has been published in *Beiruter Blätter, Mitteilungen des Orient-Instituts Beirut*, 10-11, 2002/03, pp. 15-22. An Arabic outline of the paper's main argument was published in an interview with Sabah Zouein in *al-Nahār*, Beirut, 4 December 2002, p. 17, under the title "Li-yuṭawwira mutaqāsimū al-ʿaysh ʿalā arḍ wāḥida 'lāhūt al-makān'" (Let those who are living together in one place develop a 'theology of space').

[1] Qur'ān, al-Raḥmān, 55:17, see also al-Muzzammil, 73:9.
[2] Matthew 28:19.
[3] Acts 13:47.

"East". But they cannot! Sure, the wars between Protestants and Catholics in 16th- and 17th-century Europe were domesticated by the formula "cuius regio, eius religio"[4] that established the right of the local rulers to decide the religion of their subjects. But, this formula was, in the first place, imposed on the churches by pragmatic politicians. Secondly, it was not meant to be a final solution, but rather a temporary settlement. Thirdly, far from smothering the missionary zeal of Christianity, it helped redirect its momentum towards regions outside Europe.

Spreading the truth of the One God to all humankind is an essential part of monotheist religions and it is very unlikely that their respective adherents will be deterred by any territorial boundary from continuing that mission. What does this mean for the possibilities of Christianity and Islam to coexist peacefully side-by-side? In 1991, the Swiss orientalist Fritz Meier (1912-1998) gave a sobering answer to that question: "Just as Muslims won't be safe from Christian evangelism, Christians won't be safe from the Islamic *jihād*. The former is demanded by the Bible, the latter by the Qur'ān. What is to be done to prevent the breaking-out of wars? The safest way probably still is a sufficient military defense."[5] This is perhaps not the kind of answer one would expect from a scholar who had devoted his long and quiet academic life in Basel to the study of Islamic *mysticism*.[6] But it comes quite close to the old peasant proverb: "Good fences make good neighbors."

Fortunately, this is not the whole story. True, the universalistic claims of monotheist religions have time and again been used to promote aggressive expansionism. But monotheism also advanced the idea of *universal peace* among the believers irrespective of their genealogical, regional or national affiliations. Furthermore, the emergence of the idea of *one* universal God was essential to promoting the ecumenical idea of one transnational *humankind* in which even unbelievers were considered to be creatures and instruments of the One God. Considering that de-humanizing one's enemies is a way of legitimizing merciless

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[4] Peace of Augsburg, 1555, confirmed by the Peace of Westphalia, 1648. For a comprehensive assessment of the Peace of Augsburg see Axel Gotthard, *Der Augsburger Religionsfrieden*, Münster: Aschendorff, 2004. See also: Carl A. Hoffmann et al., eds., *Als Frieden möglich war: 450 Jahre Augsburger Religionsfrieden*, Regensburg: Schnell & Steiner, 2005.

[5] Fritz Meier, "Über die umstrittene Pflicht des Muslims, bei nichtmuslimischer Besetzung seines Landes auszuwandern," *Der Islam* 68 (1991) 1, pp. 65-86 (p. 82, my translation, T.S.).

[6] On Meier's biography, see Gudrun Schubert, "Fritz Meier (1912-1998)," *Zeitschrift der Deutschen Morgenländischen Gesellschaft* 150 (2000) 1, pp. 5-10.

warfare, the idea of universal humankind was a major contribution to human-izing inter-human conflicts.

II. PLURALITY AND DIFFERENCE AS PART OF THE HUMAN CONDITION

Strictly speaking, it is not the *divine* component of monotheist religion that breeds war but the *human* one. In the broadest sense, religion is the field of social acts, ideas and symbols that are linking human behavior to transcendental powers.[7] Monotheist religion, thus, is not just about God, but also about man's relation with Him. God is one, but mankind is buzzing with differences, contradictions, and conflicts. The world of God is a *universe*; the world of man as a political be-ing, however, is - as Carl Schmitt once put it - a *pluriverse*.[8] Problems arise when the universalism of monotheism is exploited and limited by the particularisms of that human pluriverse.

Plurality in time and space is a constituent part of the human condition. Both Christianity and Islam as part of God's will acknowledge it. We are creatures of One God, but children of many mothers. In Christianity, the plurality of man-kind is theologically reaffirmed by the miracle of the *Pentecost*,[9] when the disciples of Jesus, filled with the Holy Spirit, suddenly acquired the ability to speak in other languages so that listeners of many nations heard them speaking each in his native language. And in the first verse of *sūrat al-Nisāʾ*, the Qurʾān calls the believers: "*wa-ttaqū llāha lladhī tasāʾalūna bihi wal-arḥāma*",[10] meaning that man should fear and respect *God* (singular) and the *wombs* (plural), i.e., the bonds of blood relationship. In *sūrat al-Ḥujurāt*, humans are reminded that God created them from a male and female and formed them into nations and tribes so that they may recognize each other.[11]

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[7] See Thomas Scheffler, "Religion, Violence, and the Civilizing Process: The Case of Lebanon," in: Jean Hannoyer, ed., *Guerres civiles: Economies de la violence, dimensions de la civilité*, Paris/Beyrouth: Karthala/CERMOC, 1999, pp. 163-85 (p. 163).

[8] Carl Schmitt, *Der Begriff des Politischen. Text von 1932 mit einem Vorwort und drei Corollarien*, Berlin: Duncker & Humblot, 1963, p. 54.

[9] Acts 2:1-14.

[10] Qurʾān, *al-Nisāʾ*, 4:1.

[11] Qurʾān, *al-Ḥujurāt*, 49:13.

III. RELIGION AND POLITICAL POWER

Religion becomes an element of particular human power politics as soon and wherever its 'vertical' links between humans and God are used to create 'horizontal' bonds between humans and humans. Wherever 'vertical' links to transcendental powers are considered to be a source of success and salvation, they have been one of the most powerful incentives to bring people together, to make them meet in the same rituals and places, follow the same calendar, eat together, marry one another and breed children together. It is this community-building potential that makes religion a basic element of power relations to be reckoned with even by the most agnostic politician.

As a community-building power, religion is confined by the *spatial* limits of inter-human communication. For the purposes of this paper, we may distinguish between a *local space* where people regularly communicate on a face-to-face basis and know one another by personal experience, and, on the other hand, several spheres of *wider space* (for instance, provinces, regions, states, empires, the inhabited world as a whole, and the cosmos) - i.e., spheres, to which people relate via intermediate channels such as hearsay, rumors, messengers, delegates, governors, newspapers, books, television, etc. In early human history, the local dimension was the predominant and almost only dimension of human life. But in the course of history, matters have become nearly reversed, and the local sphere is now overdetermined everywhere by its wider social and political contexts, be it national, macro-regional, or global ones.

IV. THREE TRADITIONAL LEVELS OF INTER-RELIGIOUS "DIALOGUE"

What does this mean for the possibilities and limits of inter-religious dialogue? If we mean by inter-religious "dialogue" any form of non-violent interaction between adherents of different faiths, the range of possible types of dialogue becomes indefinitely large, at least in theory. For the purposes of this paper, however, it may be sufficient to distinguish between three categories of actors participating in the dialogue:

    a. the local population, i.e., the people whose mental map was mainly formed by face-to-face interaction with other people living next to them in the villages, valleys, and towns they inhabited;

    b. the political rulers of the overarching political units; and

c. the religious specialists of the different religions: priests, prophets, churchmen, religious scholars, etc.

Without going into historical detail here, I would argue that in the Middle East as well as in Europe, the readiness to tolerate other gods, rituals, and creeds was greatest on the local level and - to a lesser degree - on the level of the rulers.

On the *local* level, sharing sacred sites with members of other religions, participating in other religions' feasts and rituals, and praying to saintly figures of other religions, has had a long tradition in the Middle East. The readiness to live side by side with adherents of other religions in the same village was more a question of personal trust and time-tested relations than of theological purity.

Rulers, too, were often inclined to turn a blind eye on religious heterodoxy in their country as long as their subjects paid their taxes, refrained from riots, and did not conspire with foreign rulers. By and large, their attitudes towards adherents of other faiths depended more on the pragmatic imperatives of power consolidation than on personal piety. The reasons that made the Roman emperors of the 4th century A.D. become Christians were probably not that different from the reasons that made Henri IV of France (r. 1589-1610) convert from Protestantism to Catholicism, or the Shihāb Emirs of 18th-century Lebanon switch from Sunni Islam to the Maronite Church.

For a long time, those who displayed the most rigid and hostile attitude towards any compromise and syncretism in religious matters were usually the professional "representatives" and specialists of religion: priests who were interested in preserving the *ritual* purity of their community, and theologians who, concerned with the *intellectual* purity of their beliefs, tried to develop them into a coherent body of strict norms and unambiguous regulations and, hence, tended to exclude or devaluate deviating norms and regulations.

V. THE FOURTH DIMENSION OF DIALOGUE: THE GLOBAL SPHERE AND ITS LIMITS

The flourishing industry of inter-religious dialogue as we know it today owes its major impulses to the emergence of a *fourth sphere* that we may call "world society" - a transnational sphere whose actors mainly consist of non-governmental organizations and committed individuals, be it lays, politicians, businessmen, or religious leaders.

We may mention initiatives and institutions such as the *World's Parliament of Religions*, held in Chicago in 1893, the *International Association for Religious Freedom* (1900), the *Religions of Empire Conference* (London 1924), the *World Congress of Faiths* (London 1936), the *Temple of Understanding* (1960), the *World Conference on Religion and Peace* (1970), the *Parliament of the World's Religions* (Chicago 1993, Cape Town 1999); as well as the many initiatives started by transnational bodies like the *World Council of Churches*, the *Middle East Council of Churches*, and the *Catholic Church after the Second Vatican Council*.

The merits of those projects cannot be denied: They gave (and give) a voice, an audience, a symbolic visibility, moral encouragement, and (sometimes) resources to peace-loving and open-minded individuals and minorities who have difficulties being listened to in their own countries and churches. But whatever merits these global-level initiatives may have had, in the following section I rather would like to discuss the limits and obstacles that the global sphere imposes on inter-religious dialogue.

V.I. NUMBERS AND NEGOTIATIONS

The first problem is a 'technical' one: The complexity of dialogue depends not only on the theological-dogmatic differences at stake, but also on the number of actors involved. The world of religions is much more complex and much less structured than the world of states. By 2002 the United Nations Organization had 191 member states - and more than fifty years of UN history have taught us how difficult it is to build consensus among so many members, let alone arrive at any meaningful decision. But this is nothing compared to the technical difficulties of interfaith dialogue:

By mid-2000 there were, according to the 2nd edition of the World Christian Encyclopedia, "at least 10,000 distinct and different religions across the world".[12] In addition, only a few of these religions are as strictly organized as the Roman Catholic Church with the Pope as an identifiable global leader. Most of them are more loosely organized. Not surprisingly, the authority of the official religious and spiritual leaders of these communities is often challenged by all kinds of counter-authorities: dissident priests, local preachers, charismatic laypersons, separatist congregations etc.

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[12] David B. Barrett, George T. Kurian, and Todd M. Johnson, eds., *World Christian Encyclopedia: A comparative survey of churches and religions in the modern world*, 2nd. ed., Oxford: Oxford University Press, 2001, vol. 2, p. 4.

As a result, basic prerequisites for dialogue and negotiation remain quite diffuse: Who is supposed to speak with whom? Who represents whom and by whose authority?

V.2. END OF THE COLD WAR

The second problem is grounded in the impact of international politics on inter-religious dialogue: To a considerable degree, the flourishing of Muslim-Christian dialogue initiatives in the 1960s, 1970s, and 1980s has been facilitated by the Cold War between "East" and "West", i.e., between communist states and Western democracies, Russia and America. Atheist communism was a common enemy to both Christianity and Islam, and Western governments had every reason to persuade Christian and Muslim religious leaders to postpone their doctrinal differences and focus instead on the battle against Soviet atheism. With the breakdown of communism in the late 1980s, however, inter-religious dialogue has lost this unifying enemy. The end of the Cold War reduced the pressing need to forge a worldwide multi-faith coalition of believers against organized atheism and increased anew the incentives for inter-religious competition.

V.3. GLOBALIZATION AND INTER-RELIGIOUS COMPETITION

Increasing competition between the world's religions is all the more likely as global capitalism is also eroding the power of the nation-state and the welfare-state, i.e., institutions who for a long time had been serious competitors to the power of religious leaders and religious charitable institutions. In a "*neo-medieval*" globalized world where the moral and educational power of the nation state is eroded by globalization, where powerful transnational "players" are defying the welfare state and where the might-makes-right ethic prevails, religion might again become the last resort of moral security, charity, and consolation.

The growing opportunities offered to religious organizations by declining or failing states may lead to increasing inter-religious competition for adherents and converts. Competition in general is a principle of the market. It does not necessarily lead to violence, as is shown, for instance, by the competition between Mercedes, Volkswagen, and BMW.[13] However, competition between different

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[13] I owe this comparison to Rodney Stark, *One True God: Historical Consequences of Monotheism*, Princeton: Princeton University Press, 2001, p. 118.

religious organizations may turn violent and unforgiving if issues such as poverty, injustice, and oppression are involved.

Unfortunately, due to different demographic fertility rates, the center of gravity of most important world religions is increasingly switching to the countries of the global "South" in which precisely these problems - poverty, injustice, oppression, hunger and diseases, etc. - are endemic. Until now, for instance, Christianity has been often taken as a "Western" religion. But, as Philip Jenkins has shown, it is increasingly developing features of a "Southern" religion. According to Jenkins, there will be 2.6 billion Christians in the world by the year 2025, "of whom 633 million would live in Africa, 640 million in Latin America, and 460 million in Asia. Europe, with 555 million, would have slipped to the third place. Africa and Latin America would be in competition for the title of most Christian continent. ... By 2050, only about one-fifth of the world's 3 billion Christians will be non-Hispanic Whites."[14]

"Western" and especially European Christianity, due to centuries of domestication by the absolutist state, the nation state and the welfare state, has a reputation as a particularly quietist, peace-promoting kind of religion, at least at the domestic level. Karl Marx once called it "the opium of the people" comparing it to a strong tranquilizer.[15] But with the "Southernization" of Christianity this might change. Theological innovations like Latin American "Liberation Theology" in the 1960s and 1970s, or the *Kairos statement* of South African Catholic and Protestant leaders in 1985 prove that under conditions of poverty, injustice, and oppression even Christianity might breed less quietist interpretations of religiosity. After all, it is important to remember that monotheist religions are not concerned with keeping peace at any price. They are concerned with salvation, i.e., *deliverance from Evil*. Prophetic religion arose out of deep political crises, which could not be solved by the political classes.

Another problem intensifying inter-religious tensions is the globalization of information. Today, news about inter-religious clashes in one country are almost immediately broadcast by TV, radio, and internet to many other countries where they may help intensify inter-religious tensions in completely unrelated places.

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[14] Philip Jenkins, *The Next Christendom: The Coming of Global Christianity*, Oxford: Oxford University Press, 2002, p. 3.

[15] Karl Marx, "Zur Kritik der Hegelschen Rechtsphilosophie" [1844], in: Karl Marx and Friedrich Engels, *Werke*, vol. 1, Berlin: Dietz, 1969, p. 378.

Last but not least, as Roland Robertson once put it, "the globalization process itself - the rendering of the world as a single place - constrains civilizations and societies (including assertive national-ethnic solidarities) to be increasingly explicit about what might be called their *global callings* (their unique geocultural or geomoral contributions to world history). In a nutshell, globalization involves the universalization of particularism, not just the particularization of universalism."[16]

All in all, the global trends of the present world do not augur well for peaceful inter-religious dialogue in the coming decades. Religious communities in countries with a reasonable chance to stabilize peace at the local level are well advised to "*de-globalize*" their local dialogue(s), i.e., to focus on the solution of their local problems without linking them too much to global structures and events.

An important precondition to do this is to develop a mutual understanding of the particularities of the common space they are sharing with adherents of other religions, i.e., to develop an inter-religious "*theology of space*". Why did God make so many religions, denominations, and nationalities coexist in one space? It is local face-to-face encounters and spatial proximity that may help us best to test and overcome ideological stereotypes and discover the Other's humanness and dignity. This, at least, is the message of Kipling's *Ballad of the East and West*, which describes the face-to-face confrontation between the son of a British colonel and a Pathan chieftain at the Afghan/North-West Indian frontier - two men, who finally become friends because both of them arrive at respecting their opponent's courage, generosity, and manliness: "But there is neither East nor West, Border, nor Breed, nor Birth, / When two strong men stand face to face, tho' they come from the ends of the earth!"

VI. LEBANON AS A "TERRE EXEMPLAIRE"

De-globalizing dialogue may be a particularly difficult task for Lebanon, one of the most globalized countries of the Middle East and subject to many international pressures. At the same time, however, Lebanon showcases a completely

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[16] Roland Robertson, "Globalization Theory and Civilizational Analysis," *Comparative Civilizations Review* 15 (Fall 1987) 2, p. 21.

unique local experience.[17] With 18 officially recognized sects from three mono-
theist religions, living together on only 10,452 km² in a conflict-ridden region
that for centuries has been a frontier as well as a meeting-place between Chris-
tianity and Islam. Lebanon may be considered, as Pope John Paul II put it, as a
"terre exemplaire",[18] a spatial laboratory of multicultural coexistence in a global
setting and a seismograph for cultural, economic and political developments in
the Eastern Mediterranean. Conventional political wisdom is often considering
religious heterogeneity as a potential source of political instability and internal
war, at least in 'believing' societies. The Lebanese experience, however, seems to
suggest that religious heterogeneity may also facilitate internal peace-building
and help promote a culture of mutual toleration.[19]

The model of a tolerant, multi-confessional Lebanon, as Michel Chiha sug-
gested in 1951, would have made the Zionist project in Israel look like an anach-
ronism.[20] According to Chiha (1891-1954), Lebanon, conceived as a "country
of associated confessional minorities",[21] seemed to be obliged by its very nature
to develop the mental and political virtues of tolerance and freedom that best fit
its liberal and cosmopolitan economy.

However, even Chiha seemed not entirely convinced that *religious* leaders,
clergymen and *ʿulamāʾ*, would be the right persons to build that multi-confes-
sional model society. In Chiha's view, the main locus of inter-confessional associa-
tion should be a secular *Parliament*, a national "assembly as a place of encounter
and union of the communities, designed for the common control of political
life". He continued: "If you are suppressing the assembly you will inevitably shift
the debate to the sanctuary or into its shadow, and to the same degree you will

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[17] For the following section see my "Introduction: Religion between Violence and Reconciliation,"
in: Th. Scheffler, ed., *Religion between Violence and Reconciliation*, Beirut/Würzburg: Ergon,
2002, pp. 1-27 (pp. 14 ff.).

[18] Une espérance nouvelle pour le Liban: *Exhortation apostolique post-synodale de Sa Sainteté
Jean-Paul II aux patriarches, aux évêques, au clergé et à tous les fidèles du Liban*, Cité du Vatican:
Libreria Editrice Vaticana, 1997, § 119.

[19] Cf. Thomas Scheffler, "Religious Hierarchies and the Dynamics of Violence: Christian and
Muslim Clerics and the Lebanese War of 1975-1990", in: Vasilios Makrides and Jörg Rüpke,
eds., *Religionen im Konflikt: Vom Bürgerkrieg über Ökogewalt bis zur Gewalterinnerung im
Ritual*, Münster: Aschendorff, 2005, 97-108.

[20] Cf. Michel Chiha, "Lebanon in the World" [1951], in: idem, *Lebanon at Home and Abroad*
[1966], Beirut: Fondation Chiha, 1994, p. 130.

[21] Chiha, *Liban d'aujourd'hui* [1942], Beirut: Fondation Chiha, 1994, pp. 59, 67.

delay the formation of civil society."[22] Obviously, Chiha did not have too much confidence in the civilizing qualities of "sanctuaries". The "sanctuary" (meaning: the church, the mosque, the synagogue) was seen as a place of seclusion, as a refuge, not as a place of deliberating with the "other".

VI. INTER-RELIGIOUS DIALOGUE: SECULAR AND ECCLESIASTIC DIMENSIONS

In fact, one of the weak points of Lebanon's confessional system before the war was the fact that trans-confessional interaction between the country's *secular* elites was much more developed and institutionalized than communication between its respective *clergies*. There was the Chamber of Deputies and - on the cultural-intellectual level - the "*Cénacle libanais*" (1946-1974) as a regular meeting-place for the secular elites. Comparable national forums on the side of the clergies did not exist.

The "First Muslim-Christian Convocation", held at Bhamdoun (April 22-27, 1954), is sometimes praised as the first step to Muslim-Christian dialogue.[23] But a closer look at the proceedings of that conference shows that the project had not grown out of inner-*Lebanese* discussions. Sure, already at that time, we see the young Ghassan Tuéni playing a most active role in that conference; but according to one of its conveners, Dr. Garland Evans Hopkins, a Methodist churchman and vice-president of the "American Friends of the Middle East," the idea to launch the Muslim-Christian convocation was born during a conversation he had with the King of Libya in early 1952.[24] By and large, the whole project was suspected to be a brainchild of global Cold War strategy and had to be given up a few years later.

Another important step towards Muslim-Christian dialogue in Lebanon barely displayed its religious dimensions: On October 23, 1959, President Fuad Shihab (r. 1958-62), upon consultation of Mgr Jean Maroun, then Lebanon's

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[22] Chiha, *Liban d'aujourd'hui*, loc. cit., p. 59 (my translation, T.S.).

[23] See Juliette Nasri Haddad, "Trente cinq années de rencontre musulmans-chrétiens," *Travaux et Jours*, no. 59, 1997, pp. 31-47 (p. 32 f.); Augustin Dupré la Tour s.j. et Hisham Nashabé (eds.), *Déclarations communes Islamo-Chrétiennes, 1954c._1995c./1373h. - 1415h: Textes originaux et traductions françaises*, Beirut: Dar el-Machreq, 1997, pp. 11-16.

[24] *The Minutes of the First Muslim-Christian Convocation, Bhamdoun, Lebanon, April 22-27, 1954*, n.p. [New York]: Continuing Committee on Muslim-Christian Cooperation, n.d. [1955 ?], pp. 29-30.

delegate at the UNESCO, commissioned a French Dominican priest, the Reverend Père Louis-Joseph Lebret (1897-1966), an outstanding pioneer of Catholic development theory and practice, and his "Institut International de Recherche et de Formation en vue du Développement integral et harmonisé" (IRFED) to undertake a systematic survey of Lebanon's socio-economic potential and deficits in order to prepare a comprehensive development plan for Lebanon.[25] Between 1960 and 1964, a team of IRFED specialists worked in Lebanon and finally came up with a three volume report.[26] The IRFED report was the first systematic study of social and regional disparities undertaken in Lebanon; and it focused on the needs of the most socially disadvantaged regions, i.e., the South, the Bekaa, Sayda and Tripoli - regions which are mainly populated by Shiites and Sunnis. Apart from its thought-inspiring effect on young Lebanese intellectuals, the IRFED mission was an enlightened, yet low key Christian contribution for redrawing the social balance in Lebanon in favor of the most disadvantaged parts of its Muslim population.

On the level of religious leaders, however, inter-religious dialogue before the war was mainly the concern of a few far-sighted and committed individuals such as Metropolitan Georges Khodr (b. 1923) and Imām Mūsā al-Ṣadr (1928-78). It was not until 1993 that a permanent "National Muslim-Christian Committee for Dialogue" was founded in which the religious heads of the country's main Muslim and Christian sects were represented. The Committee takes position on numerous issues of national interest. Its activities are broadly reported in the Lebanese press. In postwar Lebanon, problems of Muslim-Christian dialogue also receive a lot of scholarly and theological attention in Lebanon, and some of the country's academic institutions are primarily devoted to the promotion of Muslim-Christian mutual understanding, most notably the *Institut d'Etudes Islamo-Chrétiennes* at the Université Saint-Joseph and the *Center for Christian-Muslim Studies*, founded in 1995 at the University of Balamand.

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[25] Cf. Boutros Labaki, "Dans un Liban qui panes ses plaies, la pensée de L.-J. Lebret omniprésente", in: *L'Économie humaine et la dynamique du développement à l'heure de la mondialisation, Actes de la rencontre organisée par Les Amis du Père Lebret, Centre L.-J. Lebret, IRFED, Economie et humanisme, ...Paris, 13 novembre 1998*, Paris: Centre L.-J. Lebret, 1999, pp. 43-45.

[26] *Besoins et Possibilités de Développement Du Liban: Étude préliminaire, Mission IRFED, Liban, 1960-1961*, 3 vols., Beirut: Republique Libanaise, Ministère du Plan, 1960-1961.

It remains an open question to what degree the open-minded individuals participating in these inter-religious dialogue initiatives represent the majority of the confessional communities they come from or whether their much-publicized dialogue activities are just concealing the inertia of the "rest" of their respective co-religionists.

Nevertheless, despite the scars and wounds left by the civil war, Lebanon's religious leaders, in my opinion, are in a much better position to manage local inter-religious dialogue than religious leaders in many other countries: In Lebanon, inter-religious dialogue is neither a vague "dialogue of cultures", nor a series of uncommitted encounters between academic cosmopolites of different denominational affiliations. Religious leaders and institutions in Lebanon are powerful political actors providing guidance not only in spiritual matters but also in political, social, and cultural ones. Due to the decline of secularist parties during and after the war, their visibility in the public sphere is much stronger today than before 1975. Ecclesiastical bodies and their filiations are a thriving part of national civil society, and, at the same time, help to connect the country to its Diaspora and to religious networks outside Lebanon. Besides, due to the deficits of Lebanon's public welfare system, more and more Lebanese, impoverished during and after the war, have become increasingly dependent on the charity of their respective religious communities.

Above all, however, religious leaders have much more to lose from *non*-dialogue and from unforgiving inter-religious bickering. Their privileged role in Lebanese society and their outstanding constitutional rights are mainly due to the fact that there is a *balance* to maintain between many religious communities, and that there is, hence, not one state religion, but rather many religions. Preserving that balance, rather than eliminating it, cultivating religious difference without using it for oppressive purposes should be a vital concern for every religious hierarchy in Lebanon.

UNWAVERING DESIGNATION, CONTRADICTORY PROCESSES

THE CHANGING ROLE OF "ISLAM" IN THE INTERIOR POLITICS
OF THE TURKISH REPUBLIC

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Asserting a fundamental and unbridgeable difference between the East and the West, Kipling undoubtedly had Islam in mind. However, no matter what Kipling may have actually thought, in the frame of the post September 11th world, in which this conference is organized, the "East" is overpoweringly colored with Islam. The "East" tends to become synonymous with Islam. The dichotomy is thought to be between the Muslims and the West, the Muslim mind in contrast to the European one, the Muslim lands with their differences to the Western world and the Muslim state with a history that seemed to lack all what Western history is proud of.

In this respect, Turkey does not seem to fall into line with the accepted image. The Turkish state and Turkish society do not have deep seating conflicts with the West. Turkey is a staunch ally of the West, it is the attentive student of Western culture, and it is adopting Western lifestyle in a finger count way. In Turkey, conflicts in which Islam is playing a role are conflicts amongst Muslims. There seems to be an enduring quarrel about the place of Islam in the public sphere and in politics. Is Turkey, thus, fighting fundamentalism, just in the framework of a modern nation state? And does the Turkish case show, in this sense, that Kipling was right in one way or the other?

Accepting this scenario for a moment, I will talk about the clashes within Islam in Turkey and look at the relationship between pro-Islamic forces and Westernizers in that country. Is there a standing feature of Islam that inhibits alleviation and compromise between Islam and the West, between pro-Islamic forces and Westernizers? What is the unchangeable, irreconcilable characteristic of Islam? What - if there is such a thing - makes Islam incommensurable with Western thought and culture?

In the first part of the presentation, I will talk about more recent developments and then say something concerning the historical condition at the outset of the Republic and the single party regime.

The second part depicts the role that was allotted to Islam in different periods, namely the multi party regime and the period prior to 1980 when the military struck the last *coup d'état*.

The third part will deal with Muslim self-criticism toward the politicization of religion and the difference between the two parties of Islamicist origin that exist today.

The fourth and last part will try to summarize what the Turkish experience with Islam in politics may tell us about the nature of the conflict between Islam and the West in general.

I. THE MOST RECENT DEVELOPMENTS AND THE HISTORICAL CONTEXT
- THE BAN ON PRO-ISLAMIC PARTIES

On May 22, 1997, the Chief State Prosecutor filed a case to the Constitutional Court to ban the *Welfare Party* (*Refah Partisi*). At that time, the party was the strongest force in parliament, senior partner of the two-party-coalition government, and the chairman of *Refah*, Necmettin Erbakan, ruled Turkey as prime minister. The party was eventually closed down in January, 1998 because of its violation of the Republic's principle of laicism.

Only one month later, 41 MPs of the outlawed *Welfare Party* established the *Virtue Party* (*Fazilet Partisi*). Observing the unflinching laicist politics of the military backed civil government, the *Virtue Party*, contrary to the banned *Refah*, did not engage in voicing radical statements. This change, however, was, of course, not enough to forestall a new submittal of the Chief State Prosecutor. The prosecutor motivated his new submission for the closure of *Virtue* with the party's support for veiled female students. The veiled girls had been expelled from university, because veiling is considered a political act, inimical to the laic Republic of Turkey. Faced with the strong possibility of being eventually banned like *Refah*, the *Virtue Party* came out of the 1999 election with 15.4 percent of the vote, as the third largest party. After more than two years on trial, the party was banned in June, 2001, after becoming, at that time, the leading opposition party in parliament.

Today,[1] there is once again an election campaign in Turkey. All polls, without exception, show the newly founded *Justice and Development Party*, as the strongest party, with an estimated vote of 30 percent. Recep Tayyip Erdogan, the former *Welfare Party* mayor of Istanbul, heads the party. Due to a court verdict for sedition, which he received a couple of years ago; Erdogan, himself, was only recently foreclosed from the election. The ban of their chairman, however, does not seem to have influenced the success of the party in a negative way. Three days ago, the prosecutor indicted the AKP again and filed with the Constitutional Court for it to be banned.

Turkey, thus, faces her old dilemma. A movement, inspired in one way or the other by Islam, is gaining strength, and the secularized, laicist and Westernized bureaucratic and military elite is using a variety of legal and political means to prevent it from taking over the government. What is the background of this unwavering political constellation, and which societal and political shifts may hide under a semi-official discourse that still centers upon the threat of fundamentalism?

I.I. TURKISH WESTERNIZATION

One of the most distinguishing characteristics of the Republic of Turkey is its radical break with the ideological tradition of her predecessor, the Ottoman Empire. The Empire conceived of itself as a state ruled by Muslims, for the good of a Muslim "nation" who, thanks to the state, is able to live in accordance with the rules of Islam. Instead of Islam, the Republic based itself on the concept of a Turkish Nation, which was eager to follow modernity and Western civilization. A series of laicizing reforms was put through by the central government, which drew its legitimacy from the triumphant outcome of the War of Independence after World War I. The reforms were not exhausted in a change of the political system due to the abolishment of Sultanate and Caliphate. The reforms additionally re-shaped the societal realm and invaded into the private sphere of the individuals. To enable the introduction of European Civil Law, the Shariʿah was abandoned. Sunday replaced Friday as the weekly day of rest, religious garment was banned, as well as the Arabic script. For a couple of years, all religious instruction came to an end, and religious activity beyond the individual prayer came under the monopoly and control of the state bureaucracy.

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[1]   Written in October 2003.

The single party period lasted from the pronouncement of the Republic in 1923 up to 1946. During this period, the *Republican People's Party* (CHP) was the only legal frame for political participation, and the secularizing principles of the party (republicanism, revolutionarism, nationalism, laicism/statism, populism) served as the normative catalogue for political activity.

