OASIS

christians and muslims in the global world

Muslims, Faith and Freedom

Why this is the real issue for the future. More than terrorism

OASIS

Both Muslims and Christians
prize their places of prayer,
as oases where they meet
the All Merciful God
on the journey to eternal life,
and where they meet their brothers
and sisters in the bond of religion

JOHN PAUL II

Speech at Damascus in the Omayyad Mosque, 6 May 2001

MUSLIMS, FAITH AND FREEDOM

MUSLIMS

FAITH AND FREEDOM

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Leader

A QUEST THROUGHOUT ISLAMIC HISTORY

We will hear talk of jihadism for many years to come. However, this edition of *Oasis* wants to look beyond it, at a Middle East that, after decades of Islamist cultural hegemony, is seeking to turn the page. Even in Saudi Arabia the crown prince, Muhammad Bin Salman, has announced a new season, economically and politically but also at the cultural and religious level. The feasibility of the Saudi proclamation still needs to be proven, but it is unlikely that the religious reform invoked by so many will be truly achieved if it does not take seriously the demand that surfaced in 2011: "freedom". After years of jihadist violence, sectarian politics and neo-authoritarian drifts, this is the only point of departure. Otherwise, there will not be any departure at all and the current situation will disintegrate into total war.

In reality, this demand has accompanied the last century and a half of Arab and Islamic history, beginning in the mid-nineteenth century, when reformist thought centred its reflections on how to restrain arbitrary gov-

ernment. The most significant text from that period was the Syrian 'Abd al-Rahmān al-Kawākibī's book-manifesto on despotism, an excerpt from which we are proposing in the Classics section. It was to remain a point of reference for subsequent generations and fuelled the political theory of an entire generation of Islamist ideologues and intellectuals.

The antidote to tyranny that Islamists propose – a system bound to divine law, deemed to be the most solid guarantee to human freedom – ends up in the blind alley of theocracy, however. And so, precisely in reaction to the Islamist pressure, the reflection on freedom is seeking new pathways nowadays. One of these leads in the direction of an epistemological break with what the French Muslim intellectual Omero Marongiu-Perria calls the hegemony paradigm: a world vision structured around dominating and dominated people. Developed during the Middle Ages, this paradigm still conditions the positive law in contemporary Islamic countries. Emran El-Badawi, executive director of IQSA (International Qur'anic Studies Association), proposes a variation of this renewal formula: an opening of Qur'anic studies (and Islamic scientific output more generally) to the modern instruments of critical enquiry that, thwarted by the official institutions, have found a channel for expression on internet and the social and satellite networks.

And then there is also the "secular" solution proposed by those who do not necessarily suggest new readings of Islam but entrust the protection of civil and political liberties to the mechanisms of the modern legal tradition. This is what the Tunisian president Beji Caid Essebsi did recently when, in a decision that caught the Islamic party Ennahda on the back foot, he amended marriage law and opened the country up to the possibility of gender equality in inheritance, as Rolla Scolari recounts in her reportage. And this is the road that Mohamed-Chérif Ferjani suggests for a Tunisia that, after a post-revolutionary period dominated by cultural warfare between Islamists and secularists, is currently debating how to apply a Constitution in which defence of the sacred co-exists with the protection of freedom of conscience. The subject of freedom is particularly dear to Christians living in the Arab world: they have made it their cause for more than two centuries. And understandably, since their future depends on it. The need to fight the pseudo-caliphate has led the official religious institutions (in Egypt and Morocco, first and foremost) to begin talking again – perhaps with an extra tad of conviction induced by the fall-out from al-Baghdādī and Co. – about citizenship and equal rights for Muslims and non-Muslims. This subject is discussed by Salim Daccache through a reading of the documents al-Azhar has produced in this context.

In sum, a debate does exist but it progresses slowly: not only because of the difficult economic and political conditions, but also because there is still no cultural perspective that seems to be able to resolve the alienating

"tradition/modernity" alternative in a new synthesis. Muhammad Jābir al-Ansārī, one of the most important contemporary Arab philosophers and, at the same time, one of the least known in the West, understood this several decades ago. As early as the 1970s, Ansārī was identifying in Arab-Islamic culture a strong propensity to overcome contradictions and lacerating tragedy through a conciliation process that harmonised extremes. If, during the classical era, this straining towards a harmonious unification had permitted the assimilation of the Greek contribution (and Aristotelian logic, in particular), modern Islamic thought has not yet managed to engage fully with the revolution occurring in Western reason, which has abandoned Aristotelian objectivism and favours the dialectic of opposites.

In their quest for a new synthesis, Muslims are not lacking tools, however. During the first centuries, theologians and philosophers were engaged in profound reflection about human free will and the relationship between human freedom and God's freedom: a reflection that is reconstructed in this edition by Maria De Cillis' article. Are human acts free or predetermined? Is there a justice by which God, too, is bound or are human beings fatally subjected to an unfathomable and arbitrary will? Faithful to the concordist tendency recognised by Ansārī, Sunni Islam developed a compromise solution that aimed at safeguarding both human freedom and divine omnipotence but that ended up decreeing the latter's supremacy over the former. The debate has been re-opened in the modern era, but only in order to jump directly to the practical consequences: the recovery – in the face of a paralyzing fatalism – of a freedom of initiative and a dynamism capable of fighting despotic regimes from the inside and of standing up to colonial pressure from the outside. And yet, there is no true political liberation without an appropriate anthropological foundation; one that thinks of human beings as free subjects *vis-à-vis* God and the world. This, too, is one of the lessons that, albeit in the negative, the Arab springs entrust to us.

A final (and not marginal) observation can be made. Classical Islam's reflections on freedom – of which the letter attributed to Hasan al-Basrī, translated in the Classics section, is a particularly felicitous example – arose and developed in close contact with Christian theology, which was influenced, in its turn, by classical Islam, as Bishop Theodore Abū Qurrah's short, ninth-century treatise "*On Freedom*" demonstrates. That conversation then petered out, giving way to other subjects. It seems that the time has now come to follow this "blocked path" once again and the first way of doing so is to clear the field of mutual misunderstandings. Mustafa Akyol's article, with which we have chosen to open this edition, shows just how decisive this reflection may be for our times. It is a journey worth starting out on again.

– *Oasis*

Mustafa Akyol

A Turkish journalist and author, he studied History and Political Sciences at the Bosphorus University (Istanbul). He is a columnist for the *New York Times* and *Hürriyet Daily News*, and regularly contributes to al-monitor.com. He is the author of *Islam without Extremes: a Muslim Case for Liberty* (W.W Norton & Company, 2011) and *The Islamic Jesus: How the King of the Jews Became a Prophet of the Muslims* (St. Martin's Press, 2017). Since January 2017 he has been Senior visiting fellow with the Freedom Project at Wellesley College (Massachusetts).

THE AUTHORS

Muhammad Jābir al-Ansārī

A philosopher and a political thinker from Bahrein, he obtained a PhD in Modern and Contemporary Islamic Philosophy in 1979. In 1981 he moved to Paris, where he participated in the creation of the *Institut du Monde Arabe* (The Arab World Institute). In 1983, he moved back to Bahrain to become one of the founders of the Arabian Gulf University, where he taught Islamic studies. Since 1984 he has been Cultural and Scientific Advisor to the King of Bahrein. Among his publications are *Tahawwulāt al-fikr wa'l-siyāsa fī al-sharq al-ʿarabī* [Transformation of Thought and Politics in the Arab East] (1980); *Al-Fikr al-ʿarabī wa-sirāʿ al-addād* [Arab Thought and the Struggle of Opposites] (1996); *Al-ʿarab wa-l-siyāsa: ayn al-khalal?* [Arabs and Politics: Where's the Fault?] (1998).

Emran El-Badawi

Associate Professor and Program Director of Middle Eastern Studies at the University of Houston, as well as founding Executive Director of the International Qur'anic Studies Association (IQSA). He is author of *The Qur'an and the Aramaic Gospel Traditions* (Routledge, 2013), co-author of *A History of the Classical Middle East* (Cognella, forthcoming), editor of *Communities of the Qur'an* (OneWorld, forthcoming), and contributor to *Forbes*, *The Houston Chronicle*, *The Christian Science Monitor* among other media outlets. He teaches courses on Islamic Civilization as well as the modern Middle East, and consults for the private and public sector.

Michele Brignone

Scientific secretary of the Oasis International Foundation and managing editor of the homonymous journal. He holds a PhD in History, Institutions and International Relations of Extra-European Countries (University of Pisa, Italy). Since 2010 he has been Adjunct Professor of Arabic Language at the Catholic University of Milan. His research focuses on modern and contemporary Islamic political thought and intellectual history.

Salim Daccache

A Lebanese Jesuit, he has been the Rector of the Saint Joseph University of Beirut since 2012. He obtained a PhD in Philosophy from the Sorbonne (1988) and a PhD in Education from the University of Strasbourg (2010). Since 1984 he has been the Associate Director of the Society of Jesus' Dar al-Machriq Publishing House. Since 1990 he has been the Editor-in-Chief of the cultural magazine *al-Mashreq*. He is the author of numerous article on education, Syriac spirituality, moral and political philosophy and Christian-Muslim relations.

Maria De Cillis

Research Associate of the Institute of Ismaili Studies and managing editor for Shi'i Heritage Series. In 2010 she obtained a PhD from the School of Oriental and African Studies (SOAS), University of London. She is the author of *Free Will and Predestination in Islamic Thought: Theoretical Compromises in the Works of Avicenna, Ghazālī and Ibn ʿArabī* (Routledge, 2013). Her research interests encompass Islamic theology and philosophy, the Qur'an, Islamic spirituality and mysticism, Shi'i Islam and Ismaili philosophy.

Mohamed-Chérif Ferjani

An Islamicist of Tunisian origin, he is Professor Emeritus of Political Science and Islamic Studies at the University of Lyon 2 (France). His research interests deal with secularization processes, human rights, Islam in Europe, comparative religion, cultural and religious pluralism in Europe and the United States. Among his publications are *Islamisme, laïcité et droits de l'Homme* (1991), *Les voies de l'islam : approche laïque des faits islamiques* (1996), *Le politique et le religieux dans le champ islamique* (2005) and *Religion et démocratisation en Méditerranée* (2016).

Omero Marongiu-Perria

A Research Associate of the *Institut du Pluralisme Religieux et de l'Athéisme* (Institute for Religious Pluralism and Atheism – University of Nantes, France), he obtained a PhD in Sociology from the University of Lille in 2002. He is a specialist in French Islam and a member of the *Centre de prévention des dérives sectaires liées à l'Islam* (Centre for the Prevention of Sectarian Drifts Related to Islam), established in France by Dounia Bouzar. He is the author of *Rouvrir les portes de l'Islam* (Atlande, 2017) and *Musulmans de France, la grande épreuve* (with Vincent Geisser and Kahina Smaïl, Les Éditions de l'Atelier, 2017), and of numerous articles, which are available at omero-marongiu.unblog.fr.

Focus

Mustafa Akyol

JESUS IN THE QUR'AN AND THE THIRD WAY BETWEEN EXTREMISM AND SECULARISM

Muslims need a creative third way, which will be true to their faith but also free from the burdens of the past tradition and the current political context. A great prophet in Islam, Jesus preached reform of the religious law in a non-literalist sense at a time when Jews were going through a crisis very similar to the one experienced by today's Muslims. He can become a source of inspiration for the much longed-for reform of Islam.

What is the trouble with Islam? Why are there so many angry Muslims in the world who loathe the West? Why do self-declared Islamic states impose harsh laws that oppress minorities, women and "apostates"? Why are there terrorists who kill in the name of Allah?

Many in the West have been asking these kinds of questions for decades. Answers have varied from claiming that there is no problem within Islam today, which is too defensive, to asserting that Islam itself is a huge problem for the world, which is unfair and prejudiced. Luckily, more informed observers offered more objective answers: the Islamic civilization, once the world's most enlightened, has lately been going through an acute crisis with severe consequences.

Islam, a religion that has always been proud of its earthly success, was now "facing the West with her back to the wall," causing stress, anger and turmoil among Muslims

One of the prominent minds of the past century, the British historian Arnold Toynbee, also pondered the crisis of Islam, in a largely forgotten 1948 essay, "Islam, the West, and the Future."[1] The Islamic world has been in a crisis since the nineteenth century, Toynbee wrote, because it was outperformed, defeated and even besieged by Western powers. Islam, a religion that has always been proud of its earthly success, was now "facing the West with her back to the wall," causing stress, anger and turmoil among Muslims.

Toynbee, with the insight of a great historian, not only analyzed the crisis of Islam but also compared it with an older crisis of an older religion: the plight of the Jews in the face of Roman domination in the first century B.C. The Jews, too, were a monotheistic people with a high opinion of themselves, but they were defeated, conquered and culturally challenged by a foreign empire. This ordeal, Toynbee explained, bred two extreme reactions: One was "Herodianism," which meant collaborating with Rome and imitating its ways. The other was "Zealotism," which meant militancy against Rome and a strict adherence to Jewish law.

Modern-day Muslims, too, Toynbee argued, are haunted by the endless struggles between their own Herodians who imitate the West and their own Zealots who embody "archaism evoked by foreign pressure." He pointed to modern Turkey's founder, Mustafa Kemal Atatürk, as an "arch-Herodian" and the "Central Arabian Wahhabis" as arch-Zealots. He predicted that the Zealots would ultimately be defeated because they lacked the sophistication to use modern technology. Had he lived today – and seen, for example, how effectively the Islamic State uses the internet – he might revisit that optimism.

Over the decades, a few Muslim intellectuals have taken note of Toynbee's analogy and argued that Muslims should find a third way, something

between Herodianism and Zealotism. It's a reasonable argument, but it neglects a lot of history.

The Details of the Law

These would-be Muslim reformers, like Toynbee, ignore that the first-century Jewish world wasn't limited to the Herodian-Zealot dichotomy. There were other Jewish parties with intellectual, mystical or conservative leanings. There was also a peculiar rabbi from Nazareth: Jesus.

Jesus claimed to be the very savior – the Messiah – that his people awaited. But unlike other Messiah claimants of his time, he did not unleash an armed rebellion against Rome. He did not bow down to Rome, either. He put his attention to something else: reviving the faith and reforming the religion of his people. In particular, he called on his fellow Jews to focus on their religion's moral principles, rather than obsessing with the minute details of religious law. He criticized the legalist Pharisees, for example, for "tithing mint and rue and every herb," but neglecting "justice and the love of God" (*Luke* 11:42).

Christians, of course, know this story well. Yet Muslims need to take notice, too. Because they are going through a crisis very similar to the one Jesus addressed: while being pressed by a foreign civilization, they are also troubled by their own fanatics who see the light only in imposing a rigid law, sharia, and fighting for theocratic rule. Muslims need a creative third way, which will be true to their faith but also free from the burdens of the past tradition and the current political context.

Would it be a totally new idea for Muslims to learn from Jesus? To some extent, yes. While Muslims respect and love Jesus – and his immaculate mother, Mary – because the Qur'an wholeheartedly praises them, most have never thought about the historical mission of Jesus, the essence of his teaching and how it may relate to their own reality.

A notable exception was Muhammad 'Abduh, one of the pioneers of Islamic modernism in the late nineteenth century. 'Abduh, a pious Egyptian scholar, thought that the Muslim world had lost the tolerance and openness of early Islam and had been suffocated by a dogmatic, rigid tradition. When he read the New Testament, he was impressed. As a Muslim, he did not agree with the Christian theology about Jesus, but he still was moved by Jesus's teachings, which were relevant to a problem 'Abduh observed in the Muslim world. It was the problem of "being frozen on the literal meaning of the law," he wrote, and thus failing to "understanding the purpose of the law."

Some other Muslim scholars noted the same problems as 'Abduh. But no Muslim religious leader has yet stressed the crucial gap between divine purposes and dry legalism as powerfully as Jesus did. Jesus showed that

sacrificing the spirit of religion to literalism leads to horrors – as it still happens in some Muslim countries today. He also taught that obsession with outward expressions of piety can nurture a culture of hypocrisy – as is the case in some Muslim communities today.

Such key teachings of Jesus, I believe, can today give us Muslims guidance for reform especially in two key matters. The first is the Kingdom of God, which Muslims would call the Caliphate. The second is religious law, which Muslims would call the sharia. Let's see, in a bit more detail, them one by one.

"The Caliphate Is within You"

Many Jews at the time of Jesus were eager to see the coming of *Malkuta de-Adonai,* or the Kingdom of God. This would have been a sovereign polity of Israel ruled by the divinely guided Messiah, who would defeat and expel the much-despised Empire of Rome. Native theocracy, in other words, would smash foreign occupation.

The Pharisees were eagerly awaiting and praying for the Kingdom of God. Their radical offshoot, the Zealots, had taken the more active step of fighting for the same goal – by rebellions and assassinations, or, as we would call today, insurgency and terrorism. Jesus, however, brought a new interpretation to the notion of the Kingdom of God. As we read in the Gospel of Luke: "When he was demanded of the Pharisees, when the kingdom of God should come, he answered them and said, The kingdom of God cometh not with observation: Neither shall they say, Lo here! or, lo there! for, behold, the kingdom of God is within you" (*Luke* 17:21).[2]

A comparison was drawn between contemporary Muslims and the plight of the Jews in the face of Roman domination in the first century B.C: a monotheistic people that was defeated, conquered and culturally challenged by a foreign empire

This famous passage in the New Testament has become the basis of one of the key themes of Christianity: the transformation of the political kingdom into a spiritual kingdom. The latter, as a Christian commentator put it, was a kingdom that would be "erected in the hearts of men, consisting in the subjection of their wills to the will of God, and in the conformity of their minds to his laws."[3]

Now, if we move on from the Judaea of the first century to the Muslim world of today, we will see that the latter also harbors a powerful anticipation for the Kingdom of God – it is called rather the caliphate. This native theocracy, some Muslims believe, will defeat and expel the modern-day Romans and their collaborators and bring glory to the *umma*.

Some Muslims are merely hoping to see the caliphate established as a distant utopia, and they can be classified as "conservatives." Others are more

engaged and actively work for the utopia through political action, which earns them the label "Islamists." Then there is a small minority that opts for armed struggle, which makes them "jihadists." And among these jihadists, only the most radical fringe, ISIS, declared a "caliphate" in 2014, something that looks too militant for the overwhelming majority of Muslims.

But is a caliphate really necessary for Muslim? For most Islamists and jihadists, the answer is absolutely yes. In fact, they see the reestablishment of the caliphate not only as a hope to anticipate, but a duty to fulfill. "The establishment of a *Khaleefah* is an obligation upon all Muslims in the world," asserts a contemporary Islamist source. "Performing this duty, like any of the duties prescribed by Allah upon the Muslims, is an urgent obligation in which there can be no choice or complacency."[4]

> *Like the Jews of the past, modern-day Muslims have their own Herodians who imitate the West and their own Zealots, the radical militants who champion a strict adherence to the religious Law*

However, other Muslims think that the caliphate – a term implying the "successorship" to the Prophet Muhammad for the political leadership of Muslims – was merely a historical experience of the Muslim community, not an integral tenet of Islam. This argument was powerfully made in the early twentieth century by the Egyptian scholar ʿAlī ʿAbd al-Rāziq and the Turkish scholar Seyyid Bey, and has been advanced by reformist thinkers since then. Islamic energy, according to these reformists, should be focused not on establishing a specific form of state, but rather on advancing Islamic values under any state that grants Muslims security, dignity, and freedom. And Muslim societies should be governed by democratically elected leaders and parliaments.[5]

This reformist argument may be at odds with certain texts of the Islamic tradition, but it has a basis no less greater than Islam's scripture – the Qur'an. Here, the term "caliph," which is often translated as "vicegerent," is used nine times in different verses, but not as the definition of a political entity among Muslims.[6] It is rather used, most significantly, to define the nature of human beings. In a memorable passage of the Qur'an, God Himself decrees this ontological "caliphate" during a rhetorical conversation with angels:

> When your Lord said to the angels, "I am putting a *khalif* on the earth," they said, "Why put on it one who will cause corruption on it and shed blood when we glorify You with praise and proclaim Your purity?" He said, "I know what you do not know." He taught Adam the names of all things. Then He arrayed them before the angels and said, "Tell me the names of these if you are telling the truth." They said, "Glory be to

You! We have no knowledge except what You have taught us. You are the All-Knowing, the All-Wise." He said, "Adam, tell them their names." When he had told them their names, He said, "Did I not tell you that I know the Unseen of the heavens and the earth, and I know what you make known and what you hide?" (Qur'an 2:30-33).[7]

In this fascinating story about the origin of man, Adam, the first human, appears as God's *khalif*, or vicegerent, because he is taught "the names of all things" and also bears the potential to "cause corruption on [earth] and shed blood." Some Muslim thinkers have interpreted these as man's faculty to learn and reason, and his freedom to chose between good and evil.

Yet Adam is not the only vicegerent – all his children, in other words the whole human race – also are. "It is He who appointed you khalifs on the earth and raised some of you above others in rank," a Qur'anic verse reads, "so He could test you regarding what He has given you" (Qur'an 6:165). Another verse declares: "It is He who made you khalifs on the earth. So whoever is an unbeliever, his disbelief is against himself" (Qur'an 35:39). So, unbelievers are vicegerents as well, for they have the God-given faculties of reason and free will, which they just use in the wrong way.

The Qur'anic concept of khalīfa *is a metaphysical notion that puts humankind in a special place within God's creation. No wonder the early Muslim exegetes saw no connection between this metaphysical notion and the political institution called the caliphate*

In short, the Qur'anic concept of *khalīfa* is a metaphysical notion that puts humankind in a special place within God's creation. No wonder the early Muslim exegetes saw no connection between this metaphysical notion and the political institution called the caliphate, which was first led by the Prophet's close companions but was soon dominated by hereditary monarchy.[8]

Hence it is possible for Muslims today to abandon the commitment to the caliphate as a political entity, but strive to be better caliphs on earth – as individuals with God-given faculties and responsibilities. It is possible for Muslims to think, in other words, that the caliphate is not here or there, but within you.

"The Sharia Is Made for Man"

The other passion of Jews at the time of Jesus was for the Jewish Law, or *halakha*, which literally means "the path." Rooted in the detailed injunctions of the Torah, *halakha* was an extensive set of rules that regulated every aspect of Jewish life from prayers to dietary laws to the penal code. The latter,

from the perspective of our modern standards, included some pretty harsh measures, such as the stoning to death of adulterers or blasphemers.

As we can understand from the canonical gospels, Jesus brought a radically new interpretation to the *halakha*, for he rightly realized the negative consequences of blind literalism. The first of these was the equation of piety with the outwardly visible religious practice, which inevitably gave way to hypocrisy. This was especially true for the self-righteous clerical class, which included the priests, the scribes, and the Pharisees. "Beware of the teachers of the law," Jesus said: "They like to walk around in flowing robes and love to be greeted with respect in the marketplaces and have the most important seats in the synagogues and the places of honor at banquets. They devour widows' houses and for a show make lengthy prayers. These men will be punished most severely" (*Luke* 20:46-47, New International Version).

> *It is possible for Muslims today to abandon the commitment to the caliphate as a political entity, but strive to be better caliphs on earth – as individuals with God-given faculties and responsibilities*

The very fact that the clerics looked down upon the sinners testified to their arrogance, which was a greater sin than most. Jesus explained this by comparing an observant Pharisee with a tax collector, whose job was then seen by most Jews as a treacherous collaboration with Rome:

> Two men went up to the temple to pray, one a Pharisee and the other a tax collector. The Pharisee stood by himself and prayed: "God, I thank you that I am not like other people robbers, evildoers, adulterers – or even like this tax collector. I fast twice a week and give a tenth of all I get." But the tax collector stood at a distance. He would not even look up to heaven, but beat his breast and said, "God, have mercy on me, a sinner." I tell you that this man, rather than the other, went home justified before God. For all those who exalt themselves will be humbled, and those who humble themselves will be exalted" (*Luke* 18:9-14).

Soulless legalism not only nurtured hypocrisy and arrogance, as seen in the above parable, but also caused injustice or cruelty in the name of law. The adulteress the Pharisees brought to Jesus was a case in point. The *halakha* demanded that she should be stoned to death, but Jesus called for mercy. "Let any one of you who is without sin," he famously called, "be the first to throw a stone at her" (*John*, 8:7). It was another case of defending humble sinners from the wrath of the self-righteous puritans.

Similarly, when Jesus was questioned on why his disciples collected grain for food on the Sabbath, during which Jews are forbidden from doing any work, he gave quite a reflective answer: "The Sabbath was made for man, not man for the Sabbath" (*Mark* 2:27). The law, in other words, did not exist for its own sake. It existed for the sake of humans – and could be reinterpreted for them.

Now, if we again move on from the Judaea of the first century to the Muslim world of today, we will find a very similar situation regarding religious law. The Muslim version of the Jewish *halakha* is the sharia. It not only has the same literal meaning – the path – but also has very similar injunctions covering all aspects of life, from prayers to dietary laws to the penal code. And while Jews have long abandoned implementing their halakhic penal code, some modern-day Muslims are passionate about implementing the sharia's penal code, with chilling aspects such as stoning the adulterers and executing heretics and blasphemers.

The Muslim devotion to the sharia often comes from a sense of justice, but its literalist nature may rather cause horrendous injustice. Such are the cases, for example, of Muslim women, including very young girls, who are first raped by men and then stoned to death by other men for "adultery." The pattern, which took place repeatedly in Nigeria, Somalia and Afghanistan, is that first the victim gets raped in secret. Consequently she gets pregnant, only to be questioned soon by her kinfolk and ultimately by a court. At the court, she can't prove that she was raped, because the sharia demands "four eyewitnesses" to penalize any sexual offense. Yet the pregnancy itself proves that she somehow committed "adultery," so she is publicly stoned to death.[9]

The Muslim devotion to the sharia often comes from a sense of justice, but its literalist nature may rather cause horrendous injustice

Such appalling cases of judicial murder would not have occurred if the sharia-imposers cared about the *intention* of the verdicts that they only literally carried out. The Qur'an, which has nothing to say about stoning, does indeed decree the requirement of "four eyewitness." However, it says this only in the context of *protecting* women from the libel of adultery. "Those who make accusations against chaste women and then do not produce four witnesses," a verse commands, "flog them with eighty lashes and never again accept them as witnesses" (Qur'an 24:4).

So, "four witnesses" are necessary, because the Qur'an intends to protect innocent women from false accusations. In the literalist practice, however, this noble intention can be utilized to serve a cruel pattern of misogyny.

The way forward for Muslims is to understand that just like the *halakha*, the sharia is made for man – and women, of course – and not the other way around. Luckily, such an interpretive approach to law exists in the Islamic tradition, only waiting to be rediscovered. Its origin goes back to medieval scholars such as the al-Shātibī (d. 1388), the Andalusian thinker who focused on the *maqāsid*, or intentions, of Islamic law, and formulated them as the protection of five fundamental values: religion, life, intellect, lineage, and property. Only the realization of these intentions, al-Shātibī reasoned, could infuse "spirit into the dead body, and real substance into the external shell (of the law)."[10] In the modern era, pioneering Muslim thinkers such as Fazlur Rahman Malik (d. 1988) tried to revitalize this nonliteralist approach to Islamic law with admirable intellectual effort for reform, yet only with limited impact.

For more impact, perhaps we can recall that Jesus, a great prophet of Islam, called for the exact same kind of reform in Judaism at a time when Jews were exactly like us. Jesus can, in other words, become a source of inspiration for the much-sought reform in Islam.

If Jesus is "a prophet of Islam," as we Muslims often proudly say, then we should think on these matters. Because Jesus addressed the very problems that haunt us today, and established a prophetic wisdom perfectly fit for our times.

