Exploring Concepts of Liberty in Islam

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We have, at The Heritage Foundation, established a long-term project to examine the question of whether Islam is compatible with Western notions of liberty. It is exploratory in nature. We hope that through events like this we can increase the understanding of Americans on this issue and better inform the making of U.S. policy toward Islamic countries and regarding the conduct of the fight against Islamist extremists and terrorists. By the question of Islam and liberty I mean the relationship between ideas of freedom—such as individual liberty, religious liberty and tolerance, and minority rights—and the ideas and practice of Islam.

Let me first offer some caveats and preliminary words of caution.

The first is that I am not a scholar of Islam. My observations are therefore those of an outsider in the field. Sometimes an outsider's view can introduce some candor into a discussion, and I would hope to do that.

Second, what do I mean by liberty? Liberty is a complicated idea. It is a way of organizing every aspect of human life that recognizes human potential and respects human dignity. It is not, as some might say, a license to do whatever one pleases. It is a set of ideas regarding the rights of individuals (freedom to life, individual liberty, and property) as natural rights and the kind of government that is needed to protect those rights.

Earlier today, I looked at what the dictionary says about liberty and, in particular, political liberty. All the definitions did not quite capture the nuances that are

Talking Points

The Heritage Foundation has established a long-term project to explore the question of whether Islam is compatible with Western notions of liberty. The following questions are offered as an attempt to frame a discussion and to seek common threads.

- How will Muslim states and societies treat religious minorities?
- How will Muslim societies and states deal with secularism?
- How will Muslim societies and states deal with the rights of the individual?
- How will Muslim societies and states deal with the rights of women?
- How will Muslim societies and states deal with freedom of expression and of the press?
- How will Muslim societies and states make their indigenous concepts of democracy and representative government compatible with liberal democratic ideas of popular sovereignty and individual rights, or will they be able to do so?

understood in the classical liberal tradition. So I have decided to use, as the basis of my remarks, not just the term "liberty" or even "freedom," but instead the "constitution of liberty." By that I mean the sum total of the rights and obligations of a free people to self government.

The third caveat is that I fully admit there is no such thing, in practice or even in theory, as a monolithic religion or political movement called "Islam." We should keep that in mind from the outset. There are, of course, different schools of Islamic thought, two major sects, and varying practices ranging from the mystical traditions of the Sufis to the fundamentalist traditions of the Wahhabis.

I am mindful of all that. But I also believe there are common threads of opinion and practices in Muslim societies and states—and it is on these that I would like to focus my remarks.

Framing the Discussion

So what I'd like to do is to frame the discussion more than to give any answers, because I am not really as qualified to do that as our colleagues on the panel are. To do this, I'd like to pose a number of key questions that can act, perhaps, as benchmarks for people living in Muslim societies and states for how they would relate to the issue of liberty and freedom. The questions are keys in the sense that how they are answered will determine, at least in my view, whether Muslim states and societies can evolve in a peaceful and civil way in the future, much as Christian societies did in Europe after decades and even centuries of religious conflict.

Question #1: How will Muslim states and societies treat religious minorities?

This is the key question in my mind. Will they be treated as full and equal citizens, or will they be second-class citizens as in the millet system in the Ottoman Empire? Or worse, will religious minorities be discriminated against or even forbidden outright?

In the West, it took a while to develop the standard of full and equal citizenship for religious minorities. Even John Locke's original idea of *tolerance* did not mean full acceptance of other religious views, but simply a lack of persecution. And it really was not until Thomas Jefferson's and James Madison's development of full citizenship for religious

minorities in both the Virginia and U.S. Constitutions (I believe Jefferson's views were mainly informed by Madison's experience of defending Baptists against the Anglican established church in colonial Virginia), that we really get, in my estimation, the full concept of religious liberty as we know it today in the West.

I do want to emphasize one point: The question about religious minorities is really one of equal rights before the law and equal citizenship, and not merely one of tolerance or autonomy (in other words, just the right to practice one's religion). Religious minorities must have the right to participate fully in political and social life, and not be relegated to secondary status to practice their religion in private or separately.