But in the early Republic, 80 percent of the population lived a traditional life in the countryside. Thus, the understanding of man and community, state and society, nature and history ineluctably was infused with religious concepts. To reason about right and wrong, and to decide on good and bad without referring to religious certainties and symbols, proved to be difficult. Additionally, religiously connoted forms of social behavior were parts of daily life.

During the single party period, two parties were founded - one after the other - for the purpose of integrating political opposition into the system. But, because both parties attracted much more support than expected, they had to be closed down, in order for the secularizing tasks of the Republic be completed.

Confronted, thus, with persistent 'backwardness', the *Republican People's Party* stiffened its laicizing politics and ordered the nation to re-socialize to the worldview of the party. This ostracism of religion explains why even opposition, which was grounded on material, status related, regional and ethnic issues tended to present itself in religious disguise.

II. THE ROLE OF ISLAM IN DIFFERENT PERIODS - THE MULTI PARTY PERIOD

The end of World War II confronted Turkey with a new international situation and with enhanced expectations towards internal democratization. The permission to found a second party, namely the *Democrat Party* (*Demokrat Parti*, DP), primarily met the demands of the Western Allies. The Kemalists, however, had been quick to limit the boundaries for the political activity of the newly founded party. The leaders of the DP had been repeatedly cautioned not to rely on groups distant from the ideals of the Republic, particularly the traditional and religious populace of the countryside. Adnan Menderes, who later became the first conservative Prime Minister instated by then President of State, Ismet Inönü, had put forward the following conditions for the foundation of the DP: "No party organization in the Eastern Provinces and at the borders of the country. No political activity amongst villagers, and limitation of party organization to the western

provinces, whose inhabitants display apposite attitudes."

But the scheme of state elite and CHP did not materialize. In the elections of 1950, the DP won 53 percent, in 1954, 57 percent and 1957, 47 percent of the vote, ranking as the strongest party in all three elections.

In May, 1960, ten years after the DP had come to power, the Turkish Military staged its first *coup d'état*, and overthrew the DP government. But in the election held in the same year as the putsch, the CHP had to suffice with 37 percent of the vote, and beginning with the election of 1965, the CHP remained without any real chance to take the government until 1973.

II.I. THE ROLE OF RELIGION IN THE POLITICS OF THE CENTER-RIGHT PARTIES

The extraordinary success of the big center-right parties up until 1973 was closely related to religion. The center-right parties managed to integrate a cluster of conflicts into the seemingly broad chasm between a Westernized, secular bureaucratic and military elite, foreign to the land and its people on the one hand, and on the other hand the majority of the population, their morality, morals, and - as the source of all these - their religion. At stake were conflicts between rural and urban communities, rulers and ruled, tax collectors and tax payers, state owned combines and petty country bourgeoisie, the Westernization of lifestyles and the reactive insistence on parochial traditions.

In this context, however, Islam stood not for the idea of an Islamic state, but was rather the common identity, which allowed center-right parties to address large parts of the Anatolian populace. The discourse of the *Democrat Party* (DP) of Adnan Menderes was not Islamicist but rather anti-elitist and populist. Menderes characterized his own party as the "party of the people" as opposed to the "party of the bureaucracy", the CHP.

When the center-right gained political power, these constellations gradually began to change. The conservative governments softened the austere laicism of the early republican years and took the bite out of the conflict between state and populace. The integration of the conservative cadres into the state apparatus added to the conciliation between state and populace. The result was, by degrees, a shift in the worldview of the Anatolian people. Until the fifties, the collective identity of large coteries of the conservative electorate was primarily based upon Islam. The ongoing "reconciliation between state and nation" enabled the merger of the more geographically based and ethnically colored idea of the Turkish citizen, as it had been designed by state institutions, with the Muslim

identity of the Anatolian populace. As a result, the antagonisms between center and periphery, state and nation lost their hegemony upon interior politics, and the Muslim Turkish nation of today came into being. This new constellation took shape in the seventies, and it is earmarked by three phenomena: first: the tension between state and populace lost its acuity; second: ethnically connotated Turkish nationalism became the component of the ideological scaffolding of all political parties; and third: both an explicitly Turkish and an explicitly Islamist party took the stage.

II.2. THE SALIENCE OF RELIGION FOR THE PRO-ISLAMIC PARTIES OF NECMETTIN ERBAKAN PRIOR TO 1980

From the beginning of the seventies onward, the center-right parties began to loose hegemony over Turkish politics. With the reconciliation of state and people, and the merger of ethnic Turkish and Muslim identity, the "historical mission" of the center right wing parties seemed to be fulfilled. Now the right diversified into center-right wing, ethnic right wing, and religious right wing. The religious right wing or the pro-Islamic tradition in Turkey is equated with the name of Necmettin Erbakan.

From the seventies up until now - one after the other - five pro-Islamic parties have been active in Turkey. They have all been headed by Necmettin Erbakan, and we may speak of one political movement. After the *Welfare Party* (RP) had been outlawed, Erbakan was banned from party politics. Behind the scenes, he still set the course and took the decisions in *Refah's* successor parties, the *Virtue Party* (FP) and the *Felicity Party* (SP).

Erbakan's first party, the *National Order Party* (MNP) was set up in February 1970. Since then, the parties of Erbakan are thought to support the interests of the small and medium sized trade and manufacturing companies of Anatolia, against the superior big business of Istanbul, which uses its privileged relationship with the state to accomplish extraordinary gains.

Erbakan's first party enjoyed only a short life. The party was accused of "exploitation of religious sentiment", and closed down shortly after the *coup d'état* of March 12, 1971. Only one year later, the party's successor, the *National Salvation Party* (MSP), came into existence. To refer to Islam openly would have led to the immediate closure of the party. Erbakan and his friends, therefore, did not quote Islam, the Qurʾān or the religious law. Instead, the party declared itself the heir of the "thousand-year-old history of the Turks", which refers to the

thousand years since the Islamization of the Turks. The party praised spirit and mentality of Sultan Mehmet II who conquered Constantinople; it praised the Ottomans and stated as its aim the regaining of Ottoman strength for Turkey. As a precondition, Turkey had to struggle for a healthy economy, an orderly state and a moral people.

Also at a second level, Islam was crucial for Erbakan's party. It had not been founded by single individuals, but by Islamic organizations, namely religious orders that had been outlawed under Republican rule. As early as the 1940s, Erbakan, as a student, entered the order of the *Nakşibendiyye*. His Shaykh Mehmet Zahid Kotku was well esteemed in the religious circles of Turkey. Kotku used all his influence for the improvement of the party, which he viewed as the flip side of his order.

The first two parties of Erbakan may be described as the movement of the underdeveloped regions of Central and South-Eastern Anatolia, bound to tradition and religion, and of the Kurdish speaking minority at the periphery. The movement's contender was the secular and "godless" center, which - in the eyes of its adherents - did not grant a fair economic and social share to the minority. Conservative Sunni Turks and Sunni Kurds united in their opposition against their economic backwardness and against the moral depravity of the center.

Election analyses portrayed the ideal-typical voter of Erbakan's early parties as middle aged, low educated, provincial peasant and/or small merchant. The youth, which had been highly politicized, particularly during the 1977 elections, did not grant much support to Erbakan's case, but fought each other in extreme right wing and extreme left-wing groups.

This time, Islam was no longer the great denominator of the Anatolian masses. In contrast, underlining religious identity was now the strategy of traditional, but threatened, elites of Anatolia, and ethnic Turkish groups and center right politics contested Islamist orientation. The pro-Islamic party prior to 1980 was mainly the expression of the middle-aged and elderly provincial Sunni male population and received less support from women and from the youth.

II.3. ISLAM IN THE WELFARE AND VIRTUE PARTY

Approximately fifteen years later, Erbakan's *Welfare Party (Refah Partisi, RP)* scored its best results in a number of Turkey's biggest cities. From then on, the new city dwellers who had migrated from Central Anatolia, Southeast Anatolia and the Black Sea coast since the beginning of the sixties, became the backbone of the

party. In the local elections of March 1994, *Refah* drew 25 percent of the vote in Istanbul, 6 percent more than the party's national average. In these elections, the party also stormed the greater municipalities of Istanbul, Ankara, Konya, Kayseri and Erzurum. Thus, since 1994, one out of three of the greater municipalities in Turkey has been ruled by a pro-Islamic mayor. Statistically, the *Welfare* voters appeared as the most urban electorate in Turkey.

The voters of *Welfare* are, however, a recently urbanized group. The domestic migrants had to build up new urban communities, which enabled them to integrate into the production- and distribution networks of the city. These newly established communities are not led by traditional authorities like notables, clan heads, and the Shaykhs of religious orders. Secularly educated specialists like engineers, bureaucrats, entrepreneurs, and intellectuals had taken over the role of these traditional authorities. In the same way that traditional authorities lost ground in the process of migration, local dialects, regional religious practices, and local rites lost importance. Leaving behind religious practices of only local significance, traveling Islam underscores the significance of the easily applicable text: the Qur'ān, its values and its norms, its rules and its legal advices. In a new environment marked by the lack of traditions and by the lack of the certainties of daily life, the new centrality of the holy text appears to be one precondition for the politicization of religion.

External developments like the Iranian revolution, discussions among Islamists in Egypt and Pakistan and the recession of the East-West-Conflict also contributed to the understanding of Islam as political ideology.

The role of religion in politics, thus, changed dramatically. Unlike in the multi-party period, Islam now did not serve as the common denominator that allows addressing the majority of a pious populace. The new situation in the late eighties and nineties also differed from that of the seventies. As was already stated, in the seventies, the provincial elite that was facing societal decline tried to mobilize the inhabitants of underdeveloped provinces with the help of religious orders against the rich economic and bureaucratic centers of Istanbul and Ankara. In the late eighties and early nineties, however, the prevailing societal process is the building of urban migrant communities. They are united not only by solidarity and common religious belief, but also by common moral values. With the lack of an unquestioned tradition, a new intellectual leadership now tries to extract societal and political principals from the Qur'ān and to formulate a political theology. Only now, the idea that the whole Turkish Nation State should be transformed

into an Islamic State enters the political agenda.

In the new societal context, the single believer is faced with new additional tasks beyond the pursuit of a moral lifestyle and also beyond the obedience to religious authorities like ʿālims and Shaykhs. Under increasingly internationalized and globalized conditions, the migrant's new urban environment, together with the international political context, seemed to call for dedication to the political concerns of Islam, understood as commitment to an Islamic state, which, in itself, is an entirely modern concept.

A famous passage of a speech held by Erbakan during a party turnout exemplifies the new role Islam now had to play in the politics of the *Welfare Party*. He said: "Those who really work for *Refah* will enter paradise. Why? Because *Refah* means to establish the order of the Qurʾān. You are bound to work for the benefits of your brethren. And you are doing it the best way, by fighting the Jihād."

Only at this stage did Islam in Turkey become a social and political program. Most interestingly, however, the politicization of religion ends up in a new understanding of the way redemption will be obtained. To be pious, it is not enough to do one's prayers and to obey fasting rules. According to Erbakan, only political commitment paves the way to paradise: "If you are not serving the *Welfare Party*, your prayers will not be heard and you will be held responsible for all those who support other parties, and eventually get mired. Because there is no other Islam, no other rescue."

Taking this stance, party leader Erbakan, delegates religious authority to himself. But in this field, he is competing with the heads of the religious orders that had supported the establishment of Erbakan's first parties 15 years ago. In fact, the *Welfare Party* was the first right wing party, which - for its vote - did not depend on testimonials of the leaders of traditional religious gatherings like orders and religious schools. With its newly acquired "religious authority", the party, and its leader, was able to address the single believer directly.

Refah called for active political commitment, and became the stage for the political activity of groups that had not been able to raise their voice in Erbakan's earlier parties: the women and the youth. In fact, it is the unprecedented political activity of provincial and underclass women that made veiling a political issue in the Turkey of the nineties. In earlier periods, the "traditional" headscarf carried no political significance. A couple of years later, the veiling issue would play a role in the ban against the *Welfare Party*'s successor, the *Virtue Party*.

III. ISLAMIST SELF-CRITICISM AND THE SECESSION OF THE ERBAKAN-MOVEMENT

The closure of *Virtue* in June, 2001 ended the monopoly of Necmettin Erbakan on Turkey's pro-Islamic parties. Erbakan's companions immediately founded the *Felicity Party (Saadet Partisi)*, but the overwhelming majority of the former *Welfare* deputies did not join the party. They preferred to enter the *Justice and Development Party* (AKP), which was first established by the former mayor of Istanbul Recep Tayyip Erdogan in August, 2001.

The quarrel between competing wings of Islamism had already started in the *Virtue Party*. Here, the dispute arose as to the style of Erbakan's high-handed leadership, but amongst Islamist intellectuals, more important issues had come to the fore.

Islamist self-criticism was fed by the work of Western post-modernist thinkers. It culminated by saying that Islamism is reproducing exactly those negative dimensions of the modern nation-state which it is criticizing. According to this critique, the nation-state is motivated by its overpowering craving for a culturally homogenous nation. To create the homogenous nation, the nation-state is sentenced to having unjust rulers. It marginalizes particular groups among its population (minorities), whilst others (the majority) enjoy acceptance. Islamist policy, which is orientated at the building of an Islamic state, inevitably will have to apply similar strategies. In this respect, Islamism does not differ from nationalism or micro-nationalism.

Different issues seem to arise concerning the relationship of Islam and democracy. If the party is representing Islam, how can it bow to democratic rules and alternating majorities? And how can one criticize Erbakan if the leader of the party holds religious authority?

Today's floor leader of the *Justice and Development Party*, Bülent Arınç, already stated in February, 2000, (at that time he was still member of the *Virtue Party*) the following: "To equate the party with religion and religion with politics is the wrong way. It is wrong, although in the past some of us have behaved in this manner. We do not aim at an Islamic state. We are not a theocratic party. If pious people engage in politics and consider religious sentiment but restrain to take religious norms as their point of reference, we may not speak about political Islam." In the same direction, the number two of the same party, Abdullah Gül, dismisses the idea of an Islamic state, which according to him in Turkey is only the focus of

marginal groups. For Gül the actual issue is the realization of religious freedom and democracy.

III.1. THE TWO PARTIES OF THE MUSLIM CONSERVATIVE SPECTRUM TODAY

International and domestic observers of the dispute between the two Muslim conservative parties today often fix their sights on religious arguments and overlook that the quarrel is not primarily upon the politicization of religion, or upon principal questions of Islam and democracy. Instead, the discourses of the parties are colored by different appraisals of the economic situation and different conceptions of what society and state are and should be like.

As far as the economy is concerned, the AKP is ready to rely on the stabilizing and balancing factors of the market economy and unreservedly espouses privatization. By contrast, the SP, due to social and national/nationalistic arguments, votes for a powerful state in the national economy.

The AKP managed to convince the vast majority of the Muslim conservative constituency and to rally support with its most dynamic elements. In the field of economics, its argument is centered on concepts like free competition, rationality, accountability, and transparency of state economic politics. In the eyes of the AKP, a fairly and squarely organized market economy will enable the Muslim conservative business community to compete successfully with the secular elite, which has until now received state privilege. The party bets on an open society and trusts in the dynamic of NGO activity, which will push back the state, which is eager to control all realms of the economic, cultural, and societal life. The party is representing a middle class movement that avoids radicalism because it looks for integration into the system, at the system's gradual change rather than its upheaval.

This societal concept, which aims at driving back an omnipresent state in a quasi neo-liberal mood, has no place for the idea of an Islamic state eager to reform all realms of life according to its ideology. The concept, however, grants space for a Muslim society ready to question the severe limitations of religious activity, particularly in the fields of education and freedom of organization. If - as an outcome of these kinds of Muslim conservative politics - some articles are removed, it might well lead to a more prevailing Islamic climate in Turkish society.

On the other hand, the more marginalized groups of the Muslim sector are left to the *Felicity Party*. As an indefatigable Turkish politician, Necmettin Erbakan always concentrated on taking government and distributing state controlled wealth to his clientele. SP arguments related to economy and development still

grant the central role to state bureaucracy. Traditional clientelism colors not only the SP's conceptions of economy and society, but also the inner structure of the party where Erbakan has the last say.

In this sense, the schism between the traditionalists of the *Felicity Party* and reformists of the *Justice and Development Party* is based on a more state and society-centered concept of politics. The debate is not over the politicization of religion or the question of democracy, but upon market economy, favored by the AKP, and bureaucracy navigated economy, favored by the SP.

IV. CONCLUSION - THE CHANGING ROLE OF ISLAM IN POLITICS

In the 77-year old history of the Turkish Republic, Islam - or what was understood as Islam - has played quite different roles: From 1923 to 1946, single party politics forestalled political differentiation and in the face of a mandated Westernization, Islam, understood as religious identity and sentiment, served as a common denominator of the Anatolian people. The Muslim identity of the Anatolian people allowed them to address the masses despite their regional, economic, and linguistic differences and to pose them in opposition to the bureaucratic elite of the center.

In the seventies the political right underwent a process of diversification, and Islam became the figurehead for a provincial elite that felt itself under the severe pressures of modernization. To defend its economic interests and to protect conservative morality, this group united with religious orders and attacked not only the Westernizing bureaucracy, but also Turkey's big bourgeoisie who had exploited their privileged relationship with the state.

In the late eighties and in the nineties, Islam evolved into a political program. The concept of the Islamic state had been worked out in countries like Pakistan, Egypt, and Iran and had been almost passively adopted by Turkish Islamists. But the societal experience of building moral communities in the urban environment and the efforts to formulate rules, norms, and institutions for this purpose persuaded a remarkable number of intellectuals and political activists of the idea of relying upon an Islamic society and contributing to the establishment of an Islamic state. Islam, thus, was increasingly grasped as political ideology.

Today, however, the former activists no longer cling to that idea. Instead of an Islamist, Islamic or even just pro-Islamic party, the former Islamists describe a party that welcomes religious affiliation as a core element of societal cohesion and

morality, but demand religious freedom and democracy.

Disregarding these entirely different exploitations of 'Islam' in terms of politics, the bureaucratic and later the political elite of Turkey accused political activity related to religion as reactionism (*irtica, gericilik, şeriatçılık*) in all cases, and portrayed this kind of activism as an acute threat to state and nation.

In the light of this result, we may not speak of an enduring and unchangeable character of a conflict generating religion. Instead, there is the ascription of an odd, bizarre, and threatening nature of Islamism to quite different societal groups, socio-economic interest and political movements with various political programs. To name something 'Islamic' or 'Islamist' is an effective way to discredit interests and demands of various nature: No enduring conflict with Islam exists without this tradition of ascription.

However, to designate one's own interests as being in one way or the other related to Islam may well boost the power of the political contenders. Both sides, therefore, contribute to the ongoing process of the Islamization of social, economic, cultural, and political contest. In doing so, so-called pro-Islamic forces do not contribute to the protection of Islam as a sublime religion, which answers ultimate questions of human existence, but to the naturalization of Islam. By defining Islam as a political ideology, the meaning of the religion can increasingly only be understood in its relationship to other ideologies. Books with titles like *Islam and Nationalism, Islam and Socialism, Islam and Feminism* measure at first sight secular ideologies from the truth of Islam. Eventually, however, they pave the way for an understanding of Islam in the framework of modern ideologies with the same political outcome as it was explained with reference to nationalism and the authoritarian politics of nation states.

This change of the meaning of Islam mirrors the change in the social organization of the Muslims. The frugal Muslim merchant developed to the stockholder of green capital. Sufi orders have been transformed into political parties. Religious spirituality was seen as political activity. The model of the modern welfare state impregnates notions of a just Islamic state. The idea of the Muslim people, the *ummah*, is infused with notions of nationalism. Like Islam itself is increasingly incomprehensible outside of a discursive field constructed by Western concepts, an Islamic society is difficult to imagine without Western influence.

East and West both have long been in contact and have given birth to new developments. The fact that few are satisfied with the outcomes does not change the verdict.

ISLAMISM IN DOMESTIC POLITICS IN TURKEY: THE KEMALIST SECULARISM PREDICAMENT

COMMENTS ON GÜNTER SEUFERT'S ESSAY ON:
'THE CHANGING ROLE OF ISLAM IN THE INTERIOR POLITICS OF THE TURKISH REPUBLIC'

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I do not think anyone will disagree that secularism means separating religion from state, letting religious affairs be administered by religious communities, and not utilizing religion as a means to achieve political objectives. Secularism is, in theory and practice, a historical course and a social development process, that has cost Europe centuries of debates, conflicts, even bloodshed, before attaining its current form.

The 'Kemalism' (a set of systems and thoughts attributed to Mustafa Kemal Ataturk) aimed at transforming Turkey from a religious, multi-ethnic empire, that had lasted for 600 years - during which the Europeans used without distinction the term "Turk" for "Muslim" and vice-versa - into a nation-state, and then a secular state. These two stages were separated by only a few years. Therefore, it was quite normal that Mustafa Kemal, who was initially considered an Islamic hero in 1922, when he relied on the religious faith to resist the Greek, French, and British occupations, came to be seen as the enemy of Islam only two or three years later.

"Turkey did not go through a 'Siècle des Lumières', as did Europe, in order for us to have a true secularism", said the famous late writer Aziz Nessin. Therefore, it was easy for a society steeped in Islamic values to be rebuffed by the secularism of the new regime, considering it outlandish, and even anti-Islamic.

Günter Seufert gives an analysis of the emergence of Islamic trends in the republican Turkey, focusing on the social and economic developments to interpret the phases of political Islam's rises, its falls and its transformations. By doing so, he

sheds light on a very useful aspect among other aspects which, we believe, should be brought to light to complement his work and make the picture clearer.

I.

Determining the role of religion in Turkish domestic politics was not only due to the nature of the movement of the partisans of the Islamic trends, and the angle from which they look at all developments and issues. The way 'Kemalism' interprets secularism, itself, also played a very important role in determining the route followed by the Islamic trend and religion in general, throughout the republican decades. That interpretation led to complications, bickering, and tensions that did not end and are not expected to end in the foreseeable future.

The Lausanne Treaty (1923) gave the non-Muslim religious communities the freedom to administer their own affairs without any state control. The Kemalist secularism, however, did not equally deal with the Islamic communities. It did not give them the freedom to administer their own affairs, and the secular state became a kind of administration of Islamic religious affairs.

From the outset, it was obvious that the Kemalist secularism did not mean separation between religion and state, but rather having the state administer the religious affairs, which is in contradiction with the basic principles of secularism.

Article Four of the Teaching Unification Law promulgated March 3, 1924 under No. 430 states: "The Ministry of Education shall set up a College of Theology to train specialists in religious higher studies, as well as other schools to train Shari'ah employees in order to meet the religious needs such as 'Imamat' (prayer leading) and 'Khitabat' (preaching)". This text was perpetuated, under other forms, in Article 153 of the Constitution of 1961, in Article 174 of the Constitution of 1982, and in Article 24 Paragraph Four of the Constitution of 1982, which states that "religious teaching shall be provided under the supervision of the State", and that the religion course called "Culture and Moral Knowledge" is compulsory at the primary and intermediate levels.

In addition to the teaching aspect, the State set up an institution at the onset of the republican era for managing mosques and recruiting their employees, 'Imam' (prayer leaders) and 'Khatib' (preachers). This institution, called "Presidency of Religious Affairs", is controlled by the State which fully covers its budget, a budget greater than the budgets of several ministries combined.

We can better understand the role that Kemalist secularism plays in defining the role of religion and its impact on social and political life when we realize that the Presidency of Religious Affairs does not administer the religious affairs of all Muslims, but only of the Hanafi 'Madhhab' (school or trend); hence, disregarding anything that relates to the Alawite 'Madhhab', who amount to approximately twenty million people in Turkey (approximately the third of the population). The Alawites protest this situation since they pay taxes to an institution that does not look after them and in which they are not represented; they are even forbidden from setting up their own council, similar to the 'Presidency of Religious Affairs'. The same applies to the College of Theology, the 'Imam-Khatib Institutes', and the compulsory course of religion, which are all related to the Hanafi 'Madhhab' only.

II.

Kemalist secularism did not only apply a wrong concept of relationship between state and religion, but also used religion as a means to achieve objectives that have nothing to do with the nature of a secular state.

The 'Imam-Khatib Institutes' were closed within a few years of opening. When World War II resulted in the emergence of a new international state of affairs, Turkey had to agree to the principle of diversity of political parties and to hold democratic elections in 1946, in order to affirm its belonging to the West. This was the first opportunity for the groups opposing the regime (most of them belonging to the religious categories) to voice their resentment against the Kemalists' behavior towards the Islamist movements. Ismet Inonu, who succeeded Ataturk upon the latter's death in 1938, was fully aware of the dangers of democracy on the future of his party, the Republican People's Party, and that the crowds who could not find an 'Imam' (prayer leader) in the late thirties to officiate at funerals would not give him their ballots. That is why Inonu did not hesitate to resort to the religious factor to stay in power. The poster of his election campaign in 1946 carried pictures of two women, one with and one without a 'hijab' (veil); also, at the conference of his party in 1947, he described religion as "society's spiritual food"; and on January 10, 1949 he ordered the opening of training sessions for 'Imams' and 'Khatibs'.

His challenger, Adnan Menderes, leader of the Democratic Party, who defeated Inonu at the 1950 elections and remained in power until 1960, went farther

than Inonu; he abolished the training sessions for 'Imams' and 'Khatibs' "because
they do not meet the needs", and issued a decree on October 13, 1951 for the
re-opening of 'Imam-Khatib Institutes'; the number of these institutes went up
from seven in 1951 to 391 in 1994.

When the October 14, 1973 elections resulted in the failure of the two major
parties, the Republican People's Party (leftist), and the Justice Party (rightist) to
obtain the absolute majority, it was a victory for the National Salvation Party
(Islamist) led by Najmettin Erbakan. Bulent Ecevit or Suleiman Demirel, indeed,
had to form a coalition with the Islamist Erbakan who had gained 11.8% of the
ballots, in order to be in power. Even the most extremist in terms of secularism
(Bulent Ecevit), did not refrain from forming a coalition with Erbakan in a gov-
ernment where the National Salvation party had seven portfolios, some of them
major portfolios, including the control of the Presidency of Religious Affairs. By
doing so, even Ataturk's party had to compromise with religious parties to reach
power. Suleiman Demirel did the same when he compromised with Erbakan's
Islamist Party to reach power twice in 1975 and 1977. It is worth noting that
the number of 'Imam-Khatib Institutes' under the governments with Erbakan's
participation went up from 58 in 1973 to 335 in 1978.

The military carried out their coups d'Etat in 1960 and 1971 under the per-
manent motto of protecting secularism; as did those who carried out the coup
d'Etat of September 12, 1980. Even the military did not refrain from taking ad-
vantage of religion whenever that would support their role, in politics and power.
Under the motto of combating the left, those who carried out the putsch of 1980
were like new 'Shayks'. Their commander, Kenan Everen, incorporated the reli-
gion course in the constitution as a compulsory subject, after being optional; he
used to intersperse Qur'anic verses in his public speeches. Under his administra-
tion, the 'Islamist Turkish Approach' that emerged in the seventies to confront
the left and the secessionist movements became more obvious. In the Five-Year
Development Plan that was set up by the military regime in 1983, it was stated
that "the religious establishment plays an important role in protecting the state
and preventing the national unity disintegration", and that "religion does not
only organize rituals but it is also a social necessity".

One cannot consider that under Turgut Özal's administration (1983-1993)
religion was utilized as a political tool, since Özal was actually practicing religion,
and his role was instrumental in spreading Islamism socially and economically.
It would be useful to mention a few Islamist practices during his administration:

He was the first Turkish Prime Minister to perform 'hajj' (pilgrimage to Mecca) rituals; he regularly participated in the Friday prayer; and participated with the 'Naqshbandis' in performing their traditions (such as visiting Baha-ed-Din Naqshbandi's shrine in Uzbekistan). His minister of education in 1983 and 1984 banned teaching Darwin's theory at the primary and intermediate school levels; he instructed that girls should wear more decent dresses at Youth and Sports Day parades; he banned 'RAKI' advertising on TV, and so forth.

Another recent example of the use by secular politicians of religion for personal or partisan objectives is Tanso Ciller, the first woman to head a Turkish government, in 1993. When she became Prime Minister, secularism partisans rejoiced and some of them, including newspaper editors-in-chief, shaved their moustaches to celebrate the triumph of modernism in Turkey. This 'beautiful blonde', as she was described, was ready in 1996 to facilitate the accession of the first Islamist to the government premiership by forming a coalition with Erbakan; and she used to make frequent appearances wearing a headscarf during the recitation of the Qur'an, etc. All of this in order to be safe from corruption scandals.

Extremism was the characteristic feature of Kemalist secularism: Either to the extreme of forming coalition with the Islamists or to the extreme of violating individual freedoms.

Kenan Everen had the leeway of interspersing Qur'anic verses in his speeches, without any objection or reservation from the governing establishment. But for Recep Tayyeb Erdogan to read few verses of poetry written by Ataturk's spiritual father was enough to have him sent to jail, and ban him from any political action and from candidacy to the elections to be held November 3, 2002.

The wife of a minister under Özal's premiership could wear a headscarf at official functions, while thousands of student girls in 1998 were forbidden from pursuing their studies at universities because of the veil. Universities in the United States and France, the cradle and model of secularism, authorized veiled student girls to pursue their studies, whereas veiled girls are forbidden from attending universities in their own country, Turkey?

The European report, published October 11, 2003, about the progress achieved by Turkey in complying with the Copenhagen criteria, focused on all that is forbidden in Turkey, and the violation of individual freedoms and human rights.

Islamists never took up arms to face the regime, in spite of all forms of persecution, repression, and exile they have been subjected to. Erbakan used to always

repeat that all that Islamists demand is to be treated equally with non–Muslims in Turkey.

III.

Günter Seufert was right in his analysis of the regional and intellectual developments in the seventies and nineties, and their impact on the 'Islamist phenomenon'. In addition to the movements of emigration from the countryside to the cities, the intellectual debates, and the end of the East-West struggle, I would like to mention another important factor which contributes to a clearer reading of the state of affairs of the Islamist movement in the eighties and nineties. That is Özal's economic reforms towards market economy that were initiated when he was advisor to the State Planning Commission in early 1980. These reforms directly contributed to breaking the monopoly of the state / the central authority / the secularism partisans on the economic activity, breaking down, therefore, their weight and economic influence, and launching what has been called 'Green Wealth' or 'Anatolia Tigers', i.e. Islamist capital. This led to a greater presence and influence of the Islamist economic and social institutions, and an increase of the firms, factories, publishing houses, as well as social, health, educational, university, and banking institutions financed and managed by Islamists. One should not ignore, among the factors of this Islamist rise, the role of the Arab, and mainly Saudi, capital.

IV.

The Islamist discourses as well as action in Turkey, were always under the 'order ceiling', and none of them called for changing the political regime, or abolishing secularism, or creating a religious state. This may have been their objective, but their action remained within the rules set up by the constitution. In spite of all forms of repression and prohibition, such as jailing, party interdiction, and banning from political activity, no Islamic leader has ever called for use of violence as a tool to achieve objectives; on the contrary, at each phase the Islamic discourse was becoming more moderate, even going beyond the secular discourse on certain issues. Abdullah Gül, deputy leader of the Justice and Development Party, states: "*When religious people practice politics, or have political preferences, they do so not for demanding the creation of a religious state; all what the people demand is full*

religious freedom". As for Erdogan, he clearly states today that he does not want a religious state, that characterizing his party as Islamist is an insult to his party and to Islam, and that he wants to preserve the true secular regime.