[This article is party adapted from the book, *The Islamic Jesus*, by Mustafa Akyol – St. Martin's Press, 2017]

1. Arnold J. Toynbee, *Civilization on Trial* (Oxford University Press, Oxford, 1948). All quotes are from the same chapter in this book, "Islam, the West, and the Future."

2. This translation is from the King James Bible. The phrase "within you" has been translated in more modern versions such as the New International Version or the New American Standard Bible as "in your midst." I used the King James version, because it has been quite powerful in establishing the Western Christian understanding of a spiritual kingdom.

3. This is from a commentary on *Luke* 21 by Joseph Benson, *Commentary of the Old And New Testaments* (T. Carlton & J. Porter, New York, 1857). Fully available on **http://biblehub.co**m

4. "The Re-establishment of the Khilafah Is an Obligation upon All Muslims," editorial, **www.khilafah.com**, June 24, 2007. This website advocates the views of Hizb ut-Tahrir, "a political party whose ideology is Islam."

5. For a good evaluation of the caliphate and other political concepts in Islam and the discussions about them, see Asma Afsaruddin, *Contemporary Issues in Islam* (Edinburgh University Press, Edinburgh, 2015), pp. 54-85.

6. The only Qur'anic verse that seems to use the title caliph for the leadership of a human being rather than humanity as whole is 38:26, which speaks to (King) David, and says: "O David! We did indeed make thee a vicegerent on earth: so judge thou between men in truth." Yet there is common agreement among the modern commentators and translators that this verse concerns David alone and that "the Qur'an does not give clear guidance on the position of the Caliph as the supreme leader of the ummah." Sean Oliver-Dee, *The Caliphate Question: The British Government and Islamic Governance* (Lexington Books, Lanham, UK, 2009), p. 16.

7. All the Qur'anic quotations are taken from Aisha Bewley's translation with Arabic words anglicized.

8. "During the Umayyad period, the exegetes made no connection between the Qur'anic term *khalīfa* and the politico-religious reality of the institution of the caliphate. This tendency began to change about the middle of the second/eighth century when a more comprehensive interpretation started to appear." It was scholars such as Tabarī who "created a complete merger between the Qur'anic khalifa and the head of the Islamic caliphate." Wadad Kadi, "Caliph," *Encyclopaedia of the Qur'an* (Brill, Leiden, 2001-2006), vol. 1, pp. 277–78.

9. This horrible pattern has been reported in various instances in Nigeria, Somalia, and Afghanistan, especially under the rule of extremist groups such as al-Shabab or the Taliban, or extrajudicially in the tribal areas of Pakistan. For an overview of such incidents, see Justice for Iran, "Mapping Stoning in Muslim Contexts," February 2012, **http://bit.ly/2HAsJq9**

10. Al-Shātibī, *Kitāb al-Muwāfaqāt*, ed. Abū 'Ubayda Mashhūr Ibn Hasan Āl Salmān, Dār Ibn 'Affān, Cairo s.d., vol. 1, introduction by the author, pp. 7-12, as paraphrased by Fazlur Rahman, *Islam* (Anchor Books, Garden City, NY, 1968), p. 136.

OMERO MARONGIU-PERRIA

GOD'S RIGHTS VS HUMAN RIGHTS: ISLAM UNDER STRAIN

The contemporary Muslim world is divided on the issue of the relationship between classical Islamic law, positive law and international human rights treaties. Considering the increasing obsolescence of Islamic jurisprudence, particularly in the field of penal law, its re-enactment by positive laws in Muslim majority countries represents a major challenge.

The inaugural session of the Cultural Forum of the Egyptian Supreme Council for Islamic Affairs was held at the beginning of October 2010. Muhammad 'Abd al-Ghanī Shāma,[1] cultural advisor of the Minister for Religious Affairs, released on that occasion a *fatwa* stating that religion is a person's free choice, which the state should protect, avoiding any coercion. Shāma also stated that the Islamic legal pronouncement according to which the apostate should be killed has no grounding in the Qur'an. In support of his claim, he quoted the following verse: "Those who believe and then disbelieve, and then believe, and then disbelieve and increase in unbelief – God is not likely to forgive them, neither to guide them in any way" (4:137).[2]

His declarations did not fail to raise controversy in the local media and public opinion. The then Minister of Religious Affairs, Mahmūd Hamdī Zaqzūq, absent at the inauguration, soon clarified in the media that the personal opinion of his advisor did not reflect his own views.[3] This was not the first time the Minister had to bring his advisor to heel. Some of Shāma's views on freedom of worship had already raised bitter criticism, particularly on account of his support of Amina Wadud, a Canadian Muslim, the first woman to have led a mixed-sex collective prayer in modern times.[4] On the other hand, many important Egyptian religious leaders were quick to recall that Islamic texts are very clear on the need to execute the apostate who challenges, by his act, the purity of the Islamic faith.

This is not only an anecdotal controversy. As a matter of fact, in the last fifteen years, Egypt alone has seen the rise of conflictual statements for, or against religious freedom by state mufti, al-Azhar mosque-university mufti, the Ministry for Religious Affairs, the Fatwa Council and representative leaders of different Islamic schools.[5] According to the Fatwa Council of Egypt, "the death penalty for apostasy does not find application in the reality of practical life. Albeit the sources of Islamic law still mention this punishment, this is not a legal ruling which jeopardizes freedom of thought and belief. On the contrary, this penalty is subordinated to positive law."[6]

This is a recurrent debate in the Muslim world, and the recent controversy around the 2012 Supreme Ulama Council of Morocco's opinion is just another example. In response to the Minister for Religious Affairs' query on the subject of human rights protection, the Council confirmed the need to apply the controversial dispositions of classical Islamic law around apostasy. The lobbying efforts enacted by part of civil society, human rights activists and by the same Moroccan authorities prevailed in the end. On February 2017, the Council issued a remedial opinion in *The Path of the Ulama*.[7] This document avoids defining apostasy as a personal act of conversion from Islam. Rather it narrows down the meaning of apostasy to an attempt at destabilizing society through the jeopardization of people's faith and the

purity of the social fabric. Muhammad al-Fizāzī, a Moroccan Salafi leader, rushed to denounce this remedial opinion. He stated that the Qur'anic verse, "no compulsion is there in religion" (2:256) does not rule out the need to kill the apostate. A general overview of the ongoing debates on the issue taking place in all Muslim-majority countries falls outside the scope of this contribution. Suffice to say that they all reflect a strong tension within the contemporary Muslim world around the place of classical Islamic law (*fiqh*) in positive law and the reception of international human rights treaties. The ulama have historically interpreted the notion of religious freedom in light of the texts of the Islamic tradition, adopting a hegemonic religious approach. Today, the clerics of Islam attempt to define restrictions on individual rights, by reenacting the old hegemonic approach in the positive laws of Muslim majority countries.

The interpretation of Islamic Texts in a Hegemonic Context

In medieval Islam, the issue of freedom of conscience, inclusive of religious freedom, can be approached according to different perspectives: legal, exegetical, philosophical, historical, and political (*siyāsa shar'iyya).* The overlap among the approaches is indicative of the extent to which Islam gradually moved from being a small community – gathered around the Prophet, in a tribal context with its own code of laws – to a constituted religion, whose doctrinal elements came to light in an imperial era. This historical evolution greatly influenced the way the ulama thought about the religious other and the unity of the "community" from within the "hegemonic paradigm" as I call it.[8]

By that I mean a worldview, developed by the Muslim scholars in medieval times, according to which the dominion of God over creation should translate into the dominion of the Muslims over the world: the issue of freedom of conscience, and its restriction, must be understood through this lens. The dominion over the other is endorsed by classical Islamic law through the status assigned to the non-Muslim – "protected," *dhimmī* or belligerent – and the enactment of specific guidelines pertaining to the submission of the latter to the Muslim ruler.

It would be anachronistic, however, to argue that Islam (or any other monotheism) respected freedom of conscience in the sense contained in the International Declaration of Human Rights.

During his prophetic life, Muhammad mostly attained to the rules of inter-tribal relations predating Islam. The Qur'an lists some of them, especially those pertaining to economic exchange, punishment, conflict and war. Many verses emphasize the harshness of the penalty, in the afterlife, for the unbelievers – as if to reinforce the tribal order of seventh century Arabia, in which the free individual could not be coerced outside the framework

provided by the alliances contracted by his own clan.[9] The Qur'anic verse, "No compulsion is there in religion," (2:256) is very clear in this respect. Nonetheless, the fundamental rules of Islamic law pertaining to freedom of conscience were drafted during a period which goes from the beginning of the Omayyad empire (mid-seventh century) to the tenth century, when the prevailing concern was the preservation of the unity of the political community under Muslim dominion. The four juridical schools, and the disciplines regarding the foundations of the law and the theoretical and practical canons were developed during this time period. The subjugation of the people to the religion of the prince was not unique to the Muslim world. It was also common to the Christian world of the time.

In Egypt, in the last fifteen years, conflictual statements for, or against religious freedom have been ventilated by state mufti, al-Azhar mufti, the Ministry for Religious Affairs, and the Fatwa Council 99

The Qur'an and the prophetic tradition were sufficiently diverse as to provide for a wide range of interpretations regarding religious freedom. One of the most well-known scholars of Qur'anic exegesis, imam al-Qurtubī,[10] provides a fairly exhaustive list, comprising six, (sometimes clearly contradictory) interpretations of the above-mentioned verse on religious freedom:

Some scholars believe that the verse has been abrogated (*āya mansūkha*), because the Prophet coerced the Arabs to convert to the Islamic faith by force. This is the opinion of Sulaymān ibn Mūsā, who states that [this verse] has been abrogated by the following: "O Prophet, struggle with the unbelievers and hypocrites…" (9:73).

The verse has not been abrogated, but it specifically applies to the People of the Book, who must not be coerced to convert to Islam if they pay the tax (*jizya*). The idolaters, on the other hand, must be coerced and there is no choice for them other than conversion to Islam. The verse "O Prophet, struggle with the disbelievers and hypocrites…" has been revealed for them. This interpretation is backed up by what Zayd Ibn Aslam recounted from his father, who said: "I heard Umar ibn al-Khattāb tell an elderly Christian woman: 'Convert [to Islam] and you will be saved! Indeed, Allah has sent Muhammad with the truth.' To which, she replied: 'I am only an old woman and my death is approaching.' Umar responded: 'Lord, you are my witness!' Then he recited: 'There is no compulsion in religion'."

The third opinion is based on what Abū Dāwūd reported on the authority of Ibn 'Abbās, who claimed that the verse was revealed in relation to

the *ansār* [people from Medina who had converted to Islam.] Some of their women, saddened by the premature death of their children, had vowed to raise them in the Jewish faith, should they have survived. When the [Jewish] tribe of Banū Nadīr was expelled [from Medina], many children of the Medinan [Muslim] were among them. They said: "We won't let our children go." But Allah revealed: "No compulsion is there in religion. Rectitude has become clear from error." [...]

As-Suddī stated: "This verse has been revealed in relation to Abū al-Husayn, a Medinan man, who had two sons. Some merchants from Shām [Syria, Ed.] came to Medina to sell their oil. As they were about to leave Medina, the two sons of Abū al-Husayn went up to them, and were encouraged [by them] to convert to Christianity. So they did, joining the caravan to Shām. Their father went complaining to the Prophet, hoping he would have sent his men to bring them back home. It was then, at a time when the Muslims had not yet received the order to fight the People of the Book, that the verse, "No compulsion is there in religion" was revealed. The Prophet said: "Let God lead these people astray. They are the first unbelievers [among the Muslims]" [...].

> *As for the elaboration of the rules pertaining to religious freedom, the Qur'an and the prophetic tradition offer a sufficiently diverse material as to allow for a wide range of interpretations*

Others are of the opinion that the verse means to say: "Do not claim that the converts by the sword [to Islam] have been forced and coerced." This verse has been revealed in relation to prisoners of war. If they are People of the Book and they are adults, they must not be forced to convert. But if they are Mazdeans and idolaters, adults and children alike, they must be coerced to convert to Islam. If they remain idolaters, their captors won't benefit from them. Don't you know that the animals they slaughter and their women are forbidden? They use to eat dead animals, impure food and many other things. They are repugnant to the point that their owner cannot profit from them, even though they are his property. Hence, he can coerce them [to convert to Islam]."[11]

Al-Qurtubī's treatise perfectly depicts the great variety of interpretations (and limitations) on religious freedom (for both Muslim and non-Muslim), which can be derived from the Qur'an and the prophetic tradition. The six interpretations can be found all, or in part, in modern Qur'anic exegesis, indicating some continuity among the ulama on the notion of Islam's dominion over the world, with all the ensuing practical consequences at the legal level. This has led the doctors of the law to associate respect for different

faith traditions, especially if monotheistic, with freedom of worship – while affirming the necessity of preserving Islam's dominion through a series of more or less heavy restrictions on religious expression. The issue of allegiance to the political ruler, and the submission of the non-Muslim, fits this pattern. The latter holds a "protected", or *dhimmī* status, that makes him eligible to safeguard by Muslim authority. The juridical texts, however, leave the political ruler a wide margin of maneuver when it comes to restricting the freedom of the *dhimmī.*

Two Paradigms in Conflict

The dispositions of Islamic law pertaining to the non-Muslim under Muslim dominion, and the status of the apostate, did not enjoy a rigorous, nor effective, application during the whole Middle Ages. Non-Muslims were given a significant degree of autonomy in the management of their own communities within the *millet* system, put in place by the Ottoman empire in the nineteenth century – as part of its political and economic reforms. Unlike the modern nation-state, however, citizenship was still tied to religious identity. The *dhimmī* status and the other territorial categories of classical Islamic law were still present.

The abolition of the caliphate, on March 3 1924, and the advent of the modern nation state in Muslim majority countries, have been accompanied by the codification of positive laws – modeled after the codes of Western countries 99

The abolition of the caliphate, on March 3 1924, and the advent of the modern nation state in Muslim majority countries, were accompanied by the adoption of a code of positive laws – modeled after those of Western countries. This is not the place to illustrate the complex legal reforms enacted in the Muslim World.[12] Many academic studies have dealt with the political and religious "reformism" which took place in India, the Middle East and Maghreb, in the nineteenth century. One aspect is worth mentioning here: the will of the great Islamic religious institutions to gradually introduce the norms of classical Islamic law in the new system of positive laws with the objective of creating a unified code for Muslim countries.

The condification (*taqnīn*) of *fiqh* [Islamic jurisprudence], modelled after the secular Western codes, preserved the inequality of rights among men-women, Muslim-*dhimmī.* It started in the first half of the last century, and continued with the promulgation of different human rights charters, modeled after the 1948 Universal Declaration of Human Rights. Their freedom of conscience is substantially restricted in scope compared to the latter. These initiatives clearly convey the great tension inherent in modern Islam. On the one hand, the will to mimic a classical order centered around the primacy of religion and "God's rights," – ensuing, *de facto,* in an unequal

distribution of rights and a limitation of fundamental liberties. On the other hand, the gradual establishment of positive laws following the Western model and the primacy of individual liberties.

In 1990, the Organization of the Islamic Conference, adopted the Cairo Declaration on Human Rights in Islam, explicitly affirming the primacy of God's rights and humanity's condition of "servitude" with respect to God. Article 10 reads: "Islam is the religion of unspoiled nature. It is prohibited to exercise any form of compulsion on man or to exploit his poverty or ignorance in order to convert him to another religion or to atheism." Article 30 of the 2004 Arab Charter on Human Rights states more subtly that "Everyone has the right to freedom of thought, conscience and religion." However, it leaves some margin for arbitrary interpretation, by adding that "no restrictions may be imposed on the exercise of such freedoms except as provided for by law." These two charters clearly depart from international human rights conventions in other respects. Similarly, in 1978, a committee of ulama from al-Azhar presented a project for a Universal Islamic Constitution, while the Arab League completed in 1996 a unified penal code, with the unanimous approval of the Ministers of Justice belonging to member countries.[13]

In 1978, a committee of ulama from al-Azhar presented a project for a Universal Islamic Constitution, while the Arab League completed in 1996 a unified penal code, with the unanimous approval of the Ministers of Justice belonging to member countries

Considering the increasing obsolescence of a large part of Islamic law, particularly in the field of penal law, its re-enactment by positive laws in Muslim majority countries represents a major challenge. Moreover, the persistence in some Muslim countries of a customary law derived from sharia makes it possible for a judge to prioritize the latter over secular law, especially in family and personal matters. The reenactment of medieval sharia is fairly difficult to assess. It stands at the intersection between a "world-view" promoted by the majority of religious leaders – in which the sacredness and immutability of revealed texts is prevalent – and political agency, in which the instrumentalization of religion plays an important role in the control of the masses. The result, in the twentieth century, has been the progressive restriction of freedoms in the Muslim world, all the while Wahhabism and an all-encompassing form of Islam (promoted by Islamists groups) have been widening their influence in Muslim-majority countries, both in the political arena and within Islamic institutions.[14]

The "Arab Springs," and the implementation of the most extreme dispositions of Islamic law by ISIS have produced turmoil in the institutions

and religious leaders. The vast legal patrimony developed in medieval times is being disseminated with no filter among Muslim masses. Both the Egyptian and Moroccan case exemplify this tension and question the ability or, even worse, the will of contemporary religious leaders to think of a society's "Islamicity" apart from a confessional prism, of citizenship as distinct from religious belonging.

1. Muhammad Shāma holds a PhD (1968) in comparative religion from the Philosophy and Humanities Department of the Free University of Berlin. He has been more than once featured in the Egyptian press, due to his statements on religion, considered too liberal.

2. This verse makes reference to a group of people who have *twice* betrayed Islam. If the Qur'an were to command the death penalty for apostasy, this case of "reiterated apostasy" would find no place here.

3. "'Ne pas tuer l'apostat' provoque une crise entre Zaqzûq et Shâma," *Al-Muhīt*, October 19 2010, **http://bit.ly/2Aj834Y**

4. "Wazīr al-awqāf al-misrī yu'annif mustashār ajāza imāmat al-mar'a li-l-rijāl. Ittafaq ma'a-hu 'alā al-tarāju' 'an fatwā-hu" [The minister for Religious Affairs reprimands one of his advisers for authorizing women to lead the Islamic prayer for men. He has had him agree to withdraw his fatwa], *Al-'Arabiyya*, April 3 2005, **http://bit.ly/2g98Cqm**

5. On July 2007, the statements of the mufti of Egypt, 'Alī Gum'a, on the need to respect everyone's religious freedom, had raised a heated debate in many Arab countries. Cf. "Muftī Misr: haqq al-ridda makfūl wa-lā 'iqāb illā idhā haddadat usus al-mujtama'," [The mufti of Egypt: apostasy is a protected right which does not call for any punishment, unless it destabilizes the foundations of society], *Al-'Arabiyya*, July 27 2007, **http://bit.ly/2grEbIQ**

6. *Shubhat al-qawl bi-qatl al-murtadd* [The ambiguity of the thesis in support of the death penalty for apostasy], available on the official website of the Fatwa Council of Egypt **http://bit.ly/2yVlunr**

7. "Ulamā' al-Maghrib yatarāja' 'an fatwā qatl al-murtadd" [Moroccan ulama reinterpret the fatwa on the death penalty for apostasy], *Al-'Arabī al-jadīd*, February 6 2017, **http://bit.ly/2y9xtPg**. The full text of the new fatwa was advertised on February 7 2017 by the Dinpresse website, **http://dinpresse.com/blog/5249**

8. Omero Marongiu-Perria, *Rouvrir les portes de l'Islam* (Atlande, Neuilly-sur-Seine, 2017).

9. A detailed description of the tribal society at the time of Qur'anic revelation is provided, among others, by Jacqueline Chabbi, *Le Seigneur des tribus. L'Islam de Mahomet* (CNRS éditions, Paris, 2013).

10. Abū 'Abd Allāh Muhammad al-Qurtubī (1214-1273), a Muslim jurist and theologian, was born in Cordoba, Andalusia. The authority of his juridical exegesis of the Qur'an is to this day uncontested.

11. Al-Qurtubī, *Al-Jāmi' li-ahkām al-Qur'ān* (Dār al-fikr, Dimashq, s.d.), v. 2, pp. 255-257.

12. The evolution of modern sharia is discussed by Baudouin Dupret and Sami A. Aldeeb Abu-Sahlieh. See, for example, B. Dupret – A.Salvatore, "La Sharia moderne en quête de droit : raison transcendante, métanorme publique et système juridique," *Droit & Société* 39 (1998), pp. 293-316 ; and S.A.A. Abu-Sahlieh, "Rôle de la religion dans l'harmonisation du droit des pays arabes. Réflexions à propos du droit égyptien et des travaux de la Ligue Arabe," *Revue internationale de droit comparé* 59, n° 2 (2007), pp. 259-283.

13. A detailed analysis of the Unified Penal Code of the League of Arab States is provided by Hamdan Hanafi, *La liberté de religion dans les États de droit musulman*, [doctoral dissertation, Law School, Jean Monnet University (Saint-Étienne, France)] and Sami A. Aldeeb Abu-Sahlieh, *Les sanctions dans l'islam: avec le texte et la traduction du code pénal arabe unifié de la ligue arabe* (CreateSpace Independent Publishing Platform, 2016).

14. See Hamadi Redissi, *Le Pacte de Nadjd, ou comment l'islam sectaire est devenu l'islam* (Seuil, Paris, 2007), and Dominique Avon & Abdellatif Idrissi, "Du Coran et de la liberté de penser," laviedesidees.fr, October 21 2008, **http://bit.ly/2yWLrmM**

Maria De Cillis

MUSLIMS AND FREE WILL

The holy Book of Islam appears to support simultaneously both God's omnipotence and human free will, with an emphasis on human beings' personal responsibility for their own actions. The apparently unsolvable conflict between the concepts of free volition and divine predetermination has been one of the great topics in the Islamic theological discourse.

As a religion founded on a revealed law, Islam implies the existence both of an intelligence capable of grasping the meaning of such law and a will inclined to either submit or not submit to it. As a message addressed to humanity for humanity's sake, Islam recognises human beings as creatures able to understand the contents of the revealed Truth and to receive it, at will.[1] From this, emerges the fundamental concept of responsibility, founded on a free and voluntary acceptance of the law. So human beings, as divine creations, would by God Himself be designated as His viceroys and vicars (see Qur'an 2:30) to carry out their earthly mission and actualise God's creation in the universe.

In Islamic theology, the concept of humans as God's viceregents can, potentially, offer an alternative notion to the concept of freedom. By entering into a relationship with God and by contributing to divine creativity according to their own individual circumstances, Muslims would proudly recognize themselves as God's servants or *'ibād*, whilst becoming aware both of their Lord's transcendence and of the consequential gap occurring between humanity and divinity. Human beings are able to recognise God as their *rabb*, lord and master, thus rediscovering the Creator's omnipotent sovereignty, His *rubūbiyya* (lordship). Corollary of humanity's condition as God's servants is the lack of any aspiration to any form of freedom (*ikhtiyār*).

The servant's inferiority would, however, be redeemed by the divine investiture that makes any human individual God's administrator on earth. In Islam, such an "inheritance" (which, for the believer, is the mechanism that both redeems and confers responsibility) is entrusted to every individual within his/her own sphere of action: "God charges no soul save to its capacity; standing to its account is what it has earned, and against its account what it has merited" (Qur'an 2:286). The apparently unsolvable conflict between the concepts of free will and determinism (or divine predetermination) has always been a matter of great interest but also, and above all, of heated controversy, emerging as it does not as an exclusively academic or theologico-philosophical problem but also as a political one, by virtue of the repercussions that this debate has in a social context.[2] According to a series of traditions, the Prophet himself allegedly discouraged speculation on the subject.[3]

THE FIRST CENTURY OF ISLAM

The Qur'an appears to simultaneously support God's omnipotence and human free will. God is "the Creator of everything" (6:101; 13:12; 25:2; and 39:62). "For to God belongs the kingdom of the heavens and of the earth, and all that is between them, creating what He will. God is powerful over everything" (5:17-18).[4] The sacred Book of Islam does not less emphatically propound each

human being's personal responsibility for his/her own actions thus, indirectly, upholding free will (in verses such as 18:29, 73:19, 74:37, 76:29 and 8:53).

Antithetical to the notion of free will, the two concepts of *qadā'* and *qadar* (which translate loosely as "divine decree" and "destiny" respectively) are not, in reality, originally Islamic: they have Semitic roots originating from Babylonian and Israelite religious traditions that considered the world as a replica of what had already been recorded in celestial books or charts.[5] In pre-Islamic Arabia, then, the predominant conception was that of a destructive and vengeful destiny or *dahr*, conceived as unescapable, blind fate.

The Qur'an appears to support God's omnipotence and human free will simultaneously. A genuinely predestinarian theory began to manifest with the first exegetes, who adopted a basically fatalistic perspective

A genuinely predestinarian theory began to manifest with the Qur'an's first interpreters. They adopted a basically fatalistic perspective that had become popular as a result of the brutalities suffered by Muslims (and the inhabitants of the Hejaz, in particular) around the middle of the first Islamic century. A series of social and political upheavals – from the brutal murder of the third rightly guided caliph to the founding of the corrupt Umayyad caliphate – psychologically predisposed the young community of believers to a form of public resignation, a sort of sense of inevitability. This – whether consciously or unconsciously, led the community to develop a fatalistic notion of *qadar* (triggering a gradual misunderstanding of the original meaning of the term.

A first form of speculative protest against this predestinarian vision was put forward by the Qadarite theologians in Damascus towards the end of the seventh century. They promoted the idea of human beings being able to decide their own actions and to determine whether such actions were good or evil. The Qadarites promoted the concept of *tafwīd* i.e. God's delegation of the power to act to human beings. Thus they came close to the Christian concept of *autoexoúsios*. Their position was highlighted in a letter probably composed by one of the most famous religious authorities during the first century of Islam, al-Hasan al-Basrī (d. 728). It was written in response to a missive from the Umayyad caliph 'Abd al-Malik, who was worried about the interest the influential theologian had shown in the subject of predestination.[6] This letter that, independently of its attribution, continues to be one of the first documents which systematically tackles the question of human responsibility in relation to the Qur'anic notions of foreknowledge and divine determination, emphasised how God could not order acts that were contrary to His Decree. Consequently, transgression of the divine law and unjust acts were not to be included amongst the actions that had been pre-

determined by the Lord. Similarly, a lack of faith (albeit known in advance by God) was considered to derive from an individual's free choice and from the pursuit of his/her personal interests.

The supporters of pure determinism, the Jabarites (from *jabr*, "compulsion",) sided in total opposition to the theory of free will. In their opinion, divine omnipotence deprived human beings of every power to act. Indeed, a mainstay of the Jabarite doctrine inaugurated by Jahm Ibn Safwān (d. 746) was the concept of absolute divine supremacy and oneness, by virtue of which it was impossible to attribute qualifications such as agent, creator or existentiator to any being other than God.

Mu'tazilites and Ash'arites

Around the ninth century, the discussion about free will left room in Muslim thought for subtle reflection about the scope of the human power to act (*istitā'a*). The debate on predestination and free will shifted, focusing on God's and humanity's respective spheres of action in originating and determining the course of events.