This question, for Islamic states and societies, is not so much a question of our experience in the West about the separation of church and state— since there is no church per se—but of the separation of Islamic or *Sharia* law from civil law, as we define it. And I daresay this may be a difficult nut to crack for some Muslims, since for many there is or should be no difference. But in my opinion, liberty will never be safe so long as it is assumed that the laws that govern men and women have ultimately an exclusively religious purpose. It's one thing to say that natural law can be explained theoretically as having a divine origin. It's another to argue that the practices of civil laws are actually an expression of God's specific will. Understanding that difference, it seems to me, is crucial for developing a legal and political understanding of religious freedoms in Muslim societies.

For the West, religious freedom—the right to worship God as your conscience dictates—means laws and government practices support religious pluralism. That concept, to my understanding, is not foreign to Islam. The Koran insists that "there shall be no coercion in matters of faith" and that Muslims respect the beliefs of Jews and Christians, who are called "People of the Book."

However, this tolerant attitude is hardly the universal practice in all Muslim societies. With the spread of Islamist ideologies and extremism, it is under attack every day. And it is the influence of these more extreme versions that is reducing the

political space for the examination of more liberal attitudes about religious freedom. So that is the first question, the first benchmark.

Question #2: How will Muslim societies and states deal with secularism?

Secularism as an ideology, whether it is the laicized version in France or the firm restrictions on Islam in politics in Turkey, or whether it's even the kind you find in America, is not a model or attitude that is comfortable to many Muslims. That is because it is seen, rightly so in some instances, not as being neutral on religion, but rather as actually hostile to it.

In some parts of the Muslim world, secularism is often seen as an attack on religion and religious people. For example, the Communists in Afghanistan and Ba'athists in Iraq violently repressed religious leaders. Because of this disparity in experience and understanding, I find it is rarely helpful to dwell on secularism when we are discussing liberty and freedom in the Muslim world. I do not think we should put ourselves in the position—as some American liberals do—of arguing that our "classic liberal ideas of tolerance and separation of church and state" are the same things as radical forms of secularism that based on a hostility to religion per se.

Rather, I think we should be arguing that religious freedom is necessary for all people to practice their religions authentically. And that includes not just Christians, but Muslims as well.

American religious conservatives may have something to offer Muslims in this regard. American conservative Christians and Jews are not comfortable with radical forms of secularism either—whether in the form of attacking religion in the public square, or in cultural matters where religion is ridiculed or rendered irrelevant. American conservatives are perfectly happy with not establishing a state religion, but they also want respect for religion and the practice of religion. It may be that something useful could come from a dialogue of American conservative Christians and Jews and Muslims in this regard. This kind of bridge-building dialogue already is taking place among theologians, clerics, and lay people, but to date it has not really expanded to the core concepts of liberty as we are speaking of them here today.

For Americans at least, as we do this, we remember that our Founding Fathers did not seek to divorce religion from public life. Rather, they saw an important role for religion—one that informed the political sphere and governing structures that were separate from religious organizations. They came to this understanding after studying history and government systems, and through their experiences—in some cases bitter experiences in the history of England where the tangling of religion in politics had produced not only violent conflict, but also resulted in religious repression and the inability for some people to practice their religion freely.

Question #3: How will Muslim societies and states deal with the rights of the individual?

This a complicated question, not only because there is a difference between individual and group rights, but also because of the unique way that Islam as a religion treats the individual. As I understand it (and I stand to be corrected if I have an erroneous interpretation of this), the concept of *Tawhid*, which means "making one" in Arabic, means integrating state institutions and personal priorities through a recognition of God's overarching sovereignty. Therefore, the individual exists not as a separate being endowed by God or natural law with certain rights, but as a person who has certain obligations to God—and that the state and its institutions have some role in determining what those obligations are.

In the Western experience, the rights and obligations of the individual toward God and the state were worked out through not only different and separate developments of canon and civil law, but also through the emergence of the idea of individual conscience as indispensable in the practice of religion. In other words, in the Western tradition, the idea emerged that the best and probably only authentic way that God could be worshiped was that it was not coerced by the state in any way—you had to have freedom of conscience. This idea developed in both the Protestant and Catholic Reformations, and also certainly in the Enlightenment. But it is not an idea that, at least in this particular form, has great prominence in the Muslim world. I'm not saying it doesn't exist, but I am saying that as I have described it, it is not a common feature of legal, con-

stitutional, and political practices. The risk of free will, of course, is that you will choose wrongly.