The problem, however, is that the Kemalist secularists do not want to hear this kind of Islamic discourse, which embarrasses them and unveils their intentions. The military establishment does not want an end to the war with the Kurds in order to use it as a pretext to maintain their hegemony on the power and, likewise, Kemalist secularists do not want the Islamists to evolve their discourse in order to use them as a pretext to obtain European sympathy against what is called the 'fundamentalist danger', and to justify their violations of freedoms, democracy, and human rights.

Mustafa Kemal, and the Kemalists after him, proclaimed the slogan of 'Europeanization' Eighty years later, and forty years after the Ankara Declaration (1963) and Turkey's request to join the European Community, one wonders why the Kemalist seculars failed to become part of the European civilization system. If part of the responsibility for Turkey still being outside the European Union falls on Europe's prejudice towards Turkey as a Muslim country, the greatest and essential part of responsibility, however, falls on the Kemalists who have never seriously endeavored to make Turkey a secular and truly democratic country that enjoys full religious and political freedoms. When General Husein Kefrik Oglu, Chief of Staff whose tenure ended August 2002, proclaims the 'War of One Thousand Years' slogan against Islamists, this is an indication that there is no end in sight to the Kemalist secularism predicament in dealing with the 'other' Islamist.

From the beginning, 'Turkish Islam' did not mean 'Islam' as it was spread in Egypt, Saudi Arabia, Iran, or Pakistan, for example. When Erdogan declares: "*I have changed*", not only the Kemalist seculars (and specially the military) do not believe him, but they actually do not want him to change.

The 'Islamist question' is only a very small part of the predicament of the Turkish Kemalist secularism and its tools (the military, the judiciary, and the steadfast secular civilians), and a result of its wrong application.

ISLAM AND MUSLIMS IN DENMARK AND EUROPE

FROM SILENT MIGRANTS TO ACTIVE CITIZENS

JØRGEN BÆK SIMONSEN
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Let me first of all thank the *Orient-Institut* for inviting me to give this lecture as part of the series of lectures entitled *East is East and West is West and Never the Twain Shall Meet...? Challenge of Dialogue*. I feel honored to be invited to present a paper on a topic I have been studying closely since the late 1980's when the *Danish Research Council for The Humanities* offered the first grants for scholars interested in doing research on the social, religious and linguistic transformation Denmark was undergoing from the middle of the 1970's onwards.

I had an application accepted for an analysis of the Muslim groups and organizations active in Denmark at that time and in 1988-89 I conducted my first series of interviews with Muslims in all parts of Denmark. The results of my analysis were published in a book in 1990 entitled "*Islam in Denmark. Muslim Organizations in Denmark 1970-1990*."[1] The book has been out of print now for several years, and I unfortunately have had no time to do an updated edition. However, I have had good possibilities to continue my analysis of Islam and Muslims in Denmark since then, because my initial work in the field convinced me that it was worthwhile to use some of my time for research to conduct further analysis of Islam and Muslims in Denmark. I have accordingly been following the development and the debates within the Muslim community in Denmark ever since.[2]

In 1996, *The European Science Foundation* initiated a huge European scientific initiative entitled *Individual and Society in the Mediterranean Muslim World* in order to promote scientific analysis of the Muslim Societies bordering the

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[1] Printed by Århus Universitetsforlag.
[2] For articles published as a result of this ongoing research see the bibliography at the end of the paper.

Mediterranean. One of the sub-groups established under the umbrella of this initiative focused on a comparison of the Muslim minorities in various European countries. In 2000, a book with the results of this comparative approach was published edited by Felice Dassetto.[3] The researchers active in this group decided to continue and to follow up the initiative when the *European Science Foundation* closed down the original program scheduled for five years. We have secured funding from the EU and established close cooperation with a number of fellow American scholars and have for the time being submitted an application to one of the big American private foundations applying for funding for a number of comparative studies pertaining to the Muslim minorities in Europe and the US.

Islam and Muslims are old partners in European History. The Islamic world has been a neighbor to Europe since the Caliphate was established after the death of the prophet Muhammad in 632. Most of us will be familiar with the very important cultural exchange in medieval Andalus, and during the centuries there have been periods of confrontation between the Christian and the Muslim worlds and there have been periods of peace, cooperation, and mutual cultural exchange. As we know from thorough analyses conducted by R.W. Southern,[4] by Norman Daniel[5] and recently by Hugh Goddard[6] the classical Islamic World secured the transmission of important parts of the classical Greek tradition to Medieval Europe - posing at the same time great challenges to many learned and educated Muslim thinkers during the formative centuries of Islam as well. This continued well into the later Middle Ages.

For centuries Christianity in Europe and Islam in the Middle East were neighbors and in both worlds an imaginary image of the other was established. Very often the foundation on which these mutual pictures were built had very little to do with reality and as we shall see, this is often the case today, as well.

But a completely new situation gradually developed from the early 1960's onwards. Islam had for centuries been part of the European awareness, but until the late 20th century always as something at a distance, something far away. Islam

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[3] The book is entitled *Paroles d'islam. Individus, sociétés et discours dans l'islam européen contemporain (Islamic words. Individuals, Societies and Discourse in Contemporary European Islam)*, Paris: Maisonneuve & Larose 2000.

[4] R.W. Southern, *Western Views of Islam in the Middle Ages*, Harvard University Press 1962.

[5] Norman Daniel, *Islam and the West. The Making of an Image*, originally edited in 1960 and re-edited in an extended edition in 1993.

[6] Hugh Goddard, *A History of Christian-Muslim Relations*, Edinburgh University Press 2000.

existed, Muslims were alive but they were always out there somewhere. From the early 1960's this changed gradually but irreversibly. Muslims were now no longer *only* out there, but to a growing degree also *inside* Europe. In the beginning, this transformation was neither noted nor realized by the European national states nor were the first Muslims arriving in Europe able to understand the consequences of the irreversible social dynamics set in motion by history. Both groups were linked to the past and none of them was able or willing to face the dynamics of an increasing globalization worldwide. Both wanted the world to continue according to the ways they knew it - and both were slow and reluctant to accept the need for a change.

On a general European level, there are three separate reasons for the presence of Muslims and thus of Islam inside Europe from the 1960's onward:

1. Part of Europe was compelled to receive Muslims in their national setting when former colonial areas turned independent. France received a great number of Muslims from North Africa when Morocco and Tunis first gained their independence in 1956 and a far greater number after Algeria won its independence after a long and very brutal war of independence (1956-1962). In the same way, both Great Britain, and to a lesser degree also Holland, realized their duty in receiving groups of Muslims who were deemed *persona non grata* in their own countries when they finally gained their independence.

2. Part of Europe invited migrant workers in from the late 1950's. The economically expanding industrial countries in Western Europe had a demand for labor that could not to be supplied by the local national population. In the beginning women were invited to join the labor force, but although some of them joined the demand was bigger than the supply and workers from the periphery of Europe were invited in. The result was a growing population of *guest workers* as they were generally labeled. While the former colonial powers had accepted that the colonial heritage obliged them to take care of Muslims who had assisted them in the administration of their former colonies, the European countries inviting in *guest workers* all thought of the migrants as something that would disappear again by itself. When the migrants were no longer needed they would return to their country of origin and everything would go back to normal. This assumption turned out to be very wrong indeed.

3. Most of Europe experienced a growing number of refugees applying for political asylum from the early 1980's onwards. The political development in many parts of the Islamic world was characterized by violent conflicts and civil war. This was the case in Lebanon from 1975 to 1989/90; in Iran from 1979 to 1983 when the civil war was ended with the supporters of Ayatollah Khomeini in full control of the new Islamic Republic of Iran; in Afghanistan during the 1980's as a result of first the Soviet invasion and then of the civil war ending with the take over of power by the Taliban as well as in Iraq as a result of the ever increasing power of the *Baath party* (*ḥizb al-baʿth*) and Saddam Hussein. First the long war with Iran from 1980 to 1988, then the internal civil war with the Kurds culminating with the atrocities in Halabja and other Kurdish villages in the North and finally the disastrous invasion of Kuwait and the ensuing second Gulf war. But also the political development in other parts of the Islamic world resulted in groups of political refugees in Europe - this goes for countries like Pakistan, Bangladesh and Somalia.

Denmark was only influenced by two of the three separate movements indicated above. Denmark has - to be honest - a colonial past, but not one related to the Islamic world. But Denmark, too, experienced a demand for laborers - and from the late 1960's on also invited migrant workers in. The migrant workers came first and foremost from Turkey, Pakistan, the former Yugoslavia, and Morocco.

Most of Europe experienced an economic decline during the 1970's, accelerated by the so-called oil-crisis - a strange name and a clear indication of the hegemonic economic position of the West. After all, it is hardly a crisis when the commodity you are happy to have in large quantity in your underground reserves, within six months suddenly is worth five times more, as was the case for the oil-producing Arab countries. They actually had no crisis until the economic crisis of the West was over in the early 1980's. From the middle of the 1980's the West was successful in pressing the price of oil downwards again and managed to keep it down until the late 1990's. Only then did the crisis reach the oil-producing and oil-exporting countries in the Arab Middle East.

The increase in the price of oil had severe economic consequences for the West and the economic crisis in the early 1970's forced the European countries to tighten their policies pertaining to migration. The trade unions all over Europe were active in persuading the governments to curb further import of migrant

workers. All European governments accepted the demand but at the same time yielded to pressure from the industries, which were afraid to lose the many migrant workers employed. Thus, the European countries allowed migrant workers, who prior to 1973 had obtained a permanent or an unlimited permission to stay and who were in possessions of jobs the legal right to unite their families in the countries in Europe where they had worked for years.[7]

In both a Danish context as well as in a European context, this seriously changed the situation. Prior to 1973, only a very small number of the migrants had exposed their Muslim identity. The migrant workers of course all knew they were Muslims, but their Muslim identity usually did not matter *vis à vis* the host society where the migrants were on a temporary visit. To their colleagues at the industrial plant where they were working they were known to be Moroccans, Turks, or Pakistanis. With the family unification this changed completely.

In order not to complicate things for the audience, I will in the following give a description of how the unification of the families became the starting point for important social changes that is still going on in Denmark as well as in all other European countries. The embedded challenges exposed identical trends in all of Europe and my argument is, in short, that Europe was to develop a strong visual and vocative cultural fundamentalism visible also in all other parts of the world as a result of the globalizing world economy and its inbuilt dynamics.[8] We experienced fundamentalism in India, in the Far East and in the Islamic World. But the same trend made itself visible and audible also in the West - although many Europeans deny this![9] I will return to this later on.

The permission to unite the families in Denmark had great consequences for the following decades. In order to obtain the official permission to unite the family, the migrant in Denmark had to prove access to an apartment of a minimum size decided by the official Danish authorities. These apartments were only

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[7] Cf. Thomas Hammar, *European Immigration Policy. A Comparative Study*. Comparative Ethnic and Race Relations Series, London and New York 1985.

[8] Cf. Philip Lewis, *Islamic Britain. Religion, Politics and Identity among British Muslims*, London: I.B.Tauris 1994; Gerd Nonneman, Tim Niblock & Bogdan Szajkowski (eds.), *Muslim Communities in the New Europe*, London: Ithaca Press 1996.

[9] Gilles Kepel, *Gud tager revanche: kristne, jøder og muslimer generobrer verden*, København: Gyldendal 1992 (original title in French *La revanche de Dieu*, 1990); Zygmunt Bauman, *Fællesskab: en søgen efter tryghed i en usikker verden*, København: Hans Reizel 2002 (original title in English Community, 2001).

available in certain areas outside the cities where the migrant workers were work-
ing. This had great repercussions in the way the now united migrant families
settled. As a result of the bureaucratic decisions taken by the Danish state, the
migrants united their families in certain areas lying around the bigger cities in
Denmark. The settlement in specific areas at the same time transformed the mi-
grants from Turks or Pakistanis into Muslims.

In countries like Denmark, Norway and to a certain degree also Sweden, the
migrant workers came from the countryside in their respective countries of origin.
In more industrial advanced countries like Germany the migrant workers were
recruited by the great industrial plants organizing outright recruiting campaigns
in the greater cities in Turkey in close cooperation with the German trade unions.
As a result the migrants in Germany were professionally educated, whereas the
migrants coming to Denmark and other European latecomers in importing mi-
grant workers originated in the rural areas in Turkey, Pakistan, and Morocco.
They were generally less educated and as a result in general more traditional in
their cultural manners as well as in their religious interpretation.

The migration to Denmark of migrant workers was a so-called *chain migra-
tion*. The very first migrants arriving in Denmark soon realized that more workers
were needed and offered the firms where they were employed assistance in getting
hold of more migrant workers. They contacted their families in their country of
origin asking for further supply of workers. An analysis carried out by a Danish
anthropologist in a number of Turkish villages in the Konya district revealed that
some 70% of all men in the working age (defined as the age between 15 and 60
years of age) were working in the greater Copenhagen area in the mid 1970's.[10]

The ensuing social consequences pertaining to this type of migration became
clear when the families were united from 1974 onwards. A social pattern pertain-
ing to far away villages in Turkey, Pakistan or Morocco was reproduced when the
families united in Denmark. The interaction between the Danish host society and
the migrant workers had never been strong, but this changed when the families were
united. The migrants, like all others, needed a number of the services tradition-
ally demanded from the state: schools, kindergartens, health clinics and the like.

The result became a cultural encounter between a host society with values
based on traditions from a culture embedded in ideas of equal rights for both

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[10] Jan Hjarnø, *Indvandrere fra Tyrkiet i Stockholm og København*, Esbjerg: Sydjysk
Universitetsforlag 1988.

genders, in ideas of the rights of the individual to develop his or her qualities and the like. The schools and the kindergartens were expected to deliver a socializing input to the children in line with the values of their parents preparing them for a life in a modern changing world, officially secular and non religious.

The teachers and the professional staff in the kindergartens, in the hospitals or in the other institutions now frequented also by the migrant workers perceived them as Muslims and not as Turks, or Pakistanis or anything else. To the Danish host society and its many employees, the migrants were Muslims no matter what their ethnic or national affiliation. They had the same rules for allowed food, they were all very traditional in their attitudes, and this unfortunately was perceived as *Muslim* and not as a contextual cultural pattern related to lack of education or lack of any language apart from their mother tongue. The result of the increasing interaction between the institutions of the Danish state, on the one hand, and the Muslim migrant families, on the other, set the unfortunate agenda for the public debate for the coming decades. In general, Danes interpreted Islam as being equal with backwardness, lack of ability to adapt to a modern society, oppression of women and children and so forth. The political development in great parts of the Islamic world attributed strongly to this negative picture of Islam (the outbreak of the Lebanese civil war in 1975, the Iranian revolution in 1979, the killing of president Anwar al-Sadat in 1981 as well as the general upheaval of militant Islam as part of the political process in most of the countries not only in the Arab Middle East but in the rest of the Islamic world as well).

The migrant workers in Denmark began to establish local mosques very soon after the unification of the families began. In my research I have stressed the importance of the early institutional establishment of Islam in the country as irreversible proof of a new social and cultural setting. Denmark had been predominantly protestant Christian since the reformation in 1536, and the Catholic minority was very small indeed amounting in the 1970's to no more than 25,000 people. In linguistic terms the country had been homogeneous as well, counting only a minor German-speaking minority in parts of the region along the border with Germany. Culturally, Denmark was divided into a number of different cultural sub-groups with various preferences according to education, economic resources, and the like, but in an overall perspective, they were homogeneous as well. The different socio-economic groups fundamentally shared the same core values. It is probably correct to say that Denmark prior to 1974 was one of the most culturally homogeneous countries in Europe.

This homogeneity was challenged when the Muslim migrants began to establish their own institutions. A number of mosques and Qur'ān-schools were established, later on a number of private Muslim schools were established as well, local radio and TV stations began to appear broadcasting in languages not known earlier and several state run pan-Islamic organizations set up offices in the country as the Saudi sponsored *World Muslim League* and the Libyan sponsored *The Islamic Call* as did a number of private Muslim organizations like the Pakistani *Minhaj ul-Quran* and the Turkish *Milli Görüş*.

The migrant families organized socially along ethnic and national lines. Only one mosque comprising several national groups emerged in Denmark in the 1970's. A number of Muslim embassies succeeded in 1974 in establishing *The Islamic Cultural Center* frequented by Arabs and Pakistanis, as well as a small number of Turks.

The biggest group of migrants came from Turkey, officially a secular state; but a growing Islamist presence among Turkish migrant workers in Europe, first and foremost in Germany, forced the secular Turkish state to launch a policy of cooption. The office of the Turkish prime minister in Ankara organized through *Diyanat Isleri Reisligi* (the name of this office has been changed a number of times) a recruitment of state educated and state paid *Hojas* to be sent to the various countries in Europe with a large number of Turkish migrant workers in order to counteract the Islamists active in the Turkish Diaspora communities. Thus, the secular state accepted Islam as part of its national identity as far as the migrant workers in Europe were concerned. Attitudes in the Turkish republic itself were quite different.

An analysis of the Islamic discourse formulated by the mosques and the various organizations revealed an interpretation of Islam that was defensive in nature. The local mosques and their imams were all busy in supporting the parents in their effort to raise their children with traditional (national) values. The heavy pressure the parents experienced in their interactions with the Danish state institutions increased the feeling among the parents of the need to defend what they perceived as traditional values. This attitude was reinforced because most migrant workers still clung to the idea of returning to the country of origin once they had saved up the sum of money needed to invest in a sustainable enterprise back home. To enter a dialogue with the host country was not worthwhile as the migrants were convinced they would return home shortly. In general, they wanted to be left alone and to have as little as possible to do with the surrounding society.

From the early 1980's new groups of Muslims entered Denmark and the rest of Europe. Political refugees applied for asylum from a number of different countries in the Islamic world. In Denmark, it was, in the early 1980's, refugees from Iran who dominated the inflow. From the middle of the same decade Palestinians and a number of Lebanese dominated the flow, and from the late 1980's, the Iraqis and Somalis dominated. To give the audience a sense of the number involved I can supply the following data: some 8,000 Iranians, some 25,000 Palestinians, some 6,000 Lebanese, some 20,000 Somalis and some 24,000 Iraqis were settled in Denmark in the years between 1980 and 2000. To this must be added some 18,000 Bosnians, some 10,000 Albanians, and some 8,000 Afghans. The population of Denmark in 1980 was around 5 million people.

Compared to other European countries the number of refugees is not high at all, but it was perceived as high by a growing number of Danes. Due to this, the public debate from the middle of the 1980's focused on the growing presence of foreigners in the country - a question totally dominating Danish policy ever since. The same has been the case in other European countries as well (Norway, Sweden, Germany, Austria, France, Italy, and Spain).[11]

The refugees very soon established themselves in local mosques along ethnic and national lines, and some of them established their own private schools very quickly. One case is the so-called *Ahbashi* group, who established themselves in Denmark in the early 1990's. Refugees coming from Lebanon had links to the groupÅfs head office in Beirut and as well educated as some of them were, they were quick to organize and to take advantage of the experience previous Muslim groups had had with the Danish system.

The refugees were Muslims as were the migrant workers who had been in the country for a decade or more - but in several ways the refugees were different. They predominantly came from big cities in the Islamic world, which on the surface are as modern as any European city. Many of them were well educated and thus, at a personal level, far better prepared to face the ongoing cultural encounter with the host country compared with the migrants arriving a decade or two previously. For the host society, however, they were interpreted the same

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[11] Cf. Thomas Hylland Eriksen & Torunn Arntsen Sørheim, *Kulturforskelle. Kulturmøder i praksis*, København: Gyldendal Uddannelse 2001 (in Danish: Original edition Oslo 1999); Carl-Ulrik Schierup, *På Kulturens Slagmark. Mindretal og Størretal taler om Danmark.*, Esbjerg: Sydjysk Universitetsforlag 1993 (in Danish).

way - as a problem. The migrants had been reluctant to enter a dialogue with the host country because for a long time they had imagined they would return to the country of origin. The refugees, for their part, were often provoked by the way the staff of the Danish state institutions treated them. As previously mentioned, they were, like the migrants, considered Muslims, and their often well-argued demands were perceived as yet another example of the incompatibility of Islam with the modern life.

In general, the refugees were gradually formulating a more offensive Islamic discourse. Many well-educated refugees were eager to prove to the host country that their interpretation of Islam *is* compatible with a modern way of life. I well know that this can sound very strange to the ears of people living in a country like Lebanon that ever since its birth - and even in centuries before - has been a multi religious, multi lingual and multi cultural society. In this respect, the Middle East has something to teach Europe!

The real dynamics for the transformation of Islam in Denmark are from Islam being a silent and not at all accepted new part of the Danish society to it becoming an equal partner in the public debate. The children of the first migrants and the first refugees who were born in the country or grew up in the country are still not accepted, and certainly not liked, by many Danes. As they grew up they experienced an endless number of examples of a double standard in their daily life and they realized a need for a change. They also soon realized that they would get help from no one and therefore had to do the work themselves. Since around 1990, a number of new Muslim groups and organizations have been established in Denmark. They were organized and headed by young Muslims who looked upon themselves as Muslims but also as full and integrated members of a democratic society based on core values, which they felt were their values as well. They were critical vis à vis the surrounding society because they often felt it did not accept them as full and equal members - always suspicious if they really meant what they said. When the young Muslims in public debates accepted the concept of human rights, were they to be trusted, or were they just saying what the others wanted to hear until they obtained the power they wanted to have? When they argued for democracy and the need to extend the democratic rights to vote were they sincere and upright and would they abide to the rules of the democratic system?

The debate was made difficult and impenetrable by the general development in the host society. It is my argument that first the migrant workers and then the refugees are concrete examples of the social dynamics embedded in the increasing

global economy. In a general Western understanding, *globalization* is perceived as something making itself visible in the rest of the world, something going on *outside* the West. The countries in the rest of the world will have to accept the changes set in motion by the presence of companies from the West offering all kinds of daily consumer goods from mobile telephones to computers, cars, walkmans, DVD-televisions, and the like. Commercials for McDonald's, Coca Cola, Ericsson, and Sony are looked upon as natural signs of a growing integration into the world market dominated since the end of the cold war by liberal economic values. From a distance, the West can see how the uprooting initiated by this expanding economic integration is causing severe cultural conflicts in many parts of the world, but according to most people in the West, it can be no different!

The important thing, however, is to put the general trend in Denmark as well as in all other European countries during the last decades into context and perspective (in this respect the US is different, and I will have no time to substantiate my point of view here). In all European countries, a notion of the need for returning to traditional and authentic values has been voiced during the last decade as a result of the many changes Europe has witnessed. It is my argument that the formulation of a need to turn back to old traditions, to manners of the old days in part and parcel can be interpreted as a result of the same social dynamics as the uprooting of traditional values set in motion in the rest of the world. In France, England, Denmark and in all other European countries, political parties have turned popular - and this goes not *only* for the right wing parties but also for so called serious political parties of the center and the left. They have all tried to harvest the fruits of the uncertainty felt by large parts of the population.

They have focused on the foreigners, the migrants, and the refugees as being a threat to traditional national values arguing for a need to curb further inflow. Like groups in the rest of the world, they falsely think it is possible to return to the past, to a time when it was still possible to seclude yourself from the rest of the world. They invoke the national state to defend traditional values at a time when *most* European states have begun integration into the EU, thereby seriously reducing the traditional national state and making it something belonging to the past. In my perspective and in my analysis, great parts of the population in Europe are reacting like great parts of the populations in the rest of the world whom they usually blame for not being able to cope with a changing world. The fundamentalists in the Islamic world are interpreted as being unable to cope with changes and challenges, and so are the fundamentalist Hindus in India and the

fundamental Buddhists in the Far East. The groups in Europe arguing for the right of the indigenous national people are trying to stop the wheel of history in exactly the same way. They would prefer history to continue along certain lines in order to continue to harvest and enjoy all the economic advantages of being rich - but they dare not live up to the image created by Europeans themselves since the renaissance: to behave with civility, to allow others to choose differently and to have the courage to accept others who behave differently. By referring to the incompatibility of Islam with the modern world, they try to force politicians to organize a set of double standards: one for the indigenous national population and one for the newcomers, the migrants, the refugees and their offspring, thus reducing the principle of equal rights as something of the past history!

The transformation of Europe during the last two decades has challenged the traditional self-perception of the European. The visual existence of different cultures, different languages, and different religious traditions in all European states has challenged the core values of the image Europe has of itself. The young Muslims in Denmark, as in the rest of Europe, are rightly asking if the traditional core values of Europe and of European liberty are trade marks for some and not for others.[12] They have fully and totally internalized the so-called European core values and have at the same time managed to pay tribute to their parents in choosing Islam to be an integral part of their individual personality. Very often, we can see how the Muslim parents are critical towards the ways the young Muslims expose their personality - and in this respect the Muslim parents are repeating the attitude of other parents in the host society. They claim to know what Islam is all about, and they do not always like the interpretation of Islam verbalized by the young Muslims.

Both the Muslim parents and the general population in the European countries are wrong. Islam is of course compatible with a modern world, as is Christianity, Hinduism, and Buddhism. Therefore the question posed as the title of the series of lectures organized by the *Orient Institute* is crucial to all of us. It may be

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[12] Cf. Tariq Ramadan, *Muslims in France. The Way towards Coexistence*, Leicester: The Islamic Foundation 1994; To be a *European Muslim*, Leicester: The Islamic Foundation, 1999. Cf. also Karen-Lise Johansen, *Muslimske stemmer. Religiøs forandring blandt unge muslimer i Danmark*, København: Akademisk Forlag 2002 (in Danish); Jonas Otterbeck, *Islam på svenska. Tidsskriften Salaam och islams globalisering*, Lund Studies in History of Religions, Volume 11, Lund 2000 (in Swedish).

argued based on specific preconditions that *East is East and West is West and Never the Twain shall meet....* But this is no longer the case. The world has changed and will never again revert to a situation where East and West can be looked upon as unchanging and eternal geographic areas that can be separated from the rest of the world.[13] The world today has a population that is truly mobile and that is truly globalized. Certainly East is East and West is West, but in a globalizing world the connection between place and time has changed for good. The old link between place and time has been deleted by the modern means of communication and by easy and cheap access to all parts of the globe. The future is for those who dare meet the West in the East as well as the East in the West. The future world need not be bad at all and it need not be a future embedded with clashes of cultures, clashes of religion or other clashes. If we dare to grant room and space for all inhabitants in Europe to prosper and to develop and if we invite each other to have a constructive dialogue, we may set an example for great parts of the rest of the world. The image of East and West as two worlds apart belongs to the past. I for my part will be happy to maintain the concepts of East and West, but not as unchangeable entities unable to change. Culture in the final analysis is always changing. Cultures not able to change will die, and in this respect the West is seriously challenged. Europe will only survive if it is able to pay respect to the core values it historically developed no matter what religious or cultural tradition the individual in question is representing. To put other people into boxes by referring to their culture is a step backwards, not forwards. It is a defensive devise used to escape change. Instead we have to meet each other as human beings with a built in possibility to develop and to prosper simply by *being* a human being. It follows that, in my view, Muslims can be an integrated part of the Europe at the beginning of the 21st century.

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[13] Cf. Anthony Giddens: *En løbsk verden: hvordan globaliseringen forandrer vores tilværelse*, København: Hans Reizel 2000 (in Danish. Original title: *Runaway World*, 1999).

ENCOUNTERING MUSLIMS IN GERMANY*

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Muslim communities have now been part of Europe for over three generations. They are currently going through a profound process of transformation and differentiation. The tendency of Muslim communities in Europe towards self-isolation and exclusion from the majority societies around them is beginning to change. The factors responsible for this development are increasingly reflected in interdisciplinary scientific discourse emphasizing the potential role of different Muslim Diaspora communities in shaping a new European identity.

Discussions in the last few years have focused on the degree of freedom and potential for cultural and religious diversity within an outwardly secular and pluralistic society. In Germany, this issue has been stressed in recent times by conflicts concerning the recognition of Muslim organizations as institutions of public law, the acceptability of Islamic religious instruction, of the public call to prayers and the wearing of headscarves at school. These controversies have served, at the very least, to illustrate the growing confidence of Muslim organizations and sections of the Muslim population, a fact that the majority societies clearly need to realistically and sensitively consider.

In this context, one may consider the process of social, ethnic and cultural transformation occurring within Muslim communities in the European Muslim Diaspora, leading to the possible emergence of what has been called an *Islamic* European identity. The institutionalization and social construction of Muslim minorities, the role of ethnicity and gender relations in different European states, the change between generations, as well as the interaction between European Muslim communities and the Muslim world all hinge on the creation of such an identity.

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* This is a shortened version of my introduction to *Muslims in Europe. From the Margin to the Centre*, Münster 2004.

One may also view some of the constraints inhibiting potential intercultural communication and interaction, both, among different minorities as well as vis-à-vis the majority. Finally, one may investigate how far religious and cultural pluralism - which is inherent to European history as well as part of the modern European integration process - is conceptualized in the different discourses of minority and majority societies, as reflected in public arenas and in the form of a struggle for recognition.

To start with, all religions, from monotheistic religions like Judaism, Christianity, and Islam to new religions such as paganism or other polytheistic religions such as Hinduism, have developed and defined themselves by mutual reference in Europe. This implies that the larger European religions were co-existent locally, in the same territory, as well as socially and culturally. It was not the distance, but the proximity, that fostered boundaries. Hence, the social closure of religions went along with different processes for the identification of non-believers and heretics.[1]

In a Europe that is rapidly growing together, the issue of plurality is increasingly important, since minorities - especially religiously defined ones - can play a decisive role, politically, socially and economically. Through a variety of interactions with majority societies, religious minorities add to the pluralization of society, but they also create and provide for demarcations and boundaries that can be meaningful for exclusively national as well as transnational identities. However, the reciprocities between majority and minority societies are often anchored in particular images of the other - of Muslims and Non-Muslims - which are suggestive and powerful. These images are located in a European context. And therefore the actors - local Muslims - cannot be considered as isolated groups. In fact, their ways of interaction are highly dependent on the political culture of residence societies as well as on their heterogeneous cultural traditions of, and their affiliations to, their countries of origin. The latest debates about citizenship and the introduction of religious Islamic instruction in Germany, for example, can be considered a specifically German-Muslim discourse that has led to systemic debates in the majority society about the German education system.

Before going into more empirical detail, it seems proper to highlight some basic ideas that come up repeatedly in the discourse, and to present an overview on the development of Muslim discourses in Europe.

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[1] Compare the contributions in Jamal Malik & Helmut Reifeld (eds.): *Religious Pluralism in South Asia and Europe*, New Delhi: Oxford University Press 2004.

First of all, it seems plausible to talk of "Muslim" rather than "Islamic" culture. As it stands, Islam as a world religion transcends specific cultural traditions as well as its own original culture. Central to this cultural dynamic is the individual actor, the Muslim, because he / she keeps shaping Islam, being contextually dependent and exposed to perpetual change. Consequently, religion is constantly being made and constructed by religious actors. This is the reason why there are so many manifestations of Islam - or should one say: "Islams"? Certainly, Islam's formative ideals and its central question of truth have to be accommodated to various societal conditions and changing norms. But in order to be credible, they have to be reformulated and reinterpreted in the here and now. The past 1400 years show the abundance of this interpretative diversity and creativity.

Instead of fostering primordial identity constructions and essentialisms - which is often done even by Muslims themselves when they claim that Islamic practice and confession are not subject to historical change - religion can be perceived as a repertory of references that enables Muslims to interpret their complex life worlds in order to make them meaningful. It is only with this understanding that various modes and channels of Muslim cultural articulations can be appreciated in their various times and spaces. Islamic religion is thereby understood as being changed and reproduced in specific cultural contexts. This is also the case when it comes to Muslim minorities in the West, because classical Islamic theory and its legal repertory hardly take into account the existence of Muslim minorities in a secular society. On the contrary, Muslim jurists have worked from a dominating - majoritarian - point of view, as the discussions on *dhimmī* and *ahl al-kitāb, dār al-Islām* and *dār al-ḥarb* suggest. It is only recently that, due to developments in the wake of international migration, some Muslim jurists and intellectuals have started to dwell on the issue of Islamic minority laws.