Amongst the Sunni schools of speculative theology (*kalām*), the Mu'tazilites and the Ash'arites, in particular, felt the need to reconcile the idea of an omnipotent God and creator of all things (human actions included) with the concept of a just God who cannot make men responsible of iniquitous acts which they never chose or willed, punishing individuals for actions that had necessarily been imposed upon them. The vision of the Mu'tazilite school, focused on safeguarding God's ethical nature, recognised justice (*'adl*) as the true essence of the divinity and explained that God can only do and only wishes what is salutary for human beings, ordering that which is good and forbidding that which is reprehensible. The Mu'tazilites directed their attention to the concept of *qudra*, or the power of efficient causality, and recognized man not only as a knowing, intending and willing being but also as an agent and therefore as the genuine "creator" (*khāliq*) of his actions.[7] More specifically, al-Jubbā'ī (d. 915-6), one of the greatest exponents of the Mu'tazilite school, considered human causality to be actually creative, because active independently of God. He identified man as the ontological cause of the action: the agent that makes it occur. Human action, therefore, came to coincide with the meaning of "implementing" i.e. of "producing" in a limitative sense: in his specific function as an act's innovator (*muhdith*), man became a "maker," capable of bringing something into existence from non-existence: someone who produces *ex nihilo*.

Differently, Abū al-Hudhayl al-Allāf (d. 840-1), master of the Mu'tazilite school in Basra, conceived of *istitā'a* as a willpower rather than as the capacity for actual realization. According to his theory of moments, human

beings act in the first moment (the moment of "being-in-the-process-of-acting" – *yafʿalu*), whereas the act occurs in the second moment (the moment of the "action-that-has-happened" – *faʿala*). Such a vision entailed human will to be absolutely necessary and the capacity to act to be necessary before the act. Within the inner dominion of the will, therefore, human beings were considered able to exercise a definite freedom of initiative and, through their choices, actualize certain actions in the exterior world of nature, thereby causing effects. According to such doctrine, man was able of free choices that allowed him to choose between just acts and unjust ones, whilst discerning the principle of justice contained within the Revelation, independently of the latter and aided by reason alone.

The Muʿtazilites directed their attention to the concept of qudra*, or the power of efficient causality, and recognized man not only as a knowing, intending and willing being but also as an agent and therefore as the genuine "creator" (*khāliq*) of his actions* ❞

So, according to the Muʿtazilites, the human ability to accomplish actions, humans' understanding of the universal moral principles, together with the power of efficient capacity ended up constituting the essential characteristics of any autonomous agent.[8] Although *istitāʿa* was conceived of as one of man's permanent accidents, his real capacity for realization, according to Abū al-Hudhayl, was only given within the confines of a specific situation that, in itself, could not be chosen. Human beings' capacity to transcend the actuality of things and situations was therefore not in any way a capacity for creative spontaneity but only a capacity to choose between two given alternatives within a determinate context.[9]

For the Ashʿarites, generally, and for Abū al-Hasan al-Ashʿarī (d. 935), the founder of their school, in particular, on the other hand, the whole question of free will was enclosed within the notion of divine omnipotence, which recognised God as the sole, true author of every action, good or bad. Understood as the Creator of the human power of causation, God was thus recognised as the creator of the act or event that was realised through such power. Man was limited to taking possession (by way of acquisition – *kasb*) of the actions created for him by God. The acquired action revealed itself to be such through the existence – in the human being – of a power, opposite of that ineffectualness that is characteristic of compelled actions: something that indirectly inferred the distinction occurring between voluntary actions and obligatory ones.[10]

More specifically, al-Ashʿarī conceived of capacity (*qudra*) as an actual power of causation exercised by a human being at the moment of an event's realization: "An enabling power positioned between the two poles of the

act."[11] God would create such power of causation in the human agent only simultaneously with the act's realization. Being an accident, however, such causative power belonged to the being equipped with that power (*qādir*) i.e. the human individual, who therefore became its *muktasib* or the one who actually realised it.

Created by God along with the act and for the act, *qudra* becomes any *qādir's* constituent reality. The human individual was, however, to be conceived of as *qādir* only insofar as he/she was considered the *locus* (*mahall*) in which the divinely created power was realised. Denial of the two-staged nature of the power's capacity would also then derive from this concept.

> *For the Ash'arites, generally, and for Abū al-Hasan al-Ash'arī, the founder of their school, in particular, the whole question of free will was enclosed within the notion of divine omnipotence, which recognised God as the sole, true author of every action, good or bad*

Indeed, contrary to what the majority of Mu'tazilites maintained (namely, that *qudra*, being prior to the act, allowed an individual freely to choose between realising or not realising the act itself), al-Ash'arī insisted on maintaining that *qudra* began to exist simultaneously with the act and that it was the cause of one, single event and not of its opposite.

As the supporter of the new method of philosophical enquiry, the Ash'arite al-Bāqillānī (d. 1013) distanced himself from the doctrine advanced by al-Ash'arī and proposed an original version of the role that created beings have in actualising events. Starting from the premise that human power was not ontologically intended to bring an act into existence, and looking at God as the sole creator, al-Bāqillānī nevertheless recognised humans' generated power as being effective in various modes or qualifications of action. According to this perspective, the specific state of an act – or one of its specific modalities – would be the product (or effect) of the generated power's application (*ta'alluq*) to such act; such application would be identified as nothing other than a "specific relationship", an "acquisition."

In his attempt to illustrate the meaning of the verb "to acquire" (a word that is typical of Ash'arite theology), al-Bāqillānī, in specifying the difference between a forced act and an acquired act, stated: "To acquire means that [man] freely performs his own acts by virtue of a [generated] power joined to such acts that makes them "acquire" a qualification other than any compelled action… Such qualification of the action is, precisely, what we name acquisition."[12] It was in relation to this specific state that the action led to reward or punishment. More specifically, although he did not credit human beings with the power to make the action good or wicked, al-Bāqillānī recognised that they had the capacity to act in such a way as to make their

actions coincide with what God wanted or rejected, thereby conferring moral connotations upon actions.

"Neither Absolute Compulsion, Nor Absolute Delegation"

In Twelver Shi'ism, the theological debate about free will and divine predestination (tackled mainly during the ninth and tenth centuries) resulted in an intermediate position, as evidenced by the saying attributed to the sixth imam, Ja'far al-Sādiq (d. 765): "Neither absolute compulsion, nor absolute delegation but something in between (*lā jabr wa-lā tafwīd wa lākin amr bayn amrayn*)."[13] Thus for Hishām Ibn Hakam, the imam's companion, human actions were created by God and could simultaneously be classified as free actions – insofar as they were chosen – and as obligatory actions – insofar as they proceeded from a cause produced by God.

Adopted by the Qom's theological school and the Imamite traditionist al-Kulaynī (d. 941), such a doctrine was also briefly supported by the sheikh al-Sadūq Ibn Bābawayh (d. 991). Like Hishām, he maintained that God, whilst being the creator of actions, should not be considered responsible for their realization, being only the One who had knowledge of them from all eternity. By contrast, sheikh al-Mufīd (d. 1022), who belonged to the Baghdad's Imamite school, argued that God could not be deemed either the creator of actions or the One wishing wicked human actions. In so claiming, he seemed to have borrowed from the Mu'tazilite perspective. In his opinion, the sixth imam's expression *lā tafwīd*, which denied absolute delegation, simply indicated that God had imposed a divine law upon humanity. This interpretation is still officially representative of Twelver Shi'ism today.

In Ismaili thought, theological and philosophical speculations about predestination and free will found expression in the work of great thinkers such as, *inter alia*, Abū Hātim al-Rāzī (d. 934), Muhammad Ibn Ahmad al-Nasafī (d. 942), Abū Ya'qūb Ishāq Ibn Ahmad al-Sijistānī (d. around 971), the Fatimid jurist al-Qādī al-Nu'mān (d. 974) and the "missionary" (*dā'ī*) Hamīd al-Dīn al-Kirmānī (d. around 1021-22). These scholars all contributed to defining the Qur'anic terms *qadā'* and *qadar*, and established precise points of correspondence within the Ismaili religious and celestial hierarchies. Expanding the Imamite doctrine of *lā jabr wa lā tafwīd*, the Ismaili authors of the Fatimid period argued that although human beings were capable of choosing between good and evil, they were not able to fully grasp the

In Twelver Shi'ism, the theological debate about free will and divine predestination resulted in an intermediate position, as evidenced by the saying attributed to the sixth imam, Ja'far al-Sādiq: "Neither absolute compulsion, nor absolute delegation but something in between"

Qur'anic truths in their exoteric and esoteric essence. Nor were they able to distinguish correctly between the precepts and prohibitions contained in the religious law or sharia. Human knowledge, aiming at salvation and reward in the afterlife, therefore required refinement. This was offered through the guidance of a hierarchy of divinely designated masters that included the prophets, their heirs, the lawful imams and the whole chain of Ismaili religious dignitaries and officials who, through *ta'wīl* (esoteric exegesis), authoritatively interpreted the authentic spiritual meaning of the Islamic revelation. Thus the debate on human freedom was ultimately reconnected both to the issue of identifying the ethical criteria governing action and to the question of religious authority.

Further Reading

Georges C. Anawati and Louis Gardet, *Introduction à la théologie musulmane* (Vrin, Paris, 1970).

Maria De Cillis, *Free Will and Predestination in Islamic Thought: Theoretical Compromises in the Works of Avicenna, al-Ghazālī and Ibn 'Arabī* (Routledge, London and New York, 2014).

Richard M. Frank, *Early Islamic Theology: The Mu'tazilites and al-Ash'ari. Texts and Studies on the Development and History of Kalam*, vol. II (Ashgate/Variorum, Aldershot, 2007).

Id., *Classical Islamic Theology: The Ash'arites. Texts and Studies on the Development and History of Kalam*, vol. III (Ashgate/Variorum, Aldershot, 2008).

Louis Gardet, *Dieu et la destinée de l'homme* (Vrin, Paris, 1967).

Id., "Quelques réflexions sur un problème de théologie et de philosophie musulmanes: toute-puissance divine et liberté humaine," *Revue de l'Occident musulman et de la Méditerranée* 13-14 (1973), pp. 381-394.

1. Qur'an 2:256 "No compulsion is there in religion (*lā ikrāh fī al-dīn*). Rectitude has become clear from error." The version of the Qur'an used in the English translation of this article is *The Koran Interpreted: A Translation by A. J. Arberry*.

2. Emphasis on the concept of an absolutely unavoidable predetermination resulted in a sort of fatalistic resignation to the inevitability of events or actions that were often unacceptable. In this way, the principle of divine predetermination, conveniently misunderstood, could (and did) become an adequate alibi for the perpetration of unjust acts. Accordingly, the Omayyads were able to justify their corrupt government by arguing that their every action was divinely willed and preordained.

3. The Prophet allegedly taught believers to abstain from considerations about destiny (*qadar*), calling it a deep sea, a dark path and God's secret. One of the most authoritative Sunni intellectuals, the theologian and Sufi master, Abū Hāmid al-Ghazālī (d. 1111), reports in his masterpiece *The Revival of the Religious Sciences* (*Ihyā' 'ulūm al-dīn*, Dār al-Qalām, Bayrūt, 1980 ca., vol. 1, p. 50), the tradition according to which Muhammad allegedly proclaimed: "Refrain from speaking about *qadar*."

4. Other Qur'anic verses echo the notion of divine omnipotence. See, for example, "God [...] is powerful over everything" (22:6) and "[...] but it is in a Book, before We create it" (57:22).

5. Arent Jan Wensinck, *The Muslim Creed* (Cambridge University Press, Cambridge, 1932), p. 54.

6. Scholars arguing in favour of al-Basrī's authorship include, *inter alia*, Hellmut Ritter, "Studien zur islamischen Frömmigkeit I: Hasan al-Basri," *Der Islam* 21 (1933), p. 57; Josef van Ess, *Anfänge muslimischer Theologie. Zwei antiqadaritische Traktate aus dem ersten Jahrhundert der Hira* (Franz Steiner Verlag, Beirut and Wiesbaden, 1977), pp. 27-28; idem, *Theologie und Gesellschaft im 2. und 3. Jahrhundert Hidschra* (De Gruyter, Berlin, 1991-1995), vol. II, p. 48; and Michael Schwarz, "The Letter of al-Hasan al-Basrī," *Oriens* 20 (1967), pp. 15-30. Recent studies tend to contest the letter's attribution to al-Hasan al-Basrī. See the observations made by Michael Cook, *Early Muslim Dogma* (Cambridge University Press, Cambridge, 1981), pp. 112-123, and by Suleiman A. Mourad, *Early Islam between Myth and History. Al-Hasan al-Basrī (d. 110H/728CE) and the Formation of His Legacy in Classical Islamic Scholarship* (Brill, Leiden and Boston, 2006), pp. 176-239.

7. The term *khalaqa* had been used up until then, when referring to men. It had been used with the utmost meticulousness because of the notion (particularly dear to al-Ghazālī) that true creation involves knowledge of all the effects of creation itself and it is consequently impossible to be addressed to man, who has only a general knowledge of his actions at best. Al-Ghazālī, *al-Iqtisād fī al-I'tiqād*, edited by I. A. Çubukçu and H. Atay (Nur Matbaası, Ankara, 1962), p. 92.

8. Richard M. Frank, "Several Fundamental Assumptions of the Basra School of the Mu'tazila," *Studia Islamica* 33 (1971), p. 10.

9. Maria De Cillis, *Free Will and Predestination in Islamic Thought: Theoretical Compromises in the Works of Avicenna, al-Ghazālī and Ibn 'Arabī* (Routledge, London and New York, 2014), pp. 10-16.

10. In the theological essays of the time, the concept of *kasb* was de-codified in terms of will, "by which the effect produced is clothed and accompanied." Louis Gardet, *Dieu et le destinée de l'homme* (Vrin, Paris, 1951), p. 64.

11. Richard M. Frank, "The Structure of Created Causality according to al-Ash'arī", *Studia Islamica* 25 (1966), pp. 26-30.

12. Daniel Gimaret, *Théories de l'acte Humain en théologie musulmane* (Vrin, Paris, 1980), pp. 102-103.

13. Muhammad Ibn Ya'qūb al-Kulaynī, *Al-Usūl min al-kāfī*, edited by 'Alī A. Ghaffārī (Tehran 1375/1955, reprinted Beirut 1405/1985), vol. 1, p. 160, *hadīth* no. 13.

Emran El-Badawi

INTELLECTUAL FREEDOM AND THE STUDY OF THE QUR'AN

For a long time now, the religious establishment in the Muslim world has deemed the critical study of the Qur'an a type of Western imported heresy. Intellectuals and scholars have been sued in tribunals, and attacked in the mass media and at universities. Some have suffered exile. Despite the repression of intellectual freedom, however, free thought has flourished on the Internet and social media.

Is it permissible to combine intellectual freedom – a humanist value aris-ing from the core of the European Enlightenment – and the study of the Qur'an, a sacred book for Muslims? In other words, is it possible to use the scientific and critical method in the study of the Qur'an with no dogmat-ic restrictions? Doesn't this pave the way for doubt, unbelief and sedition (*fitna*)? If the answer to this last question is yes we must conclude that Muslim societies are required to impose a rigid interpretation of the text (which is supported by dogma), prosecuting whoever disagrees with it. This is precisely the tragic situation we face today. If we browse Arabic internet sites or search the word "freedom" online, let alone intellectual freedom to study the Qur'an, we find that the majority of opinions, and declarations, come from the clergy. This simple experiment alone shows the malaise of freedom in the Arab-Muslim world. In this world, religious men play a role which greatly surpasses their numbers. Many of them affirm that intellec-tual freedom leads to freedom of expression and, hence, to freedom of be-lief. This is true. However, what they really mean is that freedom corrupts doctrine and religion. This is false. Their concern is finding ways to impose doctrine so as to create a society of believers molded after the standards set by their religious dogma. As the data indicates this concern is a tremen-dous illusion. In many Arab-Muslim societies, in fact, we witness the rise of atheism all while religious fundamentalism and terrorist hotbeds spread as well.[1] Moreover, the Arab-Muslim world is today one of the most active on social networks like Twitter, due to widespread repression and the ensu-ing lack of intellectual freedom in daily life.[2] By now, many Arab Muslims, especially the youth, have created a digital space, parallel and opposed to repressive societies, in which questions and answers can be freely posed with no need to rely on religious authorities. In this regard, the most impor-tant question is probably the status of the Qur'an, and its understanding through a textual and historical criticism, which is only possible through modern Qur'anic studies.

The Principle of Intellectual Freedom in the Qur'an
The context in which the Qur'an came to light, as many of its own verses indicate, features the presence of numerous religious groups, including Jews, Zoroastrians, Sabians and other ancient sects (Qur'an 2:62; 5:69; 22:17). Not surprisingly, the text challenges the believers of those preexisting reli-gions, appealing to their intellectual sensibility and inviting them to a new vision of the faith. Faith is established only after meditating on the creation of the heavens and the earth, examining the signs they contain. The Qur'an contains dozens of verses that invite the reader to assess its message, start-

ing from "do they not ponder the Koran?" (4:82), to "Surely in that are signs for a people who reflect" (45:13). It offers the listeners several proofs and counterproofs, never impinging their full-fledged freedom. Despite all this, the Qur'an affirms that "Yet, be thou ever so eager, the most part of men believe not" (12:103). Not even one of the over six-thousand verses in the Qur'an mentions the idea that Qur'anic society was a society of believers. On the contrary, many verses convey the disappointment of the messenger, frustrated by the absence of the very faith which he was preaching. How does the Qur'an respond, by repressing freedom, or imposing the doctrine of Abrahamic monotheism (*hanīfiyya*)? Not at all, for the opposite is true.

The Qur'an does not lack proofs in favor of intellectual freedom and the plurality of doctrines, of which the only judge is God. The verses are clear in this respect: "Say: 'The truth is from your Lord; so let whosoever will believe, and let whosoever will disbelieve.' Surely We have prepared for the evildoers a fire whose pavillon encompasses them" (18:29); "No compulsion is there in religion. Rectitude has become clear from error" (2:256); "Mankind were only one nation, then they fell into variance. But for a word that preceded from thy Lord, it had been decided between them already touching their differences" (10:19); "And if there is a party of you who believe in the Message I have been sent with, and a party who believe not, be patient till God shall judge between us" (7:87).

Even the assertion of Islamic as a religion is accompanied by disagreement in the text: "The true religion with God is Islam. Those who were given the Book were not at variance except after the knowledge came to them, being insolent one to another" (3:19). What did the God of the Qur'an order His messenger and the people who belittled Him? The text reads: "We know indeed thy breast is strained by the things they say. Proclaim thy Lord's praise, and be of those that bow" (15:97-98); "We know very well what they say; thou art not a tyrant over them. Therefore remind by the Koran him who fears My threat" (50:45); "Surely we have sent down upon thee the Book for mankind with the truth. Whosoever is guided, is only guided to his own gain, and whosoever goes astray, it is only to his own loss; thou art not a guardian over them" (39:41); "Then remind them! Thou art only a reminder; thou are not charged to oversee them. But he who turns his back, and disbelieves, God shall chastise him with greatest chastisement" (88:21-24); "And if thy Lord had willed, whoever is in the earth would have believed, all of them, all together. Wouldst thou then constrain the people, until they are believers?" (10:99).

However, do not the Qur'anic verses, that call for the killing of the unbelievers, contradict intellectual freedom? No. We know from the lessons of

history and qur'anic passages that these passages relate to war. Why then do people today confuse the issue at hand, that is freedom, with the ancient expulsion from Mecca (2:191;4:89-92) or the so called pact established between the tribes during the four sacred months (9:1-5) in seventh century Arabia? The problem resides in the continued political polarization today, the waves of regional and global wars, and the recent instability of many Arab-Muslim societies. The perception that Islam is being threatened favors the spread of jihadism, terrorism, military clashes and the murder of innocent Muslims and non-Muslims. It is not surprising that these societies live in a condition of fear and withdrawal; that they compare

By now, many Arab Muslims, especially the youth, have created a digital space, parallel and opposed to repressive societies, in which questions and answers can be freely posed with no need to rely on religious authorities 99

our bitter reality with a sanctified past. I may go as far as to say that our societies have been transformed in to those for whom "enough for [them] is what [they] found [their] fathers doing. What, even if their fathers had knowledge of naught and were not guided?" (5:104). And yet, history proves that science, intellectual pursuits and freedom turn into unbelief where darkness prevails.[3]

The Brain Drain

The repression of freedom has led to the persecution and expulsion from Arab-Muslim societies of many intellectuals, including those who write and work in Qur'anic studies. This was the case of Nasr Hāmid Abū Zayd (d. 2010), a renown Egyptian scholar. Following the publication of his scientific study on the Qur'an (which he had published on the occasion of a university promotion), the religious establishment in Cairo forcibly divorced him from his wife on the basis of heresy.

His book on the "concept of the text" is unique in its genre, illustrating brilliantly and very clearly the technical terms of the Qura'nic text, and its semantics.[4] His exile remains a dark chapter in a society which later suffered brutal conflict between the military and terrorist groups. Before him, a professor from al-Azhar University, Ahmad Subhī Mansūr, founder of *Ahl al-Qur'ān*, or the Qur'anist School – who do not accept the authority of Islamic traditional books, particularly the *hadīth* – had been ostracized. In Iran, the great intellectual ʿAbd al-Karīm Sorūsh was accused of treason for his international talks and studies that suggest a new relationship between philosophy and religious texts.

Those who have not been exiled from their country face perennial clashes with religious and political authorities. It is worth mentioning the case of serious scholars and university professors like Sayyid al-Qimnī, who writes about the role of human culture in the religious experience of the prophet Muhammad and in understanding the Qur'an. He escaped attempts against his life, but he could not escape being beaten up on live TV. Other examples include Egyptian academics like Taha Husayn, Amīn al-Khūlī, and Muhammad Abū Zayd, who have studied the Qur'an as a literary genre, as an object – that is – of critical and scientific inquiry. Regrettably

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their society has not evolved in the same way. On the contrary, the religious establishment deems critical studies, particularly of Islam and the Qur'an, a sort of Western import and a form of heresy. On this ground, many intellectuals have been sued in tribunals, and attacked by the media or at public engagements.

There are also those who have paid with their life. The great Egyptian thinker Farag Foda was murdered by the *Jamā'a Islāmiyya* on account of his critical writings and speeches. He vehemently criticized the inability to recognize the difference between Qur'anic revelation and tradition, citing the example of stoning, a penalty which is not even mentioned in the Qur'an. The writings and the reputation of Nawāl al-Saʿdāwī – author, psychiatrist, and an ally of Foda in the promotion of an "enlightened Islam" – , were so strongly slandered that she had to leave Egypt for the West – but that is another story. In Sudan, Muhammad Mahmūd Taha defended the values of freedom and equality found in the Qur'an, reversing the historical chronology of the so-called Medinan and Meccan verses.[5] He inevitably faced accusations of heresy and was condemned to the death penalty on this basis.

Despite the repression of religious freedom and the ensuing "brain drain," Arab-Muslim societies do not completely lack intellectual figures who make their voices heard in the field of Qur'anic studies. They are however a tiny minority. In 2016, Ali Mabrouk, one of Abū Zayd's colleagues and friends, died in Egypt. He was known for formulating the hypothesis, based on Islamic tradition itself, that the prophet Muhammad had conceived the Qur'an as a book open to different interpretations. In Tunisia, intellectual discourse has been slightly less restricted. Olfa Youssef has been allowed to voice the plurality of meanings found in Qur'anic semantics. Similarly, the

renowned scholar Hichem Djaït has examined the role of historical and human phenomena – including the influence of the Syriac-Christian tradition – on the formation of the Qur'an and the prophecy of Muhammad. An insightful critique can also be found in the works of Ibrāhīm al-Buleihi [al-Bulayhī] and Ibtihāl al-Khatīb in Saudi Arabia and Kuwait respectively. The truth is that the majority of those who critically study the Qur'an do not live in the Arab nor Muslim majority countries, but in Western societies, where they can enjoy greater freedom and better economic opportunities.

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To conclude, it is also necessary to draw attention to the problem of blasphemy laws, and the crime of "offending religion" in some nations today. This criminal category is itself a product of an intolerant, even *takfīr*-oriented, mindset. This is precisely the mindset which has devastated some Arab-Muslim societies through wars and revolts. If God truly does not need men, be they believers or unbelievers (39:7), and if His light will endure (9:32), then the only true concern of society should be to pass a law which forbids "offending humanity."

The Freedom to Study Scripture – Online and on Satellite TV

As previously stated, political repression and the imposition of orthodoxy have not created a society of believers. Rather, they have pushed people to the opposite extremes of fundamentalism and atheism. What is left for the study of the Qur'an and freedom of thought in this situation? Human nature provides the answer: whatever people cannot do publicly, they will do it in secret, or better yet, on the Internet. It is worth mentioning some independent programs which freely examine religious concerns, including the nature of the Qur'an, with little or no interference on the part of the political and religious authorities. In the last ten years, these programs have multiplied and grown in popularity thanks to YouTube and other social networks. Muslims who had previously suffered persecution within Arab-Muslim societies – hence turning to atheism, Christianity, or another religion – have thus found notoriety. An example is a Moroccan, by the name of Brother Rashīd, whom after leaving Islam and converting to Christianity, now leads a popular TV program called "Bold questions" (*Su'āl jarī'*) on the satellite-channel al-Hayat. Its program is indeed bold considering how far it goes in in criticizing (and even attacking) the Qur'an and the prophet of Islam. The followers of this and other simi-

lar programs increased after the formation of the so called "Islamic State" or ISIS, which is in the background of every discussion on this program. Another program is the "Box of Islam" (*Sundūq al-Islām*), a slightly more academic program led by the Egyptian Hāmid 'Abd al-Samad, who is now living in Germany, and who eventually left Islam following a very conservative religious education and upbringing. This program broadcasted a series of episodes on the "sources of the Qur'an," and the links between the sacred texts of Islam, Christianity and Judaism, theorized by well known modern, Western-based, academic studies.

> *Modern Qur'anic studies revives the traditional Islamic virtues of the "etiquette of disagreement," and the "mercy" of multiple interpretations, which are so desperately needed today*

Not all programs of this kind are born from the initiative of those who live outside of Islam. There are also those who want a "religious reform." The most significant example is that of the Egyptian intellectual Islam Behery. During the 2017 month of Ramadan, after long battles with al-Azhar, the official religious institution of Muslims in Egypt, and after spending a year in prison (followed by a presidential pardon),[6] he launched a new program entitled "The map" (*Al-kharīta*). Behery finds inspiration in the teachings of Islamic modernists like Muhammad 'Abduh and Mahmūd Shaltūt,[7] rejecting many *hadīths* as offensive and self-contradictory, and offering a biography of the prophet grounded on the Qur'an alone, rather than later Islamic tradition. Behery has been a host of Egyptian television only since the government decided to undertake a religious reform of its own, shaken by the terrorist crisis and the creation ISIS.

In the field of linguistic studies, a popular Saudi amateur called Loay Alshareef has become famous for his YouTube videos, especially his unravelling of the Qur'an's mysterious "unconnected letters" through Aramaic translation, rather than classical exegetes. His program is also partly a product of modern, critical academic study born in the West. The list of websites and satellite programs are too many to mention here. Suffice to say that the repression of intellectual freedom in some Arab-Muslim societies, particularly during the twentieth-first century, has not prevented intellectual freedom. It has, rather, allowed its dissemination on the Internet and social networks to which we all have access. The downside of this phenomenon is that it is unstructured and somewhat chaotic. It has, for instance, given rise to groups such as the "Saudi liberals;" at other times it has produced ISIS. It is, therefore, necessary for the sake of everyone's security and stability, to

sustain independent academic institutions, like universities, granting intellectual freedom especially to academics and researchers.