Question #4: How will Muslim societies and states deal with the rights of women?

In Islam, as I understand it, men and women are partners before God with the same duties and responsibilities. Women have the rights of divorce and inheritance—and they had them long before Western countries adopted these same standards. I also understand that many of the infringements against the rights of women done in the name of Islam today are cultural practices, perhaps even prejudices, rather than necessarily religiously inspired. That may be so. But these views remain very powerful; and frankly, the distinctions I make here, although theoretically true, are not often recognized by many practicing Muslims—in the Middle East, in particular. Therefore, what matters is not so much the theoretical discussions we can have about this, but rather the practical reforms Muslims themselves are making in the name of Islam. If it is so that Islam recognizes the equality of men and women, then Muslims themselves will have to put in constitutional and legal protections for women that cannot be overridden by cultural practices, even in the name of religious practices that will be competing legally and constitutionally with these rights.

In the meantime, non-Muslims and even Muslims in America and Europe should uphold the standard of women's rights as a universal human right, and not as a particular group or privileged right. This should at least help to convince Muslims that women's rights are not a project to destroy the family. Our job should be not only to uphold the rights of women and the importance of the family, but to hold up in general the universality or rightness of the cause—that women are indeed equal in the sense that they have individual rights just as men do. Once we have done that, we should let Muslims themselves sort out their theological, social, and cultural solutions to the problem.

Question #5: How will Muslim societies and states deal with freedom of expression and of the press?

In Islam, we can find a respect for values that inform democracy and representative government.

For example, there is the *Shurah*, which is a consultative mechanism, and *Ijmah*, a well-known practice that involves the consensus of a representative body. Both practices imply respect for the concept of free speech. But free speech, as I understand it, is not an absolute or "natural" right, in the sense that it is seen as a good in itself. Rather, it is seen as an instrumental value to attain some higher good, and in many cases this higher good may be religious in nature. There is always this question of whether or not you run the risk of giving the wrong answer. That's inherent in the challenge of freedom. There is a possibility that the answer, at least in religious terms, may be wrong, and the question is whether or not that can be tolerated and even encouraged because of some greater good that can come out of that.

The liberal idea of free speech has value because it is seen as a guard against tyranny, and therefore as a guarantor of liberty itself. Until liberty as a principle in itself is seen in Muslim societies as a prerequisite for good governance and the practice of religion, I doubt seriously that freedom of expression or the press will ever be safe.

Question #6: How will Muslim societies and states make their indigenous concepts of democracy and representative government compatible with liberal democratic ideas of popular sovereignty and individual rights, or will they be able to do so?

The liberal idea and practice of democracy and republicanism require not only a respect for the rights of the individual, but also the idea of equality before the law. At least in the American version of republicanism (as opposed to the French or Rousseauian version), government exists not to express the General Will or even God's will, but rather to protect life, liberty, and property. If having elections does nothing more than put an extremist Islamist party in power that oppresses people, certainly this is not liberal democracy as we know it. It is, rather, populist and illiberal oppression in the name of religion or an ideology.

Therefore, we should be careful about accepting the idea that democracy can somehow be "Islamicized" (a term I use just to make a point). It's one thing to say that we should not expect a carbon copy of liberal democracy to emerge overnight in the Middle East and elsewhere. It is another to say

that all we care about are elections—elections that may inadvertently end up putting the Muslim Brotherhood in charge, for example. Or that we say it is okay to have *Sharia* law or other religious mandates put into democratic constitutions that are supposed to be liberal in orientation. I realize, certainly, that democracy is a long-term development that takes different cultural forms. But I also think that, in the end, democratic self-government should respect individual rights and religious freedom.

My final point is that non-Muslims cannot be responsible for providing answers to these questions. We can pose the questions; but only Muslims themselves can really sort these things out for themselves. I hope, though, that through discussions like this, our societies can agree on a vision and a model of what a free society that would be compatible with Islam should look like. For I do believe—to answer the question that I posed in the beginning—that Islam and liberty are indeed compatible.

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