One may, though, question the validity of the minority concept, for minority presupposes, on a mere formal level, the existence of a majority. Arguably however, both minority and majority are the product of certain perspectives on the processes leading to the development and creation of group identities, however dynamic and reciprocal they may be. Thus, from a specific perspective, each group can perceive itself as being the dominant majority and the other as the minority.[2] This whole process of "othering" seems to be related to the validity of

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[2]   Certainly, this is not always the case with Muslims. They tend to complain a lot about being a
     victimized minority in some contexts, such as in India.

group values, which some members of a minority argue, are not to be questioned from inside their own group. Within this set of values, religion plays a major part, even though it has to be emphasized that religion remains only one possible source of human identity which is based on composite and multiple categories such as gender, profession, class, caste, nation or language. Actually these categories have to be taken into account not as given entities, but as the result of ongoing negotiations, resulting in contested definitions which blur the boundaries. In fact, these identities are constantly changing according to their position within the universe of possible alternatives, defining and re-defining each other. Hence, identity is not a fixed, but a relational category, because it matters in context. It is this plurality of identities that leads to plural membership in communities. However, the invocation of a religious identity can be mobilized for a variety of purposes in certain historical and societal contexts - as it can be the case with other aspects of identity too.

The dialogical mutuality between different groups in their respective identity-building processes can be conceptualized from the vantage point of this rather abstract level. Seen from the inside, however, both majority and minority construct collective, monolithic identities whereby the label "minority" usually involves stigmatization and marginalization. Seen from the outside, there is a constant flux of dialogue and self-reflection alternating between both poles.

It seems to be precisely these dynamics, of oscillation between subject and object, between minority and majority identities, which lead to a cultural multi-dimensionality, so that the most creative forms of cultural identity actually emerge at these points of friction - at the margins of the lived realities of collectives, of minorities and majorities.

Therefore it is not enough to understand the Muslim "Self" and "Other" with reference to the scriptures alone. Context is crucial for determining present identities, because it is here that the mutuality between social entities can be shown to play a creative role, and it is at this point that the observer's construction of "minority" and "majority" can highlight the *polyfocality* of the actors' Islamic identities. This discursive interdependence helps in elaborating on culture and religion in terms of a severalty of fields of discourse, rather than a singular essentialism, fields in which different social realities meet and are contested. Certainly, the respective repertories of minorities and majorities differ according to space and time, but they also come to share overlapping spaces. It is these overlapping spaces that prove to be most crucial, we propose here, for the paradigms of

reciprocity and plural or multiple identities enable an argument for societal con-
structions that lie beyond the boundaries of primordialism and constructions of
the self and the other. Plural identities imply ambivalences that perceive the other
to be part of the self at the same time. These ambivalences and interdependencies
replace rigid dichotomies because the pluralized group identities are mixed up at
several points of conjuncture.[3]

And if we consider society in terms of the public sphere (*Öffentlichkeit*) in the
Habermasian sense[4] in which minority institutions represent the minority's in-
terests (the primary distinction being language and religion) to the wider society,
it is evident that they can influence the public discourse through participation.
Seen from this angle, then, different constituencies can be understood as interact-
ing in a larger public sphere, influencing public discourse. These features can be
traced among Muslims in Europe in general and Muslims in Germany in particu-
lar, although in many instances it is not religion that is the prime force behind
Muslim activism in the public sphere. To the extent that the religiosity of Muslim
minorities leads to rational action, which in turn manifests itself in different in-
stitutions, which are necessary to actively participate in the public discourse, is of
course open to question.

As to the notion of Europe, one would like to point out that the history of
European identity formation has a tendency to demarcate, to include and ex-
clude, and at the same time to attribute the "other" with geographical semantics,
analogue to Asia, Orient etc. The boundaries are, however, not always clear, as the
example of European colonialism shows, or the European Union's eastern exten-
sion and the debate on the accession of Turkey to the EU.

Indeed, Muslim cultures have been important for the European identity
building process for more than 1300 years. The existing powerful, negative col-
lective image of Islam, however, goes back to the manifold interactions between

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[3] Compare also Ayşe S. Çağlar: "Hyphenated Identities and the Limits of 'Culture'", in: Tariq
     Modood and Pnina Werbner (eds.): *The Politics of Multiculturalism*, 169-185; Kingsley
     Purdam: "Settler Political Participation: Muslim Local Councillors", in: Wasif Shadid and
     Sjoerd van Koningsveld (eds.): *Political Participation and Identities of Muslims in Non-Muslim
     States*, Kampen: Kok Pharos 1996, 129-143; also Wasif Shadid and Sjoerd van Koningsveld:
     „Loyalty to a non-Muslim Government: An Analysis of Islamic Normative Discussions and
     of the Views of some Contemporary Islamicists", in: Wasif Shadid and Sjoerd van Koningsveld
     (eds.): ibid., 84-114, who address the issue of the legal debate on Muslims in non-Muslim
     states.
[4] Jürgen Habermas: *Strukturwandel der Öffentlichkeit*, Frankfurt/M.: Suhrkamp 1990.

Christians and Muslims rooted in the crusades and revived in the 18th and 19th centuries, when Europeans started to imagine the heterogeneous Muslim world in monolithic terms, as an anti-modern and anti-intellectual world, and thus excluded it from world history. In this way they legitimized the process of Europeanization throughout the world. And in doing so they have become „instruction-cultures", and have rendered themselves immune towards external, non-European critique,[5] apart from Edward Said, of course.

The firm orientalist image of the 18th and 19th centuries, which became dominant through a constant process of reciprocal translations, through exchange of ideas and notions, had far-reaching consequences. On the one hand, it informs the dominant image of the Orient in the West that found its climax in Huntington's orientalist scenario of the clash of cultures. On the other hand, the European image of Islam has, through reciprocal perceptions, found its way into the self-statement of Muslims themselves, especially, that is, among local educational elites, and has changed non-western life worlds concretely - from the blind imitation of Western modernization to a total rejection of Western society, as is evident in some forms of religious fundamentalism. Aziz al-Azmeh has called this the „strange alliance" between western orientalism and Muslim fundamentalism, whence one side satisfies the essentializing fantasies of the other.[6] This interpretive culturalist horizon, then, provides for a plausible way to integrate the project „Europe" internally and to close its others off externally.[7]

In reality, the borders of Europe are blurred, if we consider the immigration of Muslims into Western Europe since the 1950s, let alone the old resident Muslims in Eastern Europe who have been living there for hundreds of years. The approximately 40 million Muslims living in Europe, both migrants and indigenous Muslims, are highly divergent and present various public faces and voices, depending on their respective traditions or, in the case of migrants, where they hail from, as well as on their host societies'political culture. Even when they come from the same countries, Muslims are often internally split, because they involve *"the competition and contest over both the interpretation of symbols and control of the*

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[5]   Wolf Lepenies: „Das Ende der Überheblichkeit", in: *Das aktuelle Dokument - Kulturaustausch* 1/1996, 114-117.

[6]   See Aziz Al-Azmeh: *Die Islamisierung des Islam. Imaginäre Welten einer politischen Theologie*, Frankfurt a.M.: Campus Verlag 1996, 202.

[7]   Cigdem Nas: "Turkish Identity and the Perception of Europe", in: *Marmara Journal of European Studies*, Vol.9, No.1, 2001, 184.

institutions, formal and informal, which produce and sustain them".[8]

Now, the emergence of Euro-centric intra-Islamic discourses took at least two generations to generate: Since the late 1980's, new Muslim self-statements have gradually been developing, self-statements which seem to turn away from the earlier self-apologetics that were a result of societal marginalization. Increasingly, Muslims now want to strip off the victimization role attributed to them.

One way of doing so is to integrate Islam into the new diasporic life worlds by entering into a social contract, especially when it comes to the issue of citizenship. This contract, it is said, enables the execution of religious duties, but it also demands a high degree of societal responsibility and requires every Muslim to decide on the basis of his/her conscience. Therefore every Muslim is basically a loyal citizen, as opined by Tariq Ramadan, the grandson of Ḥasan al-Bannā, who lives and teaches in Geneva: Loyalty to one's faith and conscience requires firm and honest loyalty to one's country: The Sharīᶜah requires honest citizenship within the frame of reference constituted by the positive law of the European country concerned. The Muslim „*is expected both to recognize ...* (yaᶜtarif) *the legislation and to act within the scope of the law* (yaltazim bil-qawānīn). *These are the conditions of the oath and once it is taken the Muslims are bound by it as stipulated in the well-known Islamic rule* al-muslimīn ᶜinda shurūṭihim: *Muslims are bound by the conditions they have accepted.*"[9] Basically this accommodationist approach is not new - we can trace similar verdicts throughout the Muslim history. But it is crucial in the European minoritarian context.

What does this shift actually imply? Obviously, the early Muslim dichotomization of the world has become as much obsolete as the more pragmatically oriented notions of the abode of contract (*dār al-ᶜahd*) or security (*dār al-amn*), that makes reference to the possibility of a differentiated non-Muslim majority under a Muslim sovereign, such as was the case in South Asia or the Balkans. Until recently, this dichotomization has rationalized the myth of migrant return to their natal countries, but now - due to new circumstances - the historical and current reality is elaborated upon from new perspectives. The world is read, written and determined anew from the inside out,[10] that is, Europe as the abode

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[8]   Dale F. Eickelman and James Piscatori: *Muslim Politics*, Princeton, N.J.: PUP 1996, 5.
[9]   Tariq Ramadan: *To be European Muslim. A Study of Islamic Sources in the European Context*, Leicester: Islamic Foundation 1999, 172f.
[10] *Re-reading, re-writing* and *re-wording* (S. Rushdie).

of testimony (*dār al-shahādah*). According to this concept, both the individual, internal dimension is expressed - namely, the testimony of faith before God - as well as the collective, social dimension - that is, the testimony before mankind as the expression of a Muslim's active presence in the society.

The *Satanic Verses* clearly was the turning point for this new Muslim self-reflexivity - positively and negatively. Indeed, it was Salman Rushdie who elaborated upon the processes of cultural re-defining and identity transformation of minorities in Europe in a very ingenious way:

> Hence, one of Rushdie's culturally hybrid heroes speaks thus: We *(i.e., translated men; J.M.) are here to change things. I concede at once that we shall ourselves be changed. African, Caribbean, Indian, Pakistani, Bangladeshi, Cypriot, Chinese, we are other than what we would have been if we had not crossed the oceans, if our mothers and fathers had not crossed the skies in search of work and dignity and a better life for their children. We have been made again: but I say that we shall also be the ones to remake this society, to shape it from the bottom to the top. We shall be the hewers of the dead wood and the gardeners of the new. It is our turn now.*[11]

Rushdie's work is certainly an offensive pleading for constructive activism among immigrant settlers who are British nationals, whose integration is still awaited, however,[12] as can be traced from the year of the two affairs, 1989, when *The Satanic Verses* and the Veil dominated Western media. 1989 brought to the surface a latent conflict situation, in which religion was made public, symbolizing the desire for difference that resulted in self-exotizing and self-essentializing, sometimes in radical forms. Against the powerful myth of return which had dominated migrant thinking until then, being theologically legitimized by the division of the world into an abode of Islam (*dār al-islām*) and a territory not under Muslim sovereignty (*dār al-ḥarb*),[13] appeared a new reality. Certainly, the public disturbances in 1989 were, among others, related to a move between the generations.

As it were, the majority of the young Muslim demonstrators mobilized by religious politicians in the UK had hardly attended mosques until the affair erupted. They were British and French citizens and as such they had been promised education, work and equality. In reality, however, they were discriminated against. The

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[11]   Salman Rushdie: *The Satanic Verses*, London 1988, 414.
[12]   See John Rex: „Paradies mit Rassenunruhen", in: *KulturAustausch* 3 (1999), 67-69.
[13]   This division of the world is post-Muhammadan, and was developed only by later jurisprudence.

revolution of rising expectations eventually led to dramatic disturbances, and these disturbances ultimately created political attention.[14]

It is arguable that similar disturbances, like the one in the wake of *The Satanic Verses*, could not have occurred in Germany because the immigrant Muslims were neither given German citizenship nor promised legal equality. Consequently they did not have any expectations.[15] However, considering the fact that Muslims in Europe are primarily organized along ethnic lines, it may be left to the reader's imagination to speculate on what might have happened had Salman Rushdie been of Turkish descent.

In the wake of the affair, integrationist positions and new active approaches are now being brought forward by Muslim intellectuals in Europe in general[16] and Germany in particular. Some of them plead for a liberal approach that is somehow compatible with the European Western project. The Islamic Charta initiated by the Central Council of Muslims in Germany in February 2002, in the wake of September 11th, is another case in point. The Charta, written by converted Muslims and „old" Muslims, supports an active contribution of Muslims to the public interest, the acceptance of local laws and jurisdiction and the separation of powers between state and religion, within the democratic constitutional order of Germany with its institutionalization of religious and political pluralism. The state church law is recognized by the Islamic Charta and *ijtihād*, that is, independent reasoning of the Islamic sources is accepted. This is because the Diaspora is accepted as the center of life. At first sight, these points seem to contradict widespread Islamic ideals and norms and have been criticized in different quarters by German Muslims. This liberal agenda also seems to contradict the widespread Muslim criticism of European individualism. But in fact, more and more Muslims have begun to reject the „external" topoi of Islamic law as no longer being relevant to their own lives in the context of migration. Rather, they increasingly argue for the truth of the internal tribunal, of personal conscience as an individual measurement. One is inclined to consider this a sort of

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[14] Compare, f.e., L. Appignanesi and S. Maitland (eds.): *The Rushdie File*, London: Fourth Estate 1989.

[15] As argued by Joergen Nielsen: „Muslims in Europe or European Muslims: The Western Experience", in: *Encounters*, Vol. 4:2 (1998), 205-216.

[16] Such as Abdulaziz Sachedina: The Islamic Roots of Democratic Pluralism, New York: OUP 2001, Nasr Hamid Abu Zaid: *Islam und Politik - Kritik des religiösen Diskurses*. Frankfurt a.M. 1996.

"Protestantization" of Islam.

To these new formulations one certainly has to add the rediscovery of the Muslims' own tradition of modernity[17] that is constantly denied by hegemonic Europe as well as by some Muslim modernists. The same applies to the supposedly inherent unwillingness of Muslims to accept different readings of the holy text as serious interpretations or to reconsider the traditional regulations concerning *dhimmīs*. What becomes obvious here is, that neither modernity can be monopolized, nor can one stay away from critical hermeneutic questions. Social construction, interactions, and the struggle for recognition provide ample ground for these developments.

Indeed, Muslims are comprised of functioning social, political and economic networks, along with umbrella organizations and media, but until recently Muslims in Western Europe tended to be politically quietist; they were less concerned with the Islamic dimension of their Diaspora situation. To be sure, they had and still have good links with their countries of origin, not the least through the three „T's": Telecommunication, Tourism and TV. Because these feed back into their local lives, they often tend to reproduce the tensions existing in their Muslim homelands in the Diaspora. This is particularly the case when host societies neglect the issue of integration, and when some information services of Muslim countries serve as the Prophet's extended arm,[18] keeping an eye on „their" Muslims abroad. This is the case with the activities of the *Turkish Directorate of Religious Affairs* that has been sending Turkish teachers to give religious instruction to German-based Turkish children. The *Directorate*'s policy is informed by the laicist policy of the Turkish state, a fact that becomes even more relevant in the light of Turkey's rapprochement with the European Union. Hence, when the *Federal Administration Court of Germany* acknowledged a Turkish organization in Berlin as a religious community and thus granted the right to conduct religious instruction in Berlin's state schools in 1999, the Turkish government demanded that religious instruction for people of Turkish origin in Germany be organized solely under the control of the *Turkish Ministry for National Education* and carried out by its

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[17] Very interesting starting points for the discussion on alternative and multiple modernities can be found in the contributions to *Daedalus. Journal of the American Academy of Arts and Sciences*, 127, No. 3: „Early Modernities" (1998), and ibid., 129, No. 1: „Multiple Modernities" (2000).

[18] Compare the argument of Tariq Ramadan: „Europäische Staatsbürger islamischer Konfession", in: *Le Monde diplomatique*, Supplement 16.6.2000, 16-17.

officials according to its syllabus and be conducted in the Turkish language. This highlights the paradox of Islam being both denied and yet an important factor in the nationalist laicist Turkish rhetoric. The issue of religious instruction not only helps to reconcile Islam with Turkish nationalism but also to control Diaspora communities through state monopolized religious education. But - due to their deep ties to the home-country, their national religious socialization and their new European environment - Turkish re-migrants can strike back in a very ingenious way, since migration has opened up an entirely new range of possibilities which have demanded from the migrants new approaches and strategies towards both their new homelands and their old.

Hence, in the face of the current European integration process, and especially the integration efforts of the second and third generations of immigrants, a fundamental political and societal revision has become necessary - among the host societies as well as among the New-Europeans. Not only do the instruction cultures have to become learning cultures, but an inter-religious dialogue that takes different realities and contexts into account rather than merely stressing the normative aspects dividing or uniting Christianity and Islam is also important. Even beyond that, an intra-Muslim dialogue would clearly be worthwhile in order to discuss issues relevant to the lives of Diaspora Muslims.

To be sure, the situation in Europe is historically unique, considering the degree and speed of the cultural encounter between pious Muslims and predominantly secular Europeans, in which reciprocities and mutuality play a decisive role for the renewal and transformation of identity, politics, society, and even the economy. Of course, the encounters can result in the fundamentalization and extreme sacralization of identities as well as in some kind of cultural hybridization.[19] Some Muslims, as we have seen, try to positively integrate their life-worlds with their perceived religious traditions; others tend to isolate themselves from society, while yet others create substitute cultures in order to overcome the socio-cultural tensions they experience. Each of these possible negotiations, that is integrationism, isolationism, and escapism, depend on the respective social position of the individual as well as their chances of upward mobility and the social prestige related to it. These ideally constructed ways of negotiation become even more incremental in the diasporic situation.

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[19]   Compare Homi K. Bhabha: *The Location of Culture*. London etc.: Routledge 1994.

This is so because the answers of Muslim New Europeans to the predicaments they experience are hardly formulated in the context of symmetrical power conditions, since both agency and the power of definition lies with the old Europeans.[20] Rather, the answers are formulated or re-formulated from within an internally colonialized diasporic context. Their positions in the Diaspora may differ prominently from those in the countries of their forefathers.

The issue of political secularism is another case in point and is certainly relevant to the problem of Diaspora power and agency, but it must be freed from cultural Euro-centric biases that claim the legacy of political secularism as a Christian, European phenomenon. The genealogical affiliation of this and other ideas to European history exclusively leaves non-European or non-Christian cultures devoid of any rights of participation in the secularist legacy. Nevertheless, this essentially orientalist image of Islam has been adopted and adapted by many educational elites in the Muslim world who tend to dichotomize the world into western, political secularism as a response to Christian clericalism. The problem is enhanced when these polemical anti-secularist writings can be found on the bookshelves of many Islamic organizations in Europe, and might reinforce an existing skepticism towards political secularism. What is needed is to trace secularism in Muslim history, because a more liberal Muslim understanding of political secularism might open up opportunities for religious communities to present themselves in the public realm and participate in general political debates.

Similarly, the struggle for recognition is most visible in the context of the Sharī'ah and the issue of Muslim minority rights. But the application of Sharī'ah norms are dependent upon national legal systems, hence the legal system applied to Muslims in Europe cannot be "multi-cultural" in the sense of recognizing separate group rights, but has to come up with new alternatives, that mediate laws of personal status only, rather than claiming exclusive jurisdiction. The verdicts and suggestions of the *Muslim European Council for Expert Opinions and Studies*, for example, show that the Council opts for *ijtihād* and intends to make living conditions easier for Muslim minorities.

Hence, Muslims try to make their diasporic lives compatible and meaningful in very creative and imaginative ways with the help of an Islamic inventory and its interpretative devices handed down from various sources. They thereby expand the diasporic public sphere, entering the European mainstream from the

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[20] Olivier Roy: „Naissance d'un Islam européen", in: *ESPRIT*, January 1998.

margin, at times with powerful voices, new social constructions, and institutions, with a variety of forms of interaction and public arenas providing for new challenges, both for themselves as well as for the majority societies.

Again: Vitally, in the dynamic and changing processes of constructing and reconstructing the otherness of the other, self-conceptions keep changing. Indeed, in this process of oscillation, European as well as Non-European or Christian and Muslim self-concepts are constantly being questioned, thereby challenging the idea of an autochthonous and homogenous self or natural national culture. New identities are being established and re-established. Thus, on both sides, a variety of identities with a growing complexity can be picked out, visible in social and religious terms as well as in code-switching. Indeed, these cross-cultural developments can be very productive since they present societal space opening up for different levels of identity.

The situation in Europe seems potentially exciting: New collective European identities are developing, in the process of which minorities must be considered an asset rather than a burden. Is it possible for societies, in the face of cultural diversity, to develop and formulate new, co-existential perspectives? It seems that for this to happen, an import-oriented culture politics is as necessary as an export-oriented one. There has to be research and politics *with* Muslims rather than research and politics *on* Muslims alone.[21]

I contend that in a situation where mutuality exists, any kind of paternalism is bound to fail. On the contrary, since minority and majority conceptualize each other and therefore form a very complex cultural ensemble, positions constantly have to be negotiated anew, in the course of which the rules of majority societies seem to be less binding. In doing so, minority issues can also, however, unleash systemic debates; such as the case with religious education and dual citizenship in Germany or the issue of *laicité* in France. In the medium term this means that both sides can reconcile their differences, through the reciprocities and mutuality arising from the cultural encounters, so that eventually the (marginal) Muslim self will come to be situated in the midst of structures that are meaningful to him or her, that is, in European society. The Islamic repertory is without doubt flexible and adaptable enough to provide for this development.

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[21] See Wolf Lepenies: „Das Ende der Überheblichkeit".

It seems paramount, though, not to approach the problematic aspects of Muslim minorities and non-Muslim majorities merely from a normative standpoint, that is, it is important not to recur back to the Qurʾān and Sunnah alone. A normative approach on its own does not contribute to the negotiations with minorities. Instead, the need is to accept the discursive interdependency which actually leaves little room for ethnocentric universalism and hermeneutic monologue, that would allow to conceptualize the other as a mere Non-Me. Rather, it leads to group-building processes that are interpreted religiously and vary according to group interests. Islamicity, therefore, becomes a symbolic expression of this negotiation process, an interpretative context for societal reality. It is our task, then, to contextualize Muslim culture and identity through a sensitive translation of the given social and cultural codes. This is all the more important since the diasporic semantics of Muslim communities in Europe is expanding constantly and immigration has the potential to become the vehicle for an inclusive European identity.

MUSLIMS BETWEEN QUR'ĀN AND CONSTITUTION

RELIGIOUS FREEDOM WITHIN THE GERMAN LEGAL ORDER*

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I. INTRODUCTION

The widespread presence of Muslims in Germany is an opportunity as well as a challenge for both Muslims and their surrounding society. At the present time, Germany's Muslim population is estimated to be more than 3 million, in comparison to a total of 82 million. This is one of the largest Muslim populations within the European Union besides France (about 5 million) and Britain (about 2.5 million).

Despite long lasting contacts between Germany and the Islamic world since the times of the Ottoman and Safawid empires, the presence of a significant number of Muslims in Germany is a relatively new phenomenon. This might be due to Germany's relatively limited colonial expansion, in comparison to the former colonial powers Britain and France. Only a small number of soldiers from eastern European ethnic groups, such as the Bosnians and Tatars, who served in the German Army, found a home in Germany in the first decades of the 20th century. The vast majority of Muslims (about 2.2 million) presently living in Germany are of Turkish origin. Since the 1960's, hundreds of thousands of so-called "Gastarbeiter" (guest workers) were attracted to work in Germany, many of them Turkish nationals. After the economically motivated halt to labor-migration in 1973, there was an increasing migration of Turkish family members to Germany. Therefore, Islamic life in Germany is very much of a Turkish character. Besides that, there was continuous immigration of well-educated people from the Middle East (physicians, engineers etc. mainly from Syria, Lebanon, Iran and

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* This is the unmodified text of the lecture given at the Orient-Institut in 2002.

Afghanistan), but in more limited numbers. A third source of Muslim immigration to the country were the seekers of asylum. Their countries of origin are mainly to be found in the Middle East, the Indian Subcontinent and Northern Africa; since the wars on the Balkans many refugees fled from Bosnia, Albania, Macedonia and Kosovo. In addition, there are Muslim merchants, students and scientists living in the country for shorter or longer periods of time. It is worth mentioning that approximately 100,000 people of Lebanese origin are living in Germany, mainly in such big cities as Berlin, Hamburg, Frankfurt and Munich.

Among the Muslims in Germany, there is a majority of Sunni-orientated persons, but also significant groups of *Twelver-Shi'is* (from Iranian, Lebanese and Iraqi origin) which may reach 150,000 persons; there is as an estimated number of 500,000 Alevis mostly from Turkey, not to forget some 30,000 Ahmadis from Pakistan, the oldest organized Muslim group in Germany. Just like everywhere else in the world, their opinions and beliefs range from a very devout attitude to a mere cultural link to Islam; Sufism is widespread, especially among the Turks.

Most of the immigrants initially planned to stay in Germany only for a couple of years, to earn some money for a suitable existence in the home-country or to find a temporary refuge until the political situation in the country of origin had changed. The German legislation and administration tended to share these expectations. Therefore, Muslims - aside from the relatively small number of German converts - behaved and were treated as temporary guests. Consequently, none of the groups involved showed much interest in creating stable and durable legal and social conditions for a continuous integration.

After 30 years of a significant Muslim presence in Germany, things have fundamentally changed. Muslims realized that their initial intention of returning to their country of origin, sooner or later, turned out to be a mere illusion. The same is true for the approach of the German administration, which by and large followed a policy of mere provisional solutions. Even if some of the elderly immigrants do not feel comfortable in German society, they are also treated as strangers in their former home country (in Turkey they are called *Almancılar*). They may stay in order to keep close contact with their children, who insist on staying in Germany, or for reasons of adequate medical treatment, which is not available in the country of origin. An increasing number among them and among the following generations consequently apply for German citizenship. Legislation and administration now have to cope with a stable and substantial group of Muslims as a part of German society.

In this text, I will deal with legal aspects as well as some extra-legal aspects of Muslim life in Germany. Still, one must keep in mind that the major problems relating to the life of Muslims do not concern their beliefs, as such, or their religious needs. The problems concentrate on issues such as the lack of knowledge of the German language, a lack of higher education and a comparatively high degree of unemployment. Another problem they face - especially from the side of uneducated people - is a certain "islamophobia" or in general a suspicion against foreigners who are supposed to threaten the ruling culture of the land - despite the fact that this culture intrinsically consists of a far ranging degree of pluralism.

II. THE LEGAL FRAMEWORK: UNITY OF LAW AND FREEDOM OF RELIGION

II.1. GENERAL

a. The applicability of German law to all persons residing in Germany

The German legal order significantly differs from the Lebanese system and other comparable systems in the Middle East in regards to the legal status of religions. According to a centuries old European legal tradition, Germany follows the principle of territoriality of applicable laws. This means that everybody residing within the country is, in principle, subjected to the same laws. These laws themselves, however, guarantee religious diversity within a very broad scope. No Muslim will be prevented upon state initiative from adhering to the 'five pillars' of Islam for example. Tariq Ramadan, a prominent European Muslim based in Switzerland, has recently stated that Muslims, despite being a minority in Europe, can observe the major Islamic practices, enjoy the important right to knowledge, have the right to found organizations, and to structure themselves on a local or national level, and always have the right to appeal to the judicial power in place and to engage in a legal procedure against decisions seemingly ill-founded or unfair.[1] Activities, which contradict the rules of Islamic religion - like drinking alcohol, eating pork, or entering into extra-marital relations - are legally allowed, but of course not imposed on Muslims.

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[1] Tariq Ramadan, *To be a European Muslim*, Leicester 1999, 135-137.

However, religious freedom as a basic right is not applicable without any restriction, particularly where exercising one's religion has an effect on the (social) environment. The right to build a house of prayer does not entitle somebody, for example, to build dangerous constructions; the freedom of confession does not justify the religious indoctrination of pupils[2]; the interpretation of religious texts does not confer the right to refuse the payment of taxes and fees for unpopular purposes.[3] The protection against religious persecution[4] does not entitle a person to act as his/her own judge. It is, however, worth mentioning that a prominent German Muslim said Germany is "more Muslim than Saudi-Arabia".[5]

b. The applicability of foreign - e.g. Islamic - Law

There is an important exception to the uniform application of the substantial law of the land. This is true for the so-called "Private International Law", which applies to cases of a border-crossing character - e.g. the marriage or divorce of persons of foreign nationality living in Germany.[6] Today, there is no legal system that claims unlimited sovereignty over a territory. In the area of civil law, which essentially regulates the legal relations between private persons, the welfare of these persons is of prime importance. If someone has organized his/her life in accordance with a certain legal system, then this should be protected even when the person in question changes his/her place of residence. Accordingly, the law of the state of origin that is familiar to them should continue to be applied when the person crosses the border. However, it is also in the interest of the legal community that in certain matters the same law should be applicable to all residents in a particular country. The question as to whether foreign or national substantial law should be applied is determined by Private International Law provisions,[7] which weigh in the relevant interests.

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[2] Cf. Verwaltungsgericht (VG / Administrative Court) Stade Informationsbrief Ausländerrecht 1983, 117 (virulent propaganda in a Qurʾān school).

[3] See the references in v. Münch/Kunig-Mager, *GG-Kommentar*, 5th ed. 2000, art. 4 para. 65.

[4] E.g. provided by paragraph 166 of the German Criminal Code.

[5] Ibrahim Cavdar, former general secretary of the VIKZ, "Allah ist schulreif", *Die Zeit* No. 31, 23.7.1998, 9, 11.

[6] Cf. articles 13, 17 EGBGB (introductory statute to the civil code).

[7] Conflict of laws; c.f. for Germany a great number of international and bilateral conventions (for details cf. Jayme, Erik / Rainer Hausmann, *Internationales Privat- und Verfahrensrecht*, 11. Ed. 2002) art. 3 EGBGB.

Concerning the areas of family law and the law of succession, the application of legal norms in Germany is often determined on the basis of nationality rather than domicile (art. 13 s. EGBGB: prerequisites for and legal consequences of contracting a marriage; art. 17 EGBGB: prerequisites for and legal consequences of a divorce, legal relations between the spouses, children and other members of the family including maintenance claims among divorced persons, guardianship and custody for minors in some aspects,[8] adoption, guardianship and welfare, and hereditary relations).[9] For example, the law applicable in the divorce of a Syrian couple, whose marriage was contracted in Syria, is Syrian family law. If a German woman contracts a marriage with a Tunisian in Germany and a permanent move to Tunisia is planned, Tunisian law is applicable with regard to the effects of the marriage.[10]

In this connection, it may generally be stated that Islamic law has a strong position especially within the area of marital and family law.[11] This can be explained by the fact that Islamic law in this area has a multiplicity of regulations derived from authoritative sources (Qur'ān and Sunnah).

The application of such legal rules influenced by Islamic law may cause legal problems, if their application leads to a result which is obviously incompatible *e.g.* with the main principles of German law including the constitutional civil rights.[12] German substantial law is then usually applied instead of the foreign substantial law that would otherwise normally be applicable.[13]

Therefore, the German administration and courts would apply Lebanese (confessional) law on the formation of a marriage between Lebanese citizens.