The Importance of the Critical Study of the Qur'an

The traditional Islamic approach to the Qur'an (its exegetical works, the "occasions of revelation," and Qur'anic sciences generally speaking) cannot be considered a proper field of rigorous, critical academic study. To be blunt, there is a huge gap between simply parroting tradition under the pretext of studying the Qur'an on the one hand (meanwhile strengthening the power of clergy and weakening that of the common people), and undertaking academic research rooted in modern critical methods on the other. The latter alone allows for an in-depth examination of the history and content of the Qur'anic text. Why should we look to a new approach to studying the Qur'an? The reason is that the Qur'an, like every other sacred text, has become a common heritage for all those who read it, both in the East and in the West. It is an integral part of world literature and universal history. Such a magnificent work deserves being studied with the most advanced scientific and scholarly tools. This is what is now taking place at the International Qur'anic Studies Association (IQSA) based in Houston and Atlanta, as well as the *Corpus Coranicum* project based in Berlin, and in many other cities throughout the world where the critical study of the Qur'an thrives. Modern Qur'anic studies is fundamentally interdisciplinary. It examines the text through the lens of literature, history, manuscripts, social sciences, archeology, numismatics and the humanities, both classical and digital.[8]

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In conclusion, despite the methodological gap between them, there is a strong link between the objectives of classical Islamic tradition and modern Qur'anic studies. If we agree that the objective of modern Qur'anic studies is the understanding of the text, with no interest in defending this or that doctrine, this amounts to a renewal of classical independent reasoning (*ijtihād*) found in traditional Islamic scholarship. According to a famous Islamic saying, whoever sincerely exercises *ijtihād* will be rewarded, even if he/she is wrong.

Modern Qur'anic studies respects differences of opinion and the inevitable disagreements of scholars. In this respect it revives the traditional Is-

lamic virtues of the "etiquette of disagreement," and the "mercy" of multiple interpretations, which are so desperately needed today. Last but not least, as the renowned Islamic jurist Abū Hanīfa[9] promoted the idea that nothing prevents people from rectifying errors and renew old interpretations. About the founding generation of Islam he says: "They are men and we are men." Today, to be precise, we should say "we are men and women." The problem of intellectual freedom and Qur'anic studies is not an issue of faith or heresy. Rather, it is a matter of appreciating scripture and humankind at one and the same time, "for people who know how to think."

[I would like to particularly thank my colleague Khadīja Ja'far, writer and independent scholar of philosophy and Islamic sciences for her revisions]

1   Gilgamesh Nabeel, "Atheists in Muslim world: Silent, Resentful and Growing in Number," *The Washington Times*, August 1 2017, **http://bit.ly/2wlOSBZ**; N.A. Hussein, "How Egypt's Religious Institutions are Trying to Curb Atheism," al-Monitor, May 23 2017, **http://bit.ly/2hwzldW**

2   "Twitter...minbar al-sa'ūdiyyin wa silāhu-hum" [Twitter, the Pulpit and the Weapon of the Saudi], *Al-Jazeera*, September 27 2017.

3   Mamdūḥ Dasūqī, "Al-Duktūr Khālid Muntaṣir al-bāḥith wa l-mufakkir al-miṣrī li-«l-Wafd»: tuhmat izdirā' al-adyān sayf 'alā riqāb al-mubdi'īn" [According to Khālid Muntaṣir ad "al-Wafd," an Egyptian scholar and intellectual, the accusation of religious offense is like a sword weighing on the heads of the innovators], *Al-Wafd*, October 3 2017.

4   Nasr Hāmid Abū Zayd, *Mafhūm al-nass: dirāsa fī 'ulūm al-Qur'ān* (al-Markaz al-thaqāfī al-'arabī, al-Dār al-Baydā', 2008).

5   Taha argued that the most authentic and universal message of the Qur'an dated back to the verses of Meccan revelation. In his view, the verses of the Medinan period were intended to apply only within the historical context of seventh century Arabia. He encouraged Muslims to interpret the Qur'an in light of the Meccan verses, while jurists have always supported the priority of the Medinan verses, especially for the development of legal norms [Ed.].

6   Islam Behery had been sentenced to five years in prison for blasphemy, having passed very harsh judgments on the Islamic tradition and al-Azhar.

7   Two important figures of Islamic Reformism. Muhammad 'Abduh (1849-1905) was Mufti of Egypt from 1899 to 1905. Mahmūd Shaltūt (1893-1963) was Grand Iman of Al-Azhar from 1985 to his death [Ed.].

8   Imrān al-Badawī, "Al-Bahth 'an siyāq al-Qur'ān al-tārīkhī – nubdha 'an i l-dirāsāt al-qur'āniyya al-hadītha," *Al-Mashriq al-raqamiyya* 5 (December 2014).

9   Famous legal scholar, founder of one of the four schools of Sunni jurisprudence. He died in Baghdad in 767 [Ed.].

Michele Brignone

THE PARADOX OF ISLAMIST DEMOCRACY

Islamist parties came to power in various Muslim countries after the 2011 uprisings and the issue of the relationship between Islam and political freedom has become a concrete one. Indeed, these parties' projects rely on the idea that democracy is an Islamic concept, since the Qur'an prescribes consultation as a principle of government. However, whereas popular sovereignty is the point of reference for legislation in a liberal democracy, Islamic democracy is founded on the primacy of sharia, which both legislators and rulers must follow.

If one of the distinctive features of the modern world is its affirmation of the human subject's value, the age-old debate over the relationship between Islam and modernity may, in good part, be traced back to the question of the relationship between Islam and freedom. This is a theme that is once more claiming public attention after the uprisings of 2011 brought Islamist movements to power in many Arab-Muslim countries.

Orientalism has tended to conceptualize this relationship in negative terms, seeing the Islamic tradition as lacking a strong concept of freedom that would be capable of establishing political freedom both theoretically and practically. What Bernard Lewis wrote in his famous *The Political Language of Islam* is illustrative: "The Islamic terms for 'free', until the eighteenth century, had a primarily legal, and occasionally social, significance, and meant one who, according to the law, was a free man and not a slave. Neither term, 'free' or 'slave', was used in a political context, and the familiar Western use of the terms 'freedom' and 'slavery' as metaphors for citizen's rights and oppressive rule is unknown to the language of classical Islamic political discourse. There too, there is much discussion of good and bad government, but the issue at stake is not freedom but justice."[1]

Changing the terms of the orientalist thesis, the Moroccan historian Abdallah Laroui has written that what the Islamic tradition lacks is not the concept of freedom but the context that makes political freedom (in the modern sense) necessary. When this context presents itself, then political freedom also makes its appearance:

> If we analyse the Islamic state as compared with the liberal state – something that everyone does unconsciously – we do indeed observe that it rejects individual freedom as a principle; but if we reinsert it in its historical context, we immediately discover that it controlled only a minimal portion of social life; beyond that, individuals felt and declared themselves to be free. [...] The historical experience of freedom in the Arab-Islamic world is infinitely greater than its traditional state organization would lead us to suppose. The Bedouin is a member of society but shuns the state; subjected to immutable laws of geography, he keeps alive the idea of a natural freedom. [...] Confronted with an imperialist, liberal, capitalistic Europe, the Arab world underwent profound upheavals. State, society and the individual all changed just as their reciprocal relationships did. The reformed state tried to expand its base at society's expense; the individual felt the ever-increasing burden of the state whilst he could no longer appeal to the clan to defend his rights; it was at that moment that he loudly asserted his "right to freedom" and it was at that moment that the term *hurriyyah* [freedom] acquired an

unexpected emotional force. In the new situation, we do well always to distinguish between freedom as a fact and libertarian utopia. [...] There then arose the need to adopt a new terminology: it, too, the instrument of a new ideology. Arab essayists and journalists became ardent propagandists of Western liberal thought. But the content of the new terms was nevertheless tied to the social process.[2]

A sizeable part of nineteenth-century reformist thought has, in fact, insisted on the subject of political freedom and on the need to limit arbitrary government, in particular, considered one of the main causes of Arab-Muslim society's backwardness.

Nevertheless, if Laroui's historicist perspective rescues the concept of freedom from the risk of anachronism, it is less capable of accounting for this idea's semantic variations[3] and the conflicting interpretations springing up around it in the modern era, above all. An emblematic example of this is the debate that, in 1902, pitted Farāh Antūn and Muhammad ʿAbduh, two prominent figures of nineteenth-century Arab culture, against one another and, with them, two opposing visions of political freedom and its relations with religion, in particular.

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The Debate About Averroes

A Lebanese intellectual of Christian-Orthodox origin transplanted in Egypt, Antūn had published a series of articles in his magazine *al-Jāmiʿa.* Through a reading of Averroes that was indebted to Ernest Renan's interpretation, these articles proposed a sharp division between science, founded on rational demonstration, and religion, traceable to the sentimental sphere. This division, wrote Antūn, implied, in its turn, the separation of politics, founded on rational action, from religion, which, on the contrary, was a matter of personal convictions. A leading figure in Islamic reformism and the Grand Mufti of Egypt at the time, ʿAbduh had responded to Antūn rejecting his "materialist" reading of Averroes and refuting the possibility of separating either philosophy from religion or politics from religion. Using a highly evocative "bio-political" metaphor, ʿAbduh went so far as to argue that this would have been tantamount to separating the soul from the body, whereas the most rigorous unity must exist in politics, as in the other areas of life. In reply, Antūn had rejected ʿAbduh's analogy and had asserted that the role of a government is not to guide a body or soul but, rather,

to protect people's freedom through the safeguards provided in legislation and the Constitution.[4]

Underlying this controversy there were not only differing visions of religion in general terms, but also a different conception of two specific religions, namely Christianity and Islam. Antūn maintained that Christianity was more tolerant than Islam, even if his solution reflected an unconditional adherence to the secularist option dominating nineteenth-century European thought. 'Abduh based his argumentation on a particular idea of the relationship between Islam and modernity, which he then developed in his book *Al-Islām wa-l-Nasrāniyya maʿ al-ʿilm wa-l-madaniyya*[5] (Islam and Christianity in Relation to Science and Civilization). Here, 'Abduh begins with the statement that "one of modern civilization's achievements is the separation of religious power from civil power." On the strength of such an experience, 'Abduh continues, Europeans would like to introduce the same principle into Islam, but this would be both impossible and futile. Indeed, unlike Christianity, Islam does not have a religious authority. That is to say, no person or institution can claim to act as God's representative on earth and even the institutions established by divine law (mufti, *qādī*, caliph and *sheikh al-Islam*) are merely civil in nature; something that, in 'Abduh's opinion, would in actual fact make theocracy impossible. Furthermore, whereas Christian authorities have proven to be hostile towards science and European progress has been made possible by virtue of civil society's emancipation from ecclesiastical power, Islam would promote science and Islamic societies would therefore have no need to be emancipated from religion, or to separate it from politics in order to proceed down the road of modernity.

> Using a highly evocative "bio-political" metaphor, 'Abduh went so far as to argue that separating religion from politics would have been tantamount to seeking to separate the soul from the body, whereas, in reality, the most rigorous unity must exist in politics, as in the other areas of life

The Islamicist Uriya Shavit has recently argued that this conception of the relationship between Islam and modernity not only has become widespread amongst contemporary Muslims but also constitutes the theoretical basis for a specific school of thought that he calls modernist-apologetic[6] and that others have, in the past, labelled "moderate Islamists," "mainstream Islamists" or "new Islamists."[7]

More specifically, the two arguments used by 'Abduh in response to Antūn's accusations – Islam's propensity for scientific research and an absence of theocracy – have helped modernist-apologetic thinkers to develop a theory of scientific and political freedom in Islam and in the Islamic state, above all. Nevertheless, as Shavit has demonstrated, the Islamic state

they envisage is conditioned by an insoluble paradox: "In the Islamic state, Islam must be chosen rather than imposed, but individuals only have the right to choose Islam, as any other reference is illegitimate."[8] It is interesting to note that, in order to reach this conclusion, Shavit does not subject the theory proposed by the modernist-apologetic school to the rigours of an external criterion (e.g. a concept of freedom drawn from the Western liberal tradition): rather, he takes their very premises and develops them through to their logical conclusion. From this point of view, the case of the Egyptian sheikh Yūsif al-Qarādāwī (perhaps the best known representative of the modernist-apologetic school) is exemplary: albeit at different times and on different occasions, he has been able to argue both that "freedom has priority over the application of sharia"[9] and that apostates deserve to die,[10] without feeling the need to reconcile the two positions.

> *Albeit at different times and on different occasions, Yūsif al-Qarādāwī has been able to argue both that "freedom has priority over the application of sharia" and that apostates deserve to die, without feeling the need to reconcile the two positions*

Of the thinkers who belong to the same intellectual current, the Egyptian Muhammad 'Imāra and the Tunisian Rached Ghannouchi [al-Ghannūshī] merit specific analysis. The former because he is the most sophisticated of the Egyptian modernist-apologists from a theoretical point of view and probably the one who has most systematically tackled the idea of the Islamic state as a non-theocratic regime.[11] The latter because, with equally wide-ranging reflection behind him, he is a man of action as well as a thinker: indeed, his political proposal has not remained confined to the realms of the ideal Islamic city but has had to reckon with a real city.

From Free Will to Islamic Democracy
A philosopher and theologian who passed from leftist activism to Islamism in the 1960s, 'Imāra is perhaps the most conscious representative of the school that took off from the thinking of the nineteenth-century reformists (to whom he has dedicated a considerable number of studies). His thoughts on freedom are not limited to political freedom. A slim volume of his published in 2009 and republished in 2012 explores the "concept of freedom" existing in the various currents of Islam.[12] From the very first pages, the Egyptian scholar's aim is to demonstrate that, contrary to what orientalists have traditionally maintained, it is not true that the concept of freedom is foreign to the Islamic tradition. It has, rather, been a part of it right from the beginning, as Islam's straining to limit slavery would demonstrate. Indeed, writes 'Imāra, playing on some verses from the Qur'an (2:256, 11:28 and 10:99), Islam has "sanctified man's freedom in every area," to the point that he "is

free even not to believe."[13] Of course, man's freedom is the freedom of God's vicar, who is thus not master of his own existence. He is free, but within the "limits of possibility, which he has not created. He is free, but within the framework of objective external circumstances and factors that he does not determine."[14]

After these preliminary remarks, 'Imāra reviews the position adopted by Islam's various schools and currents regarding freedom and, more precisely, the question of free will, which was actually one of the first topics on which Muslim theological reflection centred.[15] In reality, 'Imāra's exposition clearly comes down in favour of the Mu'tazila, the theological school thriving during the first centuries of Islam. This asserted that God did not predetermine human actions and that human will was, therefore, totally free. 'Imāra does not limit himself to claiming the authentically Islamic origin of the Mu'tazilite doctrine in the face of those who consider it a mere transposition of Greek thought: he elevates it, against other theological readings (including the orthodox Ash'arite one), to the rank of preferred Islamic interpretation of human freedom.

In Imāra's thinking, the emphasis on free will does not result in the conscience being incoercible but, rather, in the removal of "Islamically" unlawful powers and their substitution with an Islamic order

Nevertheless, although centred on the question of free will, 'Imāra's reflections are not without their political implications. The book's re-publication date is not accidental. Indeed, 2012 was the year that followed the revolution that, in Egypt, asked for "work, freedom and human dignity" and during which the establishment of an Islamist system guided by the Muslim Brothers loomed into view. It is 'Imāra himself who made the political importance of his writing explicit: "Illustrating Arab-Islamic thought on the concept of freedom and expounding the various theories and points of view that the *salaf* (the pious ancestors) have handed down to us on the subject, whilst dwelling on the most evolved and revolutionary currents, in particular, provides our thinkers and intellectuals with the necessary ideological background for choosing the best of the contemporary concepts of freedom, which we want to spread and apply in this transitional phase that our umma is living."[16]

Such importance appears quite clearly in the last part of the book, where the Islamist thinker expounds the political and social aspects of the Mu'tazilite conception of freedom that are directly linked to the idea of humans as responsible beings. 'Imāra particularly dwells on the part played by the Mu'tazilites both in the opposition to the Omayyads (to whom the caliphate's de-

generation into a tyrannical dynastic regime is traditionally attributed) and in the ensuing victory of the Abbasid caliphate (which, moreover, through the caliphs al-Ma'mūn [813-833] and al-Mu'tasim [833-847], raised the Mu'tazila to the status of official imperial doctrine). 'Imāra generally draws a direct equation between the doctrine of free will and a rejection of despotism and, symmetrically, between fatalism and a supine acceptance of tyranny: not by chance, Mu'āwiya (founder of the Omayyad dynasty) "was the first to support the Jabarite theory," according to which human actions are not free but predetermined by God.[17] He further explains that, for the Mu'tazilites, the state's responsibility to uphold justice is really a community responsibility.[18]

However, the Egyptian scholar continues, the context in which the political dimension contained in the Mu'tazilite idea of freedom emerges most clearly is the doctrine of the imamate i.e. the Islamic community's guidance. Indeed, the Mu'tazilites rejected the Shi'ite doctrine that the imam's role was hereditary and favoured the principle of his election (*ikhtiyār*) by the umma, through the decision of its representatives. At the same time, they fought all attempts to sanctify the imam: his authority was seen as proceeding not from the top down, by way of divine delegation, but from the bottom up, being founded on the consensus of the umma he was to serve.[19]

Between the lines of these observations on the Mu'tazilites' socio-political doctrine – the imam's election and his responsibility towards the community, the upholding of justice and the right to resist unjust sovereigns – it is not difficult to detect 'Imāra's suggestions for the present era: for him, the Mu'tazilites are the precursors of a democratic Islamic order.

'Imāra himself has dedicated many of his publications precisely to outlining the ideal Islamic state and its relations with Western liberal democracy. His idea is similar to that of other modernist-apologetic thinkers, to use Shavit's expression once again: democracy is a system deeply rooted in Islam, because it is founded on *shūrā*, the Qur'anic principle that enjoins those in authority to "consult" (e.g. Qur'an 3:159). In this sense, not only is it similar to modern democracy but, in a certain sense, it anticipates it. At the same time, however, it differs from it on a decisive point: whereas popular sovereignty is the principle point of reference for legislation in a liberal democracy, Islamic democracy is founded on the primacy of sharia, which both legislators and rulers must follow.

Such a conception does not resolve the issue of authority i.e. who is deputed to check that human law conforms to religious law. 'Imāra's writings envisage the existence of an elected legislative council (mentioned several times but never truly defined). This would be charged with resolving possible conflicts between state legislation and sharia, by correcting the provisions adopted by the other legislative bodies and government.[20] Thus 'Imāra's

solution does not escape the blind alley where all the modernist-apologetic thinkers end up: while they state that Islam cannot be reduced to a theocracy, they develop a model Islamic order that rests on sharia and, therefore on the body charged with interpreting it.

In 'Imāra's case, the nexus between free will and political freedom should nevertheless be noted. Pondering the relationship between these two freedoms, the Italian philosopher Augusto Del Noce wrote, "They apparently seem to be totally distinct problems. [...] The problem of free will concerns humanity's freedom *vis-à-vis* God or nature; the problem of political freedom, on the other hand, concerns "freedom in the city" and, therefore, freedom in relation to other men." In reality, Del Noce noted, if the nineteenth century was the century during which "there was a greater propensity to sacrifice the *libertas minor* of free will to what is traditionally called the *libertas maior*," nowadays the issue is "that of defending freedom in the democracy acknowledged as an irreversible historical fact; the ideal of freedom as a declaration of the conscience's primacy in relation to every external power enjoyed by a minority or a majority."[21] The process is curiously overturned in 'Imāra: emphasis on free will does not result in the conscience being incoercible but, rather, in the removal of "Islamically" unlawful powers and their substitution with an Islamic order. Here, rather than a source from which inviolable human dignity springs, free will is understood as the antidote not only to fatalism but also to blind obedience towards rulers.

> *By insisting on the umma's centrality and refusing to assign a religious function to rulers, Ghannouchi, too, asserts the non-theocratic nature of the Islamic state and identifies parliamentary democracy as the form of government best adapted to expressing Muslims' political ideal*

Beyond the Islamist Paradigm

If we are to recover an idea of freedom that might include freedom of conscience and come out of the modernist-apologetic model's dead-end, we need to transfer to Tunisia and follow the evolution in the thinking of Rached Ghannouchi, ideologue and both founder and current leader of the Ennahda Party. Nevertheless, the exit is primarily a practical one and only partially accompanied by a new theoretical approach, as we shall see.

The question of freedom lies at the heart of Ghannouchi's political thinking. As early as 1981, when the Tunisian Islamist movement was still called Islamic Tendency Movement (*Harakat al-ittijāh al-islāmī*), its leader stated in an interview that he was not seeking to establish an Islamic state in Tunisia, since it would be a mistake to demand "the achievement of the

Islamic Tendency's objectives and the application of Islam" from the other parties. Instead, Ghannouchi continued, "We have entered Tunisian political life in order to achieve freedoms, not to establish an Islamic government."[22]

The relationship between freedom and the Islamic state is the subject of Ghannouchi's *magnum opus, Al-hurriyāt al-ʿāmma fī-l-dawla al-islāmiyya* ("Public Liberties in the Islamic State",)[23] published in 1993 and re-published in 2011 with minimal variations: a sign that it continues to constitute Ennhada's "doctrinal matrix,"[24] even after the Islamist party made a bid to guide the post-revolutionary transition following right after Ben ʿAlī's revolutionary overthrow.

Whilst it may be said that Ghannouchi's thinking integrated the principle of political pluralism early on, it accepted freedom of conscience in the name of political compromise but has not assimilated it theoretically so far

The book opens with an overview of the Western and Islamic conceptions of freedom. Adopting a rather reductive and unilateral vision of Western thought, Ghannouchi writes that the latter, being incapable of grasping the essence of *freedom,* shifted its attention to the practical problem of *freedoms.* That coincided with the rise of the bourgeoisie and its attempt to free itself from the despotism of the dominant political, economic and ecclesiastical classes. Bourgeois freedom is nevertheless only a formal freedom because, in reality, it in its turn hides new class interests. Marxist criticism was right about this but offered a solution that only produced new forms of slavery.[25]

In Islam, on the other hand, freedom is authentic because it is traced back to its source: the responsibility with which God has invested human beings, making them special in comparison with the rest of creation. Following the thinking of Abū al-Aʿlā al-Mawdūdī and Sayyid Qutb, Ghannouchi interprets Islam first and foremost as an "integral liberation" that frees human beings from slavery and the tyranny of idols. Unlike the founders of radical Islamism, however, Ghannouchi does not see this integral liberation as requiring an armed struggle against a wicked ruler. Nevertheless, he does not renounce the idea that true freedom can only be achieved within an Islamic political order, i.e. a system that rejects the separation of politics from religion (and, therefore, the European secular models) and that is centred on the divine law, on the one hand, and the community (the umma) that implements it, on the other: "If, in Islam, law-making originally depended on God's will, as emerges from the texts of the revelation, the Qur'an and the Sunna, the umma is the active part of this process."[26] In co-operating with God's legislative activity and participating in His sovereignty, the umma produces and appoints rulers, who are bound to comply with divine law but are not its authorized interpreters. By insisting on the umma's centrality

and refusing to assign a religious function to rulers, Ghannouchi, too, asserts the "civil", and not theocratic, nature of the Islamic state and identifies parliamentary democracy as the form of government best adapted to expressing Muslims' political ideal. As can be seen, the thinking of the Tunisian political figure does not, up to this point, diverge from that of the other members of the modernist-apologetic school, nor does it escape its aporias. This fact is proven by his conception of apostasy, decisive ground (as always) for checking the coherence of the systems theorized by Islamists. Ghannouchi rejects the idea of apostasy as a religious "crime" to be punished with death. However, since Islam "is a credo and a system of life, which fact implies that every action that is against Islam constitutes an act of hostility against public order," it can nevertheless take the form of a rebellion against the ruler and the latter is therefore free to sanction it with the penalty he considers most appropriate, although he is not bound to apply the "extreme" penalty (*hadd*) prescribed by the Qur'an."[27]

Nevertheless, during the political phase following the revolution in 2011, Ghannouchi felt the need to develop his ideas further and, in 2012, he published *Al-dīmuqrātiyya wa-huqūq al-insān fī l-islām* ("Democracy and Human Rights in Islam".) The book takes up the topics and arguments covered in his previous work, stating for example that the Islamic conception of the state differs from contemporary democracy only in the superiority of the moral principle upon which it is founded, which must comply with sharia or, at least, not contradict it.[28] Some variations can also be noted, however. For example, the expression "Islamic state" (which even appeared in the title of the 1993 volume) is no longer used and the emphasis falls on categories of democracy and "civil state." Furthermore, Ghannouchi adds an important specification i.e. the fact that Ennhada fully complies with the requirements for democracy: electoral participation, competition with the existing political forces, a rejection of violence or secret actions and acceptance of electoral outcomes "even were the communists to win."[29] Faced with such a situation, the Tunisian thinker continues, it would be the party, rather, that would have to rethink its programmes, making its own the interpretation of Islam (*ijtihād*) emerging from society.[30]

The difference between Ghannouchi's two works is a good explanation as to why Ennahda was able to approach two different moments in the post-revolutionary transition differently. During the first phase (2011-2013), when Ennahda guided two coalition governments (the so-called Troika), the Islamist party promoted the Islamization of the Tunisian legal and political system, trying, for example, to constitutionalize the reference to sharia as a source of legislation, the creation of an Islamic Council appointed to ensure that state law complied with divine law and relations between men

and women in terms of complementarity rather than equality. When these projects were shattered by resistance from the other parties and civil society, and when a serious political crisis developed in the summer of 2013, Ghannouchi and his party were ideologically equipped to accept compromise solution with the other political forces: they gave up government of the country and voted for a Constitution that contains, *inter alia*, a clear reference to freedom of conscience.[31]

One might say that full recognition of political pluralism, on the one hand, and of freedom of conscience, on the other, mark the moment when Ghannouchi and Ennahda moved beyond the modernist-apologetic paradigm. This evolution culminated in the tenth party congress (held in 2016), at which Ennahda announced that it was abandoning political Islam and setting course for Muslim democracy. Nevertheless, whilst it can be said that Ghannouchi's thinking integrated the principle of political pluralism early on, it accepted freedom of conscience in the name of political compromise but has not assimilated it theoretically so far. It is not by chance that, on the initiative of none other than Ennahda, the latter principle's reach has been counterbalanced in the new Tunisian Constitution by an ambiguous reference to protection of the sacred, which the state undertakes to guarantee.

The politico-intellectual itinerary of Ghannouchi and his party thus appears to be stuck between full practical adherence to democracy and a still partial assimilation of its founding ideals. The corollary of this incomplete trajectory is the argument – lavishly repeated by Ghannouchi over the last two years – that Ennahda's evolution is basically a process of adaptation,[32] which argument leads, in its turn, to the placatory but potentially paralysing idea of some arrangement with the existing order. Having finally found its way out of Islamist democracy's labyrinth, Ennahda is thus risking ending up in the quicksand of a political compromise at any price.[33]

Thus the thinking of ʿImāra and that of Ghannouchi respectively end up illustrating the two possible outcomes for the Islamist political model (excluding the jihadist one): on the one hand, a system that, in the name of Islam as freedom's guarantor, fails to avoid the freedom-killing trap of theocracy, and, on the other, a short-sighted pragmatism.

The alternative is to take seriously the freedom that both men attribute to human beings, as beings created by God.

1   Bernard Lewis, *The Political Language of Islam* (The University of Chicago Press, Chicago and London, 1988) p. 64.

2   Abdallah Laroui, *Islam et liberté*, in Id., *Islam et modernité* (Centre culturel arabe, Casablanca, 2001²), pp. 61-63 *passim*.

3   See Wael Abu-'Uksa, *Freedom in the Arab World. Concepts and Ideologies in Arabic Thought in the Nineteenth Century* (Cambridge University Press, Cambridge, 2016).

4   Dominique Avon, Amine Elias, "Laïcité. Navigation d'un concept autour de la Méditerranée. Contribution à la journée d'étude du 13 février 2010 (Nantes) sur le thème Religions, sécularisation et laïcité," *Droit de cités*, **http://bit.ly/2zCCeUO**. The Antūn-'Abduh debate has recently been republished under the title *Al-Munāzara al-dīniyya bayn al-shaykh Muhammad 'Abduh wa-Farah Antūn* (Bīsān, Bayrūt, 2014). For a presentation of Antūn and a reconstruction of the context in which the debate with 'Abduh occurred, see Paola Viviani, *Un maestro arabo del Novecento arabo. Farah Antūn* (Jouvence, Roma, 2004).

5   Muhammad 'Abduh, *Al-Islām wa-l-Nasrāniyya ma' al-'ilm wa-l-madaniyya*, in Muhammad 'Imāra (Ed.), *Al-A'māl al-kāmila li l-Imām al-Shaykh Muhammad 'Abduh* (Dār al-Shurūq, Bayrūt-al-Qāhira, 1993), vol. 3, pp. 257-367.

6   Uriya Shavit, *Scientific and Political Freedom in Islam. A Critical Reading of the Modernist-Apologetic School* (Routledge, Abingdon Oxon-New York, 2017). The volume has been reviewed in this edition of the journal.

7   Raymond William Baker, *Islam without Fear. Egypt and the New Islamists* (Harvard University Press, Cambridge [MA]-London, 2003).

8   Shavit, *Scientific and Political Freedom in Islam*, p. 139.

9   This was a much-repeated assertion. See, for example, **http://bit.ly/2hWOYi5** for the transcript of a 2011 episode of the programme "Sharia and life" on Al-Jazeera.

10 Gudrun Krämer, *Drawing Boundaries: Yūsuf al-Qaradāwī on Apostasy*, in Gudrun Krämer, Sabine Schmidtke (eds.), *Speaking for Islam. Muslim Religious Authorities in Muslim Societies* (Brill, Leiden, 2006), pp. 181-217.

11 Shavit, *Scientific and Political Freedom in Islam*, p. 141.

12 Muhammad 'Imāra, *Mafhūm al-hurriyya fī madhāhib al-islāmiyyin* (Dār al-Salām, al-Qāhira, 2012).

13 *Ibid.*, p. 10.

14 *Ibid.*, p. 11.

15 See the article by Maria De Cillis and the Classics section, both in this edition.

16 'Imāra, *Mafhūm al-hurriyya*, p. 27.

17 *Ibid.*, p. 86.

18 *Ibid.*, p. 91.

19 *Ibid.*, pp. 94-96.

20 Shavit, *Scientific and Political Freedom in Islam*, pp. 141-144.

21 Augusto Del Noce, *Il problema dell'ateismo* (Il Mulino, Bologna, 1964), pp. 324-327 *passim*.

22 The interview was conducted with the Kuwaiti magazine *Al-Mujtama'* and is reproduced in Rāshid al-Ghannūshī, *Min tajribat al-haraka al-islāmiyya fī Tūnis* (Dār al-Mujtahid li-l-nashr wa-l-tawzi', Tūnis, 2011).

23 Rāshid al-Ghannūshī, *Al-hurriyyāt al-'āmma fī-l-dawla al-islāmiyya* (Markaz al-dirasāt al-wahda al-'arabiyya, Bayrūt, 1993).

24 Dominique Avon, Youssef Aschi, *La Constitution tunisienne et l'enjeu de la liberté individuelle : un exemple d'accommodement au forceps*, **http://www.raison-publique.fr/article708.html**.

25 Al-Ghannūshī, *Al-hurriyyāt al-'āmma fī-l-dawla al-islāmiyya*, pp. 31-35.

26 *Ibid.*, p. 119.

27 *Ibid.*, p. 50.

28 Rāshid al-Ghannūshī, *Al-Dīmuqrātiyya wa-huqūq al-insān fī l-islām* (Markaz al-Jazīra li-l-dirāsāt-Al-dār al-'arabiyya li-l-'ulūm nāshirūn, al-Dawha-Bayrūt, 2012), p. 14.

29 *Ibid.*, p. 99.

30 Shavit, *Scientific and Political Freedom in Islam*, pp. 147-148.

31 As regards the constituent process in Tunisia, see the article by Mohammed-Chérif Ferjani in this edition of the journal.

32 See Murat Sofuoglu's interview with Ghannouchi, *How Tunisia's Ennahda found its path between Islam and democracy*, 15 November 2017, **http://bit.ly/2AscYBg**. Ghannouchi's reply to a question about Ennahda's evolution is significant: "When situations change, you have to find new solutions."

33 See Nadia Marzouki, "La transition tunisienne : du compromis démocratique à la réconciliation forcée," *Pouvoirs* 156 (2016), pp. 83-93, on this point.

Mohamed-Chérif Ferjani

TUNISIA: BETWEEN FREEDOM OF CONSCIENCE AND PROTECTION OF THE SACRED

Like every Basic Law drafted in a context of transition and democratic confrontation between rival projects, the new Tunisian Constitution reflects the power relations presiding at its difficult drafting: it guarantees the secularists freedom of conscience and the free exercise of religious practice, whilst it accords the Islamists protection of both religion and the sacred.

Three years after the revolution that put an end to Zine El-Abidine Ben Ali's regime and the system set up immediately after independence, defenders of democracy and human rights around the world welcomed the new Tunisian Constitution (adopted on 26 January 2014) with enthusiasm. The Secretary General of the United Nations saw it as a "historic milestone" and Tunisia as a "model for other peoples aspiring to reform."[1] The Franco-Lebanese theologian Antoine Fleyfel has, for his part, emphasised that "recognising freedom of conscience in the Constitution, as Tunisia has just done, is a step towards democracy, which is not only government by the majority but also respect for a whole series of values contained in the Universal Declaration of Human Rights. It is important to note that everyone, and not just the Christians, will benefit from this freedom of conscience, since it fosters the emergence of a pluralist society that respects all human beings." And he added, "What Tunisia has done gives cause for hope that progress will be made in the rest of the Muslim world. Please God that it may be contagious."[2] Some attribute this progress to the Tunisian Islamists, by far the largest group within the Constituent Assembly that voted in the new Basic Law. They forget, however, the draft Constitutions that the same Islamists had tried to impose before supporting (at the eleventh hour) the version painstakingly negotiated within the national dialogue framework.

We do well, therefore, to remember the conditions in which this Constitution was secured and the impact of the power relations between the various transition protagonists, as these have influenced the document's contributions and shortcomings regarding the subject of freedom of conscience and, beyond the level of the new constitutional text, also the laws and practices still in force after, and in spite of, this principle's adoption.

A Transition Dominated by Fear for the Fundamental Freedoms

The revolution has liberated everything that the dictatorship had suffocated, both good and bad: the voices that aspired to greater freedom and those that sought to impose a theocracy, thereby jeopardising all society's achievements. The abrogation of the 1959 Constitution – which recognised, *inter alia,* freedom of belief and freedom of expression and did not refer legislation to any religious rules – has re-launched the debate about the status of Islamic normativity in relation to the state, legislation, customs and both individual and collective forms of behaviour. Is it a normativity that only binds those who adhere to it? Or must it be established as a constitutional principle to which everything – the state, the law and both individual and collective forms of behaviour in every context – must be subjected, as the followers of the most fundamentalist readings and most rigorist traditions have loudly called for? Those who peacefully cherished the idea of a "Tunisian exception" under the

banner of "modernity," secularization, "tolerance," an opening up to the century and the world, recognition of women's rights and so forth were caught off-guard by the irruption of Salafi movements that sought "the caliphate's restoration," "the application of sharia," the abrogation of "impious laws" and the "re-Islamization" of the state and society by any means, violence included.

Panicking at the unexpected irruption of this other Tunisia, the secularists revised their demands and asked for Article 1 of the abrogated Constitution to be preserved ("Tunisia is a free, independent and sovereign state. Its religion is Islam, its language is Arabic, and its type of government is the Republic".) Thus, they gave the Islamists an unhoped-for gift. Indeed, contrary to the reading favoured by the founding father and first president, Habib Bourguiba, and the secularists (who maintained that Islam was Tunisia's religion but not the Tunisian state religion), the Islamists have always argued that the article in question referred to Islam's establishment as the state religion and that the necessary implications should be drawn at all levels, both legislatively and culturally. Facing the timorous approach of their secularist adversaries, all they had to do was negotiate a compromise between the 1959 Constitution's achievements and the excesses of the most arrogant and most Salafi of the Islamists.

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The campaign for election to the National Constituent Assembly (NCA) and the debates during the transition period (between the fall of the old regime, the suspension of the NCA's proceedings following the assassination of the left-wing politician Mohamed Brahmi, and General al-Sisi's *coup* in Egypt) were marked by the power relations between two groups. On the one hand, there were the supporters of a timid secularist project who were inhibited by the fear of seeing modern Tunisia's achievements disappear. On the other, there were the advocates of an Islamist project, who were sure they could get the best deal by exploiting the fear provoked by an intensification of the Salafi violence (the Salafi movements were protected by the Troika government dominated by Ennahda's Islamists).

The first versions of the Constitution were made public in July 2012. They referred to sharia as the source of legislation and to Islam as the state religion and they said nothing about freedom of conscience. The same goes for subsequent versions including, in particular, the one that the Constituent Assembly, pressurized by the multiplication of terrorist attacks, the effects of Brahmi's assassination and the dramatic turn the transition in Egypt was taking, was about to approve on the eve of the summer of the great danger.

All the draft constitutions presented up until that point had taken greater account of the Salafi movements' demands than of those made by civil society and the democratic forces still stunned by the electoral defeat in 2011. Freedom of conscience was sacrificed in favour of the reference to sharia and the criminalization of violations of the sacred. In the hope of fostering a fragile balance between freedom of conscience and protection of religion, the criminalization point was abandoned by the majority of NCA members during a vote in April 2013. It was reintroduced by the Islamists during the final debates in January 2014, on the eve of the new Constitution's adoption.[3]

> *What does the state's role of "guardian of religion" involve? Which religion is being referred to? What does the concept of "violation of the sacred" actually encompass? How is the ban on violation of the sacred to be reconciled with freedom of expression and freedom of conscience?*

Civil Society Pressures

It was the mobilization of a civil society committed to defending and promoting human rights and fundamental freedoms – the feminist associations, the Tunisian Human Rights League (LTDH) and the Tunisian General Labour Union (UGTT), in particular – that, in the summer of 2013, overturned the power relations in favour of a transition finale more respectful of the democratic aspirations that the revolution against Ben Ali's regime had had. Thanks to these mobilizations, the NCA (which had respected neither its mandate nor the one-year deadline established by law) ceased to be the frame of reference for the work of drafting the Constitution and completing the transition. A new entity took its place: the national dialogue proposed by four organizations, namely the UGTT, the Tunisian Union for Industry, Commerce and Handicrafts (UTICA), the LTDH and the Bar Association. These organisations were supported by the various organized expressions of civil society and by daily demonstrations against the NCA and the Troika in power. Earlier in 2012, the mobilization of women and democratic forces had already pushed the Islamists to renounce their project to substitute the new Constitution's principle of gender equality with the concept of complementarity. Within the national dialogue framework (which the Islamists ended up agreeing to after having boycotted it for a long period), the various draft Constitutions presented up until then were put to one side. This was not a reason for the Islamists to completely renounce their programme, however.

Putting to good use a compromise deal struck in Paris between the "two great old men" (Ennahda's leader, Rached Ghannouchi, and his rival Beji Caid Essebsi) – a deal struck outside the national dialogue framework and with the (implicit) backing of some European countries and the United States – they

negotiated the conditions of their surrender to the bitter end, exploiting every opportunity to ensure that the price of defeat was not too high. On 4 January 2014, an Ennahda member of the NCA accused a member of the Popular Front of being an enemy of Islam. Opposition representatives took advantage of this incident to propose criminalizing accusations of unbelief (*takfīr*): such accusations can constitute an instigation to murder the person considered an apostate, as has occurred in the case of various artists and intellectuals in Algeria, Egypt and elsewhere. The proposal was adopted and immediately incited the fury of the imams. The latter launched a petition that was taken up by the Grand Mufti of the Republic and some of the Islamists from the NCA. It demanded revocation of the ban on accusations of apostasy, such ban being deemed a violation of "one of the pillars of Islam." The Islamist members of the NCA and their most loyal allies took advantage of this general outcry to introduce a duty, on the part of the state, to prohibit not only accusations of apostasy but also violations of the sacred.

History and the reality of various countries (the majority of the Muslim countries included) demonstrate that the crime of "blasphemy," the ban on criticizing religion and a protection of the sacred all constitute restrictions on freedom of thought, conscience and expression

Freedom of Conscience and Protection of the Sacred

Like every Constitution drafted in a context of transition and democratic confrontation between rival projects, the new Tunisian Constitution reflects the power relations that presided over its drafting. This goes for the Constitution as a whole but, above all, for Article 6, which deals with freedom of conscience and reflects the viewpoints of both camps:

> The state is the guardian of religion. It guarantees freedom of conscience and belief, the free exercise of religious practices and the neutrality of mosques and places of worship from all partisan instrumentalisation.
> The state undertakes to disseminate the values of moderation and tolerance and the protection of the sacred, and the prohibition of all violations thereof. It undertakes equally to prohibit and fight against calls for *takfīr* and the incitement of violence and hatred.

According to some, the article guarantees freedom of conscience, the free exercise of religious practices, a ban on *takfīr* and the fight against it. According to others, it grants a protection of religion and the sacred by forbidding the latter's violation. Mosques and places of worship are declared neutral and sheltered from all forms of "partisan instrumentalisation" but

that does not mean that the imams cannot give political sermons, as the Islamists subsequently reminded everyone.

What does the state's role of "guardian of religion" involve? Which religion is being referred to? Does this role extend equally, at a level on a par with Islam, to the minority religions and spiritual communities within Islam and to all the other religions and forms of spirituality, whether or not they are recognised? What does the vague and undefined concept of "violation of the sacred" actually encompass? How is the ban on violation of the sacred to be reconciled with freedom of expression and freedom of conscience? The Islamists have a tendency to subordinate freedom of conscience, freedom of expression and all the fundamental rights and freedoms to the priority of protecting religion and the sacred, the scope of which they extend to the maximum. They exploit the more conservative, identity-related reflexes in order to oppose the abrogation of anti-constitutional, liberty-killing laws, regulations and measures that they defend in the name of religion e.g. the homophobic laws and the laws and provisions that allow the police, the judiciary and the administration to prosecute and punish those who eat and drink in public during Ramadan, those who consume alcohol, those who take the liberty of producing artistic creations judged to be blasphemous and those who declare themselves atheists or "followers of satanic rites and practices" or of Shi'ite, Baha'i or Kharijite "heresies;" to say nothing of the violations of the physical and moral integrity of Lgbt people.

> *The Constitution's ambiguities allow (and one sees this on a daily basis) pressures to be brought to bear on freedom of conscience, in the name both of the protection of religion and of violation of the sacred*

Adopting the strategy of "different competing social pressures" (*tadāfuʿ ijtimāʿī*), the Islamists have multiplied the declarations and attitudes tending to call freedom of conscience into question in the name of respect for the people's religious sentiments and observance of the duty to protect religion and forbid violations of the sacred. For their part, those defending human rights, fundamental freedoms and freedom of conscience are aware of the dangers that lurk in the Constitution's ambivalence: even as they denounce the Islamists' duplicity and the violations of rights and freedoms by the state officials who ought to be guaranteeing them, they are also calling for the international rules on human rights to be observed. They rightly recall that the United Nations' Human Rights Council has rejected the concept of derogatory references to religions, considering it a danger for human rights and freedom of expression.[4] Furthermore, they refer to the Human Rights Council's specifications regarding Article 19 of the International Covenant on Civil and Political Rights: "Prohibiting demonstrations deemed to lack respect

for a religion or another faith system, including the laws on blasphemy, is incompatible with the Covenant." The history and reality of various countries (the majority of the Muslim countries included) demonstrate that the crime of "blasphemy," the ban on criticizing religion and a protection of the sacred in actual fact all constitute restrictions on freedom of thought, conscience and expression with the aim of imposing a moral order founded on inequality and blind submission to obsolete traditions and hierarchies.

Full Citizenship

The constitutionalisation of freedom of conscience in Tunisia is an important result insofar as it constitutes a strong card not only for fighting violations of this fundamental right but also for abrogating the laws and regulations that obstruct it, reporting and prosecuting those who infringe it and establishing full citizenship, without anyone suffering discrimination in the name of religion. The fact that the fight for gender equality in inheritance has recommenced is not unconnected. Nor is the repeal of the circular forbidding Tunisian Muslim women to marry non-Muslims (which occurred in September 2017).[5] The new constitutional article has allowed people to have recourse to justice and the authorities, in defence of those who are unjustly and illegally prosecuted because they refuse to fast during the month of Ramadan. Furthermore, it has obliged the authorities to intervene in favour of a teacher threatened with suspension at the request of some fanatical parents. They had accused her of atheism because she had closed the classroom windows in order to continue her lesson without being disturbed by the noises coming from a nearby mosque's loudspeaker.[6]

The recognition of freedom of conscience gives the Tunisian Baha'i community the possibility of appealing to the President of the Republic in relation to the police summons received by some of its young members. They can ask him to exercise his power as guardian of the Constitution and put an end to the violations of their freedom of conscience. It offers human rights defenders, lawyers and citizens the possibility of applying to the judiciary, the country's authorities and the appropriate international bodies to ask that the fundamental rights of all those suffering discrimination (such as Lgbt people, the victims of racist attacks and the recognised and unrecognised religious minorities) be respected and, equally, that freedom of artistic creation, of scientific research and of expression be protected and that people be able to think without incurring anathemas or accusations of heresy, apostasy or blasphemy… Nonetheless, the Constitution's ambiguities allow (and one sees this on a daily basis) pressures to be brought to bear in the opposite direction, in the name both of the protection of religion and of violation of the sacred or what is argued to be such.

The fight for freedom of conscience, fundamental freedoms and human rights must continue in a steadfast, lucid and vigilant manner. It must be based on a dissemination of the democratic culture that constitutes its indispensable core. It is true that the Islamists have made concessions, taking account both of civil society's demands for democracy and of the pressures supporting a Constitution that would include a reference to the international texts on human rights. But to credit them with the progress that the new Constitution reflects – as, for example, the political scientist François Burgat did when he praised Rached Ghannouchi as the "co-author of one of the most democratic and secular Constitutions in the Arab world"[7] – is a gross lie. They only accepted those elements of progress because they were forced to and, in any event, in exchange for what will allow them to make a fresh attempt at beating a retreat and – when they have the chance – taking back with one hand what they have conceded with the other. The Islamists are miles away from having undergone that democratic conversion that some have been so quick to attribute to them. The constant U-turns they provide proof of, every time they are given any leeway, by appealing to the identity-related reflexes occurring in the most retrograde environments, are the demonstration of this. Likewise, the spectacular about-turn of the Turkish party in power, the AKP, and its leader, Erdoğan, shows, in that specific case, that it is too soon to talk about political Islam's democratic U-turn. Such a U-turn will only occur when the culture of democracy, freedom and human rights will have triumphed definitively: something that still has not happened even amongst the ranks of political Islam's opponents.

Without falling into an essentialist vision of culture (which currently dominates various sectors in Muslim societies), it will still take many hard battles to consolidate results like those in the new Tunisian Constitution and make them at least partially irreversible. If they are to be able to accept these results fully, the Islamists will have to definitively renounce both their project of an Islamic state and sharia as the basis of law and social order.

[1] *Le Monde*, **http://bit.ly/2heJCyj**

[2] Antoine Fleyfel interviewed by Anne-Bénédicte Hoffner, "Que vaut l'inscription de la liberté de conscience dans la Constitution tunisienne?," *La Croix*, 27 January 2014, **http://bit.ly/2ynAxGp**

[3] See the analysis carried out by Amna Guellali, director of the Human Rights Watch Office for Tunisia and Algeria: "Liberté d'expression et interdiction de l'atteinte au sacré dans la nouvelle Constitution tunisienne", *Huffpost Maghreb*, 27 January 2014, **http://bit.ly/2jZea82**

[4] Resolution 16/18 March 2011 of the United Nations' Human Rights Council.

[5] See, on this subject, the reportage published in this edition of the journal (Ed.).

[6] The Feyza Souissi matter. "Sfax : Accusée d'athéisme, une enseignante malmenée par les parents d'élèves!," *Business news*, 17 September 2017, **http://bit.ly/2jAghi8**

[7] Shatil Taqa, "François Burgat, l'islamisme dans tous ses états," *Le comptoir*, 24 February 2017, **http://bit.ly/2hqv7Hv**

SALIM DACCACHE S.J.

THE EASTERN CHRISTIANS' ROLE IN THE CREATION OF A NEW SOCIAL SPACE

It is alongside the Arab nations' other components and the Muslims, first and foremost, that Christians will not only have to build civil liberty and its constitutive elements legally and politically (from freedom of worship and freedom of conscience to democracy) but also reflect on and mutually engage over such issues, if a new climate of trust and a common language are to be established.

A vein of optimism does not seem out of place at the beginning of this reflection on the role of Eastern Christians in the debate about political freedom in the Middle East. And this despite the dramas and suffering that populations (especially the Christian and Yazidi communities) are experiencing in this region where as soon as one war ends, another breaks out. This vein of optimism comes from Paris, from the Arab World Institute, to be precise. In September 2017, this institution inaugurated a large cultural-religious exhibition

Intellectuals have come to a sort of agreement over the expression "Christians of the Arab world" to designate people who belong to the Arab countries' geopolitical and cultural space and whose identity is a historical accumulation of multiple affiliations

of works telling (each one in its own way) the wonderful story of the Christian communities that were already living in this land of monotheisms before the advent of Islam. The exhibition begins with the earliest period of Christian Antiquity and two marvels: the ancient Mesopotamian city of Dura Europos (fourth century) and the Rabbula Gospels[1] (sixth century). It passes through the Middle Ages, rich in liturgical manuscripts, and the Ottoman period, illustrated by its characteristic iconography, and reaches our own era, with its literary output. Inaugurated by the presidents of France and Lebanon, the aim of the exhibition is to publicize these very

ancient Churches and their great heritage, which John Paul II called Christianity's "second lung". The exhibition offers the West, always interested in discovering humanity's hidden heritages, a good window. It is also an appeal to Western Christians to become aware of the Eastern Churches' reality, whilst one could legitimately wonder whether, for the Eastern Christians, it might not be a sort of announcement that they are, by now, relegated to museum spaces, being a community in the process of extinction. We do not want to succumb to pessimism (once again) but, rather, to see in the organization of this exhibition a cultural and political act; indeed, even if it is in line with the Arab World Institute's exhibition policy and follows an exhibition on pilgrimage to Mecca (*hajj*), it falls outside the realm of the ordinary. It is fairly unusual to listen to a Western president who, in the presence of the ambassadors from Saudi Arabia and other Arab countries, speaks out directly and passionately (as Emmanuel Macron did at the exhibition's inauguration) about Eastern Christians as a "vibrant trace of that which resists men's stupidity," about "France, who is on their side" and for whom "the priority is to defend their history" and about the fact that a shared history and the ties of the past give France a "duty" towards them. To say nothing of his statement that defending Eastern Christians "does not mean accepting compromises, nor defending Bashar al-Assad but, rather, being up to France's historic task."

The Identity of Christians in the Arab World

This cultural and political awareness requires a certain caution and a terminological clarification, however. Some people decidedly reject use of the expression "Eastern Christians" as it could be reminiscent of a name given by the orientalists or Latin Christians in a specific period or, again, of the mandates and colonialism, the capitulations in the sixteenth century or the protection exercised by Western powers over this or that Christian community. Others may possibly see in it a reference to the Eastern liturgy but the latter, for the Christians in the Arab world, actually exists as various liturgies: Byzantine, Coptic, Chaldean, Syrian and Syro-Maronite. Even if this appellation describes the Christians of the Near and Middle East collectively and helps readers grasp their cultural reality better, it harms the Christians' cause since their roots are deeply sunk in the soils of their respective countries. Since the expression "Arab Christians" can suggest a detachment of the faithful from their original Greek or Syriac historical, cultural and linguistic context and indicate an Arab hegemony, intellectuals (including Muslim ones) have, for some years now, come to a sort of agreement over the expression "Christians of the Arab world" to designate people who belong to the Arab countries' geopolitical and cultural space and whose identity is a historical accumulation of multiple affiliations that are as rich as they are difficult to identify and comprehend. Having said that, let us not forget that, as the philosopher François Zabbal has written, for the Christians, "Arabness was the main path to full integration within the new social body during the last quarter of the nineteenth century. Together with Muslims of various confessions, they became promoters of and actors in a collective project the cohesion of which was largely defined by a rejection of the Western Other. This project envisaged a society that was first and foremost Arab and then modern, founded on reason, the sciences and the individual."[2]

It is in this epistemological context that, as autochthonous Christians who are an integral part of an Arab world in constant turmoil, we can reflect both on fundamental issues such as citizenship, freedom both of the community and of the individual, freedom of worship and freedom of conscience and on a socio-political and cultural project for those countries in which Christians and Muslims together make up the social and national fabric.

Freedom and Citizenship

It is alongside the Arab nations' other components and the Muslims, first and foremost, that Christians will not only have to build civil freedom and its constitutive elements legally and politically (from freedom of worship and freedom of conscience to democracy) but also reflect on and mutually engage over such issues, if a new climate of trust and a common language with shared meanings are to be established.

The conference on citizenship organised by al-Azhar University in February 2017, on the initiative of the Grand Imam Ahmad al-Tayyeb, was an attempt to debate issues that Muslims themselves find rather difficult and controversial: freedom, citizenship, diversity and integration. It constitutes a model of responsible dialogue uniting Muslims of every confession (mainly Sunnis and Shi'ites) with Christians representing the most demographically significant communities. One of the issues covered during the conference's four sessions was the relationship between citizenship and sharia and how this relationship is expressed in relation to two big questions concerning Christians and Muslims alike: how must a democratic state manage religious and cultural pluralism? What form of citizenship should a single, plural society have? These questions cannot be answered without referring to both the existing legal and political situation and Islamism's drift towards a terror-based radicalism.

According to the Lebanese political scientist Antoine Messarra, there is a need to "return to the Arab and Muslim constitutional heritage of managing religious and cultural pluralism. In Islam's philosophy, law is personal insofar as it recognises the possibility of different legal systems in specific social contexts. The Ottomans, for that matter, managed to maintain their sway over a vast multi-religious and multicultural empire for over four centuries not only thanks to their hegemony and the international context but also thanks to the way they managed diversity through different regimes founded on personal autonomy and positive discrimination."[3] Such solutions are not specifically Ottoman but they come from the same Islamic philosophy that is opposed to the Western principle of the equality of all before the law (principle that was deemed responsible, *inter alia*, for the St. Bartholomew's Day massacre).

These systems of legal pluralism in religious and cultural matters are anachronistic, however, and they conceal a *dhimmī* mentality ("protected" second-class citizens). The line of cultural alienation and a nation-building founded on the ideology of forced integration (*insihār watanī* – pursued by the Arab political regimes, Jordan and Lebanon excluded) cannot be applied either. Indeed, it has generated and will continue to generate all sorts of violent identity-related phenomena, because undermining the legal recognition of pluralism unfailingly results in dangerous drifts. However, it will not be the Christians who resort to violence to show their desire for identity; both because of their religious convictions and because they do not have the power needed to succeed in turning the tide.

The solution is, therefore, to build a new politico-legal system based on the now universally recognised theory of legal pluralism, in line with both the

experiences of other states and the modern need to comply with the rules underpinning democracy and human rights.