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[8] Cf. art. 3 of the Hague Convention concerning the powers of authorities and the law applicable in respect of the protection of minors, 1961.

[9] Rohe, *Staatsangehörigkeit oder Lebensmittelpunkt?* (Nationality or domicile?), in: Engel/Weber (Eds.), *Festschrift für Dietrich Rothoeft*, München 1994, 1-39.

[10] For further details cf. Rohe, *Islamic Law in German Courts*, (paper presented at the World Conference on Middle Eastern Studies in Mainz/Germany (9.9.2002), to be published in Hawwa 1 (2003), 46ff.

[11] Cf. e.g. Dilger, Tendenzen der Rechtsentwicklung, in: Ende/Steinbach (Eds.), *Der Islam in der Gegenwart*, 4th ed., München 1996, 187ff.

[12] Compare art. 6 EGBGB.

[13] Cf. BGHZ 120, 29 = *Neue Juristische Wochenschrift* (NJW) 1993, 848, 849; BGH NJW-RR 1993, 962; BGH *NJW* 1997, 3024, 3025; OLG Düsseldorf *Zeitschrift für Familienrecht* (FamRZ) 1997, 882; OLG Stuttgart FamRZ 1997, 882, 883; OLG Düsseldorf *FamRZ* 1998, 1113, 1114; very differentiated OLG Frankfurt a.M. *NJW-RR* 1992, 136; OLG Bremen *NJW-RR* 1992, 1288; OLG Hamm *FamRZ* 1993, 111.

The exception to this rule is found in article 13 sect. 2, 6 EGBGB. If the result of the application of these rules were in fundamental contradiction to the main principles of German law, they would not be applied in this case. This is true, for example, in the case of an inter-religious marriage between a Muslim bride and a non-Muslim bridegroom, which would be void under Islamic law. If the couple wishes to be married, and if there is any connecting factor to Germany (e.g. domicile), the marriage can be carried out because the constitutional principle of freedom of religion clearly forbids the interdiction of marriage for religious reasons.[14] In such cases, freedom of religion prevails over religious provisions contrary to this freedom.

II.2. THE SELF-CONCEPTION OF THE SHARĪ̄ᶜAH: IS A MUSLIM ALLOWED TO LIVE UNDER A NON-ISLAMIC LEGAL SYSTEM?

a. Distinguishing between legal and religious provisions

Islam means 'subjection to God'. This subjection is understood comprehensively: it concerns inner religious conviction as well as religious practice and the way of life. It involves both this world and the next. The widespread misunderstanding that Islam does not distinguish between religions, on the one hand, and the state, law and politics, on the other, may arise from this. It is true that the rules of Islam claim to be binding for the whole life. However, this view does not distinguish Islam from Christianity and other religions. The existence of rules relating to religion and law does not mean that it is impossible to distinguish between them.[15]

Sharīᶜah is the general term for both areas, 'the path which has been prepared; the divinely appointed path'. The term 'Islamic law' is sort of shorthand and even misleading if the word "law" is understood without specification. The "law" exists primarily for its peacekeeping function and the body responsible for its application may use compulsion if necessary. Thus, the possibility of enforcement in this

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[14] Cf. the famous case of the Constitutional court in BVerfGE 31, 58: The interdiction of re-marriage for a divorced husband according to former Spanish law was held as being not compatible with the principles of the German Constitution (art. 4, Freedom of Faith; art. 6, Protection of marriage and family).

[15] Cf. Johansen, Staat, Recht und Religion im sunnitischen Islam - können Muslime einen religionsneutralen Staat akzeptieren?, in: Marré et al. (eds.), Essener Gespräche zum Thema Staat und Kirche 20 (1986), 12, 14ff; Arkoun, Der Islam, 1999, 43ff.

world is the characteristic feature. This covers the relationship of people and other legal entities with each other and their relationships with those responsible for the legal system - today this means mainly the state and its subdivisions. A main feature of the religious provisions, on the other hand, is that in this world they cannot be enforced legally, but only through social pressure; the consequences of disobedience lie in the next world, unless the state provides for sanctions in this world for reasons of public order. Therefore, the crucial difference cannot be found in the claim for being binding - both religious and legal provisions are binding. The system of sanctions is perhaps the place to look for the difference. This kind of distinguishing according to the type of sanction can also be found in the Sharī'ah. In the Sharī'ah, both evaluations concerning this world such as 'ordered' (*wājib*), 'allowed' (*mubāḥ*), and 'prohibited' (*ḥarām*) and evaluations concerning the next world such as 'recommended' (*mandūb, mustaḥabb*), and 'disapproved' (*makrūh*) can be found.[16]

In addition to this, religious and legal provisions often differ with regard to their connecting factor in application. Today, the law is almost always applicable territorially, regardless of the circumstances of the person found within the territory of the legislative power. With regard to religious rules, however, applicability can only refer to the person: the connecting point is the religious conviction and practice of the individual. Even the existence of a state religion does not change this; as a state cannot have a religious conviction, a state cannot 'believe in something'. Finally, religious and legal provisions can also be distinguished as regards the method of their transformation, even if the believer and the legal entity feel bound by both. The facts and legal consequences of legal provisions are relatively precise; one can easily find out when and how these provisions should be applied. The transformation of religious provisions outside the fixed rites is a lot more complex. A politician, for instance, cannot easily follow the commandment to turn the other cheek.[17]

According to this understanding, most of the Sharī'ah, and especially the Qur'ān, the most authoritative legal source, concerns the "law" relatively minimally. Out of the thousands of verses in the Qur'ān, only a few dozen have

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[16] Cf. El Baradie, *Gottes-Recht und Menschen-Recht*, 1983, 62ff; al-Khuḍarī, *Uṣūl al-fiqh*, Beirut 1988, 30ff.

[17] Cf. Matthew 5, 39, in the bible.

any legal content.[18] The classic writings on the Sharīʿah were already clearly distinguishing between religious and legal provisions from the 8th century onwards. These writings were usually divided into two large parts. The first part deals mainly with crucial questions relating to religious rites (particularly concerning rules on prayer, the giving of alms, the Ramadan feast and the pilgrimage to Mecca). These are described as ʿibādāt, which is a complex term covering 'the divine services; the acts of worship'. The second part then deals with legal issues such as marriage contracts and rules concerning divorce, special criminal offenses, contract law, company law, tort law, procedural law, and the law of succession. These areas are called muʿāmalāt, elements of 'human interaction' (one's obligations and relations to other people).[19] Law in this sense has only regulated a smaller part of all legal areas in the untouchable (although often requiring interpretation) legal sources of the Qurʾān and the traditions of the words and deeds of the Prophet Muhammad (Sunnah).[20]

A large proportion of classical Islamic law, in both the Sunni and Shi'i schools, is founded upon secondary legal findings such as interpretation and conclusions on the base of human reasoning. The statement that only God himself can be the legislator, which has been formulated by many academic lawyers, is thus very restricted in practice. Since the early times of Islam, human beings interpreted the divine statutes and developed norms of application. It may be cautiously said that there is not a single binding provision in Islamic law that can be applied without such interpretation; and interpretations can change as human beings and their living conditions do. The plurality of opinions within Islamic law is evidence for this.

For more than 100 years, and often in older times as well, extensive efforts have been made to create a broad forum for the application of independent legal reasoning (ijtihād).[21] This has allowed a certain reserve of flexibility that is necessary for legal practice to be accumulated so that an adequate response can be made

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[18]   E.g. Muḥammad Saʿīd al-ʿAshmāwī, al-Sharīʿah al-islāmiyyah wal-qānūn al-miṣrī, Cairo 1996, p. 7.

[19]   It is assumed with regard to particular criminal offences such as the prohibition of alcohol consumption that they also protect ‚rights of God', depending how they will be interpreted; also see El-Baradie (n. 16), 44.

[20]   Cf. only Hallaq, A History of Islamic Legal Theories, Cambridge 1997; Kamali, Principles of Islamic Jurisprudence, Repr. Cambridge 1997; Coulson, A History of Islamic Law, Repr. Edinburgh 1997; for a short introduction see Rohe, Art. "Islamisches Recht" in Scheyhing (Ed.), Ergänzbares Lexikon des Rechts 1/685, 1990.

[21]   Cf. e.g. T. Ramadan, To be a European Muslim, Leicester 1999, 82ff, 93ff.

to the situation of the Muslims in the Diaspora. I would like to quote a European Muslim here:" (...) we had very vital, very alive, very evolving jurisprudential activities up to the fourth century of Islam. Then suddenly the community was declared to go brain-dead. No longer are we allowed to develop our ideas. For it became doctrine that everyone must follow one of the present current schools. I believe that our crisis starts from this point."[22]

b. The Sharīʿah within the Islamic Diaspora

The fact that Muslims now voluntarily stay in a country with a non-Muslim majority presents a new and exceptional situation for Islamic law.[23] In classical Islamic law, the situation of Muslims living outside the territory ruled by Islam was only a secondary issue. The discussion focused on the issues of waging war or the trading of slaves.[24] However, the continued residence of Muslims under non-Islamic authority is a phenomenon, which was originally treated in classical Islamic law under the omens of Muslim cultural and power-political superiority. Later, the whereabouts became increasingly problematic in areas lost by Muslim rulers in the course of the Christian-Western re-conquest or which fell under Western colonial-control. Statements concerning this are rare, and very often they are hidden within interpretations regarding very detailed questions.[25]

Questions concerning stays abroad due to useful trading were discussed more extensively. All schools of classical Islamic law permit such stays. Some Hanafite lawyers even went as far as to totally exclude Muslims 'abroad' from obedience to Islamic law.[26] This, however, has challenged the protest of most other lawyers.[27] Many Malikite scholars, although not all,[28] who are rather strict, advised against

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[22] Badawi, in: King (Ed.), *God's Law versus State Law. The Construction of an Islamic Identity in Western Europe*, London 1995, 73.

[23] Cf. Rohe, *Der Islam - Alltagskonflikte und Lösungen. Rechtliche Perspektiven*, 2. ed. Freiburg 2001, 91ff; for modern views; cf. also Ph. Lewis, Islamic Britain, London a.o., 1994, 52ff in particular.

[24] Exemplary al-Qayrāwānī, ʿAbdallāh Ibn Abī Zayd, *Kitāb al-jihād min kitāb al-nawādir wal-ziyādah* (ed. v. Bredow), Stuttgart 1994.

[25] For an overview see Khoury, *Toleranz im Islam*, 2nd ed. Altenberge 1986, 124ff, particularly 128-133ff with further references.

[26] Cf. al-Sarakhsī, *Kitāb al-mabsūṭ* vol. 10, Beirut 1986, 96 ("liʾannahum ghayr multazamīn ahkām al-Islām fī dār al-harb"); al-Tabarī, *Kitāb al-jihād*, ed. Josef Schacht, Leiden 1933, 22ff.

[27] Cf. Salem, *Islam und Völkerrecht*, Berlin 1984, 150ff.

[28] Cf. Miller, „Muslim Minorities and the Obligation to Emigrate to Islamic Territory", *Islamic Law and Society* 7/2000, 256, 258ff.

long stays abroad, fearing that Muslims could be prevented from fulfilling their obligations while abroad.[29] Similar points of view can still be found today among very traditional lawyers.[30] The central point always seems to be the fear that the Islamic world might be weakened by migration. The underlying image is that of two camps opposing each other (*dār al-islām* and *dār al-ḥarb*). Complementary to this the Spanish Christian sovereign at times prohibited their Muslim subjects to emigrate.[31] The important medieval lawyer al-Qayrāwānī[32] pointed out the crux of the matter for the Muslim side when interpreting prayer rules: There cannot be a permanent stay outside the Islamic territory. However, this obviously does not correspond with reality: nowadays an estimated 1/3 of all Muslims live outside of Islamic states.[33] Many contemporary authors[34] regard the separation between the spheres as completely void, maintaining that there is no support for this in the Qurʾān or in the Sunnah, and that it is no more than an invention of the classical lawyers.

Even classical Islamic law is not ruled by a strict polarity between Islamic territory and enemy territory. The option to stay permanently outside Islamic territory may become available as soon as the non-Islamic territory can be qualified as being a reliable party to a peace treaty (*dār al-ṣulḥ*, *dār al-ʿahd*[35]). If the Muslim is granted secure conditions of residence by the host country, he has to follow

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[29] Cf. Ibn Rushd, *al-Muqaddimah al-mumahhidah*, Cairo 1325/1907 vol. 2, 286; even stricter statements in al-Qayrāwānī, (n. 24), 486; Miller, (n. 28), 256ff with further references; Khoury, *Islamische Minderheiten in der Diaspora*, 1985, 128ff.

[30] See the reference from Saudi-Arabia in Heine, „Die Bestattung von Muslimen außerhalb der islamischen Welt als Problem des islamischen Rechts", in: Höpp/Jonker (eds.), *In fremder Erde. Zur Geschichte und Gegenwart der islamischen Bestattung in Deutschland*, Berlin 1996, 11ff.

[31] Cf. *Miller*, (n. 28), 256, 260ff with n.17, but also see van Koningsveld/Wiegers, *The Islamic statute of the Mudejars in the light of a new source*, al-Qantara - Revista de Estudios Árabes - 17 (1996), 19, 44ff.

[32] Al-Qayrāwānī (n. 28), 373: "dār al-ḥarb laysat bi-dār iqāmah".

[33] M. Ali Kettani, *Muslim Minorities in the World Today*, London 1986, 18; also see Abedin, Muslim Minority Communities in the World Today, in *Islamochristiana* 16 (1990), 1ff.

[34] E.g. Rafiq Zakaria, *Is Islam Secular?* Aligarh 1989, 54; also see the references in Shadid/Van Koningsveld, *Religious Freedom and the Position of Islam in Western Europe*, Kampen 1995, 3.2.

[35] Cf. Ramadan, *Das Islamische Recht. Theorie und Praxis*, 2nd ed. 1996, 168ff; Article "dār al-ʿahd", in: *Wizārat al-awqāf wal-shuʾūn al-islāmiyyah* (Ed.), al-Mawsūʿah al-fiqhiyyah Vol. 20, 2nd ed. Kuwait 1990; Khālid ʿAbd al-Qādir, *Fiqh al-aqalliyāt al-muslimah*, Tripoli 1419/1998, 59 as well as the references in *Encyclopedia of Islam II*, Leiden 1991 under "dār al-ṣulḥ" (Macdonald).

the laws applicable in that country.[36] In 1997, the European Council for Expert Opinions and Studies, which was established by prominent Muslims, emphasized that those Muslims who live in non-Islamic countries are obliged to regard the person, the reputation and the assets of non-Muslims as inviolable in return for the right of residence in the country concerned.[37] A historical precedent for this was found in the emigration of a group of Muslims from the then pre-Islamic Mecca to Christian Ethiopia during Muḥammad's lifetime. This is held to be a model for staying in a non-Islamic, but just environment.[38] The foreign power is qualified as being useful and therefore deserving respect.

Thus, if a Muslim person feels bound by the Sharīʿah, he must also, by that token, follow the laws of the country where he/she is staying, provided he/she is given the freedom to exercise his/her religion.[39] In Germany and the other EU member states, this seems in fact to be accepted almost without exception,[40] and it is underlined by clear statements made by the major Muslim organizations in Germany and other European countries. It should be noted that these opinions by 'religion' mean the 'individual obligations as regards the divine service',[41] not the legal system created by the state.

The description of the principles of Islam which has been issued by the Islamic Community Hessen e.V. is an example of this.[42] It defines the Sharīʿah as the 'whole body of commandments to Muslims which are contained in the Qurʾān

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[36] Cf. al-Shaybānī, *Kitāb al-siyar al-kibār* vol. 2 Nos. 775; Vol. 4 No. 2270; Nos. 2416; al-Qayrāwānī, (n. 24), 409ff; al-Bahūtī, *Kashshāf al-qināʿ*, Cairo 1366/1947, vol. 3, 85 as well as the well-informed presentation in Abou El Fadl, Islamic Law and Muslim Minorities, in *Islamic Law and Society* 1994,141ff.

[37] *Al-majlis al-urūbbī lil-iftāʾ wal-buḥūth*, fatāwā vol. 1, Cairo, n.d., 19ff.

[38] Ibid., 27.

[39] See the references in n. 45 for the classical understanding. There are similar modern opinions to be found in Muḥammad Taqī al-ʿUthmānī, *Buḥūth fī qaḍāyā fiqhiyyah muʿāṣirah*, Damascus 1419/1998, 329ff; Khālid ʿAbd al-Qādir, (n. 35), 606ff with further references.

[40] Cf. the president of Muslim Council in Germany e.V., Nadeem Elyas "*Demokratie leben. Muslime im Kontext des europäischen Pluralismus*", http://www.islam.de/D400_bibliothek/430_Publikationen/431_Zmd/im11.html; Spuler-Stegemann, *Muslime in Deutschland, 1998, 289*; T. Ramadan, *Die jungen Muslime Europas befreien sich aus der Isolation*, under http://www.hgdoe.de/pol/ramadan04-00.htm, 2; ibid., (1999), 121ff.

[41] Visited in Feb. 2000 at the homepage of one of the larger Muslim associations in Germany, the ZMD, http://www.islam.de/D400_bibliothek/460_Faq/461_Faq.html under 11. "Muslime in nichtislamischen Ländern". cf. also T. Ramadan, *Les musulmans dans la laïcité*, 2nd ed. Lyon 1998, 171.

[42] Published in Frankfurt am Main, 1999 (IRH-Schriftenreihe Nr. 1, ISBN 3-933793-00-0).

and Sunnah' which in principal has an all-embracing and timeless charac-
ter. The Sharī῾ah itself, however, is said to distinguish between the legal norms
of the Islamic state, on the one hand, and commandments to the individual,
on the other. The application of the legal norms is said to be restricted to the
territories of Islamic states. Thus, it is legitimate and obligatory for Muslims living
in Hessen to follow the legal norms of the German/Hessian legal system. The
commandments, which have to be followed are those that fall, according to the
German legal point of view, within the area of religion. Therefore, these orders en-
joy protection on grounds of constitutional freedom of religion (e.g. *Arkān al-Islām*
- the five pillars of Islam, rules concerning dress and food, questions of ethics and
morality).[43] Similarly, the French Imam Tareq Oubrou has presented an 'Intro-
duction théoretique à la charī᾽a de minorité',[44] proposing to remove mere cultural
'foreign influences' associated with Islam which hinder integration in France.[45]

Thus, the requirements of Islamic law and the freedoms of European legal
systems correspond with each other.[46] Even if the individual may not be in the
position to fulfill these obligations or if he/she is forced to violate them, he/she
shall gain 'his/her freedom by conviction or by emigration'. According to this,
Islam does not provide a basis for disregarding state laws.[47] This position is exem-
plified in the description of the situation by the president of the Union of Islamic
Organizations in Europe, Ahmad al-Rawi: "Europe is our home and Islam is our
religion".[48] The Central Council of Muslims in Germany, one of the major orga-
nizations of Muslims, declared the German laws of personal status, of succession
and of procedure to be binding for Muslims in Germany, as well as the right to
change his/her religion.[49]

In conclusion, it may be said that there is a 'de-territorialization' regarding
the non-legal parts of the Sharī῾ah. The provisions, whose legal consequences can
only be enforced with the help of a system of state sanctions, remain territorially

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[43] Ibid., 19ff.
[44] Oubrou, *Islam de France 2* (1998), 27ff.
[45] Ibid., 28.
[46] For France see Oubrou, (1998), 28ff.
[47] Exemplary the opinion of the president of Muslim Council in Germany e.V. Nadeem Elyas,
      n. 49; Islamische Religionsgemeinschaft in Hessen e.V., Darstellung der Grundlagen des Islam,
      1999, 20ff; *al-majlis al-urūbbī*, n. 46, 26ff.
[48] "Urubbā waṭanunā wal-Islām dīnunā", *al-Urubbiyyah*, issue July 1999, 16, 18.
[49] Art. 11, 13 of the Islamic Charter of Feb. 20th, 2002.

connected with the exercise of power by an Islamic state. All other provisions are principally universal and are therefore also open for application and further development within the regional environment. Here is not the place to discuss whether a real integration into European societies requires more than a "non-applicability" of Islamic rules as far as they contradict European legal and societal standards. This would be certainly true regarding to persons exercising state power functions or applying for citizenship. The full acceptance of the ruling standards is, without a doubt, more than desirable. From a legal point of view, however, more than obedience to the ruling law is not enforceable.

II.3. RELIGIOUS FREEDOM AND PUBLIC LAW

a. The legal framework

The most important provision to regulate religious affairs is article 4 sections 1 and 2 of the German Constitution. The wording is as follows:

> *Article 4 [Freedom of faith, conscience, and creed]*
> 1. Freedom of faith and conscience, and freedom to profess a religious or philosophical creed, shall be inviolable.
> 2. The undisturbed practice of religion shall be guaranteed.

This article - as well as article 9 of the ECHR,[50] which does not reach as far in granting rights - is not limited to private religious conviction. It also grants public manifestation of belief, and the state is obliged to see that this right is not unduly limited. Of course there are legal limits for all rights, whatsoever, including religious ones. Nobody would be allowed to threaten others on religious grounds, for example. Nevertheless, the German legal system provides a far-reaching freedom of religion. This freedom is, according to the unanimous opinion among legal experts and the German government and administration,

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[50] Convention for the Protection of Human Rights and Fundamental Freedoms as amended by Protocol No. 11, Rome 4.XI.1950; Art. 9 - *Freedom of thought, conscience and religion*: 1. Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief and freedom, either alone or in community with others and in public or private, to manifest his religion or belief, in worship, teaching, practice and observance. 2. Freedom to manifest one's religion or belief shall be subject only to such limitations as are prescribed by law and are necessary in a democratic society in the interests of public safety, for the protection of public order, health or morals, or for the protection of the rights and freedoms of others.

not restricted to established religions like Christianity and Judaism, but also applies to Islam. Furthermore, art. 3 sect. 3 of the German Constitution prescribes that no one may be discriminated against or given preferential treatment for reasons of their religious belief.

b. Right of self-organization

First of all, it should be mentioned that German law does not, in general, know a system of legal "acknowledgement" of religious communities. They have the right to choose the forms of organization they like, be it informal or legally formal, like associations under the legal provisions on civil associations (paragraphs 21 ss. German Civil Code). On this basis, they become capable of holding and exercising legal rights.[51] The same is true for establishing foundations under private law (paragraphs 80 ss. Civil Code). Furthermore, the German Constitution of 1949 contains several articles, which were adopted from the previous "Weimar" Constitution of 1919 (art. 140 of the Constitution 1949) regulating a special form of organization for religious communities called "Körperschaft des öffentlichen Rechts" (corporation by public law). The religious communities existing at the time of the enactment of the Constitution - several Christian churches - automatically obtained this status. Others may apply for it, provided that they guarantee continuity by their by-laws and the number of their members. Jurisdiction in these issues lies with the federal states. According to a decision of the conference of the state ministers of interior in 1954, the necessary stability of the community has to be proven over a period of 30 years. At this point, the Jewish community has reached this status, whereas no Muslim community has succeeded. This is certainly due to the fact that there were no ideas of a long-lasting presence among larger groups of Muslims until recent times.

The organizational form of a corporation by public law provides a number of far-reaching rights such as the right to levy taxes from members of the community and to organize a parish, the right to employ people under a belief-orientated labor-law, the placement of property under public property law, which grants tax-reductions and the exemption of other taxes and costs, the right to nominate

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[51] For details cf. Rohe, „Islam und deutsche Rechtsordnung - Möglichkeiten und Grenzen der Bildung islamischer Religionsgemeinschaften in Deutschland", in: Landeszentrale für politische Bildung Baden-Württemberg (ed.), *Islam in Deutschland, Der Bürger im Staat*, Jg. 51, Heft 4/2001, 233ff.

members to broadcast-councils etc.

Logically, such far-reaching rights require clear structures of organization including transparent procedures for decision making and a reliable body or bodies which authentically and authoritatively decide about doctrine and order.[52] Until now, Muslims in Germany are far from fulfilling all these prerequisites. Nevertheless, in recent years, there is a development of formal association and unification, now partly crossing the ethnic borders, especially between Turks and others.

Current attempts at religious unification in "German" organizations are obviously counter-acted by the exercise of political influence of several countries of origin, including Turkey. For such purposes, an organization called DITIB (*Diyanet İşleri Türk-Islam Birliği*, Turkish Islamic Unit of Religious Works) was founded and registered as a means of keeping the Turkish immigrants in close contact with Turkey. The DITIB runs many hundreds of mosques (a total of more than 2,000) with Imams who are sent from Turkey to Germany for a couple of years. The DITIB stands in close connection with the Turkish administration of religious affairs (*Diyanet*) in Ankara. Very recently, there are signs for a certain shift in the organization's policy to be realized, taking into consideration the fact that Muslims from Turkish origin tend to stay in Germany permanently and to integrate into German society. Other countries try to directly or indirectly influence the further development as well, namely Saudi-Arabia, Kuwait, Libya and Iran. Of course there are general legal limits for the activities of organizations, including religious ones. In recent times, two extremist Muslim organizations (*Khilafet Devleti and Ḥizb al-Taḥrīr*) were forbidden by the Federal Ministry of Interior for the allegations of having committed serious crimes or of having worked illegally against peaceful relations between peoples.

c. Mosques and prayer

There are more than 2,000 mosques in Germany. Most of them are installed within former industrial buildings, which were available for reasonable prices and situated near the living-quarters of many of the believers working in factory areas. But in several cities there are also examples of mosques that look very representative, with prayer-rooms giving space to more than 1,000 people. Some of them

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[52]   Cf. Vöcking, „Organisations as attempts at integration of Muslims in Germany", in: Speelman et al. (eds.), *Muslims and Christians in Europe, Essays in honour of Jan Slomp*, Kampen 1993, 100ff, 103.

have minarets, and in some cities the use of loud-speakers is allowed for *adhān* to announce certain prayers, e.g. the prayer on Friday noon.

The construction of places of worship is allowed under German law of construction due to the constitutional guarantees of religious freedom. In rare cases there were judicial procedures initiated on the question of whether it should be allowed to built minarets, and what their acceptable height would be. It is not too surprising that the easily-visible erection of minarets could cause some disquiet due to local circumstances. Some people consider the erection of minarets to be a symbolic attack on the predominant Christian culture. Astonishingly, such suspicions are very often formulated not by practicing Christians but by people who maintain rather loose ties to religion in general; but in some cases also by Christian fundamentalist sects like the so-called "Christliche Mitte" (Christian Center).

According to German law of planning and construction, the shape of places of worship has to fit into the given surroundings, despite the generally privileged status of erecting such buildings. Nevertheless, the *Administrative Court of Appeal of Koblenz* decided in a case concerning the erection of a minaret that there is no kind of "protection of the cultural status quo" according to the law.[53] Times are changing, and as Muslims now are an important part of the population, society as a whole has to accept this fact. Notwithstanding this favorable legal position in general, Muslims would be well advised not to enforce their rights by the aid of the judiciary before having patiently tried to convince the public of their peaceful intentions in creating mosques and cultural centers. Being a (part-time) judge at the Court of Appeal of Nuremberg, my experience shows that a judgment in application of the law has to decide a given case for the sake of one of the parties, at least in part. But often it will not lead to a true and stable "peace" between the parties involved. The party whose claim was dismissed would often search for a new reason for continuing the battle, which would not be a very convenient basis for running a house of prayer or a cultural center. In these kinds of cases, settlements are the highly preferable solution; such settlements could be found in preliminary discussions with the administration involved as well as with the public in general. Fortunately, this has become the usual way of handling matters in Germany.

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[53] OVG Koblenz 20.11.2000, *Neue Zeitschrift für Verwaltungsrecht* (NVwZ) 2001, 933.

Obviously, we also have to reckon with certain backlashes. Recently, the mayor of a small Bavarian town failed to be re-elected following a period of rule, which had lasted 30 years. The main reason for this failure was apparently his support of a project to build a mosque of a decent shape in town. Such phenomena are unlikely to convince politicians to promote mutual understanding in the local political area.[54] Nevertheless, on the long run there are more and more mosques being erected within the centers of the bigger cities, following the examples of Berlin, Munich or Mannheim. The law of construction would not prevent that at all. Therefore in the case of having collected the necessary funds such mosques could indeed be constructed in the future.

d. ḥalāl-Slaughtering

In a landmark decision the Federal Constitutional Court decided on January 15th 2002[55] that the freedom of religion includes the right for Muslims to slaughter animals according to their imperative religious commands. This includes forms of slaughtering without pre-stunning of the animals, which is generally forbidden by the Law on the Protection of Animals. According to paragraph 4a of this law, a religious community may apply for a license to carry out the slaughtering according to such imperative commands. It should be mentioned that the Jewish community had the license to slaughter animals without pre-stunning according to their religion until the takeover of the Nazi-government in 1933 and again since the defeat of the Nazis in 1945. Concerning Muslims there were two problems to be solved. First, some courts didn't consider the Muslim applicants to form a "religious community" in a legal sense. They were following a - legally wrong - understanding of a religious community as necessarily having a structure similar to Christian churches. Muslims who historically were not used to building comparable structures would then be excluded from exercising obvious religious rights for such superficial reasons. The Constitutional Court therefore held that a group of persons with common beliefs organized in any form, whatsoever, could fulfill the prerequisites of the law in that respect.

Second, the question was raised whether there are in fact imperative rules in Islam commanding the slaughtering of animals without pre-stunning. According

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[54] Cf. „Die Abgestraften", *Süddeutsche Zeitung* 05.03.2002, 57.
[55] BVerfG, NJW 2002, 663.

to a fatwa given by the late mufti of Egypt in the 1980's, and others,[56] the methods of slaughtering common in Europe would be acceptable for Muslims. Therefore, rules of slaughtering without pre-stunning were denied to be imperative.[57] This approach however, was not consistent with the demands of the state's neutrality towards religions. Neither the state nor the court is entitled to decide, in the case of several contradictory religious doctrines, which of them is to be held as being "true" and therefore binding. It is up to the believers, themselves, to decide whom to follow. For this reason, the Constitutional Court pointed out that it will be sufficient for obtaining the above-mentioned license if there are reasonable grounds for the required method of slaughtering to be found in religion. In my opinion, this was the most crucial point of the judgment with far-reaching consequences for the status of Muslims in Germany as a whole: For the first time it was made clear that it is up to the Muslims in Germany (only) to decide on their creed and needs.

The intention of the law to protect animals as much as possible was not neglected in this decision: Only persons who have been proven to be capable of slaughtering animals in a decent manner, like well-skilled butchers, are likely to obtain a license to do so. The main federal organizations of Muslims in Germany then created a joint commission to work out a paper on the details and to cooperate with the relevant bodies of administration.

To my personal regret, there is an ongoing, and to a large extent a very emotional, discussion on this judgment.[58] The protection of animals - a very important issue among vast groups of citizens - is considered to be consecrated for "medieval religious purposes". It did not even help that the Constitutional Court, itself, stressed the lack of evidence that an expert slaughtering without pre-stunning would cause considerable greater pain for animals in comparison to the current methods of slaughtering, not to mention the really cruel transport of animals to be slaughtered throughout Europe. It should also be mentioned that there is an

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[56] In this sense statements of the mufti of Egypt and president of the al-Azhar University dated 25.2.1982 and the Islamic World League in Jiddah 1989 and other authorities; cf. OVG Hamburg *NVwZ* 1994, 592, 595.

[57] Cf. Bundesverwaltungsgericht (BVerwG / Federal Supreme Administration Court) BVerwGE 99, 1; see also BVerwG *NJW* 2001, 1225.