"The City Umma" versus "The Religious Umma"
It is in this context that the question of the status of citizenship and its connection with belonging arises. The novelty of al-Azhar's declaration lies in its recognition that religious affiliation does not matter in a "city" or political community, because all citizens "form one single umma." The use of the term umma in a political sense signals a significant step forward. This "city umma" could be reminiscent of the "political community" developed by Aristotle to indicate the totality of citizens who live in a place regulated by civil rather than religious law. We would like to see in this Islamic conception of citizenship a semantic connection and a parallel with the modern notion of legal pluralism. Some optimists have inferred that it would encompass freedoms. But within what political framework can a plural citizenship be put into practice and lived? From the end of the nineteenth century onwards, Christian intellectuals have responded with various proposals: a confessional state, a civil state and a secular state. These were then all united in the appellation "national state", which referred to the idea of a nation born of the common will of its citizens, to whom it guarantees equality before the law. A sincere and total adherence, on the part of Christians, to the idea of a pure and eternal Arab nation would have convinced them to melt into the social "body" to the point of losing their souls, if one may put it like that. But instead of becoming a common, central space, stripped of clan and community affinities, the new nation-state proved to be the instrument most coveted by the communalist networks. And its fall cannot fail to involve the Christians.

The solution is to build a new political system based on the theory of legal pluralism, in line with both the experiences of other states and the modern need to comply with the rules underpinning democracy and human rights

The failure of the project for a progress-based society that the Arab elites from all religions had defended immediately after independence has left the coast clear for religious, ethnic and clan passions. In this context, there have been efforts to respond to the sectarianization of Arab societies. One of these is contained in one of the most important and evocative texts[4] written by His Beatitude Béchara Raï, even before he became the current Maronite Patriarch of Antioch. It is a fervent apologia for the civil state (*dawla madaniyya*): a state in which all its inhabitants may recognise themselves and one that creates a certain separation of religion both from the state and from politics, whilst fostering the participation of all in society's

construction. The text's aim was evidently to suggest ways of changing the Lebanese confessional state: in continuing to favour the numerical majority, the latter penalizes Christians who are increasingly becoming a minority in a country that they themselves had shaped in the past.

When the al-Azhar declaration talks of a "national constitutional state" (an expression that often appears in the plural), it does not mean the modern, eighteenth/nineteenth-century state, still less the civil state that Raï envisages. The text of the declaration would root legitimacy of the state concept in the pact of Medina, which the Prophet Muhammad concluded with the inhabitants of Yathrib, before this locality was re-baptized with its current name. Some have seen in this formulation (which talks of constitutionality and calls the pact of Medina a constitution) a concession to Muslim conservatives and fundamentalists who do not accept any political legitimacy that is not rooted in early Islam. The text nevertheless frequently repeats some surprising concepts: "our Arab homelands" (instead of "the Arab homeland") and "our constitutional states," thereby contradicting both Arab nationalist rhetoric and Islamic ideology. The latter, in all its variations, has fuelled the Islamization of societies (particularly after the revolution promoted by Ruhollah Khomeini in Iran in 1979), which is why actions such as al-Azhar's must not be shut up within the walls of mosques or universities but constitute a call for a cultural re-awakening that may promote a culture of gazes that meet.

From Sharia to the Rule of Law

No matter how tied to an Ottoman legacy the constitutional state remains in al-Azhar's declaration, the reference to religious pluralism should be noted. And the fact that the concept of rule of law is used instead of sharia to express the mode of regulating the constitutional life of this state-city-homeland should be particularly emphasised. The Lebanese intellectual Antoine Courban has commented on this qualitative leap in the following terms: "[It] offers the opportunity to assert that the primary duty of 'our states' is to guarantee the protection and rights of citizens. And it is here that the individual is implied, if not evoked. This need to protect citizens is expressed as being in the vital interests of 'our sons and daughters'. The text does not content itself with mentioning 'believers'. Furthermore, insisting on diversity within the city, the declaration clearly mentions 'the Muslim, Christian and other citizens.' Who are the 'others'? They are definitely neither Christians nor Muslims. They could certainly belong to other faiths or not even be believers, although the text does not say that. In any event, one would have to be in bad faith not to see a real cultural revolution in such expressions."[5] Finally, we should note that this notion of citizenship as applied in the national consti-

tutional state categorically rejects the very concept of a "minority". Because either citizenship exists or the political community is broken up into minority factions that will not hesitate to enter into violent conflict with each other.

What Prospects for the Future?

To be sure, al-Azhar's declaration is only a beginning and not yet a turning point. Indeed, this text needs to be translated into practice, especially in the area of training programmes for ulama. It defines the framework for the various groups' co-existence and leaves the door open for future developments. In its present state, this text is cautiously pro-community, rather than civic in the modern sense of the term. But in the face of the Islamists' radical extremism, it remains a salutary point of reference not only for Muslims but also for the Arab non-Muslims, who often have a tendency to censor their opponents before proceeding to any critical analysis of their own discourse. This declaration is an extended hand and it is up to the Eastern Christians to accept it and enter into face-to-face dialogue, with total transparency. They are, in addition, called to exert themselves in

The use of the term umma *in a political sense is a step forward. This "city* umma*" could be reminiscent of the "political community" developed by Aristotle to indicate the totality of citizens who live in a place regulated by civil rather than religious law*

favour of an authentic form of citizenship without shutting themselves off as a minority, with all the forms of suffering in terms of identity that that entails. The person who has totally understood the importance of al-Azhar's declaration for citizenship and co-existence, as well as its connection with Lebanon's message, is the Maronite Patriarch, Cardinal Béchara Raï who said, as he returned from Cairo, that "we must stop talking about minorities."

An Arab World that Wants Justice

Freedom and citizenship are not everything. Christians must broaden their horizons and participate more in the Arab and Muslim world's struggles: commitment to a Palestinian homeland, aid for displaced persons and refugees, a better handling of the galloping demography, solidarity with the poorest of people, the battle both against the widespread corruption affecting all communities and against unemployment and the fight for an education system capable of passing on the skills that the Arab world needs. If the Western tradition, rooted as it is in modern political philosophy, insists on freedoms as the basis for a good functioning of societies and democracy, then the Eastern heritage – both Christian and Muslim, but primarily Muslim – cannot conceive of freedom in its various expressions without being concerned about justice. Freedom, as it were, cannot be conceived of or lived if there is no soli-

darity with the surrounding world. Moreover, during the Arab Spring demonstrations, the people demanded freedom, justice and the possibility of taking part in decision-making, in the face of a liberal world that takes no account of the weak. Christians are making their own this demand that affects tens of thousands of young people (more than 30 per cent of graduates are without work) and less-young people who are unemployed or forced to beg for their daily bread. If the Muslim Arab world does not find a solution to these problems, a new Islamism able to ride the wave of discontent will not be slow to push its way to the fore. The ones to pay the price will be the Muslims who are open to dialogue and sharing with others and the Christians, who yet again will be forced to emigrate and turn inwards on themselves.

LEVERAGE FOR DEVELOPING FRATERNITY

In addition to the two paths the Christians have already taken – that of a militant minority communalism, turned in on itself in Lebanon and elsewhere, and that of activism for a totally secular state (a demand that still exists but is not very influential) – there is evidently a third. Made possible by dialogue between Christians and Muslims, this path is to be sought in citizenship, co-existence, political participation and a cultural renaissance that is faithful to the spirit of *Nahda* at the beginning of the twentieth century. The Lebanese politician and intellectual Tarek Mitri – a man of dialogue and mediation – says that "the future of the Christians in the Arab world does not only depend on the contributions they make but also on the attention that their Muslim co-citizens will pay them; an attention that must not be condescending but, rather, full of solidarity, in everybody's interests and sensitive to the treasures of a pluralism that is capable of saving the Arab world from the sorry face of uniformity."[6] The contribution made by al-Azhar and, earlier still, by the Marrakech Declaration on religious minority rights – signed in Morocco in January 2016 by the religious leaders of various faiths in the Arab world – are models to follow and put into practice over the medium and long term.

1   These are illuminated handwritten copies of the Gospels that Rabbula (350-436), Bishop of Edessa, had translated into Syriac in the fifth century (Ed.)

2   François Zabbal, "La question chrétienne dans le monde arabe," lecture at the Assumptionist European Summer University, 29 August 2010.

3   Antoine Messarra, "Charia et citoyenneté," *L'Orient le Jour*, 6 March 2017, **http://bit.ly/2yGh6bM**

4   Béchara al-Raï, "La Charte de l'action politique à la lumière de l'enseignement de l'Église et de la spécificité du Liban," Beirut, February 2009.

5   Antoine Courban, "Al-Azhar : un écho historique du message « Liban »?," *L'Orient le Jour*, 10 March 2017, **http://bit.ly/2hNLGx2**

6   Tarek Mitri, *L'inquiétude des chrétiens d'Orient à l'épreuve de la citoyenneté*, «L'Orient Littéraire», June 2011, **http://bit.ly/2wx4IKB**

Muhammad Jābir al-Ansārī

ISLAMIC MONOTHEISM AND THE STRUGGLE OF OPPOSITES

The principle of unification is an essential criterion for Arab-Islamic civilization to decide what to accept and what to reject when interacting with other cultures: unification of the divine, of faith, law and religion, of the state and the nation. And yet, in a world that tends towards contradiction, this ideal is hardly achieved and leads to a conflict. The solution has historically been seen in the search for the concordance of opposites. Dialectical modernity has thrown this solution into crisis.

Arab-Islamic civilization strives with all its might towards unification (*tawhīd*):[1] unification of the divine or monotheism, first and foremost, but also unification of faith and law, unification of religion and state, unification of the prophetic messages in one single uninterrupted message, unification of civilizations into one universal civilization, unification of the nations under one single doctrine and unification of the numerous states in one single polity. In short, unification of all the realities in a sole, definitive, eternal and immutable word.[2]

> *Arab-Islamic civilization strives with all its might towards unification: unification of the divine or monotheism, first and foremost, but also unification of faith and law, unification of religion and state*

Nevertheless, this world of ours is, by its very nature, founded on contradictions and oppositions. Pure, simple, total unification is difficult to attain and arduous to achieve – in its purified totality – in this world shaped by dualism. It is an ideal to strive for and a goal to aim for but it is never totally achievable.

How, then, are we to bridge the abyss between God and humanity, between the afterlife and the present life and between the transcendent ideal and the reality contaminated by multiplicity and contradiction? Must we, the Unitarians *par excellence,* surrender to the fact of constant battling and accept dualism?

If our earthly reality prevents us from achieving the ideal of total unification, our response is to seek to approach it, to try to achieve the conciliation that reason and the soul so deeply desire, in order to draw nearer to divine unity.

Conciliation is the ladder that lets us ascend towards unitary monotheism and it is our aspiration. By virtue of conciliation, we take on contradictory realities, bring them together, eliminate opposition (as far as possible) and produce something that expresses our passion for unification and our straining towards it, something that resembles it without becoming identical to it, because the world of men is not the divine world. Thanks to conciliation, we rise above dualism and draw nearer to divine unity. With it we reach beyond multiplicity towards the highlands of Unity. Conciliation remains our worldly, concretely achieved and imperfect expression of our ideal, total, monotheistic faith.

[Oneness of Faith and Universality of Culture]

To the extent that conciliation and harmonization constitute the way to draw nearer to unification and the salvation it embodies, conflict and multiplicity become expressions both of a step backwards towards associationism and the ruin resulting from it. Hence, logically, the insistence on the oneness of divinity, the universality of dogma, the all-encompassing nature

of the political system, the consensus of tradition, the unity of the community and the need for a single imam and a single prayer direction.

Multiplicity at the level of divinity is polytheism and unforgiveable unbelief. Multiplicity at the level of dogma is a rejection of and departure from the orthodox tradition.[3] Multiplicity at the level of the state is apostasy or a civil discord (*fitna*) that threatens the community's unity.

The principle of unification and conciliation was an essential criterion in deciding what to accept and what to reject when interacting with other civilizations. Islam came into contact with Persian Manichean dualism directly in its lands of origin even before it absorbed Hellenistic influences. Consistently with its aspiration to unification and conciliation, however, it resolutely refused to take on this conflictual dualism or to relate to it positively or even tolerate its echoes in literature and thought.

Conciliation is the ladder that lets us ascend towards unitary monotheism. By virtue of conciliation, we take on the contradictory realities, eliminate opposition (as far as possible) and produce something that expresses our passion for unification

Dualism became the heresy *par excellence,* the *zandaqa*, which was considered the most repugnant form of unbelief.[4] This Persian *zandaqa* was fought in the same way as pre-Islamic Arab paganism.

[THE ENCOUNTER WITH ARISTOTLE]

The efforts made by the caliph al-Mahdī [r. 775-785] to fight *zandaqa* and eradicate Manichean dualism[5] can only be paralleled by the equally intense efforts that the caliph al-Ma'mūn [r. 813-833] deployed to absorb Hellenistic rationality and encourage the translation of works of Greek wisdom.[6] This happened because such wisdom – in both its Aristotelian-Peripatetic and neo-Platonic illuminationist components – was, like Islam, based on a unitary principle.

In my opinion, this shared principle was the cornerstone that allowed for the fruitful historical encounter between Islam and Hellenism. Indeed, the Peripatetic school was based on Aristotle's formal logic that took the principle of non-contradiction as its foundation and considered all existence to be a logical and coherent whole, entirely derived from a sole prime mover. Neo-Platonism, on the other hand, starts from the idea of the One, from which the cosmos derives by immaterial emanation. [...]

In this way, the Islamic and Greek perspectives – one religious and the other logical – came to meet around the need to create a unified vision of the world. This was the element that gave depth to the encounter between Islam, with its principle of unification, and Greek wisdom, with its Aristotelian logic, and it was this same element that kept Islam and Persian Man-

ichaeism mutually estranged. In my opinion, had Greek reason been dualist, or sceptical about divinity and metaphysics, the encounter would not have been so successful. We will see this shortly, when we consider the attitude of neo-concordism towards the dialectical nature of modern European reason.

The encounter between Islam and Hellenism was not limited to philosophy and theology, however. It also had an impact on rhetoric, stylistics, criticism and grammar. Indeed, one can truthfully say that the two most important constituents the Arabs contributed to the edifice of universal Islamic civilization (i.e. religion, in its theological and juridical components, and language, as both stylistics and grammar) were formulated, in the various disciplines, according to Aristotelian logic.[7]

And it is equally significant that Islam neglected the Dionysian, vitalist, tragic and irrational element in the Greek tradition, focusing its interest on the later, more orderly, rational and unitary Apollonian element that began with Socrates. Nietzsche considered it to be the antithesis of the former and the factor that brought dramatics and the era of the tragedy and primitive heroism to an end in Greek civilization.[8]

Perhaps precisely as a result of this one-sided attitude towards existence and this unifying and purifying criterion, it was natural that Arab-Islamic civilization did not pay much attention to the *tragic* elements in human life or the representation of *tragedy* at an artistic level and in modes of thought. […] Overshadowed by the spirit of conciliation, which always sets itself the goal of minimizing conflictual elements and emphasizing the points of agreement, tragedy dies or, rather, is not even born. Monologue, the discourse of the unified self, reigns supreme with its monotone song.[9]

Obviously, this phenomenon was not limited to literature. In the field of dogma, for example, theology did not take account of *aspects of anguish and tension in the religious experience*, preferring to devote itself to formulating the articles of a definitive monotheistic faith that was *intellectual* in nature. For this reason, Islamic thought had no experience of anything like Augustine's *Confessions.* When he wrote *Deliverance from Error*,[10] al-Ghazālī was not concerned with expounding his own psychological tension or his own experience of doubt but, rather, with providing intellectual guidance to confirm the prescribed faith and to nip in the bud any personal suffering and tension in the area of religious experience.[11] It is true that al-Ghazālī permitted mysticism, but he treated it as a secret not to be divulged, confessed or openly expressed.[12] […]

At the existential level, in any case, the spirit of conciliation, by overcoming lacerating tragedy and psychological splitting in favour of a harmonious unification, becomes an element of progress. Indeed, when conciliation is authentic, true and consistent with the realities of its historical era,

it truly manages to triumph over tragic laceration by melting opposites into an organic alloy. It infuses into the individual and the community a condition of balance, tranquillity and interior coherence that relaxes psychological and intellectual tension in people and society. Thus a civilization's interior constitution becomes harmonious and cases of schizophrenia and intellectual and psychological breakdown become so rare that the phenomenon of suicide disappears altogether, as history shows.

The Islamic and Greek perspectives – one religious and the other logical – came to meet around the need to create a unified vision of the world. This was the element that gave depth to the encounter between Islam, with its principle of unification, and Greek wisdom, with its Aristotelian logic 🙶

In actual fact, the absence of suicides – so characteristic of the Arab-Islamic civilization – has long attracted the attention of scholars and has received various explanations.[13] Perhaps my emphasis on the centrality of the conciliation principle in this culture could shed additional light on the elements that have protected it from this psychological illness, since when conciliation profoundly penetrates the faculties of the psyche and of reason (and does not simply remain a mental patch covering over a hidden laceration), it wipes out the virus of the death instinct and fills the soul with the bliss of unification.

[THE MISSING LINK IN ISLAMIC REFORMISM]

The revolutionary transformation occurred in the conception of reason in the modern era set a double challenge to the two elements of ancient concordism (Aristotelian reason and Semitic faith) and the unifying vision they share. On the one hand, there was a reversal in the way logic is conceived, with the move from the formal Aristotelian logic founded on the principle of internal coherence to the Hegelian dialectical logic that, in one respect, is based on the principle of internal contradiction as the unavoidable condition for achieving both the unity of things and the unity of the cosmos itself.

On the other hand, the concept of reason was itself changing at the metaphysical level, passing from a objective, believing reason that was certain and sure of its powers to an idealistic, wary reason with little faith in its own abilities and sure only of its own existence (Descartes and Kant) or a sensory-based, empiricist and sceptical reason. The relationship between reason and religion was also changing: from a situation of stable, mutual complementarity (as in Averroism and Thomism), such relationship became an open enigma, riddled with tensions that undermined the ancient balance to its core. […] The culmination came when materialistic scientific reason

claimed to trace the source of heavenly faith to its corresponding sensible, earthly sources and reduce it to them.

When [at the end of the nineteenth century] Muhammad 'Abduh and his school reactivated the concordist movement and resumed attempts to reach an agreement between faith and reason, they totally failed to understand the extent of the revolutionary change in the concept of reason from Aristotelian objectivism to Cartesian/Kantian idealism or the qualitative shift in the conception of logic, which now featured among its most important categories the principle of internal contradiction, hidden in the nature of things and their relationships, in the nature of evolution and, in short, in the nature of the whole of being.[14] Christianity did not find this principle an arduous one, thanks to the rational parallel between the dialectical trinity (thesis, antithesis and synthesis) and the mystery of the Trinity (Father, Son and Holy Spirit).[15] On the contrary, it is not at all easy for Islam to accept this principle, unless Islamic thought manages to conceive a positive form of relationship between absolute, transcendent unitarism and the dialectic of opposites that proceeds *through itself* towards the desired unification.

Overshadowed by the spirit of conciliation, which always sets itself the goal of minimizing conflictual elements and emphasizing the points of agreement, tragedy dies or, rather, is not even born. Monologue, the discourse of the unified self, reigns supreme with its monotone song

In my opinion, the failure, so far, to reach this form of positive relationship constitutes the missing link in the chain of communication between neo-concordism and the "logic" of our times. It explains why the various concordist attempts have failed: they aborted because they were incapable of offering even just an acceptable basis for an encounter between the unitary philosophy that underpins them and the phenomenon of dialectics. [...]

So here lies the toughest conundrum for contemporary concordism: whereas classical concordism was solidly supported by a naturally believing Greek, philosophical reason, the new concordism is running after a different, revolutionary and sceptical reason. And this explains the difficulty in building an agreement upon solid, stable foundations.

(Muhammad Jābir al-Ansārī, *al-Fikr al-'arabī wa-sirā' al-addād* [Arab Thought and the Struggle of Opposites], al-Mu'assasa al-'arabiyya li l-dirāsāt wa l-nashr, Bayrūt 1999, chap. 12, pp. 589-600 *passim*, Italian translation by Martino Diez. English translation by Catharine de Rienzo, revised on the basis of the Arabic original by MD)

1   [For a clearer understanding of the text, it should be borne in mind that in Arabic "*tawhīd*" has the etymological meaning of "unification" but historically means "monotheism". Save in the cases where the context clearly suggested a religious reference, we have preferred to maintain the etymological sense in our translation. As regards the multiple meanings of the term, see the following footnote. Ed.]

2   In Arab culture, the word "unification" (*tawhīd*) has a semantic range that is exceptional both in its fecundity and its scope, having been invoked by numerous divergent currents. After Islam devoted itself, right from the outset, to preaching monotheism (*tawhīd*), the Mu'tazilites gave themselves the name of "people of justice and *tawhīd*", because of their philosophical, rational doctrine that stripped the divine essence of any plurality of attributes. But also their Wahhabi and Salafi opponents called themselves the "*tawhīd* movement", because of their rigorist return to the *tawhīd*'s primitive nature and their rejection of both innovations and the intercession of saints. On the other hand, the Druze, too, call themselves "Unitarians" (*muwahhidūn*) and when Shiblī Shumayyil, the leader of secular Arab Darwinism, embraced scientific materialism unifying all individual realities and beings in the concept of Nature, he summarized his doctrine in the same, eternal word, *tawhīd* (see Shumayyil, *Falsafat al-nushū' wa l-irtiqā'*, p. 30). These are just four examples but they suffice to show the breadth and the persistence of the drive towards unification in Arab thought.

3   ["Rejectionists" is the term used by Sunni polemicists to designate the Shī'ites, whilst the Kharijites are, precisely, those who have "departed from" the community. Ed.]

4   See the entry "*zindīq*" in the *Encyclopaedia of Islam*.

5   Philip Hitti, *History of the Arabs*, pp. 430-431.

6   *Ibid.*, pp. 310-312.

7   Ahmad Amīn writes, "The logic that reached the Arabs was Aristotle's logic, updated, enriched and illustrated by Stoic and Alexandrian logic. The Arabs did not add anything worth noting" (*Duḥā al-Islām*, vol. 1, pp. 274-275). See, also, 'Abd al-Rahmān Badawī, *Aristū 'ind al-'arab. Dirāsa wa-nusūs ghayr manshūra*, pp. 6-66.

8   Nietzsche, *The Birth of Tragedy*, pp. 76-79.

9   Perhaps this concordist approach partly explains why ancient and medieval Arab literature had no tragic art.

10 [A famous autobiographical text by the theologian, jurist and mystic al-Ghazālī (1058-1111), *Deliverance from Error* is the Islamic work that best lends itself to comparisons with Augustine's *Confessions*. Integral English translation: al-Ghazali, *Deliverance from Error*, translated and annotated by R.J. McCarthy (Fons Vitae, Louisville, 2004). An excerpt was published in *Oasis* 21, pp. 104-107, Ed.].

11 Al-Ghazālī wrote *Deliverance from Error* after recovering his faith. [...] But of his experience of psychological suffering linked to scepticism, he only gave echoes and faint allusions. Indeed, al-Ghazālī sums up this decisive psychological experience in only two lines: "This malady was mysterious and it lasted for nearly two months. During that time I was a sceptic in fact, but not in utterance and doctrine. At length God Most High cured me of that sickness. My soul regained its health and equilibrium" (Al-Ghazālī, *Al-Munqidh*, ed. Jabre, p. 13). It is clear that al-Ghazālī is here describing the experience in a summarized form and from the outside, without revealing its interior development.

12 *Al-Munqidh*, pp. 39-40. For al-Ghazālī, the mystical condition is "ineffable. As soon as one tries to express it in words, he falls into manifest error."

13 See Issawi, *Egypt in Revolution*, p. 15. Issawi alludes to this historical phenomenon and substantiates it *vis-à-vis* our own times with statistics demonstrating how Islamic countries stand out from the other third-world states in terms of their extremely limited number of suicides. See, also, Sāmī al-Jundī, *'Arab wa-Yahūd*, p. 180, for the statement that the suicide of the [Egyptian] general, 'Abd al-Hakīm 'Āmir [at the end of the Six-Day War], was an exceptional occurrence and the herald of a mental upheaval quite unprecedented in the Middle East region.

14 Muhammad 'Abduh's *Theology of Unity* (which inaugurated neo-concordism) is based on the principle of the absence of contradiction and on the rejection of an oppositional relationship between positive and negative in the same extant. 'Abduh states that "a thing's self-negation is impossible by evidence", thereby denying the possibility of a dialectic contradiction between the positive and negative in the same extant being. On the other hand, he maintains that, by virtue of pure *tawhīd*, it is impossible for a thing to have different forms of existence; only that this statement makes it absolutely impossible – from a philosophical point of view – to find a convincing intellectual formula to explain the relationship between one and multiplicity and between the unity of being and its simultaneous plurality. Likewise, Muhammad 'Abduh follows the Mu'tazilites regarding the question of the created Qur'an because "to support the opposite argument would be to go against the evidence (the evidence of which logic?) and attack the concept of eternity by introducing the concept of change and mutation into it." See Muhammad 'Abduh, *Risālat al-tawhīd*, pp. 38, 49, 51. Thus monotheistic thought was renewed without directly confronting the dialectics of the era.

15 It is worth observing that the man who conceived the idea of a dialectical trinity (Hegel) came to philosophy from theology. It therefore cannot be excluded that the roots of the dialectical trinity lie – consciously or instinctively – in the Christian doctrine of the Trinity. And all the more so in that Hegel "rationalized" revelation, dogma and the absolute.

Classics

Did classical Islam talk about freedom? The answer, without a shadow of a doubt, is "Yes". But not in the disciplines that one would instinctively think of. Indeed, the term does not occupy much space in the classical treatises on law or political theory, where the emphasis is placed on God's rights and the justice dispensed by the ruler. It does have a central place, on the other hand, in the theological reflection of the first generations of Muslims. Are human beings free? Or are they "constrained" by divine omnipotence, which predestines them to hell or paradise? The nascent Islamic community was to give antithetical answers to this question, right from the Omayyad age (661-750), when the two schools of the *Jabriyya* (predestinationists) and the *Qadariyya* (partisans of free will) emerged.

When Islam Discusses Freedom

The Debate about Divine Will

Among the numerous texts dedicated to the subject, we present here the *Epistle to 'Abd al-Malik,* which is attributed to Hasan al-Basrī. Born in Medina around 642, Hasan died in Basra in 728 and was buried in nearby al-Zubayr. A major figure in the second generation of Muslims, Hasan is an ascetic particularly venerated by the Sufis, who consider him as a fundamental link in the transmission of mystical knowledge. He is moreover appreciated, by Sunnis and Shi'ites alike, for his memorable sayings inspired by love of God and contempt for the world. In the chosen text, the Omayyad caliph 'Abd al-Malik (r. 685-705) writes, with the frankness typical of the early Muslims, to the revered ascetic and asks him to clear himself of rumours of being a partisan of free will. Hasan answers the caliph with equal frankness, warning him to keep to the verses of the Qur'an that describe God as just and human beings as responsible for their own deeds. "Say of Him," Hasan enjoins the caliph, "only what He accepts to be said of Him, since He has said, 'Surely upon Us rests the guidance, and to Us belong the Last and the First.' Guidance therefore comes from God, and errancy from men."

In reality, the *Epistle* is a fake, as Suleiman Mourad has convincingly shown.[1] It was composed around the year 1000 by an anonymous Mu'tazilite author i.e. a member of the theological school that,

taking over from the *Qadariyya*, became the staunchest defender of human free will in Islam. Politically defeated, the Mu'tazila was to end up relegated to some outlying regions of the Muslim world, particularly Yemen, the main centre for a moderate form of Shi'ism known as Zaydism, although abundant traces of Mu'tazilite thinking can also be found in mainstream Twelver Shi'ism.