[58] Cf. „Lyrik für Wähler" - Tierschutz, Grundgesetz und die Union, *Frankfurter Allgemeine Zeitung* (FAZ) 27.03.2002, 6.

interesting discussion on the need of slaughtering without pre-stunning among Muslims themselves.[59]

In the meantime the big political parties in Germany agreed on changing the Constitution by an amendment, which would elevate the protection of animals to a constitutional aim.[60] It is not by accident that this initiative was started half a year before the federal elections. Nevertheless, it will be interesting to see whether, in the future, Muslims and Jews will be prevented from *ḥalāl*-slaughtering, and it is hard to imagine that any German court would come to a solution in the sense of the 1933-legislation.

d. Islamic order of clothing

In most fields of daily life, the manner of clothing - especially the headscarf worn by women - does not cause any legal problems as long as women or girls are not illegally forced to wear it. Except in France, pupils are allowed to wear the headscarf at school without any restriction: according to the German Constitution, the practice of religious freedom includes the right to show religious symbols in public space.

The situation of female teachers is different. According to a number of judgments from recent times,[61] a Muslim teacher is not allowed to wear a headscarf in classes. The reason given for that is the constitutional religious neutrality of the state: A teacher being a public servant who has to be loyal to the state has to keep this neutrality by avoiding political or religious symbols during working-times. In the case of a Swiss Muslim teacher, the European Court of Human Rights recently came to the same conclusion in applying Art. 9 ECHR (mentioned above).[62] My impression is that the headscarf has become the symbol of a cultural conflict about the position of women in society. There is a widespread understanding that

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[59] Cf. Rohe, *Der Islam - Alltagskonflikte und Lösungen*, 2. ed. Freiburg 2001, 187.

[60] Cf. "Tierschutz im Grundgesetz", *FAZ* 18.05.2002, 2; for details see Rohe, *Das Schächt-Urteil des Bundesverfassungsgerichts vom 15. Januar 2002*, österreichisches archiv für recht & religion 2002, 78ff.

[61] VG Stuttgart 24.3.2000, *NVwZ* 2000, 959, 960; VGH Baden-Württemberg 26.06.2001, *NJW* 2001, 2899; BVerwG 04.07.2002, *NJW* 2002, 3344; OVG Lüneburg, Urt. V. 13.03.2002, Az. 2 LB 2171/01.

[62] European Court of Human Rights, 15.2.2001 with respect to the complaint no 42393/98 (L. Dahlab), retrieved on 22.03.2001 from http://hudoc.echr.coe.int/hudoc/V...cemode=&RelatedMode=0&X=322134903.

the headscarf is a sign of suppression of women, which has to be banned from Europe. No differentiations are made between such cases, which indeed happen and others where women of remarkable self-conscience just wish to follow the rules they consider to be obligatory for them.

Up until now, there has been no judgment on cases of teachers of Islamic religious education, which is to be invented in public schools on a middle range of time. I cannot imagine that a female teacher of Islamic religion would be prevented from giving her lessons wearing a headscarf, provided that she does not intend to exercise pressure on female pupils to behave in the same way.

e. Social security

Religion has effects even on the law of social security. Courts have held that, in the case of financial need, social security funds have to pay for the costs of a boy's circumcision,[63] for the ritual washing of the body of a deceased Muslim[64] or for the burial of the deceased at a Muslim cemetery in the state of origin including the costs of transport if there is no Muslim cemetery in Germany available.[65]

f. Religious education in schools

Islamic religious education turns out to be a key-issue for the future of Muslims in Germany. Religious education in public schools is guaranteed according to article 7 sections 1-3 of the German Constitution. It is worth mentioning that the states' governments pay for the teachers and teaching materials.

> Article 7 [School education]
> 1. The entire school system shall be under the supervision of the state.
> 2. Parents and guardians shall have the right to decide whether children shall receive religious instruction.
> 3. Religious instruction shall form part of the regular curriculum in state schools, with the exception of non-denominational Schools. Without prejudice to the state's right of supervision, religious instruction shall be given in accordance with the tenets of the religious community concerned. Teachers may not be obliged against their will to give religious instruction.

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[63] OVG Lüneburg *FEVS* 44, 465ff.
[64] Administrative Court of Berlin, *NVwZ* 1994, 617.
[65] See OVG Hamburg *NJW* 1992, 3118ff, 3119.

At the present time, various attempts have been made to provide for religious education for Muslim pupils, but in a broader range this is so far only true for pupils of Turkish origin. Some states have established Turkish mother-tongue classes in cooperation with the Turkish government, which provides the curricula as well as the teachers. Islamic instruction - which sometimes seems to be more nationalist than religious - is part of the classes. These classes lose more and more of their importance due to the fact that most of the pupils will not return to Turkey - except for holidays - and therefore are not interested in Turkish lessons any more. Moreover, these lessons do not comply with art. 7 of the Constitution, since according to this provision it is the religious communities, themselves, who have to work out the curricula under the mere supervision of the state to grant their compliance with the rules of the law and the needs of contemporary pedagogies. The State is bound by religious neutrality and is therefore not entitled to decide on issues of religious truth.

Furthermore, all pupils with a mother tongue other than Turkish are excluded from this kind of Islamic education in schools. In my city, Erlangen, their number comes up to nearly 50% of all Muslim pupils in primary schools. Therefore other - constitutional - solutions need to be developed. The main problem is finding the stable and reliable level of cooperation which is required to formulate the curricula and to appoint the teachers. It should be noted that there is no need to unify all the different groups of Muslims such as Sunnis, Shi'is, Alevis or Ahmadis - every group is entitled to apply for its own education, provided that there are a sufficient number of pupils to take part in classes of religious education. The same is true for Christian religious education, which is divided into protestant, catholic and other classes. There is no need to form an above-mentioned corporation by public law, according to a nearly unanimous opinion among legal experts concerned.[66] An organization in the form of a registered private association according to the civil code (paragraphs 21ss.) would be sufficient. The same would be the case in matters of appointing personnel for religious welfare in hospitals, in prisons or in the military forces.

Some of the difficulties in this field may be illustrated by an example. There are initiatives to invent a special form of Islamic instruction in public schools in the state of North Rhine-Westphalia. The government tried to elaborate a

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[66] Cf. Link in: Listl/Pirson (Hrsg.), *HdbStKirchR* Bd. II, 2nd ed. 1995, 496, 500; Heckel, „Religionsunterricht für Muslime?", in *JZ* 1999, 741, 752; VG Düsseldorf NVwZ-RR 2000, 789, 791.

curriculum in accordance with relevant Muslim groups. The negotiations ended
in a series of experimental classes in several cities. To the government's surprise, a
large number of Muslim groups and individuals protested against these attempts.
The reason was the government's failure to correctly estimate the influence of the
groups involved with those not involved in the project. In addition, many Mus-
lims, very understandingly, disapprove of the government's attempt to work out
a curriculum for Islamic instruction with the help of political parties, churches
and even trade unions. It has to be learned from this that the Muslims, alone,
must work out such a curriculum, which certainly has to be in accordance with
pedagogical needs and the law of the land. For such reasons, the states of Bavaria
and Baden-Wuerttemberg established "round tables" to discuss the important
issues with all the relevant Muslim groups and personalities available without
initiating any further step without their consent. The first experimental classes of
Islamic education, in close cooperation with the relevant local Muslim organiza-
tion and therefore in accordance with the constitutional provisions, will start in
Erlangen in 2003.[67] This model appears to be more successful, as even the estab-
lishment of educational studies for teachers of Islamic faith currently happens at
my university of Erlangen-Nuernberg, which was the first in Germany to do so.

It should not be forgotten that there is a certain concern among Muslims and
non-Muslims about the existing alternative of private Qurʾān schools, which are
partly run by persons or groups of an obvious extremist or anti-western obser-
vance.[68] For this, a system of reliable cooperation between the Muslim communi-
ties and the states, which put Islam into the middle of "normal" school-education,
appears to be the only desirable alternative for the future. Teaching in German
language by teachers who are aware of their pupils' living conditions cannot be
dispensed with, for pupils are in urgent need of skills which enable them to com-
municate with others on their beliefs as well as on their personality in general.

II.4. RELIGIOUS FREEDOM AND PENAL LAW

With regard to penal law, the scope of considering religious issues to be relevant
is naturally very limited. The function of penal law lies in granting a minimum of
regulations, which are indispensable for a peaceful life in society, and to punish

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[67] Cf. "Mohammed statt Jesus - Erlanger Schule testet islamischen Religionsunterricht",
Süddeutsche Zeitung, 7.2.03.
[68] Cf. VG Stade *InfAuslR* 1983, 117.

those who offend these regulations with sentences ranging from harsh punishments up to lifetime sentences. Nevertheless, religious needs are recognized even in this respect in singular cases. The most important topic for Muslims, as well as for Jews, is the legal treatment of male circumcision. Being qualified as bodily harm, it is justified and therefore exempt from punishment, because there is an obvious religious need to carry out this procedure, which at the same time is of minor impairment to the boy concerned. The opposite is true, of course, for female circumcision, which is not a genuine Islamic practice, but which is found in several regions of the Islamic world, namely in East Africa and Egypt, and which regrettably is practiced secretly also in Germany among certain immigrants. It has to be severely punished, but other than in France,[69] no case has been dealt with in court so far, supposedly due to a "wall of silence" among the persons involved.

II.5. RELIGIOUS FREEDOM AND CIVIL LAW: APPLICATION OF ISLAMIC LEGAL PROVISIONS

A further area of application opens up within the frame of the so-called 'optional' civil law (public law and especially penal law are, of course, not optional). Such a development of the law influenced by Islam within the scope of the legal system of the place of abode emerges in England for example where an "angrezi shariat" is developing.[70] Similar, but very limited approaches can also be found in Germany - for example regarding the forming of matrimonial contracts,[71] regarding the law of Succession or Commercial Law. Meanwhile, for instance, various opportunities for financial investment are offered which do not violate the prohibition of *al-ribā* ("usury"; sometimes interpreted as a general prohibition on accepting or paying interest).[72] Commerce and trade have already reacted to the economic/legal needs of traditional Muslims. Hence, German and Swiss banks, for instance, have issued 'Islamic' shares for investment purposes; obtaining shares in companies whose subject matter is the business of gambling, alcohol, tobacco, interest-yielding credit, insurance or sexuality which is

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[69] Cf. "Urteil mit symbolischer Wirkung", *FAZ* 18.2.1999, 13.
[70] Cf. Pearl/Menski, *Muslim Family Law*, 3rd ed. London 1998, 3-81.
[71] Cf. Rohe (n. 23), 114ff.
[72] Cf. "Das Geschäft mit islamischen Fondsanlegern wächst kräftig", *FAZ*, 20.12.1999, 35; "Zinsverbot umgangen. Commerzbank legt einen Fonds für Muslime auf", *Erlanger Nachrichten*, 3.1.2000, 8; regarding legal problems see K. Bälz, Islamic Investment Funds in Germany, in: International Bar Association, *Arab Region Newsletter* 2000 No. 2, 7.

illegitimate according to their religion, is excluded.[73] Profits that have been gained are not paid out but are immediately re-invested.[74] The stock exchange-values are already measured in the 'Dow Jones Islamic Index Group' and can apparently compete with other forms of investment.

III. CONCLUSIONS

To sum up, most of the existing problems of Muslims in German society are not rooted in religion, but in education, language skills, and a certain degree of xenophobia among groups of society. During the times of immigration of the first generation, hardly anybody did not care about the beliefs of the immigrants, nor did anybody fear tensions on religious grounds. The remarkable quarrels which broke out in later times seem to me to be quite a normal phenomenon which should not be exaggerated: When sharing claims among members of society in a new way, everybody tries to get the best part of it. The legal and social integration of Muslims in a mainly non-Muslim society is not exempt from this observation.

It is worth mentioning that there is already a long-lasting dialogue, especially between Muslim organizations and Christian churches, or individuals of both sides, which aims at finding ways to a mutual understanding as well as to help Muslims in achieving a social position which enables them to fulfill their religious needs in a satisfying manner. The Christian-Muslim working group in Erlangen, of which I am a member, may serve as an example. This informal working group was founded in 1993 by the former mayor of the city and by the chairmen of Muslim organizations. The main purpose was, and still is, to solve practical problems, which might concern the most urgent needs in daily life and goals, which are apt to be achieved within a reasonable period of time on a local level. We had success, for example, in installing a space to be reserved for Muslims in the central cemetery including the requirements for washing the bodies of the deceased etc. according to the provisions of their belief.

Furthermore, we were able to convince the main hospitals in the city to provide for a "doctor of trust" for Muslims - especially for the women among them who often hesitate to undergo the necessary medical treatment in fear of being

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[73] Cf. "Islamischer Aktienfonds in Deutschland", *Freitagsblatt* 2/2, Feb. 2000, 13.
[74] Cf. "Nicht nur für Fundis", *Prisma* 14/2000, 14.

faced with a behavior contrary to their religious or cultural needs - e.g. to be searched by a male doctor etc. Furthermore, a general climate of mutual trust developed. We had a series of common events, such as a "way of common prayer" in one of the local mosques and in local churches on the eve of the new millennium. We happened to have planned a similar event for the 14th of September 2001 a number of months ago. On this occasion the well-known chairman of the Islamic Religious Community of Erlangen was one of the public speakers on the city's central square where the deaths in the US were heavily condemned to be crimes fundamentally contradicting the principles of Islam and other religions. The important point was that this kind of event was not a spontaneously organized happening run by persons whom nobody knew before; rather it was of a "natural" character organized by well-known persons. We were happy to learn that - quite different from other parts of Germany and Europe - there was not any tension worth mentioning in the following time.

Especially since 9/11, the German government and administration on Federal and State levels seeks to find ways to enforce such mutual understanding, to clarify positions and to strengthen mutual trust. This includes a steadfast position in dealing with the small number of Muslim extremists. In this respect, it was an act of common interest to forbid and dissolute the Turkish extremist organization of "*Khilafet Devleti*" (The state of the caliphate) mentioned above, which was not ready to accept the German legal system and whose leader was sentenced to prison for the instigation of the assassination of a rival "caliph" also living in Germany. On the other hand, the administration, as well as public opinion, had to acknowledge that Muslims often are victims of violence, and that they need the protection of law and society.[75] This is especially true in the states of former communist eastern Germany where a regrettably high number of incidents against "foreigners" - Muslims among them - happen. In this respect, security boards and courts have to make very clear that every citizen and every person living or spending time in the country has the same rights with regard to being treated in a decent and honorable manner.

To sum up, German law is consistent and immutable in its democratic and human rights-orientated principles, but also - or better - it leaves broad space for

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[75] There is clear evidence that the rate of youth criminality is considerably high among immigrants from Turkey or Albania; however, this is obviously due to reasons other than religion I am dealing with in this paper.

the religious freedom of Muslims. To be a democrat, an equal member of society and a Muslim therefore is not a contradiction in itself, but might serve as a model for Muslims as well as for non-Muslims. With the words of Tariq Ramadan aiming at the European level in general: "Muslims can freely practice their religion (the totality of the *ʿibādāt* and a part of the *muʿāmalāt*); the laws generally protect their rights as citizens or residents as well as Believers belonging to a minority religion; they are also free to speak about Islam and to organize religious, social or cultural activities and nothing prevents Muslims from being involved in society or participating in social life...".[76]

It is a well-known fact that every constitutional and legal order depends on moral and social prerequisites, which it is not able to create. Muslims who accept the indispensable framework of law and common societal convictions can contribute to these prerequisites in a very valuable manner, and they should be welcomed to be an integral part of society.

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[76] Tariq Ramadan, *To be a European Muslim*, (n. 1), 138.

III

POLITICAL DIALOGUE

THE INVOLVEMENT OF EUROPEAN FOREIGN POLICY IN THE MIDDLE EAST

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This paper will focus on the role of the European Union in the Middle East peace process rather than on European activities in the Middle East at large or on the current crisis in Iraq. The reason for this is twofold: First, the question of whether or not a peaceful solution to the Arab-Israeli conflict will be found will have deeper and longer-lasting effects on the entire region than whether or not the Iraqi regime will be overthrown by external military action. Second, the European Union does not follow a common policy towards Iraq, and neither is it an important actor in this conflict. While individual European member states such as Great Britain, France or Germany pursue definable policies in this domain, the European Union as a whole does not. The European Union is to some degree an actor with regards to Iran and certainly with Turkey. It also plays a role vis-à-vis North Africa in the context of the Barcelona process.[1] It is also a real actor in the Middle East peace process. The present study will therefore examine the role Europe plays in this process.

To analyse European policy towards the Middle East, it is necessary to use an analytical framework that reflects realities and is not the result of wishful thinking. This paper will therefore start by comparing European policies to US-policy approaches in the Middle East. This is of particular importance to those who believe - as the author does - that only a joint endeavour between the United States and Europe will have a decisive influence on regional actors. We will

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[1] See for example Geoffrey Edwards and Eric Philippert, „The EU Mediterranean Policy: Virtue unrewarded or...?“, in: *Cambridge Review of International Affairs*, XI (Summer/Fall 1997) 1, 185-207.

first examine and explain EU policies by contrasting them to US policies in the Middle East and then attempt to come to a tentative judgement about where the European Union stands today.

I. STRUCTURAL DIFFERENCES: EU AND US MIDDLE EAST POLICIES

To gain an understanding of the approaches both the United States and the European Union take towards the Middle East, it is necessary to start with an analysis of their respective interests in the region. In this regard, the United States is more straightforward than the European powers, having always defined its interest in the Middle East quite clearly. Priority number one on the list of American interests in the region is usually the security and well being of Israel. This is followed by their interest in the free flow of oil at acceptable prices and, until very recently, the security of friendly Arab regimes. This last point, however, has lost importance since the terrorist attacks of September 11th, 2001. Instead, the fight against terrorism and for the non-proliferation of weapons of mass destruction has taken precedence on the American list of interests in the region. Europeans have never been as bold or as honest in defining their interests in the Middle East, even though their interests are no less clear than those of the United States. Although Europeans do not deny the validity of any of the United States' goals, they have a different order of priorities. As any EU document on the Mediterranean or the Middle East clearly demonstrates, the primary concern of the Europeans in the area is regional stability. Interestingly, this concept is conspicuously absent from the United States' list of priorities. Also, peace in the Middle East has been defined as a "vital" European interest. Even after September 11, there is an inner-European consensus that any risks that may emanate from the region will not be of a military nature. The European Union believes that potential risks emanate from instabilities caused by inter-state conflict, socio-economic imbalances or intra-state conflicts resulting from bad governance, lack of democracy or human rights abuses. In the European debate, even terrorism is usually defined in these terms as a result of regional instabilities and imbalances.

With regards to the Arab-Israeli conflict, the general interests of the United States in the region determine their priorities in the first place. Top priority is the security and well being of Israel. The peace process is seen as a "tool" for achieving

this goal.[2] Europeans, in contrast, emphasize the need for a comprehensive settlement encompassing all states and peoples in the Middle East. This is clearly more than only a conceptual difference. As the only remaining superpower, the United States views the region from a global perspective and focus on Israel as their main regional ally. The Europeans, in contrast, take a more regionalist view as a result of their proximity to the Middle East. Therefore, while most European states have a special relationship with Israel, their status as neighbours to the region prevents them from building their policies on one or two regional allies only. In addition, European states tend to see Israel as a regional, Middle Eastern state, one player among many. The United States tends to perceive Israel as an outpost of the West in the region rather than as a Middle Eastern state. Such different leanings are partly the result of geography, partly of economic and other interdependencies and partly of domestic policy considerations. Israel is an issue in US domestic policy, especially during election campaigns. In contrast, it does not feature on the list of European domestic policy issues.[3]

Different priorities alone do not define policies. Rather, the pursuit of interests is shaped by structures and capabilities. In this respect, the differences between the United States and Europe are indeed quite substantial. Consider that first, the United States is a single actor who is uniquely capable of projecting military power into the Middle East. The United States alone is able to provide security guarantees to any regional party. The EU, in contrast, is a union of sovereign states, which as yet is neither willing nor able to project military power into any region of the world, except with the support of and co-ordination with NATO. While there is a debate about developing Europe's military capabilities, such capacities do not yet exist. The Common Foreign and Security Policy (CFSP) as well as the European Security and Defence Policy (ESDP) still depend on intergovernmental consensus. In short, none of these policy fields is communautised to the same - or to even a comparable - extent as for example EU foreign aid policies.

Secondly, United States policies are highly personalized. The US president is a prime mover and decision maker who is structurally much better equipped to

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[2] See, for example, Amy Hawthorne, „Do We Want Democracy in the Middle East? The ,democracy dilemma' in the Arab world: How do you promote reform without undermining key United States interests?", *Foreign Service Journal*, February 2002 (internet version).

[3] See in more detail: Volker Perthes, „The Advantages of Complementarity: US and European Policies Towards the Middle East Peace Process", in idem (ed.), *Germany and the Middle East: Interests and Options*, Berlin: Heinrich-Böll Foundation and SWP 2002, 53-75.

focus and lean on Middle Eastern leaders than any of his European colleagues. While the effective use of these structures depends to some extent on the individual (President Clinton, for example, used them much more effectively than President George W. Bush), any US president can use instruments that are not in the same way available to European leaders. Presidential phone calls or invitations to the White House, for example, are very important means to deal with foreign heads of state. Nothing equivalent exists in Europe, where no single leader speaks for Europe as a whole and could pick up the phone to talk to Yasser Arafat, Ariel Sharon or Bashar El-Assad with a similar effect. If the President of the European Commission called, some Middle Eastern leaders would likely not even know who was on the phone.

On the other hand, Europeans pay more attention to structural, socio-economic and socio-political developments than American policy-makers do. There, European policies reflect the European Union's own structure and its inbuilt tendency towards multilateralism. Something like the Barcelona Process with its multilateral, multilevel, multi-state and multidimensional aspects is very much the brainchild of European thinking. The United States would not, and would likely not be able to, develop something as complex or as long-term (the process started with a fifteen year perspective). The United States was able to convene the Madrid peace conference of 1991, and put enough pressure on unwilling leaders, such as Israel's Shamir, to attend. A complex, long-term process such as the Barcelona process, however, does not suit US policy structures.

This is where the third difference between US and European policies towards the Middle East lies. US policies are highly dependent on electoral cycles. As the prime decision maker, the US president is permanently involved in election campaigns. Additionally, he has to deal with Congress, which has much more of a penchant for interfering in foreign policies than any parliament in Europe, particularly in matters regarding the Middle East. Congress' interference into foreign policy matters starts with the approval of ambassadors and extends to issues such as the "Jerusalem Embassy Law" or the "Syria Accountability Act." In Europe, the situation is quite different. Any change of government, whether in Britain, France, Germany or even in the European Commission itself would hardly affect European policies towards the Middle East, as these are really very much the brainchild of the European bureaucracy. While US policy is usually strong and bold and often also heavy-handed and aimed at very short-term results, European policy takes a more long-term perspective, and concentrates on "soft power" instruments.

Given all these differences, it is not surprising that the United States and Europe with their respective strengths and weaknesses are capable of accomplishing different things in the Middle East. This is what Europeans like to call "complementarity," by which they mean that the United States will remain the main power broker in the region and will concentrate on high-level diplomacy. The United States will also be the actor that can provide security guarantees, something that at some point in the peace process may become very important. Israel, for example, will probably ask for security guarantees from the United States in case it withdraws from the Occupied Territories, guarantees the Europeans would not be able to provide and for which Israel would most probably not ask them anyway. Moreover, the Europeans should not deceive themselves. Sometimes Arab leaders call for a greater European role in the region as a counterweight to the United States. This, however, is mainly nice diplomatic talk. Particularly when forging a final deal with Israel, the leaders of Palestine, Syria, Lebanon and other Arab states will want the United States rather than Europe at the negotiation table. This is not because these countries particularly like or trust the Americans, but simply because they want the weight of the United States behind any agreement with Israel. The United States is, after all, the only player that could guarantee an Israeli signature. The European role is to focus on less visible - although not necessarily less political - contributions to the peace process. These contributions, again, are more multilateral, rely more on Europe's soft power instruments, and are also more long-term than those of the United States.

II. EUROPEAN CONTRIBUTIONS: NOT ENOUGH, BUT MORE THAN NOTHING

This brings us to the second part of this paper, a tentative assessment of the European role and how it can contribute to developments in the Middle East in general and to the peace process in particular. Before examining where Europe stands today, it is necessary to realise that the European Union itself is the result of a historical process and that any common policy is tied to the institutional development of what today is called Europe or the European Union. Indeed, it was only in 1970 that something then called European Political Co-operation (EPC) - a very limited form of co-ordinating foreign policy positions - emerged. From 1993 onwards, the Common Foreign and Security Policy (CFSP) was introduced, allowing at least for joint actions and strategies. In 1999, the EU

governments created a general secretariat to the Council and a High Representative of the CFSP. This post, currently held by Javier Solana, now gives a face to European foreign policy and it also provides the EU foreign policy phone number that US Secretary of State Henry Kissinger once demanded, and, above that, a policy- and early warning unit. EU enlargement will also structurally affect European Middle East policies. With Cyprus and probably even Turkey as EU member states, Europe will literally move closer to the region. Finally, institutional developments that are currently discussed in the constitutional Convent _ such as re-creating the EU as a federation of nation states, or even about having an EU president, will no doubt have an effect: most probably they will strengthen European foreign policy.

Regarding European policies towards the Middle East and in particular towards the peace process, one might ask where Europe at present is at its strongest and where it is at its weakest. On the positive side, there are three policy dimensions: The declaratory dimension, the economic and financial dimension and the low-level diplomacy dimension. Let us start with the declarations: there, the EU is usually far ahead of the United States and often even of the United Nations and the UN Security Council. In one of the first EPC policy declarations in 1973, for example, Europe endorsed "the legitimate rights of the Palestinians."[4] Only in 1976 under President Carter did the United States use a similar term. The 1980 Venice Declaration was the first document that called for a PLO association to the Middle East peace negotiations. It took the Americans until the late 1980s and early 1990s to accept the PLO as a possible part of peace negotiations. In 1999, the European Union's so-called "Berlin Declaration" underwrote "the permanent and unqualified right of the Palestinians to self-determination including the option of a state."[5] Finally, there was the 2002 Seville summit, which stated that the objective of the peace process "is the early establishment of a democratic, viable, peaceful and sovereign state of Palestine *on the basis of the 1967 borders.*"[6] The US has yet to accept that the 1967 borders are indeed the basis for a solution. Contrary to what some commentators like to claim, such declaratory policies are

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[4] See „Declaration of EEC Foreign Ministers, 6 November 1973, documented in Mahdi F. Abdul Hadi (ed.) *Documents on Palestine*, Vol. 1, 224.

[5] „Declaration of the European Council regarding the Middle East Process in Berlin, 24-25 March 1999" (http://europa.eu.int/council/off/conclu/mar99_en.htm.

[6] Declaration by the European Union on the Middle East, http://www.ue2002.es/principal. asp?idioma=ingles. Emphasis added by author.

not worthless. They have a value because they help to set a normative framework, which in the context of the Arab-Israeli conflict has helped to give legitimacy to Palestinian and Arab demands. If declarations were indeed unimportant, there would hardly be any struggles about them, either. The struggles about the wording of certain declarations both in the UN Security Council and between Europe and the United States clearly demonstrate that declarations do have political relevance.

The second dimension consists of economic and financial aid support. Europe often prides itself on the fact that more than 50 per cent of all financial support for the peace process comes from the EU and its member states. Germany, too, is proud of the fact that it is the largest single contributor of financial aid to the Palestinians. This has led to the saying that the EU is a payer, but not a player. Even Miguel Moratinos, the special EU envoy to the Middle East, has occasionally used this play on words. Whoever thinks of the European Union as a payer but not a player does, however, seriously underestimate the inherently political function of financial and economic support. European aid to Syria, Egypt, Jordan and probably also to Lebanon makes Arab parties to the peace process fit for competition with Israel. The provision of aid to the Palestinians has of course also pursued a political aim, namely to assist in building an infrastructure of independence. Indeed, if there were no strong political meaning behind European economic and financial support to the Palestinians, Israel would not have destroyed certain projects of high political symbolic value, such as, more than anything else, the Gaza International Airport. Israel's government implicitly accepted that paying for Palestinian development projects is a political act. Moreover, by providing financial aid the Europeans also sought to build an infrastructure of pluralism and better governance. European money financed Palestinian higher education and the health sector. Indeed, if it had not been for European financial support, there would probably not be any Palestinian universities today. Had it not been for European aid keeping it financially afloat, there would likely not be a Palestinian Authority, either. Particularly over the past years, Europeans have increasingly given support to Palestinian establishments in East Jerusalem, such as hospitals or smaller and medium enterprises. The political message behind such support to Arab institutions in East Jerusalem is quite obvious.

The last dimension is low-level diplomacy. This consists of a number of either invisible or less visible diplomatic activities including second-track activities as well as meetings between civil servants and politicians, the work of

intelligence officers (either as a go-between Hizbullah and Israel or between Palestinian fighters and Israel) or gatherings within and outside the Barcelona context. EU envoy Moratinos has developed quite a number of activities in this field. For example, if it were not for his compilation, no record would today exist of the Taba negotiations in January 2002, which went quite a way towards reaching an understanding between Israelis and Palestinians. Thanks to Moratinos, there is today a record, which both Israelis and Palestinians accept as correct. There have also been various attempts to persuade the Palestinian *Hamas* and *Fatah* to agree on a cease-fire, or at least to stop attacks on civilians inside Israel. This has met with limited success. Israel certainly took these attempts seriously, and some in Israel may have had an interest in undermining them. At least this was the effect of the aerial attack in July 2002 on the house of one *Hamas* leader in a densely populated residential area. Still, while these European attempts were briefly stopped by this attack, they were taken up again shortly afterwards and have been continuing ever since. Low-level European involvement obviously exists in the Middle East.

On the other hand, EU Middle East policies suffer from serious structural deficiencies. As mentioned earlier, the EU is not a unitary actor. It is also very weak in putting pressure on any party in the Middle East. This is compounded by the special relations, which individual EU member states have with individual players in the Middle East. Germany, the Netherlands and Great Britain, for example, have strong bilateral relations with Israel, while France has special relationships with Algeria and Tunisia. Generally, Europe is reluctant to impose sanctions. According to the EU philosophy, as it were, trade and co-operation rather than sanctions are the best way to achieve change and political progress. Moreover, the European Union is afraid to offend any partner. For all these reasons Europeans have also rarely supported the United States in imposing sanctions on individual countries such as Syria, Sudan or Libya. In most cases, Europe has sought to limit these sanctions. Since the outbreak of the present *Intifada*, however, there has been a very concrete debate in Europe about sanctioning Israel. The general attitude of most European policy-makers is, however, that sanctions such as the suspension of the Association Treaty with Israel might be counterproductive and would also not be backed wholeheartedly by all European states. The Europeans have therefore settled on a compromise, namely on a tougher implementation of the provisions of the agreement: They refuse to unconditionally accept Israeli certificates of origin if there are suspicions that goods which are exported to

Europe under the label "made in Israel" might actually originate from the Occupied Territories.

While the Germans are usually criticised as being particularly weak on Israel, their customs authorities are actually quite pedantic in dealing with Israeli imports. They regularly double-check whether a product labelled "made in Israel" does not in fact come from the Occupied Territories and even demand "import guarantees" from the importers in case it later transpires that these products come from the West Bank, Gaza, East Jerusalem or the Golan. Admittedly, this may be due simply to the fact that "Prussians" Germans are very much interested in procedures for their own sake. But there might also be a political meaning behind taking relevant regulations seriously.

Finally, while the European Union occasionally makes an effort to gain a role in high diplomacy, Europe, for the structural reasons mentioned before, cannot compete with the United States here, and probably does not want to either. Consequently, European policy and diplomacy in the Middle East is largely concerned with the Arab-Israeli peace process and with trying to influence events in the region by attempting to sway US positions. In spring 2002, the so-called Quartet, which consists of the United States, Europe, Russia and the UN, was established. The Quartet is very much a European "product": while it allows the United States to lead, it establishes at the same time a multilateral framework that influences the content of US policies. Europeans communicate with the United States; ask them to get involved, to construct a road map, to develop a clearer vision, to make their influence felt in Israel and so on. Indeed, when it comes to German and European Middle East policy, one could go as far as saying that about 70 per cent of it is actually transatlantic diplomacy.

US - EU, AND THE MIDDLE EAST

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Since September 11th we hear more about war than about peace and the peace process. The link between the American-Iraqi confrontation and the Arab-Israeli conflict is becoming deeper and we can observe the aggressive attitude the Israeli government of Sharon is adopting in dealing with the Palestinians under the American preparation for war against Iraq.

Israel is obviously trying to destroy all infrastructures in the Palestinian territories, hoping to see the Palestinian authority's breakdown. Violence is increasing and all the Middle East is going to war rather than to peace. Why? Because the United Nation system is weakened by the hegemony of the United States, which try to mediate in the Middle East conflict and are at the same time aligned to one of the protagonists. In the meantime, the entire world is observing, trying to help - but what help is still possible when the US want to be the 'gendarme', the arbiter of the world?

On the other side, in the Arab world, we do not observe preparation for war, a real preparation for war in any Arab state, except Iraq of course, which is saying that it is ready to defend itself legitimately against the expected American-Israeli aggression.

Arab states have never seriously had the will to make war. There are Arab rights to be taken into consideration: Palestinian national rights, Syrian rights, and Lebanese rights to be recovered by application of Security Council resolutions in order to come to a comprehensive peace in the Middle East. We all know that Israel denies these rights and multiplies its aggressions to gain more and more, to extend its territories, and implement more and more colonies in the Palestinian territories.

In such a situation, instead of seeing a fair arbiter trying to mediate in the conflict, we hear about the preparation for war, the preparation for war by the most powerful nation in the world - by the US.

So let us talk about the 'war process' and not about the 'peace process' because we are sure after the expected war against Iraq (and we expect Israel will extend its war against Palestinians in the meantime) the Middle East will be farther away from peace and will witness more and more violence facing the American Israeli state terrorism.

At present, while the US is preparing itself for a new war, we witness an international disorder and we can expect that the world is heading towards disaster.

Where does the EU stand in this situation?

Until now, we can say that the EU - especially France - has delayed the coming war and that many superpowers - let us say middle powers - tried and succeeded, until now, in bringing the conflict with Iraq back to the United Nations arena. There is obviously a real competition between the American solution, which is war against Iraq and the United Nations solution, which is the UN monitoring of the application of the UN resolutions by Iraq regarding the destruction of nuclear and biological arms by Iraq.

Until this point, the EU has had an important contribution in delaying war but for how long? If the UN system will not succeed in implanting a real and balanced mediation in the Middle East conflict, if understanding will not replace the hostile position of the Americans - standing behind Israel - if the will of peace is not consolidated by effective initiatives and measures on field in order to stop the Israeli state terrorism against the Palestinians and to replace the threat of war by a UN strong initiative in Iraq and the Arab - Israeli conflict;- if these measures are not taken very quickly, we are heading towards disaster. And we think that everybody knows that destabilization will begin and will start in the Middle East but it will not be limited to the Middle East and will degenerate all over the world.

The danger of today's discourse about war is that it is creating a confrontation between religions via civilizations. How do you understand the war against "evil"? Is it a war - a good war, a holy war against evil - against Islam? Is it the "good America" against the "bad Arabs", the bad Arab - Islamic nations? Is it a new war between white people and colored people?

In reality, it is the war of the most developed country against some of the most underdeveloped ones: Afghanistan, Iraq etc.

Where does the EU stand in such a war?

The main difference between the American society and the European ones is that the Americans don't know and maybe don't care how much their foreign policy

is bad, violent and aggressive against weaker nations all over the world, while the European civil societies are aware of what is going on, and are trying to lobby their decision makers to play a moderate role in their foreign policy. In recent months, we witnessed many movements, initiatives, strikes in European states to protest against the war process in the Middle East. The European authorities tried to stop the war process. They succeeded in delaying it, but we know that Europe is facing terrorist acts and that it is threatened by radical groups and movements behind the 11th September events which frighten Europe as well.

Are security issues to dominate in the European debates and foreign policy strategies so as to reduce the moderate discourse of mediation and negotiation, which was characterizing the Europeans, and is Europe going to align itself with the American position and security strategy? The recent years since the conflict in Kosovo led to the observation that the EU has a different discourse than the Americans and that the EU cannot openly contradict the American strategy but can introduce some changes in the process of implementation of the American plans. It is quite legitimate to ask if there is any margin of initiative for the EU in the Middle East because of neighborhood, of historical reasons, economic and social immediate common interests - what some European calls the 'geo-clientelism'.

If we just take into consideration that "(...) Germany would not develop any initiative likely to arouse disagreement between Europe and Israel and that German policy makers certainly do not want to appear as trying to teach any lessons to Israel and do not want to risk an argument in which they could be accused of implicating the security of Israel or the Jewish people..." we can better understand the common strategy on the Mediterranean adopted by the European Council in June 2000 (at Feira) that stated expressly that it will cover the EU contribution "to the *consolidation* of peace in the Middle East *only once* a comprehensive peace statement has been achieved...".

We can understand that no major decision can be taken by Europe as long as the conflict has not been settled. But can we talk about a united European position towards the Middle East? Or is there any particular position of any of the European states towards the region?

In fact, the European countries don't stand in the same position exactly. They are in the middle of course. They wish to see a comprehensive peace implemented but there are many positions in the middle. There is the French position, which stands more firmly near the Arabs and the Palestinians and the German position that stands near the Israeli for historical reasons - as the Germans say. These

varieties of positions weaken the EU common strategy and make the European initiative less effective. Is it a distribution of roles between European governments or is it a-fact that weakens the European position and consequently the EU effectiveness?

The Europeans seem to have chosen complementarity with the US policy. Here we also have a variety of scenarios: does the EU have any effective weight in the American foreign policy process, and consequently does it share some objectives with the US and accept to play any second role on purpose? Or is the EU trying to have some role when the American strategy comes to a deadlock?

We hope to have some explanations on the exact position of the Europeans towards the Arab world and regarding the way the Middle East conflict can be settled. How do Europeans perceive the European position and role in the Middle East and on the international level as well? We think that the EU can play a major role in the actual deadlock and can stop the war process. There is a misunderstanding with the EU public opinion that we may clarify: Europeans think that whatever actions or positions the EU would take towards the Arab world, the latter would want America and look after the US.

In reality, it may be true that most Arab states - more precisely Arab regimes - stand near the US but the Arab public opinion is closer to the European civil societies. We believe also that for many reasons - we may discuss them - the European civil societies stand by the Arab societies and public opinion. But where do European states stay? Do they still want to stay behind the US strategy of war against the Arab world and the Arab Islamic world? The coming events will give us answers to such questions - but unfortunately it will be too late then.

THE NEED FOR A PARADIGM SHIFT IN AMERICAN THINKING

MIDDLE EASTERN RESPONSES TO 'WHAT WE ARE FIGHTING FOR'

CHIBLI MALLAT

SUMMARY

The proposed study, which takes the form of an answer to a debate initiated last year by US colleagues in defense of the policies of their government, comprises two parts: the first addresses the fight against 'terrorism', the second the problems specific to US policy in the Middle East. In both cases, the study proposes a fundamental shift based on shared universal values to be applied to the protracted conflicts at hand.

In the first case, the argument is that the current planet-wide 'war against terrorism' addresses the issue from the wrong angle. The precedent of two centuries of political violence, which has also been directed against civil populations in the Clausewitzian concept of all-out war, reveals the legal, political and practical aporia faced by putting the issue in terms of 'terrorism'. This is not to say that a concerted response to the intolerable use of violence against civilians is impossible. On the contrary, such global response is made the more effective by a recourse to international law, especially to the available instruments offered by international criminal law.

The second issue, which is closely linked to the first by the specific Middle Eastern character of the massacres perpetrated on September 11, requires a paradigm shift in the understanding in the United States of the Middle East crises. An effective response requires the adoption of a genuinely universal and humanist way of thinking in response to the democratic deficit across the region, including that democratic and human rights deficit in the two most bitter regional-international conflicts, Israel - Palestine and Iraq.

DEFINITIONS AND METHOD

One can find many an area of agreement or disagreement over the logic and formulas chosen by policy-makers or academics in "What we are fighting for". The present rejoinder offers a perspective from within the Middle East, and is designed to operate as counter-narrative rather than mere rebuttal.[1] It calls for a paradigm shift in US thinking about the US government policy in the Middle East: on the legal level, away from a war on terrorism, on the substantial level, away from the support of leaders who rely on the US to pursue policies that conflict with universal (and American) human values.

The standpoint from which the answer comes is Middle Eastern. By way of contrast, responses from Indonesia or Nigeria, as predominantly Muslim states,

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[1] This is the original text of the lecture given at the *Orient-Institut* in Beirut end November 2002. The lecture appeared with some alterations and updates in various publications in Arabic, English, and French. We have taken note of the various reactions posted on the American Values site, and of western discussions as well as rejoinders in the Arab press over the past year. For purposes of simplification, it might be useful to summarize the exchanges: in the original letter, 60 US intellectuals defend the vision of a military reaction to September 11 on the strength of US values of democracy, values which also include their belief in a just war, and the concept of separation between state and religion. They also dwell on their puzzlement about the use of Islam as a weapon of hatred, and challenge putative readers who do not share their point of view to explain why they do not agree with what the US government is fighting for (12 February 2002). The answer of 153 Saudi intellectuals underlines the convergence of Islamic values with US / Universal values. It decries the massacres of Sep.11, but challenges the absence of causal appreciation between September 11 and US policy in the Middle East, and asks for that policy either to be more balanced or for the US to abandon the region altogether. This, in their view, explains why the Far East is not perceived negatively in the region. (How We Can Coexist, www.islamtoday.net, 7 May 2002) In rebuttal, the US writers challenged the application of democratic values in Saudi Arabia, asking the Saudi colleagues why they remain silent over exactions committed in their country before questioning those in application domestically and internationally by the US, and their position about *jihād* and "Islamic piety as practiced in Saudi Arabia". (Can We Coexist, a response from Americans to colleagues in Saudi Arabia, 23 October 2002) Two other responses also appeared in reaction to the original American text. A Letter from United States Citizens to Friends in Europe, signed by 141 intellectuals, underlined the misuse of the concept of self-defense and the general unawareness in America "that the effect of US power abroad has nothing to do with the 'values' celebrated at home" (14 April 2002). A letter by German writers was published on 2 May 2002 in the *Frankfurter Allgemeine Zeitung* (A World of Justice and Peace Would Be Different), criticizing the aggressive attitudes of the US government, its black-and-white view of the world, its callousness before the killing of innocent bystanders, and its impermeability to the negative effects of globalization.

are different by nature and lie outside the purview of our reflection, which is narrower geographically. The tragedy of September 11, the three thousand innocents killed in New York, the violence unleashed in the aftermath, in which many innocent people have also died, must be more precisely analyzed in terms of the "Middle Eastern character" of a conflict since dominated by the use of force.

That the message is primarily initiated by Arab Middle Easterners does not preclude other "nationals" in the region from willingness to share it fully or in part - and one hopes, people from all backgrounds, from within America, the Middle East or anywhere else. The present answer might be shared by Iranians, Turks, but also Kurds, Israelis etc., because of our common geopolitical belonging, but their perspective can understandably have different concerns and nuances, although one hopes this contribution will also speak for many of them. This reflection is meant to be ambitious, and the question transatlantic colleagues should try to answer after examining it is whether they can subscribe to its reasoning and conclusions; and if not, why not? Much of what they say is accepted wholeheartedly, though some important elements are not. Considering how grave the present situation is, this contribution chooses to concentrate on these points of contention rather than on convergence.[2]

In the letter, in addition to a section on "American" values, extensive comments were offered on religion and state, and on the conditions of a just war being fulfilled with the ongoing use of force by the US-government.

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[2] In their letter, US colleagues briefly mention poverty and material concerns as central problem areas in the relation between Western societies and the rest of the world. This, however, is tangential to their message, and we call on them to develop a more thorough appreciation of their leaders' lack of attention to the imbalance in world resources, compounding the risk that the ongoing tensions and crises the world over feed on a profound lack of equality amongst men and women living on the same planet. A provocative but enlightening approach to the imbalance of world resources can be found in Eduardo Galeano, *Upside Down*, New York 2000 (original 1998). The need to fight poverty and its other manifestations, including pandemic illnesses like AIDS, is acknowledged by western governments, but the acknowledgment hardly translated in any fundamental correction to economic policies. It is true, however, that this angle opens up a tangential avenue to the discussion at hand, and needs to be addressed in a different forum. Our colleagues who wrote the 2002 Arab UNDP Report have started the debate on that front. We shall focus here on moral "American" values and the policy allegedly flowing from the assertion and protection of these values by the United States after September 11 as developed in "What we are fighting for".

To start with the latter issue, any conclusions on just war will hardly be decisive, for two reasons: when the enemy is described as "terrorist", the classic pattern of war between two states is inoperative. Secondly, just wars conjure up the problem of objectives and causes, and the historical-political and legal context within which any war is being carried out. Nor is the concept of just wars particularly enlightening insofar as conquests and aggrandizements in religiously-molded contexts of centuries past offer an insufficient understanding to the qualitatively different faces of war in present times. It may be that convergence over the basic philosophical tenets of what constitutes a just war is generally acknowledged, but the response chosen here is deliberately legal-political and policy-oriented. It purposefully avoids the ontological and philosophical discussion about just wars, which prevails in the US letter. Much common ground is shared internationally over such philosophical, moral, or ontological tenets: aggression is unacceptable, self-defense and a right to resist is acknowledged, violence in the name of religious or any other ideological values is improper. While interminable discussions can linger on who starts a war, and when the use of violence is accepted, and by whom, the problem lies elsewhere, namely in US policy towards the peoples and individuals living in the Middle East.[3]

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[3] A new definition of war is required, which is a legitimate exercise beyond the purview of the present exchange. It is discussed for instance in Mallat, *al-Dīmuqrāṭiyyah fī Amrīkā* (Democracy in America), Dār al-Nahār, Beirut, August 2001, chapters 11-12, 14-16). This exercise is also under way in decision-making circles in the US, particularly in the context of an Iraq war; see the deserved success of Eliot A. Cohen, *Supreme Command: Soldiers, Statesmen and Leadership in Wartime*, New York 2002 (Emphasis on the need for full civilian leadership of the war). The concept of "preventive" wars developed by the US president in September 2002 is troubling in its present crude form. More promising are the linkages made between moral values in foreign policy and the use of force as last resort in the works of Harold Koh (the need to pursue openly and doggedly a human-rights foreign policy), Paul Kahn (how moral can violence ever be?), and Thomas Franck (democratic governance as basic right). Because of the unique colonial context of the nineteenth and twentieth centuries, Clausewitz, Ho Chi Minh, or Frantz Fanon have much more appropriate contributions on modern warfare than Saint Augustine (354-430), and the 14th century sociologist and historian Ibn Khaldūn (d.1406) has far more alluring insights on the dynamics of tribalism than the anachronistic literature of the Islamic canonists on *jihād*. In any case, war in classical *fiqh* (Islamic law) is more appropriately understood as literature on *siyar*, and the traditional *fiqh* compendia include a book on siyar, within which the law of warfare is discussed (see for instance volume x of the thirty-volume treatise of 11th century Transoxanian scholar Sarakhsi, *al-Mabsūṭ*. The literature was known earlier as *maghāzin*, literally conquests).

Far less useful in the original letter is the summary offered on "American values", which one can easily sympathize with and adopt wherever he or she might come from, by merely substituting 'democratic' or 'human', or indeed 'religious', for 'American'. It is characteristically unhelpful to brandish generalities about this or that national, civilisational or religious "value": one will find in the Qurʾān or in the Bible, as in any sacred text, enough verses and commentaries to defend one view and its opposite.[4] Such is the nature of scripture, which is open to radically opposed poles of exegesis over the long span of time since its canonization.[5] At the same time, the basic axiom which premises any divine message on its co-terminousness with peace and justice will never prevent those who use violence in the name of their respective creeds from being dismissive of that simple article of faith.[6]

Far more alluring is the fact that "What we are fighting for"[7] presumes that force should be used as last resort, and that dialogue and non-violence are the

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[4] Examples are standard, and the Saudi colleagues have listed the main ones on the side of tolerance, foremost the Qur'anic injunction "No compulsion in matters religious", which other sayings ascribed to Caliphs ʿUmar and ʿAli supplement. There is an equally rich warmongering choice in Islamic civilization. In the Christian tradition, the episode of Jesus' anger against the merchants of the Temple is used to deflect the message of peace and non-violence elsewhere in the New Testament, and Jewish advocates of violence rest their references in some fiery passages of the Book of Joshua, as opposed to calls for patience, equanimity and passive resistance in the Book of Job or Prophets.

[5] For the concept of canonization and a better understanding of the permanence of religious history, the works of the late John Wansbrough (d. 2002) should be consulted, and the corresponding exegetical works of Muḥammad Bāqir al-Ṣadr, the leading Islamic thinker of the 20th century, who was assassinated by the Iraqi government in April 1980. *Deutungsbedürftigkeit*, which is the quintessential literary character of sacred texts to allow a full range of interpretations - indeed calls for and requests interpretation - is also a Wansbroughian concept.

[6] Those two axioms, *Deutungsbedürftigkeit* and religion as a divine message of peace (note the etymological meaning of Islam, from *silm* - peace) make also the comparative study of divine messages get lost in Byzantine discussions over what is common to all worldly religions and what sets each other apart. Considering that Samuel Huntington is one of the signatories to the US Letter, it would be appropriate to reconsider the one-sided aspect (but one side is correct) of the *Clash of Civilizations* (1993 as article, 1995 as book, with civilizations defined religiously) in the light of this duality.

[7] The most accurate translation of "What we are fighting for" should be rendered as "*Mā nujāhidu min ajlih*" (*nujāhid* being the verb form of the substantive *jihād*), and offers a small example on political exotism and its nefarious polarization, typical of which the use of Allah for God and *jihād* for war or violence. María Rosa Menocal has put it well in a recent book: "*One of the inappropriate and alienating ways we speak about Islam in English is to use the Arabic word Allah, God, as if it were a proper name, creating the false impression that this is some*

privileged means to social change and to the resolution of conflicts. One can but concur with these good intentions. The problem is that the call for dialogue by our colleagues does not prevent their unqualified endorsement of the violence waged and condoned by the US government in the wake of the September 11 massacres, which is the main area of disagreement we have with them.

OUR LEGAL DISAGREEMENT: WAR ON TERRORISM?

Months after war was massively engaged, the use of force is not about to abate, and that should raise the question of when war is supposed to end. But let us dwell first on the signatories' more positive contribution in their open letter, and indeed the most puzzling one, which is the absence of the concept of 'terrorism' as a justification for their fight.

While the dominant presumption is that "the Enemy is terrorism", it is remarkable that not once is the word "terror" or "terrorism" used in the text, at a time when the US government's military action abroad is based on a simple justification of its "war on terror/ism". The ambiguity is compounded by the title bestowed by the *Washington Post* in its initial coverage of the letter, and in the label thereafter adopted in the website that carries the debate.

If the word "terrorism" is missing because of a conscious decision, the authors' explanation for that notable discrepancy with the US-government would be useful. If the absence of the words "terror" and "terrorism" in their long letter is not conscious, it would also be helpful to reflect in common on this puzzling absence, and seriously consider moving away from the allegedly consensual qualification of what happened on September 11, 2001. Shared doubts about the inchoate use

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different God." The Ornament of the World, New York 2002, 18. A good start is to stop using both words, as well perhaps as the nebulous *al-Qāʿidah*, which fulfils an exotic scarecrow function setting people apart by an awkward and falsely learned wording. *Al-Qāʿidah* (with the full letter *ʿayn*), means rule as well as base (as in the base of a pyramid), and it is hard to be against rules and bases. An alternative is extremist Islamists, Salafists (from *salafi*, looking to the forebears, akin to fundamentalist forms of political Christianity), or Wahhabists in reference to the Arabian Peninsula origin of the violence-bent branch associated with Usama ibn Laden. Even that depiction is not quite accurate, and the name *al-Qāʿidah* may well be a western intelligence (unwilful) construct, in or around 1997 to an elusive phenomenon of diffuse violence. The one, more sinister self-denomination the group under the patronage of the Taliban and the 'Afghan' Arabs around ibn Laden, is 'the Front to Fight Jews and Christians'.

of terrorism and attacks and their consequences on world policy and relations offer an important premise of a different, more constructive response to be hammered out together.

Here is our position on the issue: with regard to what happened on September 11, its depiction as "terrorist attack" fails to convey the full horror of what happened. "Attack" is a word too general and non-descript to convey the massive loss of civilian life that day. In addition, the term "terrorism" was never defined by law in any consensual manner.[8] It is a mistake to describe the tragic events on September 11 other than as "massacres", in lay parlance, and as "a crime against humanity" in international law.[9] An "attack" did take place, and "terror" ensued, but terror and attacks happen regularly on the planet without constituting the watershed that September 11 has brought onto the world stage. The signal horror of what happened that morning results from the occurrence of the large-scale and premeditated random killing of people over a short period of time, in a context which is revolting for its massiveness and the innocent people killed in it, whatever motives the killers may have been prompted by to commit the massacres.

The use of the words "massacre" (in the plural or the singular) and "crime against humanity" instead of "attack" and "terror/ism" is not merely a play on words, and the consequences are equally significant for law and policy.

As a crime against humanity, the perpetrators, facilitators, and abettors of the September 11 massacres must be sought under international law across the planet, and it is the duty of all countries and governments to help actively in their arrest, trial and punishment after due process is served. While measured use of force should not be precluded against the rulers of a country who refuse to respond to international justice requesting the surrender of mass-scale political assassins hidden or protected on their territory, an open-ended war on any "terrorism" is ill-conceived, unjust, and interminable.

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[8] It was the US government which prevented the listing of terrorism as a crime in the Rome Statutes for the International Criminal Court, because terrorism lacks a proper definition. This was and remains a correct position.

[9] One should note the use of the word 'mass murder' in the US letter text. But again, this remains an exception in the depiction of the bloodshed on September 11 which is current both in US media and in the wording of the US government as "terrorist attack". An article covering "the rush to war and the need for a proper characterization of September 11" in an analytical spirit close to the one proposed here is by Juan E. Méndez, "Human Rights Policy in the Age of Terrorism", *Saint Louis University Law Journal*, 46, 2002, 377-403.

No answer is what the wrong question begets:[10] Legions of scholars have failed to offer a working definition of terrorism over the two hundred years since the word appeared on the public scene in connection with state violence exercised by radicals in the French revolution. There is no reason why the human mind should succeed presently in this impossible task. The fuzziness which is associated with "terrorism" allows any party or government on the planet to solve a "terrorist" act, as it pleases it to define, by resorting to full-scale war on another country. Such a reaction would constitute a manifest misapplication of the search for justice to account for victims of political violence. Nor is it possible to evade the old-time problem of the terrorist and the freedom-fighter through the looking-glass of history, or the question of "state terror/ism".

In contrast, use of violence may be justified in response to the massacre carried out on September 11 because it is a crime against humanity in terms of scale, nationality of victims, and wantonness - hence the concept of crimes against *humanity*. But organized, declared, and measured violence would be premised on bringing those responsible for September 11 to justice as the main objective of any coercion exercised in the course of this worldwide search. This is also why September 11 is unique in many ways, while terrorism isn't. The open-ended and over-inclusive use of military force in connection with "terrorist attacks" has already brought the planet on the brink of nuclear war by unduly stretching the justified response to a crime against humanity carried out on September 11, thus giving way to knee-jerk reactions in complex conflicts which have been plagued with violence for decades. This is most apparent in the century-long crises between India and Pakistan over Kashmir, and between Arabs and Israelis over Palestine. It also sees gruesome illustration in the case of Chechnya, amongst so many other spots of protracted killings across the planet.

The sound appreciation of what one is fighting for is fundamental. If Americans and others agree with our concern about the incorrect and at best imprecise definition of the US government's reaction to the September Massacres, as appears from their conscious (or unconscious) rejection of the use of the inchoate and inadequate words terror and terrorism in their letter, an important agreement can be reached on the universal enhancement of the rule of law. The common search for "justice infinite" can then be achieved, as was correctly described in the

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[10] John Hart Ely, *Democracy and Distrust*, Cambridge Mass. 1980 (how constitutional review prevents the tyranny of majority), p. 43, citing Alexander Bickel.

early action of the US government and hastily abandoned soon after. The proper reaction should have obtained from the association of the retribution against the perpetrators and abettors of the massacres with justice. Justice translates in the need for the whole of humanity to cooperate with the US authorities for the arrest and trial of all those responsible for the massacres perpetrated on September 11, in the same way as Americans and others should support and help punish any victims of massive crimes, especially those of an international nature, stretching from the Holocaust to the ongoing mass crimes in Congo.

Justice means due process, far more dedication to its projection internationally, and the identification of neutral judges and tribunals to supervise any use of violence. It cannot be a license to wage war whenever an "act of terror" is committed somewhere. The category under which the September 11 massacres should be understood is *sui generis* in criminal law. Because of its magnitude and callousness, it belongs to a specific type of crimes euphemistically known as "serious violations of international humanitarian law", as these crimes are described in the Rome Convention on the International Criminal Court (ICC) and derivative treaties and laws across the world. This is where the fundamental mistake of the US government in its overreaching war lies, and where the support it seeks finds its blind spot among the larger Middle Eastern audience. We shall not dwell on how the US has turned its back on the ICC, but call our colleagues to respond to that signal failure by living up to the principles they themselves advocate, especially in a context where the ICC is more necessary than ever to respond to mass murders such as those committed on September 11.[11]

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[11] Alternatively, if the United States government is looking for a Kantian "end of history" in the sense of the suppression of political violence on earth (as the only possible workable definition of terrorism entails), then its domination of the planet *manu militari* appears as the inevitable condition to fulfill it. This belief in perpetual peace is hardly a justification presented by the US authors of the Letter, or an acceptable or realistic objective of the current war. We trust the signatories do not think the war to end all war is at hand in what their government is fighting for. If terrorism means the use of violence for political ends (against civilians generally, but not so necessarily, e.g. in German or British legislation in the 1970s and 1980s), where does this put Clausewitz's scientific definition of war "as the continuation of state politics by other means"? As an important follow-up to this side discussion, it would be enticing to examine the still pertinent treatise of Immanuel Kant on *Perpetual Peace* ("Zum ewigen Frieden", 1795) as a more ambitious horizon to a common endeavor than the parameters of "What we are fighting for" offer, or indeed the present response. Kant writes prophetically in "the definitive article for a perpetual peace among states" that *"one neighbor must guarantee to another his personal security, which cannot take place except in a state of legislation."* This forerunner of the phrase

Under this critical perspective, the problem should now appear clearly in our view of the events as they unfolded after September 11. A different approach is needed, where legal categories recognizable under international law (*jus cogens*) determine any use of violence, preferably in the shape of independent and effective national or international tribunals that use of force would strengthen rather than undermine. International criminal tribunals in Yugoslavia and Rwanda offer a prime example, as do national tribunals such as the British House of Lords' decision in the Pinochet case and the hopes offered in Belgium, the United States and elsewhere by so-called universal jurisdiction and the long-arm reach of justice for especially heinous crimes recognized as such by international law.

Supporting the punishment of one set of mass perpetrators of crimes by "enemies" of the United States cannot go together with supporting mass perpetration of crimes by leaders of countries which are "allies" of the US. From a policy perspective, the plague of double standards needs to be fought openly and consistently, and nowhere is consistency more necessary than in the Middle East, where the question "why do they hate us?" finds its response in the dominant Middle East perception of utter injustice flowing from a decades-long practice of

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"democracies do not enter into war against each another" is further detailed by the subjection to "a state of legislation" of the domestic scene, the international scene, and the universal scene, corresponding for Kant to "*civil right, limited to a people (jus civitatis),... rights of nations, regulating the relations of nations among each other* (jus gentium), *and cosmopolitan right, as far as men, or states, are considered as influencing one another, in quality of constituent parts of the great state of the human race* (jus cosmopoliticum)." Kant, *Perpetual Peace*, New York 1932, 10-11. The treatise deserves full-fledged treatment for a unique insightfulness, to be coupled with the works of the Arab poet-philosopher Abul-ᶜAlāʾ al-Maᶜarrī (d.1058), author of a treaty on tolerance (*Risālat al-ghufrān*), a forerunner of the *Divine Comedy*. *Risālat al-ghufrān* relates the redeeming features of a large number of literary and philosophical figures despite their ending up in Hell. Maᶜarrī, in addition to a measured view of all religions, has also opposed killing animals to provide for people's food, and even taking the bees honeycombs away from them for man's benefit. While the issue of politics and religion is far too vast to be discussed here beyond the agreement that the use of violence in the name of religion can never be accepted, the distance between the two with regard to the state is an ever recurring question, East and West. One is greatly disturbed by the so-called Christian Zionism phenomenon in the US, but it is also true that not enough space is allowed to a 'neutral' state in the Middle East, leading to a lower threshold for tolerating religious proselytism, or criticism of any faith. A useful entry point to dealing with 'blasphemy laws' in the Middle East is the poet's advice in 1923 to his children: "*Wa-lā tataᶜaṣṣabū abadan li-dīnin fa-kullu taᶜaṣṣubin yushqī wa-yurdī/ li-kullin dīnuhu wa-li-kulli dīnin maṣūnu karāmatin taʾbā l-taḥaddī*" (Never follow religion fanatically, all fanaticism brings misery and backwardness / to each his religion, and to each religion a perimeter of dignity that won't admit provocation).

successive American governments in their open and unqualified support of Israeli violations of international law. Nor is the deep sense of injustice limited to the US support of Israeli practices. The sense Arab Middle Easterners have of being consistently abandoned or lied to by America's policy-makers also rests on the more nuanced but no less tolerant American support for long-standing autocratic governments across the region, particularly "US-friendly" governments in the Arab Gulf and in the Levant.

This is also why it is preferable to base the debate on a perspective rooted in law rather than on any philosophical underpinnings described in terms of Augustinian "just wars", and American, secular or other uncertain civilizational values (Muslim, Western, European, Judeo-Christian, Arab...). Philosophy comes after the wings of Minerva's historical owl have stopped fluttering[12] - even if it is true that the very flight of history is also informed by the strength of the moral ground, especially as it applies to the weaker side. America is on troubled terrain in recent history, and there is a groundswell of diffidence (if not hatred) of the Middle East "natives" against those perceived to command the largest outside power exercised in the region, yet exercise their power *selectively*, *unjustly* and *inconsistently*.[13]

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[12] Hegel, in the "Introduction" to the *Philosophy of Right* (1820). A similar metaphor can be found in president Muhammad Khatami's book, *Bim-e Muj* (Fear of waves), Tehran 1993, the title of which refers to a famous verse of the great Persian poet Hafez seeking in knowledge and wisdom salvation from dark waves of history (or passion).