The pseudo-epigraphical nature of the text should not surprise anybody: attribution to great authors of the past is very common in both Islamic and non-Islamic medieval literature. Suffice it to think of the *hadīth*s, Muhammad's traditions, a good deal of which is certainly spurious. Apart from this general consideration, there are two specific reasons for choosing this work. In the first place, the *Epistle to the Caliph 'Abd al-Malik* is, quite simply, a very fine text that summarizes in a particularly felicitous manner the main arguments developed by Mu'tazilite thinking in favour of free will. In the second place, after being rediscovered in 1933 by the German scholar Hellmut Ritter (who considered it authentic), the treatise has enjoyed a certain fame amongst contemporary Muslims, primarily because it was included in a series of *Treatises on Justice and Monotheism* published by the influential Islamist thinker Muhammad 'Imāra (b. 1931).

A Trilingual Bishop

Islamic theological reflection on free will and predestination neither originated nor developed in a cultural vacuum. On the contrary, it is one of the areas where an influence from Christian theology is more likely to have occurred. But the process went also in the opposite direction, as demonstrated by the tract *On Free Will*, written by Theodore Abū Qurrah, bishop of Harran (the ancient Carrhae). What is now a modest village a few hundred metres from the Turco-Syrian border was in early Islam a cultural centre of primary importance characterised by the presence of pagan, Manichean and Christian communities of various confessions, as well as Muslims. Born in Edessa around 775 and died after 829, Theodore became the leader of the city's little Melkite community.[2] Faithful to the Council of Chalcedon, he was one of the first Christian thinkers to seriously deal with Islam, to a far greater extent than his predecessor, St John Damascene, with whom he is sometimes associated. He still knew Greek and Syriac but preferred to write in Arabic.

Probably a youthful work, the tract on free will is presented as

a confutation of the Manicheans (to whom the central section is dedicated) but it also features an anonymous advocate of predestination who can only be a Muslim belonging to the *Jabriyya* school. The arguments that Theodore uses to confute him – the question of the "excuse" that God would seek in order to explain the damnation of predestined souls, for example – are, in good part, identical to those that were to be discussed by the Mu'tazilites (scriptural evidence excluded, of course, since Theodore obviously argues from the Bible, whereas the Mu'tazilites base their arguments on the authority of the Qur'an). However, as said, the influence is also visible in the opposite direction, since Theodore fully adopts the methods of his Islamic contemporaries. "If you say that God is just even though he does this, we respond: God is just, and it is precisely his justice that keeps him from doing this!" This is the typical dialectical reasoning of *kalām,* Muslim classical theology: in the formative phase of Islamic civilization, the various religious communities in the Near East frequently engaged in mutual conversations and Theodore Abū Qurrah was no exception.

Predestination's Victory
Alongside the verses in favour of free will cited by the (pseudo-) Hasan al-Basrī, the Qur'an also contains various passages that teach the inevitability of the divine decree. Two metaphors, in particular, are used: the seal that God places on the hearts of sinners, an image well known to the Old Testament too, and the book containing men's actions from eternity. Hence the difficulty of harmonizing the two perspectives.

But it is the *hadīths* that are decidedly predestinationist in their outlook, and it is not by chance that they are absent from the discussion in the *Epistle to 'Abd al-Malik*. From the ninth century onwards, they were to assume a central role not only in law but also in theology. The result was to be essentially the victory, in Sunnism, of the pro-predestination party. Despite some dissenting voices – the Salafi Ibn Taymiyya (1263-1328), for example, or the Maturidi theological school in Central Asia – the spiritual climate was thus to be dominated by the conviction that the Divine Will enjoyed absolute supremacy, however tempered by faith in God's merciful disposition towards his servants. Thus in the fifteenth century, the theologian as-Sanūsī was able to write, incisively – but terribly – that "man is a constrained being under the appearance of freedom."[3]

From Piedmont to the 2011 Uprisings

In this discussion, the nexus with politics is there right from the start. Indeed, it was quite clear to the Omayyad caliphs that belief in predestination could foster political quietism, whereas the doctrine of free will could encourage the idea of personal responsibility, including that of rulers. And it is precisely this idea that, jumping forward a millennium, assumes a new centrality in contemporary Arab thinking, from the figure of 'Abd al-Rahmān al-Kawākibī onwards.

Born in Aleppo around 1853/1854 into a family of notables, al-Kawākibī adhered in his youth to the reformist movement that was spreading across the Ottoman Empire. In 1877, he opened the first weekly in Aleppo, which the government closed down after just sixteen issues. A second attempt in 1879 was even shorter-lived. The clash with the Ottoman authorities intensified over the next years until al-Kawākibī was arrested and his property confiscated. Thus in 1898 or 1899, he decided to abandon Syria and, after a series of journeys that led him as far as India, established himself in Egypt, at that time under British occupation. He published a series of articles, often writing under the (one is tempted to say Kafkaesque) pseudonym *Rahhāla Kāf*, "Traveller K". These he then collected and ordered into two books: *Tabā'i' al-istibdād*, "The Nature of Despotism", from which the present excerpts are taken, and *Umm al-Qurā,* "The Mother of Cities", which calls for the founding of an Arab caliphate in Mecca.

Already conceived in Syria, *Tabā'i' al-Istibdād* was first published in 1901. It appeared in the important reformist magazine *al-Manār*, which was run by another Syrian exile, the influential Rashīd Ridā (1865-1935). The second and definitive edition came out in 1902. Even if al-Kawākibī states in the preface that he does not want to target any particular tyrant or nation, the book was immediately read as an attack on the Sultan of Constantinople. The author died shortly afterwards, in June 1902, possibly poisoned by Ottoman agents.

What is remarkable about Al-Kawākibī's work – besides its already modern, journalistic style (late nineteenth-century journalism, obviously) – is the breadth of its horizons. In his analysis of despotism, the Aleppine thinker not only refers to Islamic history but ranges from the Greek myths to the Sumerians and Buddhism, in addition to modern Western civilization. The composite nature of these references is, in fact, characteristic of the Arab Renaissance,

eagerly opening up to other cultures, the European one in the first place. In al-Kawākibī's case, moreover, it has been demonstrated philologically that the work *Della Tirannide* ("On Tyranny"), by the Piedmontese Vittorio Alfieri (1749-1803), played a fundamental part in the final formulation of his thinking: the Syrian intellectual probably knew Alfieri's work through a Turkish translation, printed with the title *Istibdād* in Geneva in 1898.[4] The French Socialist Charles Fourier (1772-1837) is another certain source for some parts of the chapter on despotism and money.

From the young Alfieri al-Kawākibī draws a conspicuous anti-clerical and anti-Catholic vein. But whilst Islam embodied for the Piedmontese thinker the quintessence of "oriental" religious despotism, al-Kawākibī throws this accusation back at Christianity (and at Catholicism, in particular) by distinguishing between the Islam of the Prophet and his first Companions and the long history of this ideal's progressive corruption. A history that will continue uninterruptedly – al-Kawākibī warns – "until the Day of Judgement, unless we adopt [...] a political style founded on democratic consultation: a style achieved by some Western nations of which we could truly say that they have learned more from Islam than Muslims themselves." This is Muhammad 'Abduh distilled; and not by chance, al-Kawākibī shares with the Egyptian reformist the same understanding of Western civilization.

Despite the occasional nature of his writings, al-Kawākibī was to enjoy an ever-increasing success, being claimed by the widest assortment of currents: democrats, socialists and communists, but also Arab nationalists (because of his proposal to re-establish a unitary Arab state) and Islamists. And like al-Kawākibī and 'Abduh before him, the majority of his emulators were to resort to the fallacious argument that sees religious despotism as structurally impossible in Muslim lands because Islam – at least the authentic, original Islam – "does not have a clergy", as was to be repeated *ad nauseam*. Forgetting that religious despotism and theocracy can easily exist also without an organised clergy, these authors were preventing themselves from a true reflection on the relationship between religion and civil liberty.

Much water has passed under the bridge since June 1902, when al-Kawākibī suddenly died, but the thorny theoretical issues raised by his work remain unresolved. The Arab Springs' difficulty in passing from protest to the creation of a real political alternative has demonstrated this once again. With all due respect for "that

great one / who, annealing the kings' sceptres, / strips them of their laurels, and reveals to peoples / in what tears and in what blood they are drenched" (as Ugo Foscolo depicts Alfieri in *Dei Sepolcri*), the Arab world deserves more than the Piedmontese Enlightenment intellectual. It deserves, for example, to resume a reflection on human freedom, because without a proper anthropology, political liberation will remain an illusion. Perhaps – as in the time of Theodore Abū Qurrah and the Muʿtazilite school – the moment has come to take up this Islamo-Christian conversation once more. And if possibile, without passing through the distorting lens of nineteenth-century modernism.

– *Martino Diez*

1   Suleiman Ali Mourad, *Early Islam between Myth and History. Al-Hasan al-Basrī (d. 110H/723CE) and the Formation of His Legacy in Classical Islamic Scholarship* (Brill, Leiden-Boston, 2006). See, in particular, chap. 6, pp. 176-239.

2   Among the many studies, see John C. Lamoreaux, *Theodore Abu Qurrah* (Brigham Young University Press, Provo [UT], 2005).

3   Louis Gardet, *Dieu et la destinée de l'homme* (Vrin, Paris, 1967, first treatise, pp. 33-139) remains essential to understand the terms of this debate.

4   See Sylvia G. Haim, "Alfieri and al-Kawākibī," *Oriente Moderno* 34 (1954), no. 7, pp. 321-334 and Ettore Rossi, *"Una traduzione turca dell'opera 'Della Tirannide' di V. Alfieri probabilmente conosciuta da al-Kawākibī," Ibid.*, pp. 335-337. It is regrettable that the recent French translation of al-Kawākibī's work (*Du despotisme et autres textes,* Sindbad 2016) makes no mention of this connection.

THE CALIPH AND THE ASCETIC

Hasan al-Basrī

When the Omayyad ruler 'Abd al-Malik enjoined the revered Hasan of Basra to clear himself of rumours of being a supporter of free will, the pious preacher warned him, without any fear, to keep to the verses of the Qur'an that describe human beings as responsible for their own deeds.

In the name of God, the Merciful, the Compassionate
Copy of the letter from ʿAbd al-Malik Ibn Marwān to al-Hasan Ibn Abī al-Hasan al-Basrī, may God have mercy on them both.

From ʿAbd al-Malik, Commander of the Faithful,[1] to al-Hasan Ibn Abī al-Hasan. Peace be upon you. In the first place, I unite myself to you in praising God, besides whom there is no god, and I ask Him to bless Muhammad, His servant and His Messenger. As for the rest, news has reached the Commander of the Faithful that you would have made statements about the divine decree which are unheard of amongst those who have gone before us. Indeed, we do not know of any of the Prophet's Companions, may God be satisfied with them, who pronounced on the subject in the manner that has been attributed to you. The Commander of the Faithful knew you to be a good, virtuous and discerning man and a zealous lover of knowledge and he cannot believe that you have made these statements. So write to the Commander of the Faithful, explaining your position and whence you derive it, whether from one of the Companions of God's Messenger, from a personal opinion of your own or from a statement contained in the Qur'an. Indeed, we have never heard this argument until now. Therefore, send the Commander of the Faithful your position on the matter and clarify it with him. May the peace and mercy of God and His blessings be upon you.

News has reached the Commander of the Faithful that you would have made statements about the divine decree which are unheard of amongst those who have gone before us. Indeed, we do not know of any of the Prophet's Companions who pronounced on the subject in the manner that has been attributed to you

Al-Hasan al-Basrī, may the mercy of God be upon him, answered him thus. In the name of God, the Merciful, the Compassionate. To ʿAbd al-Malik, Commander of the Faithful, from al-Hasan Ibn Abī al-Hasan al-Basrī. Peace be upon you, O Commander of the Faithful. I unite myself to you in praising God, besides whom there is no god. As for the rest, may God favour the Commander of the Faithful and make him rule in obedience to God and following His Messenger, hastening to put into practice all that he has ordered. In truth, good people are a model – nowadays neglected – to be imitated in their ways of acting. The Commander of the Faithful, may God favour him, lives in an era in which these people, who used to be many, have become few; but I, O Commander of the Faithful, have been fortunate enough to know the pious ancestors (*salaf*) who kept God's commandments and passed on their wisdom. They complied with the tradition (*sunna*) of God's Messenger, without denying any truth or asserting any falsity. They attributed to

God – blessings be upon Him – only those names that He has attributed to Himself and they invoked only the proofs that God Himself has given to His creatures in His Book.

The Most High says, and His word is truth, "I have not created jinn and mankind except to serve Me. I desire of them no provision, neither do I desire that they should feed Me" (51:56-57). In acting thus, God has ordered of them that adoration in view of which they have been created. He certainly would not have created something and then prevent it from attaining its end, because the Most High, "is never unjust unto His servants" (3:182).

Not one of the pious ancestors has ever rejected this statement or tried to twist its meaning, because they were all in harmony with it and never ordered any evil, as the blessed Most High states: "Say: 'God does not command indecency; what, do you say concerning God such things as you know not?' Say: 'My Lord has commanded justice'" (7:28-29). In this way, he forbade indecency, dishonour and insolence, "admonishing you, so that haply you will remember" (16:90).

Indeed, God's Book is life in the midst of death, light in the darkness and knowledge in the midst of ignorance: God has not left His servants other proof after it and God's Messenger and in the Book it is written, "That whosoever perished might perish by a clear sign, and by a clear sign he might live who lived; and surely God is All-hearing, All-knowing" (8:42).

O Commander of the Faithful, reflect on the warning "to whoever of you desires to go forward or lag behind. Every soul shall be pledged for what it has earned" (74:37-38). As this passage shows, the Most High has placed a power in men by which they can go forwards or lag behind and He has tested them to see how they would act. If things were as the supporters of error maintain, men should neither go forward nor lag behind and those who go forward should not be rewarded for what they have done and those who lag behind should not be censured for what they have not done because all that, in their opinion, would not come from them nor rebound upon them, but would be an action of their Lord. But in that case, God would not have said, "Thereby He leads many astray, and thereby He guides many; and thereby He leads none astray save the ungodly, such as break the covenant of God after its solemn binding, and such as cut what God has commanded should be joined, and such as do corruption in the land: they shall be the losers" (2:26-27).

Reflect on this, Commander of the Faithful, and strive to understand it, because the Almighty says, "So give thou good tidings to My servants who give ear to the Word and follow the fairest of it. Those are they whom God has guided; those – they are men possessed of minds" (39:17-18). Lend your ear to the words of the Most High when He says, "But had the People of the

Book believed and been god-fearing, We would have acquitted them of their evil deeds, and admitted them to the Gardens of Bliss. Had they performed the Torah and the Gospel, and what was sent down to them from their Lord, they would have eaten both what was above them, and what was beneath their feet" (5:65-66). And again, "Yet had the peoples of the cities believed and been god-fearing, We would have opened upon them blessings from heaven and earth; but they cried lies, and so We seized them from what they earned" (7:96).

Know, O Commander of the Faithful, that God has not ordered things for His servants in such a way that they are inevitable but has, rather, said, "If you do those things, I will act against you; if you do these things, I will act in your favour." God rewards His servants only on the basis of their works, as in the passage "Give him a double chastisement in the Fire!" (38:61).2 And in another passage God has made clear who led these people astray, "They shall say, 'Our Lord, we obeyed our chiefs and great ones, and they led us astray from the way'" (33:67). It is the chiefs and great ones who proposed unbelief [to these damned souls] and led them astray, far from the right way that they had been following, because the Most High states, "Surely We guided [them] upon the way whether [they] be thankful or unthankful" (76:3). That is to say, whether they are grateful to God for having guided them along the right path by His grace or whether they prove to be ungrateful. "And whosoever gives thanks gives thanks only for his own soul's good, and whosoever is ungrateful – my Lord is surely All-sufficient, All-generous" (27:40). And again, the Almighty says, "so Pharaoh had led his people astray" (20:79). Stick, O Commander of the Faithful, to the word of God according to which it was Pharaoh who led his people astray, and do not start arguing with God about His word. Say of Him only what He accepts to be said of Him, since He has said, "Upon Us rests the guidance, and to Us belong the Last and the First" (92:12-13). Guidance therefore comes from God and errancy from men.

Furthermore, reflect, O Commander of the Faithful, on these words of the Almighty, "It was naught but the sinners that led us astray" (26:99) and on these, "The Samaritan has misled them into error" (20:85) and on these, "For surely Satan provokes strife between them, and Satan is ever a manifest foe to man" (17:53). And, yet again, on these words of the Most High, "God will bring you [punishment] if He will; you cannot frustrate Him" (11:33). That is to say, you will not manage to save yourselves from His punishment if it befalls you and you will not be able to prevent it; in that hour, as Noah

> *Know, O Commander of the Faithful, that God has not ordered things for His servants in such a way that they are inevitable but has, rather, said, "If you do those things, I will act against you; if you do these things, I will act in your favour"*

here says, my warning will not help you, even if I want to give you good counsel when the punishment befalls you. Indeed, Noah well knew that when the punishment would have fallen on his people and they would have contemplated it with their own eyes, their [belated] faith would have been to no avail, as the Most High has explained, in connection with the nations that have been annihilated in the past, "But their belief when they saw Our might did not profit them – the wont of God, as in the past, touching His servants; then the unbelievers shall be lost" (40:85). Indeed, it is God's wont not to accept repentance when the sinner is already seeing the punishment with his or her own eyes.

As for the words, "If God desires to pervert you; He is your Lord, and unto Him you shall be returned" (11:34), in this passage "perversion" (*ghayy*) means punishment, as in the verse, "Then there succeeded after them a succession who wasted the prayer, and followed lusts; so they shall encounter perversion" (19:59) i.e. a painful punishment. Indeed, Arabs say, "So-and-so went into perversion today", in the sense – as a way of saying – that the chief gave him a violent beating and inflicted a painful punishment on him.

> *God opens the breasts of those who obey the commandments, so that they might give themselves to Him completely, and He does this as a reward for their obedience in this ephemeral world, making good works light and easy and unbelief, wickedness and rebellion onerous on them*

Amongst the passages that our adversaries cite in disputation, there are the words, "Whomsoever God desires to guide, He expands his breast to Islam;[3] whomsoever He desires to lead astray, He makes his breast narrow, tight, as if he were climbing to heaven. So God lays abomination upon those who believe not" (6:125). These ignoramuses have interpreted the passage as meaning that the Most High would choose some people in order to open their breasts, without any good deeds on their part, and other people in order to seal their breasts – that is, their hearts – without any unbelief on their part, nor wickedness nor deviancy, so that the latter would have no way of obeying the divine commandments and would be destined for the eternal fire. However, Commander of the Faithful, things are not as these ignoramuses, in their error, maintain. Our Lord is too merciful and just and generous to behave like that with His servants. How could He act in this way, if we can read that, "God charges no soul save to its capacity; standing to its account what it has earned, and against its account what it has merited" (2:286). God has created the jinn and mankind to adore Him and He has shaped ears, eyes and hearts for them with which they would succeed in carrying out much more than the worship God has imposed on them.

God opens the breasts of those who obey the commandments, so that they might give themselves to Him completely, and He does this as a reward for their obedience in this ephemeral world, making good works light and easy and unbelief, wickedness and rebellion onerous on them. So they become able to carry out all the commandments and abstain from forbidden things: so has God decreed in relation to anyone, great or small, who chooses the path of obedience. On the other hand, those who abandon the obedience enjoined by God and plunge into unbelief and straying in this ephemeral world, albeit being able to repent and change course, find that God makes their hearts narrow and tight, as if they were climbing to heaven, as a punishment for their unbelief and straying in this ephemeral world. Penitence is a duty and a call [from God]: so has the Almighty established in relation to all who take the path of unbelief and wickedness.

Commander of the Faithful, if God has spoken in His Book of opening and sealing hearts, He has done so out of mercy towards His servants and in order both to induce men to carry out the works through which they will, in His wisdom, merit the opening of their hearts and to put them on their guard against carrying out works by which they will, in His wisdom, merit the sealing of their hearts. He has not reminded them of these things in order to discourage them or make them despair of His mercy or His favour, nor to cut them out of His indulgence, His forgiveness and His generosity, if they behave well. Indeed, the Almighty has clarified all things in His Book, "Whereby [He] guides whosoever follows His good pleasure in the ways of peace, and brings them forth from the shadows into the light by His leave; and He guides them to a straight path" (5:16).

[THE GLOSSARIST'S SUMMARY]
Then al-Hasan al-Basrī continues his letter recalling that the pious ancestors amongst the Prophet's Companions kept to his words without rejecting or disputing a single one of them because they were in agreement about everything, without denying any truth or asserting any falsehood, attributing to God only those names that He has attributed to Himself and invoking only those proofs that God Himself has given to His creatures.

Then the author explains to the Commander of the Faithful that he has begun to speak of the divine decree only because there have appeared people who have started to deny it. "And since the innovators have produced their own discourse on religion, I have cited passages from God's Book that contradict them". The author then recalls various passages from God's Book and the Prophet's Tradition of which the Commander of the Faithful is not ignorant but, on the contrary, knows well. After God's Book, this letter of al-Hasan al-Basrī's contains healing and sure proof.

I have therefore sent you, O Commander of the Faithful, a copy of al-Hasan's letter, so that you can read and understand it, so that God may add guidance to your guidance and knowledge to your knowledge. Understand it well, meditate on it and act in its regard according to your opinion and your reason, to your benefit and for the benefit of Muslims. Do not introduce ambiguities into it because it is clear for those who meditate on it using their reason and accept God's justice.

Know, lastly, that of those who have known the pious Companions of God's Messenger personally, no one knows more things about God, understands God's religion more profoundly or interprets God's Book more rightly than al-Hasan, by virtue of his goodness, reliability in matters of religion, honesty and concern for Muslims. So honour him with an honour on account of which you can hope to be rewarded by the Most High in both the afterlife and the present life.

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1 "Commander of the Faithful" is the title first used by the caliphs. 'Abd al-Malik ruled from 685 to 705 and re-founded the Omayyad empire after the crisis that followed the death of Mu'āwiya (r. 661-680). Among his achievements are the empire's reunification, the adoption of Arabic as the official language and the creation of an Islamic coinage. He ordered the building of the Dome of the Rock in Jerusalem.

2 The invocation "Give him a double chastisement in the Fire!" is addressed by the damned to God. In this passage, they are asking God that those who deceived them into adoring idols might receive double punishment. Herein lies the connection with the next citation from the Qur'an.

3 The passage can also be translated as "opens their breasts to Himself", according to whether "*islām*" here is understood as the trans-historical attitude of recognised dependence on God that the Qur'an teaches or as the name of the historic religion brought by Muhammad.

GOD'S FOREKNOWLEDGE DOES NOT CONSTRAIN HUMAN ACTION

THEODORE ABŪ QURRAH

In the ninth century, the bishop of Harran (the ancient Carrhae, on present Turco-Syrian border) adopted the methods of his Islamic contemporaries to convince an imaginary champion of predestination that human beings do direct their own actions.

Tell me this, you who claim that people are subject to compulsion in the good and evil they do: Do you affirm that God is just? We doubt not that you will answer this in the affirmative. If so, we say to you: It is the mark of one who is just to treat equals equally. Tell me this, then:

[a] If people are, as you say, subject to compulsion in what they do, and animals, too, are subject to compulsion, how does God reconcile it with his justice that he gives human beings commandments and prohibitions, and promises reward for their obedience and punishment for their disobedience, but does not do the same to animals? We do not see God, according to what you have said, treating equals equally. Thus, this theory of yours has done away with God's justice. Far be that from him!

[b] How also would it be right for God to enjoin people to do what they have not the ability or means of doing and then to punish them if they do not do it? The only thing to compare him to would be to one who says to an ass, "Ass, fly about in the air like an eagle," and then beats it when it does not. Far be it from God to assign people a task that does not lie within their power! If you say that God is just even though he does this, we respond: God is just, and it is precisely his justice that keeps him from doing this!

[c] Suppose you say: God has the power to do with his creation what he pleases. Indeed, did he not make the mole blind and cause it to live in the dirt while making the eagle far-sighted and allowing it to enjoy the purity of the air? If you say this, we respond: It is true that God has power over his creation and that he treated the mole and the eagle as you say. Only, he did not treat the mole this way because it disobeyed one of his commandments, nor did he treat the eagle like this because it obediently carried out what he told it to do. Rather, he treated his creation as seemed good to him in his wisdom. It is as St. Paul says, "The potter has power over his clay, to make of it one vessel for honor and another for ignominy" (*Rom* 9:21).

[d] Suppose you say: God gave people commandments and prohibitions solely that he might have a just cause against them when he punishes them. We respond: This is no just cause, for a just cause is nothing other than the righteous rebuking of those who merit it, whether for something reprehensible they did but were able not to do or for something commendable they did not do but where able to do. There would be no need for such a just cause with regard to the mole, such that it was created as it was created because of that just cause. Rather, if it were to speak, it could only say to him, "You have

the power to create me as you created me." Similarly, there would be no need for such a just cause with regard to people, such that they be punished because of that just cause, if, as you say, they are constrained and have not the ability either to accept or reject commandments and prohibitions. Rather, if God were to punish them, they could only say to him, "You have the power to punish me." Accordingly, since God would have constrained people to do what they do, he would not have needed to give them commandments and prohibitions so as to have a just cause against them. People are not allowed to think such a thing of God, nor would God have needed to accuse them with groundless pretexts for something he wanted to do to them. Rather, he would simply have treated them as he wished, and none of them would have been able to ask him about what he was doing, since, as you say, he had preordained it for them through his power.

Any way you look at it, constraint can never be reconciled with the giving of commandments and prohibitions. Those who speak of constraint will either have to deny all divine commandments and prohibitions in order to do so, or, if they continue to affirm that God gives people commandments and prohibitions, clearly they will have to reject constraint and advocate freedom.

You who deny freedom, even if you are blind to the knowledge of God, you must still admit that there is freedom in human nature. After all, do we not observe that absolutely all people, whether religious or not, issue commandments and prohibitions and dole out reward and punishment? Indeed, there is no ruler who does not [endure], in his armies and in the fighting of his enemies, distasteful deeds, with which the soul does not willingly comply. If any bear up in the face of those distasteful deeds, they are honored by the ruler. If any flag in the face of them, the ruler punishes them, removes them from his army, and returns them to civilian life. People as a whole would not have agreed to this if human nature were not either silently summoning them to do so or telling them that human nature has the freedom and ability to induce the soul, as well as the body that the soul controls, to follow its desires with regard to what it likes and dislikes. [...]

[God's Foreknowledge and Human Freedom]
You should understand well that those who introduce compulsion into freedom take refuge in the pretext of God's foreknowledge, what with all escape being cut off and loathsomeness surrounding their words on every side. They say: God foreknows everything: what he foreknows must take place, as for what must take place, the one who does it is compelled to do it: accordingly, human freedom is compelled to do the good or evil it does. To those who say this we respond:

[a] If the matter is as you say, the first to be subject to such compulsion because of God's foreknowledge would be God himself. God foreknows what he will do before he does it. If what God foreknows must happen and the doer of what must happen is, as you claim, compelled to do it, God is compelled to do what he foreknows he will do. That God is compelled with regard to anything that he has done or will do is the most loathsome thing that could enter anyone's mind. May he be exalted above that and blessed! If God's foreknowledge in and of itself does not compel him to do what he foreknows, his foreknowledge does not compel human freedom to do what he foreknows – indeed, otherwise, his foreknowledge would be found to annul his will.