[13] A practical and simple test consists of two guidelines which policy makers should be made to adopt by US colleagues across the ocean, to start reversing the "hatred" and "diffidence" associated with the way Arab Middle Easterners perceive US policy's increasing injustice in the policy carried out since at least half a century. Guideline one: Listen to the people of the region. Regular summitry and Mideast embassies in Europe and America are insufficient and distortive. Governments overall lack legitimacy, and Middle Eastern leaders are mired in double talk. They are concerned about the perpetuation of their personal rule before any other matter, and they react to major crises and challenges with this perpetuation as a dominant concern, whether the crisis regards Palestine, Iraq, or "Muslim fundamentalism". In such a context, the gap between peoples and governments has been increasing every day, and the voices of the individual citizens become further distorted when it comes to their governments speaking for them abroad. As a corollary, civil society in Europe and the US must force their governments to open up to civil society in the Middle East, and to narrow it down with ME governments. This reversal of course must be done openly, determinedly, with no shame. If representatives of civil society sound political or demanding, this is no reason to shy away from them. In Middle Eastern countries, many an individual will say the truth more readily and should carry more attention, and certainly more respect, - than his/her head of state in policy matters. Both officials and

OUR CENTRAL DISAGREEMENT: US POLICY IN THE MIDDLE EAST

The present message comes at a time when policy reviews are being shaped with little or no input from people from the region, and where war looms large over Iraq.[14] Trite as this proposal for a just Middle East policy may sound, it is not perceived as such in the West, and this state of mind represents the most important shift advocated for the end of "Middle Eastern diffidence" and the corresponding US soul-searching for "why they hate us".

Precisely because the September 11 connection is 'Middle Eastern' and covers such a large area of the world stretching from Morocco to Pakistan, applications may be hard to prioritize, and history tends to confound analysts, especially in a region where tyrannical republics are turning dynastic at the very moment when the world is moving slowly, but steadily, to basic norms of democratic change. The convulsions in the Gulf around a wayward Iraq and the protractedness of

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civil society leaders in the West should not hesitate to open up to those segments in Middle Eastern civil society whose values they share. Civil society leaders in the Middle East should be encouraged in their national, regional and global networking; they must be supported financially, structurally, politically. *Mostly, support should be done openly and directly, over the head of the government, and if necessary, against it, for non-violent political change at the top.* Guideline two: Western leaders should be forced to think principled. America and Europe need to be attentive to the deafening call for change, and support those calls which square with Western values of freedom and progress. *Any relativity of rights is a smokescreen for repression. Any ambivalence and double standards are sharply perceived in the Middle East.* While the expression of universal values might take a local form, such "native" expressions must be encouraged so long as they remain within the universal frame of rights which every person in the planet shares. The checklist is simple enough. Westerners are asked to treat Middle Easterners as fellow human beings, rather than as a special category which responds to separate (read "less human") values: 1. Have I listened to the "real voices" in the Mideast today, beyond the thousand and one official encounters? Have I given enough time and open support to the people as the receiving end of their governments' rule? 2. Have I thought in a principled manner, have I treated the leaders and the people of the Mideast in the same way as I would treat my Canadian or French counterparts? Have I re-organized priorities in my attitude towards the Middle East without sacrificing my principles?

[14] Colleagues should appreciate that the message Middle Easterners put forward as "civil society" is asymmetrical to the one put forward by American intellectuals: we have a problem of democracy in our countries far more acute than the peoples of the West face in theirs, and our distance to our governments is far larger than the distance of Westerners to their elected representatives. This should command some appreciation of the far more difficult task one faces in articulating a full-fledged alternative policy as will be presently sketched, and the amount of metaphoric language needed to address the risks of repression. The difficulties of Saudi colleagues after the publication of their letter are telling.

the Arab-Israeli conflict - the longest now in modern world history - skew all national development, which gets over-determined by those two conflicts. Since at least the First World War, all countries and peoples of the Middle East are closely interlocked.[15] Kuwait and Iraq are carefully watched from Tehran to Morocco. People in Beirut and Amman follow daily developments in Damascus, while Riyadh and Damascus closely observe what happens in Iraq. All closely watch and are closely watched in Israel by Jews and non-Jews under Israeli domination. Arcs of crisis are many and carry a strong regional charge. It is hard sometimes to square "global" reality with the principle, and there are legitimate questions on what should be prioritized in terms of policy.

Despite the difficulty of setting priorities, a "domino theory" of democracy should be pursued, in the belief that the exemplum of democracy in one state is closely followed across the region.[16] But the change can either come slowly, as those countries closest to basic democratic practices are encouraged, defended, or supported. Or it can come by way of a "revolution" in countries where the weight of authoritarianism compels support to those democrats who have taken on the system and are trying to change it by peaceful means.[17]

The distinction here between radical action and peaceful protest is necessary (even though not always decisive, and not necessarily absolute, as the US intellectuals themselves readily accept),[18] as it is far more legitimate morally, and should be far easier practically, to talk with non-violent dissenters than with advocates of force for governmental change. By this token also, Muslim-democratic and secularly-oriented dissidents rank highest in the required attention and support of Western governments and peoples, and violence-yielding actors (whether religiously animated or not) should rank lowest on the scale of "recognition". It may be appropriate to remember that Woodrow Wilson was a hero of the Middle East in the early 20th century for his principled stand on the right of self-government against

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[15] For a balanced and rich recent survey, Ghassan Tuéni, Jean Lacouture and Gérard Khouri, *Un Siècle pour Rien*, Paris 2002.

[16] One advocate of the domino theory is Professor Bernard Lewis, who uses it in a recent article in *The New Yorker*, and at a conference on the Future of Iraq at the American Enterprise Institute (Oct.5, 2002), see full minutes on www.aei.org.

[17] Jihad al-Zein has introduced the concept of the "Revolutionary American Project" in his recent columns of the Lebanese daily *al-Nahar*.

[18] Reference here is to the right to resist occupation and/or dictatorship by force, which is formally consecrated in law since the American Revolution. A similar debate has taken place in classical Islamic history over the *fitnah*, or revolt / chaos. In both cases, the literature is extensive.

colonialism, especially in Palestine, and that, at century's end, the Iron Wall came crashing down without a single shot being fired. Middle Easterners deserve no less than a Wilsonian spirit for Israel-Palestine, and no less than the frank, open, and peaceful engagement to end the authoritarianism of US-supported governments, from Tunisia to Israel to Saudi Arabia, an engagement that corresponds to the whole-hearted sympathy and support that advocates of freedom and democracy behind the Iron Curtain received during the Cold War.

True, it is often hard to think of change outside the context of regional crises, most compellingly the Iraq crisis and the fight over Palestine. The standards of "solving" these crises should not be different from those delineated above: how a crisis can be redirected, managed or countered to help produce democrats at the helm is the key question, whether that crisis is regional or domestic, or whether it seems to move at fast pace or looks sluggish or dormant.

Change in Iraq is on the agenda in Washington, and that may be the best news for the peoples of Iraq since the end of the Gulf War,[19] but change for the sake of change is meaningless. A serious effort must be engaged to bring democracy to Baghdad as the Allies did in Germany and Italy in World War II, in Kosovo and Serbia two years ago, and in Afghanistan now, although the Balkan and Central Asian examples show that pusillanimity remains a threat to statesmanship. Terrorism or Weapons of Mass Destruction in the case of Iraq are *not* good reasons to go to war again, only the protection of the hapless civilians of Iraq towards democracy in Baghdad can justify forms of measured military coercion. Here also a profound shift in the attitude of the US-government is required.

More practically, the large opposition to the regime can be helped to effectiveness, and its leadership encouraged amongst moderates who believe in democracy and human rights, and who have shown commitment and a track record in their years of opposition, working for the passage and implementation of the *Iraq Liberation Act* (ILA) of 1998, an exceptional piece of legislation in US and world history, unfortunately ignored as it remained a dead letter for four years. The ILA is however a domestic piece of legislation, and cannot run afoul of international law, so that a rising consensus in the international arena, especially in the Security Council, is also necessary. The problem is that talk of "regime change" in Iraq

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[19] For a sense of dislike towards the Iraqi ruler, see the column of veteran Arab statesman Ghassan Tuéni, "*Risālah ilā Ṣaddām Ḥusayn: al-istiqālah ashraf*" (Letter to Saddam Hussein: Resignation is more honourable), *al-Nahar*, 11 November 2002.

goes beyond what is allowed under the present state of international law regarding that country, however severe the disarmament conditions under the Ceasefire Resolution 687. Nothing, in contrast, stands in the way of forcing the Iraqi government to comply with Resolution 688, which requires it "to cease repressing its own population."

The question of Iraq must be reformulated with two priorities in mind: how can individual Iraqis who are not responsible for their government's policy be protected in any process of change? What are the mechanisms that can be put in place to enhance the chances of an open, non-violent successor rule?

On the first, clearly a massive bombing campaign will not be able to avoid the harming of innocents, and the best possible scenario for Iraqis is the implementation of a "collapse" theory which can be designed with the help of Middle East and European democrats.[20] In addition to supporting the people against repression, however, which requires engaging seriously with the democracy-bent strands of the opposition, especially resistance within Iraq, work against dictatorship is painful and can easily lead to "excesses", and the Iraqi opposition leaders must be held accountable as the process of change unfolds and they get closer to power, by the proper use of human rights monitors to accompany the change, and the setting up of an effective international tribunal to try the leaders of the current government _ as well eventually as those who will use change to impose violence and misuse their victory to repeat the crimes of those whose rule they replaced.

Iraq is a good example of the domino theory of democracy being initiated within the prism of "revolutionary" change, but the process of accountability, which must guide the determination to bring the current form of Iraqi rule to an

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[20] Collapse theory discussed in Mallat, *The Middle East into the 21ˢᵗ Century*, London 1996, 114-119, and revived in the "Democratic Iraq Initiative", see e.g. Nicholas Blanford, "Don't make Saddam mad, make him lonely", in *Daily Star*, Beirut, 12 September 2002, also available on www.mallat.com. The idea of having a US general rule Iraq is too ludicrously colonial to entertain seriously. For the development of the "Democratic Iraq Initiative", the following petition was signed by a number of prominent Arab intellectuals: "We call upon public opinion in the Arab world to exercise pressure for the dismissal from power of Saddam Hussein and his close aides in Iraq, in order to avoid a war that threatens with catastrophe the peoples of the region, foremost amongst whom the Iraqi people. The immediate resignation of Saddam Hussein, whose rule over three decades has been a nightmare for Iraq and the Arab world, is the only way to avoid more violence. We call likewise for the rule of democracy in Baghdad, and for the stationing across Iraq of human rights monitors from the United Nations and the Arab League, to oversee the peaceful transition of power in the country."

end, cannot stop at the doorstep of Washington's nemesis in Baghdad. Account-
ability tolerates no exception, including the "allies," foremost the governors of
Israel, who have expelled, dominated, subdued, or imprisoned a population as
large as theirs for over fifty years. A country cannot be deemed democratic when
it humiliates a population on the territory it occupies because it does not share
its religion or its particular type of nationalism. Israel is no exception to authori-
tarianism in the Middle East, despite the real freedom it does allow for the Jewish
segment of its population. Even without dealing with the territory occupied since
1967, one must acknowledge that over a quarter of the Israeli population is not
Jewish.[21] This comes in addition to the fact that the majority of the people living
on the land of Palestine were expelled and prevented by sheer force from exercis-
ing a universal right to return to their homes for over a half century.[22]

Talk of Israel as "the sole democracy" in the region is both incorrect and un-
fair:[23] It is tantamount to justifying the ethnic cleansing of any brutal conquer-
or who destroys or expels the people of the territory invested, only to pretend

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[21] The French paper *Le Monde* reported in October 2002 the non-Jewish population in Israel at 27
per cent of the population (not including territories occupied in 1967). The Arab-speaking
non-Jewish population is estimated at 18-20 per cent. The rest includes transient foreign
workers, but also a large section of Russian immigrants who are not Jewish.

[22] Coercive expulsion of the local Palestinian population is now acknowledged in the contributions
of Israeli so-called revisionist or new school history of 1948 (Tom Segev, Benny Morris,
Ilan Pappe, Avi Shlaim, Nur Masalha, the last a Palestinian Israeli following the tradition of
Walid Khalidi. The literature is extensive. A weak, narrow rebuttal can be read in Efraim Karsh,
Fabricating Israeli History, London 2000).

[23] The most remarkable studies of present-day Israel are those of Baruch Kimmerling, from
Zionism and Territory, Berkeley 1983, to *The Invention and Decline of Israeliness*, California
2001. A senior professor of sociology at Hebrew University, Kimmerling has this to say in his
latest monograph, p. 181: "*Given the nature of Israeli 'reality', as described in this book..., it is
easy to conclude that only one of the five necessary conditions for considering Israel as a
democracy is present... The main reason for this is the historically inherent inability to separate religion
from nationalism and nationality implicit in the 'Jewishness' of the Israeli state.*" The five conditions
are listed as follows: "*1. Periodic free elections, including the possibility of changing the ruling
political elites or parties through such election; 2. Sovereignty of the people, exercised through
a legislative system constructed by a parliament, according to which the judicial system operates.
No independent or parallel legislative and judicial system can be created by the state. 3. Equal
and inclusive citizenship and civil rights. 4. Universal suffrage where every vote is equal.
5. Protection of the civil and human rights of minorities from the tyranny of the majority.*"
This does not prevent "*Israeli political culture and most of its academic analysts, however,
[from] systematically and compulsively deny[ing] the basically undemocratic nature of the
Israeli regime.*" (p. 182).

thereafter that it is exercising freedom of choice within the exclusive segment of its conquering population, especially when it is used as bridgehead for other conquerors and colonizers. Nor can any fair observer suggest that coexistence in Israel between the two basic segments of the population or freedom of expression for non-Jews are superior to those found in other countries in the region. In Israel, state domination of non-Jews has been far more brutal and systematic than anywhere else in the Middle East, save perhaps for Iraqi Kurds at the hands of the Baath government. Until Americans acknowledge a reality which is plain to all Arab Middle Easterners, and to a significant number of people living in historic Palestine, including Jews, there will be no let up of diffidence towards US policy in the region. What is required is not merely an agreement that is more comprehensive than a two-state solution and the end of occupation in the Territories, but an acknowledgment that Israel is not a democratic state and never was.[24]

This does not mean that concern with US policy and attitude is limited to Israel, or that anyone can countenance the killing of innocent civilians under any justification whatsoever. The Israeli dimension is particularly sensitive because of the unabashed and self-congratulatory support of Israel by successive American governments, against the values portrayed in the US intellectuals' letter, and against the law of civilized nations as can be seen from the systematic flouting of UN resolutions by Israeli governments ever since the State's inception. We shall return to it later, in the sincere belief that the seriousness with which the Iraqi dictator is dealt with must one day be applied by a just American government to

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[24] Since the long held belief that "people without land have come to a land without people" and "that Jews made the desert bloom" has stopped being bandied about in the west in the mid-1980s, there are generally three arguments made in favor of the policy of Israeli governments towards the native Palestinians since 1948. The first is that the displacement of population that year was the same as what was done to Jewish Arabs, i.e. Jews living in Arab countries, secondly that such displacement is common in war. Less often used is the example of other countries built on the displacement / massacre of the native population, probably because of the touchiness of the model in the light of the now universally 'condemned' treatment of the natives throughout the European colonization of America. The first argument is incorrect, the second is insufficient, and the third inadequate. All three arguments have been undermined by the continued resistance of the Palestinians to reverse a fundamental injustice. For a comparative reading of the historical treatment by the two leading historians of the Middle East, the late Albert Hourani (*A History of the Arab Peoples*, London 1992) and Bernard Lewis (*The Middle East: A Brief History of the Last 2000 Years*, London 1995), see "Hāmish fī-khtilāf al-a'immah: hujrat 1948 wa-uslūb al-tārīkh" (A footnote in the battle of the giants: the flight of 1948 and style in history), *al-Hayat*, 30 March 1996.

those Israeli rulers who similarly advocate and practice unfettered violence.

Whether for Israel or other US "allies" in the region, a common understanding with our US colleagues should mean a policy where the current large number of aid "conditionality" move away from a purely economic realm to a democratic one: the Egyptian government must be warned openly against shutting up its dissidents - most recently and cruelly Saadeddin Ibrahim - by a serious threat to diminish the large support in aid that comes annually to Cairo from Western coffers, and this would be rendered easier if a ladder of "freedom conditionality" is adopted across the board towards the historic allies of Washington. Examples of harassed dissidents abound,[25] with non-violent expression getting systematically undermined by prosecution and prison terms and a systematic use of "rule by law" instead of the rule of law,[26] practices of authoritarianism that have now extended to the whole planet, the United States included.[27]

All is not necessary gloomy. The fight for democracy can also achieve success, and instances of success must be welcomed and rewarded. Bahrain and Morocco should be saluted for the increase in the constitutionalist dimension of their rule, and the former Moroccan prime minister Abd al-Rahman al-Yusufi singled out for the most remarkable shift toward democracy and the care for human rights across the Middle East in the past decade. This does not mean allowing a lapse in one-man rule in Bahrain, or giving up on the rights and pleas of the Sahrawis

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[25] Taujan Faisal in Jordan, Mounsef Marzouki in Tunisia, Saadeddin Ibrahim and his colleagues in Egypt, Habib Younes (and the closure of the MTV station) in Lebanon, Riyad Seif and his companions in Syria, in a sad litany of Amesty International lists over the past years. All have spent time in jail, or are still imprisoned, for expressing their opinions. Others, like the Egyptian Nasr Hamid Abu Zeid and the Tunisian Mounsef Marzouki, and most Iraqi dissidents, live in exile.

[26] *"A closer examination of the Israeli judiciary system clarifies the fact that the judiciary not only does not extend help and protection against the arbitrariness of the government regarding its Arab subjects and does not protect civil and human rights but it also constitutes one of the most sophisticated tools of repression employed since the State of Israel was brought into being."* Baruch Kimmerling, "Jurisdiction in an Immigrant-Settler Society: the 'Jewish and Democratic State'", *Comparative Political Studies*, 35, Dec. 2002, 1119-1144.

[27] In the United States, it is not just the constraints on civil liberties and due process, which have elicited a battle in courts, but also the profiling of individuals with a "Middle Eastern character", let alone the inventions of legal categories like non-combatant and discovery of forlorn places like Guantanamo for prisoners of the Afghan war, just to avoid the Geneva Conventions. The major human rights organizations, and courageous circles in America, have stood up against that policy with few achievements so far.

in Morocco, or failing to insist on the independence of Lebanon under general international principles as well as regional accords, and on the need to respect alternation at the presidential helm in accordance with the Constitution.

Morocco having offered the most remarkable embrace of democracy in the last decade, young leaders in Jordan and Syria, and the other more absolute dictators and monarchs across the region, must be persuaded of the Yusufi model they need to follow to avoid the descent into repression. No tolerance should be allowed when it comes to jailing liberal dissidents. A step in support of these prisoners of conscience requires a qualitative move in Western capitals, which should embrace them openly as they do with the main dissident of Burma. This is why the precedent in Morocco is key, and the greatest success of the late King was the appointment as Prime Minister of the leader of the opposition, whom he had jailed several times earlier.[28] Thinking of Saadeddin Ibrahim in Egypt, Riyad Turk in Syria, Azmeh Bishara in Israel as the Yusufis - even as the Mandelas - of the Middle East is a required qualitative change in Western attitudes: in the same way our American colleagues have extended their support wholeheartedly to the dissidents under Soviet rule with little or no hesitation, a similar attitude is expected from them, and eventually from their governments, in the Middle East. This is a key objective worth fighting peacefully for.

Need for accountability for the leaders' stifling of the electoral process is true of all the privileged allies of Washington. The rule in Tunisia is as unacceptable as the one in Libya, and the lack of peaceful alternation at the top goes from the Saudi rulers to the Egyptian president who - it should be repeated so close Egyptian rule has been to US governments since it has embraced a separate peace with Israel - has renewed his term in office for a fourth time and entered his third decade as absolute ruler of Egypt;[29] or the leader of the Palestinian Authority, who tried to make the world forget, on the account of the people's revolt against Israeli occupation partly for the inadequacy of his representation, that the mandate he received in the first and last elections of the Palestinian people ever is *caduque*. Decent Palestinians and other Arabs have never found a change of leadership in Palestine unhealthy. Quite the opposite: but the change should not come in the

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[28] In November 2002, the US-government mentioned Morocco as a model to be followed elsewhere in the area. This position should be commended and amplified.

[29] It was suggested already in 1993 that president Husni Mubarak would set a remarkable precedent if he did not seek a third term, "al-Raʾīs al-sābiq jāran fil-ḥārah" (The former president as ordinary neighbor?), in *al-Hayat*, 30 July 1993.

name of the "war against terrorism", but as the vindication of all those who have been stifled or jailed under his Palestinian Authority's fiat over the past years, from parliamentary leaders to civil rights advocates. The right reason is important when the US challenges its Middle East "allies" as well as its "enemies".

Nor is it possible to convince anyone in the Arab world that America seeks justice so long as the current Prime Minister of Israel is feted in Washington as a "man of peace". Until he is tried for a career steeped in bloodletting and war, with massive violence directed especially against civilians, there will be no peace in the region. In the context of those serious violations of human rights, where the massacres of September 11 join a long string of mass brutality connected with the Middle East, criminal accountability for massive violations of human rights should not stop at Baghdad or Belgrade. The current ruler of Israel, who was indicted by independent Belgian prosecutors at two successive judicial levels in 2001, cannot be given any different treatment than the one offered to the Balkan indictees. Morris Draper, the foremost US diplomat in charge at the time in Beirut, has affirmed that Ariel Sharon was responsible "without any doubt" for the massacres of Sabra and Shatila in 1982.[30]

International and national justice exercised internationally as in the case of Belgium under the universal jurisdiction of 1993-99 or Britain under the Torture Convention are models to be supported and developed. Activating an International Criminal Tribunal for Iraq in the very terms which presided over the ICT for Yugoslavia and the ICT for Rwanda gives far more mileage than massive bombings which essentially harm an unprotected population and forced conscripts. Western leaders should help bring the ruler of Libya to judicial account for the disappearance of Musa al-Sadr, Mansur Kekhia, and scores of Libyans, as much as he should be questioned for Lockerbie or the UTA bombing. But America will never be more cheered across the Middle East than in helping to bring the current Israeli Prime Minister to justice: unless our American colleagues start understanding this fair and appropriate demand - to bring a criminal considered by a commission of enquiry inside his own country as "personally responsible" for a crime against humanity - the diffidence and doubt, if not open hostility will continue. This quest for uniform justice cannot be emphasized

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[30] It is heartening to see the introduction by former secretary of state George Shultz to the just released book by John Boykin on A. Sharon's brutal role in 1982, *Cursed is the Peacemaker: The American Diplomat Versus the Israeli General,* Beirut 1982, Applegate Ca. 2002.

enough, and we call on our American colleagues to open up the campaign in America to get Mr. Sharon in jail where all mass murderers belong.[31]

The electoral process and the change at the top are also crucial in the process of accountability. The people must be able to cast their votes freely, and the voices of the rulers when they misbehave must be equally constrained. In order to get free elections, officials and non-officials in the west must openly call for them and insist they be free, by ensuring for instance that high-level delegations of respectable people - including leaders of Nelson Mandela's persuasion in young democracies and veteran peace advocates like Jimmy Carter - attend and monitor them. They must also project their own democratic beliefs on the region, starting with their closest allies. Westerners would never accept "a Christian state", let alone a Jewish one to rule over their own society, and the call for secularism appears loud and clear in our colleagues' letter, and should be supported insofar as it is equanimous and nuanced. "Jews" are interchangeable with other national and religious denominations, and we are concerned for the tragic loss of Arab Jewish populations across the Middle East since the establishment of the state of Israel, impoverishing Arab countries and increasing mono-colored and intransigent nationalisms in our own societies. Ways that would accommodate the Jewish majority's fears and concerns with the rights of non-Jews, as is tentatively done

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[31] To give two related examples on the depth of the bias of talented and influential US columnists, William Safire's unqualified support of Ariel Sharon for over two decades, to the point of salvaging him from the boycott of a large section of Israeli journalists in 1983-1984 and considering him to date the ultimate "expert-reference" for good and evil in and around Israel; and the case of Thomas Friedman, who made his name as a young journalist for his coverage of Sabra and Shatila, yet has not written a single line about the legal case that the victims of the massacres have been fighting in Belgium over the past year and a half. One still hopes for a louder and more mainstream US appeal to confront a manifestly recidivist war criminal as chief ally presiding in government over the destiny of much of the Middle East. A timid - albeit encouraging, so severe has become the witch-hunt against any criticism of Israel in the US - call on the US-government "to deal with... Sharon's Israel" appeared in a *Washington Post* column by Jim Hoagland, in an unprecedented description side by side of 'jihadists and sharonists'. The letter of a collective of nine Israeli women groups to the victims of Sabra and Shatila supporting their search for justice on the occasion of the 20th anniversary of the impunity of Ariel Sharon offers an opportunity to break the silence and the zero-sum confrontation. See the letter of Robert Fisk, "Prosecute Sharon for war crimes, Israeli women say", *The Independent*, 24 September 2002, and www.indictsharon.net for the American-based section of the worldwide campaign in support of the Belgian case. More than a million people have signed an e-mail petition requesting that Sharon be brought to justice.

in the west by way of federalism and the courts can be encouraged in Israel and elsewhere in the region. The disparaging way "Jews" are depicted in our countries must be fought consistently, and a serious effort for their return and compensation where appropriate must be considered a priority for Arab governments.

In a similar vein, Islamists must be condemned whenever they take up arms and carry out violence indiscriminately, and rewarded as any other group when they operate in accordance with human rights. This is true in Algeria and elsewhere - Turkey now more than ever - and Americans should start reflecting on their unqualified support for narrow sectarian rule in the Gulf, which must also be questioned for the limitations on Christians and other minorities' peaceful practice of their religious rites. Flogging is as reprehensible in Jeddah as it is in Kabul and torture equally unacceptable in Beirut and in Tel Aviv. Also in the same logic, the Christian dimension of Jerusalem must be rehabilitated.[32] The Judaisation of the capital of the Holy Land is not acceptable and must be reversed in accordance with the concept of the *corpus separatum*, which was adopted by the United Nations half a century ago precisely for the purpose of the coexistence of communities belonging to the three world religions, in a comprehensive and balanced scheme which remains a central achievement of international law to date.

The peace process will not revive so long as the present rulers dominate Iraq, Palestine, and Israel. In a new Madrid conference, if it is to reconvene, all rulers must be held at arm's length and forced to bring their opposition with them. Should they be called onto the negotiating table, suspected criminals should be treated with reserve, as did US diplomacy in the later stage of the Balkan

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[32] Since the occupation of East Jerusalem in 1967 by Israel, its Christian population has dwindled from 27,000 to less than 4,000, whereas West Jerusalem had been completely purged of non-Jews in 1948. For a balanced view of a long and contentious history (despite only a passing reference to the ethnic cleansing in West Jerusalem in 1948 of its non-Jewish inhabitants, at p.163), see Bernard Wasserstein, *Divided Jerusalem*, New Haven 2001. Such forms of "ethnic cleansing" will never rest until redeemed in some effective manner. Nor should the expulsion of Jews from the Old City in 1948, or the assassination of elderly Lebanese Jews in Lebanon in the mid-1980s remain under silence. While cold-blood mass killers must be brought to justice, as those who engineered the blowing up of eighty-five innocent people in the Beirut suburbs on 28 March 1985, an extensive and sophisticated exercise in Truth and Justice is needed in the region. Truth and Reconciliation/ Justice must include the dark role played by American and Western governments in the latter part of the 20th century in support of authoritarian rulers in the region, from Iran's Shah in the 1950s, to Saddam Hussein in the 1980s, to the present rulers of countless countries.

negotiations, and authoritarian rulers extended a handshake only conditionally and reservedly. The more opposition figures in the halls and the less deference to the rulers, the more it is possible to exact a measure of compromise which rejects violence as the privileged means for change. In the negotiations over the Arab-Israeli conflict, as large a popular representation as possible should be sought. Palestinians in exile should be represented directly, not vicariously, and internationally run elections can be organized in the camps where they have been living in misery for sixty years. The main reason of this terrible segregation is due primarily to the fact that the governors of Israel have prevented them from coming back to their home as requested by international law, but serious efforts must also be exerted to improve their lot in the regions where they live, especially in Lebanon and the Occupied Territories, where daily life for refugees is sub-human.

The mosaic of religions, ethnic groups, and sects which has plagued the Middle East can be also the base of its renewal. For that, forms of constitutional federalism are needed across the Middle East: in Israel-Palestine, Sudan, Iraq and Turkey, Western North Africa, even Lebanon and Saudi Arabia if necessary, while all attempts at secessionism and the emergence of smaller nationalistic or sectarian entities should be categorically rejected, and actively fought. This is no less true for Palestine, where the Palestinian state risks bolstering the fearful wall which the exclusivist "national unity government" (of Israeli Jews) has conceived. Much better than an emphasis on a walled Palestinian state, a search for federal models for Israel-Palestine will allow the emergence of a community of equals in a united country rather than segregated territories built up both in concrete blocks and in Security Council resolutions. In such a profoundly different concept of coexistence in the region, the right of return can be easily acknowledged to introduce the principle of freedom of movement (and eventually establishment) for all the citizens of the Middle East, starting with the Diaspora Palestinians and Jews from Arab lands.

The fulfillment of this policy requires strenuous efforts in our societies, in conjunction with like-minded individuals and governments in the world, East and West. With no single country in the Arab world or the larger Middle East operating as a full-fledged democracy, a modest practical message one should ask American intellectuals to put to their leaders would sound as follows: listen to the people in the Middle East and act on principle. The rest, whether philosophies of just war, questions about the "otherness", extremists of all hues, including Christian, Jewish and Islamic fundamentalists, and the universal affirmation of

"American values" alongside "Middle Eastern values", all will fall into place much faster than one thinks. Then, with a just US policy in the Middle East, both sides of the ominous East-West divide will be acting on a common platform to reverse the paradigm of hatred presently driven by extremes, including the ill-conceived "war on terrorism" carried out by the current American government with no end in sight.

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Selected Publications: *Religion between Violence and Reconciliation* (editor), 2002; *Baalbek: Image and Monument, 1898-1998* (co-editor), 1998; *Die SPD und der Algerienkrieg, 1954-1962* (The Social Democratic Party of Germany and the War in Algeria, 1954-1962), 1995; and *Von der „Orientalischen Frage" zum „Tragischen Dreieck": Die Nahostpolitik der Sozialdemokratischen Partei Deutschlands vom Zerfall des Osmanischen Reichs bis zum deutsch-israelischen Wiedergutmachungsabkommen* (From the „Oriental Question" to the „Tragic Triangle": The Middle East Policy of the Social Democratic Party of Germany from the Breakdown of the Ottoman Empire to the German-Israeli Reparations Agreement), Ph.D. thesis, 1993.

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Selected Publications: *Café Istanbul, Alltag, Religion und Politik in der modernen Türkei* (Café Istanbul, Daily Life, Religion and Politics in modern Turkey), 2nd Ed., Munich 1999, *Die Türkei, Politik, Geschichte, Kultur,* (Turkey: Politics, History and Culture), Munich 2004 (together with Christopher Kubaseck). He is co-editor of *Civil Society in the Grip of Nationalism: Studies on Political Culture in Contemporary Turkey,* Istanbul & Würzburg, 2000. Since 2001 he is contributing the 'Turkey' entries to *Jahrbuch der Europäischen Integration* (Yearbook of European Integration) of the Institut für Europäische Politik.

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Selected Publications: Several books on Arab history, both modern and medieval on Islam in general, and on Islam in Europe, in particular: *Islam in a Changing World. Europe and the Middle East,* London 1997; and some articles "Redefining Rights: Islamic perspectives and the Cairo Declaration", 2001; and "Globalization in Reverse and the Challenge of Integration: Muslims in Denmark", 2002.

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