[b] Since your argument causes there to be compulsion in God, you have only three options. First, you might say that God does not foreknow what he will do before he does it. Far be it from God that he be such! Secondly, you might say that God is in fact compelled to do what he foreknows he will do. This, however, is the greatest of lies that could be forged against God. Thirdly, you might say that God's foreknowledge does not compel him to do what he foreknows he will do, and this is the truth.

Since this is so, it is necessary that God's foreknowledge not compel human freedom, which freedom God generously granted people and fixed in their nature – otherwise, God's foreknowledge will abolish his will, as we just said, and his knowledge will be opposed to it. May he be exalted above that! [...]

[CONCLUSIONS]

Accordingly, God's foreknowledge compels no one, as we established earlier, and there is no need for the wise to avoid saying that God has foreknowledge for fear that compulsion will be introduced into human freedom.

We ask Christ to grant us his Holy Spirit without measure and to give us the best of the fruits of the freedom with which he has honored us and that through it he confer on us his blessed kingdom, on which the mind's desire focuses when it does not stray from its path.

To him be praise, along with the Father and the Holy Spirit, forever and ever! Amen!

[Theodore Abū Qurrah, *On Free Will*, in *Theodore Abū Qurrah*, translated by John C. Lamoureaux (Brigham Young University, Provo, Utah, 2005), pp. 195-206 *passim*]

DESPOTISM, OR THE CORRUPTION OF THE PROPHET'S IDEALS

'ABD AL-RAHMĀN AL-KAWĀKIBĪ

slam was born democratic, argued a nineteenth-century Syrian intellectual, but then something went wrong and this drift will only end on Judgement Day, unless Muslims adopt a political style founded on consultation.

In the name of God the Merciful, the Compassionate

Praise be to God, who created the universe according to a sound and stable order, and peace and blessings be upon his noble prophets who guided the nations to the revealed truth, and particularly upon the Arab prophet sent as a mercy for all creatures, that he might raise them in this life and the next, up the ladder of wisdom until they reach the supreme place.[1]

I am an Arab Muslim forced to remain anonymous; a weak, oppressed man who expressed his opinions [under a pseudonym] beneath the Eastern sky, hoping for his readers' approval, in accordance with the saying that truth is known for its own sake, and not on account of the person who says it. In the year 1318 of the Hegira (i.e. 1900/1901), I left my homeland in the East and, looking for respite, I made my way to Egypt. Here I made my home, profiting from the climate of freedom that reigns under its lord 'Abbās II,[2] who bears the same name as the Prophet's uncle and has spread security throughout his realm. I found that in Egypt, too, as in the whole East, the minds of the élite were absorbed in reflections on the greatest question (I mean the social question), in the East in general, and amongst Muslims in particular. Like the others engaged in these reflections, Egyptians, too, were divided over the causes of the decline and its possible medicine.

Personally, I have come to the conclusion that the root of this illness is political despotism and its medicine constitutional consultation (*al-shūrā al-dustūriyya*). I arrived at this conclusion – and "every tiding has its time appointed" (Qur'an 6:67) – after thirty years of research that, I believe, embraced all the causes a researcher could imagine at the outset. Indeed, somebody may believe that he has identified the root of this evil or at least its main source but, when he goes into the question in greater depth, he does not take long to realise that matters are actually very different and that what he had indicated as the root of the evil is, in reality, one of its effects. For example, let us imagine that someone states that the root of this evil is a neglect of religious duties. Excellent, but why this neglect? Another person could say that the evil resides in a divergence of opinions, but where does this originate? If he answers that the source of the divergence is ignorance, he would then have to explain why, in reality, divergence is greatest amongst learned men. Falling then into a vicious circle, he will end up saying that this is God's will for His creatures, forgetting that his own reason and his religion both teach him that God is wise, just and merciful.

I offer these studies that have cost me such effort and for which I have even risked my life in the hope that they may benefit readers. They will see that I have accepted the thesis that political despotism is the root of evil only after a long toil, which has probably hit the mark. And I ask God that my good intention may excuse my mistakes. [...]

1320 of the Hegira – 1902 of the Christian era

[...] Before plunging into the question, we can summarize the conclusions reached by those who have studied the subject. They say the same thing in different words, according to their different schools and opinions.

The materialist says, "Power is the evil and resistance the medicine."

The politician says, "Men's subjection is the evil and the recovery of freedom the medicine."

The wise says, "Arbitrary power is the evil and fairness the medicine."

The jurist says, "The abuse of power over the Law (*sharī'a*) is the evil and the Law's supremacy over authority the medicine."

The spiritual says, "Associating something with God in His Omnipotence is the evil and truly professing God's oneness the medicine."

That is what theoreticians say. As for the activists, the haughty says, "Submitting to chains is the evil and rising from the humiliation the medicine".

The tenacious says, "The existence of unbridled leaders is the evil and binding them with heavy restrictions the medicine."

The free man says, "Believing oneself superior to others is the evil and humiliating the proud the medicine."

And those who are ready for sacrifice say, "Loving life is the evil and loving death the medicine."

Despotism and Religion

Most historians of religions agree that political despotism stems from religious despotism. Others say that, if one does not stem from the other, the two are at least brothers, having abuse of power as their father and supremacy as their mother, or, rather, twins, being united by the need to collaborate in order to subjugate men. The likeness between them consists in the fact that both exercise a form of power, one in the kingdom of bodies and the other in the world of souls.

These two groups of scholars are right as far as the meaning of the ancient myths, the historical books of the Torah[3] and the Epistles added to the Gospel are concerned but they err as far as the didactic and moral sections of these sacred books are concerned, just as they are also mistaken in thinking that the Qur'an supports political despotism. The Qur'an's subtlety and the difficulty in understanding the doctrines hidden in the folds of its eloquence or in the circumstances of revelation are not, in reality, a good reason [to ignore the Holy Book] and substitute its study – as they state, by way of self-justification – with the observation of the condition in which Muslims have found themselves for centuries until the present day, a status characterised by despots who prop themselves up on religion.

These free thinkers (*muharrirūn*) maintain that religious teachings (including the heavenly Books[4]) drive men to fear a terrible and frightful force that cannot be reached by reason; a force that would so threaten man with calamities in this sole life (in the case of Buddhism and Judaism) or in this life and after death (in the case of Christians and Islam) as to make their bodies tremble, paralyze their strength and induce a state of confusion and inertia in their minds.[5] At that point, such teachings open gates of salvation for people so that they may enter a paradise of delights. However, Brahmins, priests, clergymen and other such figures watch over those gates and they do not allow people to enter paradise if they do not first both exalt those figures by humiliating themselves before them and enrich them with votive gifts and offerings in order to obtain forgiveness. In some religions, these guardians even claim to be able to prevent souls from meeting their Lord if they have not first collected from them the taxes that allow them to leave their tombs or be freed from purgatory. How much terror these figures instil in people, regarding God's anger! They threaten them with calamities and punishments that could come down on them in order then to make them believe that the sole salvation and the only remedy consists in having recourse to the inhabitants of tombs,[6] who would have the familiarity, indeed the power, to protect people from divine chastisement!

These same free thinkers claim that politicians build despotism on similar foundations. Indeed politicians, too, seek to terrorize people with their rank and their superior appearance and they forcibly humiliate them, extorting money from them until they obtain complete submission. They enjoy them, then, as if they were flocks from which to draw milk to drink and meat to eat, animals to be used as beasts of burden and boasted about to others. In the free thinkers' opinion, this similarity in the construction and results of the two types of despotism (the religious and the political one) can be found in France outside Paris, where they act in agreement, backing each other up, and in Russia, where they perform the same function, as though they were the pen and paper by which to decree a common destitution to the nations. These thinkers further maintain that the similarity between the two forces drags the common herd (which constitutes the vast majority of the population) to the point of losing any sense of the difference between God, who is legitimately adored, and a tyrant who is forcibly obeyed.[7] At that point, God and the tyrant are confused in the narrowness of the people's minds because of some similarities: the right to be glorified, the power to do without asking and unaccountability, for example. As a consequence, ordinary people think that they have no right to monitor the despot, because of the abyss that separates his loftiness from their lowliness. In other words, the common herd finds that the God it adores and the tyrant have many elements in

common, in terms of names and attributes. Thus, they become one and the same thing, in its eyes. Common people are no longer able to distinguish, for example, between the absolute Agent and the autocrat, between Him who "shall not be questioned as to what He does" (Qur'an 21:23) and the irresponsible ruler, between the Benevolent One and the politician dishing out favours, between the Omnipotent and a mighty king. In this way, ordinary people glorify tyrants as if they were God, or rather, as if they were superior to Him, since, God is forbearing and generous, delaying punishment and deferring it, whereas the tyrant's vendetta is immediate and abrupt. [...]

In short, all political scientists maintain that politics and religion march together and that reform of religion is the simplest, most effective and fastest route to political reform. The ancient Greek sages were perhaps the first to take this road, i.e. to use religion to reform politics. They had the shrewdness to make their tyrants accept political participation, by teaching them the doctrine of participation in divinity, which they had taken from the Assyrians and then embellished with their own myths.[8] Thus they gave justice a god, war a god, the rains a god and so on and they attributed to the god of gods the right to preside over them all and to adjudicate differences between them. Once they had planted this doctrine in people's minds, giving it the form of majesty and clothing it with the magic of eloquence, it was easy for these sages to urge people to require tyrants to renounce their monopoly on power. The earth was to be administered like the heavens. And the kings were forced to give way, against their will. This was the most powerful means by which the Greeks finally succeeded in creating the republics of Athens and Sparta. And the Romans did the same. This ancient example of the division of power into monarchies and republics, in their various forms, has remained valid to the present day.

Only that this system of associating [men with divinity], apart from being false in itself, had a far more damaging effect since it gave impostors from all social classes ample opportunity to claim certain divine characteristics for themselves, such as the attributes of sanctity or spiritual powers. Before then, only isolated, individual tyrants had dared to claim them, such as Nimrod in the time of Abraham or Pharaoh[9] with Moses, but from then onwards whole hosts of Brahmins, priests[10] and mystics stepped forward. And because there was, in various respects, a correspondence between this corrupting innovation and human nature – a correspondence that we will not investigate in this study – this false belief spread, blinded many people and enlisted an infinite army at the despots' service.

It was at that very moment that the Torah came to teach action and save men from an apathetic resignation that had brought them to the point of asking God and his prophet to fight in their place. It came and brought order to

confused dreams, getting rid of the doctrine of polytheism by substituting the numerous gods with angels, for example. But the kings of the house of Cohen were unable to content themselves with monotheism and they corrupted it. Then came the Gospel, bringing a heavenly source of sweetness and forbearance, but it collided with the resistance of hearts burnt by the fire of cruelty and despotism. The Gospel, too, taught the law of monotheism but its first preachers met with decadent peoples, who accepted Christianity before the higher nations and they failed to make them grasp that paternity and sonship were two metaphorical expressions whose meaning reason could only accept in those figurative terms (and the same goes for the question of predestination that the Islamic thinkers inherited from the Indian religions and the Greek fables). Thus the nations accepted the notions of paternity and sonship in the sense of an authentic generation, because this was more accessible to their limited intellects, always reluctant to rise above sensible realities, and also because they had previously declared some of their first tyrants to be sons of God. Thus it was now an onerous matter for them to accord Jesus – peace be upon him – a lesser position than their first kings. Then, when Christianity spread amongst numerous peoples, it clothed itself with garments that were not its own (as had the other religions preceding it) and was expanded with Paul's epistles and other writings. In this way, the message clothed itself in pagan garb and rites taken from the Romans and Egyptians were added as well as the rites of the Israelites, other myths and forms of [ancient] kingship. In this way, Christianity ended up glorifying the clergy to the point of believing that it acted on God's behalf and in His place, that it was infallible and that it had the power to make laws. All this was finally rejected by the Protestants i.e. those who rely on the Gospel in their way of judging.[11]

Then came Islam, to purify Judaism and Christianity and totally destroy polytheism, building on the foundation of wisdom and firm resolution and on the rules of an intermediate political freedom falling between democracy and aristocracy. Islam provided the full basis for monotheism and eliminated every form of religious authority and usurpation that claimed to judge souls or bodies; it laid down the Law emanating from its wisdom as a universal norm that was to be valid for every place and every time; and it gave birth to a natural political society in its noblest form (*madīna fitriyya sāmiya*). It brought forth a form of government such as that of the rightly guided caliphs: not only had history never seen anything like it but, with the exception of a few isolated cases such as 'Umar Ibn 'Abd al-'Azīz,[12] the Abbasid al-Muhtadī[13] and the martyr Nūr ad-Dīn,[14] even amongst Muslims this government had no successors of the same calibre. Those rightly guided caliphs understood the meaning of the Qur'an that had come down in their language and they took it to guide their actions, thereby giving birth

to a form of government that decreed equality in the joys and sufferings of life even between the caliph and the poorest member of the Islamic community. They created feelings of brotherhood and ties of social commonality that are hard to find amongst brothers-german who live under the sway of the same father and in the embrace of the same mother. However, this noble way of managing power, which is the style of the prophet Muhammad, was only followed in all its aspects by Abū Bakr and ʿUmar.[15] Then it began to disappear and the Muslim community began to regret it and long for it, from the time of ʿUthmān to the present day. And it will continue to regret it until the Day of Judgement unless it strives to recover it through a political style founded on democratic consultation (*tirāz siyāsī shūrī*), a style achieved by some Western nations of which we could truly say that they have learned more from Islam than Muslims themselves.

Even in its narrative sections, this noble Qur'an is brimming with passages that teach us to suppress despotism and give new life to justice and equality. Amongst these there is, for example, the speech that Bilqīs, the queen of Sheba from the Tubbaʿ[16] Arabs, addressed to the nobles amongst her own people: "She said, 'O Council, pronounce to me concerning my affair; I am not used to decide an affair until you bear me witness.' They said, 'We possess force and we possess great might. The affair rests with thee; so consider what thou wilt command.' She said 'Kings, when they enter a city, disorder it and make the mighty ones of its inhabitants abased. Even so they too will do'" (Qur'an 27:32-34). This story teaches that kings must request the counsel of the leading figures (i.e. their noblest subject) and must not take any decision without having first heard their opinion. It further demonstrates that strength and power must remain in the hands of subjects, that only the executive function falls to kings and that it is solely in that functional capacity that they are to be honoured, thereby putting tyrants to shame. [...] So, on the basis of all this, there is no room for the accusation that the Islamic religion would support despotism, as hundreds of clear verses demonstrate.

[ʿAbd al-Raḥmān al-Kawākibī, *Tabāʾiʿ al-istibdād wa masāriʿ al-istiʿbād* (The Nature of Despotism and the Damage caused by Servilism), Kalimāt ʿarabiyya li-l-tarjama wa-l-nashr, al-Qāhira, 2011, pp. 7-9, 12-13 and 21-26 *passim*, Italian translation by Martino Diez. English translation by Catharine de Rienzo, revised on the basis of the Arabic original by MD]

1 The word is in Arabic *'iliyyūn* (see Qur'an 83:18-20 and the various exegesis on the passage).

2 'Abbās II Hilmī (1874-1944) was the last Khedive of Egypt (1892-1914) before the British Protectorate.

3 By "Torah", the author means here the whole of the Old Testament.

4 In Islam, the heavenly Books are the Torah, the Psalms, the Gospel (in the singular) and the Qur'an.

5 "The Jewish [religion], and then the Christian and Muhammadan ones, in their admitting a sole God, the absolute and terrible lord of all things, must have been and have actually been and still are much more predisposed to tyranny" (Vittorio Alfieri, *Della Tirannide*, chapter eight – "Della religione" ["On Religion"], Archivio Guido Izzi, Rome, 1985, p. 50).

6 Al-Kawākibī targets the belief in the intercession of the pious faithful, in line with the typical modernist polemic against the cult of saints (including and especially the Islamic ones).

7 "The idea that the common herd has of the tyrant comes so close to the idea of God (as falsely conceived by almost all peoples) that one could infer that the first tyrant was not, as it is customarily supposed, the strongest man but, rather, the shrewdest knower of men's hearts, who first gave them an idea – whatever it may have been – of divinity. And so, amongst very many peoples, civil tyranny was created from religious tyranny; often both of them were united in one body; and almost always they have been helping each other" (Vittorio Alfieri, *Della Tirannide*, p. 50).

8 "Pagan religion, with its infinite multiplication of gods and its making heaven almost a republic, and its subjecting Juppiter himself to the laws of fate and to other customs and privileges of the celestial court, must have been, and in fact was, very favourable to free living" (*Ibid.*).

9 In the Qur'an, Pharaoh says to the Egyptian notables, "Council, I know not that you have any god but me" (28:38).

10 The Arabic (*bādrī*) would appear to be a phonetic transcription of the Italian word "*padre*" ("father").

11 Here, too, the agreement with Alfieri's text is remarkable, both in the positive assessment of the Reformation and, above all, in the accusation of the clergy having deformed Christ's authentic preaching. On this second point, the Qur'anic message and the Protestant/Enlightenment critique are in perfect agreement. "Over time, the excessive abuses [in Christian religion] forced some peoples that were much wiser than they were fanciful to hold it in check, stripping it of many harmful superstitions. Those men, then distinguished by the name of heretic, reopened a road to liberty, which was reborn amongst them after long being banished from Europe, and prospered there to a fair measure [...]. However, the peoples who, not restraining Christian religion, wanted to keep it in its entirety (I mean not the religion preached by Christ, but the one that had been transfigured by his successors, by art, deceit and even violence) increasingly closed off every road to recovering freedom" (Vittorio Alfieri, *Della Tirannide*, p. 52).

12 An Omayyad caliph known for his piety, he reigned from 717 to 720.

13 An Abbasid caliph. He sought to restore order in the court but reigned for less than a year, from 869 to 870.

14 Emir of Aleppo at the time of the Crusades (1118-1174), he led the resistance against the Franks.

15 Abū Bakr's caliphate lasted from 632 to 634 and 'Umar's from 634 to 644. 'Uthmān was caliph from 644 to 656, but the 12 years of his reign are traditionally divided into six good years and six bad ones. It should therefore be noted how short Islam's golden era is in al-Kawākibī's idealized reconstruction (which, on this particular point, only reproduces classical Sunni thought).

16 *Tubba'* is the term used by the Arab sources to refer to the pre-Islamic dynasty of the Himyarites, which governed Yemen between the third and the sixth century A.D.

Reportage

TUNISIA: "WE WANT TO BE FREE, BUT DON'T CALL US AN EXCEPTION"

Rolla Scolari

The Tunisian President wants to cut family law free from Islamic law and dispel the taboo regarding gender inequality in inheritance, one of the last taboos in the Arab-Muslim world. The feminists are supporting him, the religious institutions are opposed and, surprisingly, Ennahda's Islamists are keeping resoundingly silent. We went personally to follow a debate that promises to be revolutionary as far as the role of religion in Islamic societies is concerned.

MEHERZIA LABIDI, AN ENNAHDA MP, INSIDE THE BARDO, THE PALACE THAT HOUSES TUNISIA'S PARLIAMENT

Tunis – In an orderly residential quarter of Tunis, the words "Feminist University" mark the entrance to the premises of the Tunisian Association of Democratic Women (ATFD – *Association Tunisienne des Femmes Démocrates*). The office on the ground floor of an anonymous little white villa is a temple to the fight for women's rights in Tunisia, one of the most progressive countries in the Arab-Muslim world from a women's-rights-and-freedoms point of view. Inside, the air is thick with a political activism that – along with the badly stubbed-out cigarettes – takes you back to a distant era of militancy and social battles in a younger Europe.

The walls are hung with black and white photographs of historic female activists and images of street protests. Leaflets scattered over a table talk in French and Arabic about the "founding of citizenship and equality from a women's perspective" and "women's participation in political life", whilst advertising a theatre play on the subject of gender equality in inheritance, entitled "*Terka*" ("Inheritance"). And it is precisely inheritance that has become the latest cause for the women's associations that, in Tunisia, have a long and deep-seated history of battles and achievements.

Khadija Cherif is the ATFD's second-in-command. At the end of the summer, she and the activists from her own and other women's groups celebrated what she calls an epochal success. On 13 August (Women's Day), the President of the Republic, Beji Caid Essebsi, promised to review two sensitive topics: marriage between a Muslim woman and a non-Muslim man and equality in inheritance shares. Circular 216 of 1973 (which everyone nevertheless calls "Circular 73" and which forbade this kind of mixed marriage) was repealed one month later. And now the country is debating the inheritance question.

Intervening in the area of inheritance law remains taboo in the Islamic world. In Tunisia, even the leader who managed to cut the regulation of various aspects of family law free of sharia preferred, in his day, not to clash with the religious institutions and a still conservative society. It was 1956 when the founding father and president, Habib Bourgiba, introduced the Personal Status Code. This abolished polygamy, established a minimum

marriageable age for girls, substituted judicial divorce for "repudiation" and imposed the requirement that the bride, too, should consent to the marriage.

"Independent Tunisia's first Constitution was launched in 1959 but many said at the time that the real fundamental law had arrived three years earlier, when Bourguiba had put Tunisia on the path to modernity," Khadija Cherif says. At that stage, however, the president who, thanks to the huge popular legitimacy he enjoyed, had dared to touch norms regulated for centuries by the religious law, had come to a halt before the issue of equality in inheritance.

Secularist, republican, activist and a feminist, Cherif was removed from government in 2015 as a result of Islamist pressure after being appointed Minister for Women, the Family and Children. She thinks that Bourguiba signed up to a modernist reading of Islam with his pull away from sharia in 1956 but that he fell short of separating state from "church". The current Tunisian President, on the other hand, came to power after the 2011 revolution and the promulgation of a new Constitution that sets out the equality between men and women in black and white. Unlike his illustrious predecessor, he bases justification for his summer proposal on the need to make the Tunisian laws comply with that text undersigned by all the political parties (both secular and Islamist) in a moment of national unity. So not a modernist reading of Islam but a clear invocation of the separation of politics from religion that puts Ennahda's Islamists with their backs up against the wall, being as they are in a coalition with the President's secular party, Nidaa Tounes.

It is two verses of the Qur'an that regulate the issues of inheritance and the marriage of a Muslim woman with a non-Muslim man. If a Muslim man can marry a Christian or Jewish woman, the same does not go for a Muslim woman

"It was necessary to put Ennahda to the test," Khadija Cherif says, echoing the words written by the Tunisian journalist Fawzia Zouari in the Francophone magazine *Jeune Afrique*: "It must be admitted, it is a malicious way of making Ennahda come out into the open. The local Islamist party is in an embarrassing position: it cannot go against women, nor can it disappoint the West, which is calling on it to provide proof of its 'feminist' and 'democratic' spirit."

Islamists Put to the Test

Meherzia Labidi is wearing a string of pearls that pulls her veil tight under her chin. She is walking in one of courtyards at the Bardo Palace (seat of the Tunisian Parliament), where the blue of the doors contrasts with the light colour of the slim marble columns. She is smiling as she proudly states that she was that Assembly's first woman vice-president, from 2011 to 2014. And to those who ask her how Tunisian society has changed since that time in

TUNIS: THE NEIGHBOURHOOD WHERE THE ZAYTUNA UNIVERSITY IS LOCATED

1956 when Bourgiba came to a halt before the inheritance issue, she recalls that many people – "and very many progressives" – told her, after her appointment, that she was a woman and that she should not have been there, occupying that chair: "Women have changed, not society." Labidi is one of Ennahda's MPs. Ennahda is the Islamist party that won the 2011 elections and then went on to support a government of technocrats after the political crises in 2013-2014, when the movement's opponents accused it of Islamizing society and being unable to govern.

It is two verses of the Qur'an (4:11 and 2:221) that regulate the issues of inheritance and the marriage of a Muslim woman with a non-Muslim man. If a Muslim man can marry a Christian or Jewish woman (i.e. one from the so-called "Peoples of the Book"), the same does not go for a Muslim woman. And those who are against a review of the inheritance rules recall that the Qur'an's treatment of the issue leaves no room for interpretation: a woman is entitled to half the man's entitlement. The text is clear. Although the

debate touches on practices directly regulated by the Qur'an, Ennahda remained surprisingly silent both when the circular on mixed marriages was repealed in September and is still keeping quiet now, as the country tackles the discussion about inheritance law.

"Were I to listen to my feminist side, I would say equality and that's the end of it," Labidi says, "but I do not claim to be more intelligent that Bourguiba. There's a huge gap between talk and practice. Amongst religious legal thinkers, there are those who are asking for equality: we need a debate in which the experts on Muslim law are involved. If the issue of inheritance is affected, then it will be necessary to review the whole family structure. As far as marriage is concerned, on the other hand, even the most conservative jurists have adopted differing positions right from Islam's very beginnings. A Muslim woman who wants to live her religion can ask her husband to convert; if, on the other hand, religion is not important to her, her actions will be guided by love." Meherzia Labidi is part of the more "reformist" wing of the party. If, in 1977, the leader of the Islamist movement, Rached Ghannouchi, called for Bourguiba's Personal Status Code to be abrogated and sharia established, nowadays he seems to have made room for this "reformist" wing, at the more conservative current's expense.

During the 1980s and 1990s, there were hundreds of Islamist militants who ended up in prison for an idea: that of the advent of an Islamic state founded on laws taken from the sacred texts i.e. the Qur'an and the hadīth "

It is Tuesday morning and Ennahda's parliamentary group has just ended a meeting: the members take a break at the Parliamentary canteen where the menu offers vegetable couscous with lamb and *rayeb* (fermented milk). Ajmi Lourimi MP (who is considered one of the movement's ideologues) states that he does not have a position on the inheritance issue, just as (he explains) Ennahda does not have a clear or unanimously held position in the debate: "I think that one can be a sound believer and nevertheless defend gender equality in inheritance. You don't need to be a secularist or an atheist to realise that it's a social order issue with an economic aspect."

And yet, during the 1980s and 1990s, there were hundreds of Islamist militants (including Lourimi himself) who ended up in prison for an idea: that of the advent of an Islamic state founded on laws taken from the sacred texts i.e. the Qur'an and the *hadīth*. And if, in 2016, Ennahda announced its historic decision to separate that which the region's Islamist movements traditionally unite – preaching (*da'wa*) and politics – many of its rivals see this change of direction not as an evolution towards a sort of "Muslim democracy" along the lines of the European Christian democracies but, rather, as a matter of political opportunism. "They became realists the moment they came to power and

they have exercised that power in a liberal society that is more akin to Italy than Yemen. And one that does not want an Islamic state," explains Lazhar Akremi, ex Minister and ex-spokesperson for the President's party.

It is, perhaps, too early to understand whether Ennahda's silence nowadays is linked to that decision to separate preaching from politics, to a real evolution or to mere calculation. "Specialization", in any case, rather than "separation", is what Ajmi Lourimi emphasizes. For Samir Dilou, a lawyer, ex-Minister for Human Rights and spokesperson for Ennahda's two governments, the step taken in 2016 means "dropping political Islam, turning the page of political Islam: it's a journey. Tunisia doesn't need a pan-Islamic party. What it needs is a Tunisian party without ties with other brotherhoods. The questions in Tunisia must receive answers in Tunisia. To say 'Islam is the solution' (the Muslim Brothers' electoral slogan in Egypt) is like going to a doctor who tells his patients, 'Medicine is the solution'. People don't need to be given answers in the religious context, because they don't need to rediscover their religion. They need political and economic prescriptions... The separation issue is a matter of honouring the law regulating parties, just as in business: we've been given permission to sell fridges and we can't sell nuclear reactors." This explanation does not convince secular, feminist activists such as Khadija Cherif, however. According to her, there has not been any separation of preaching from politics within Ennahda: "The preaching takes place more discretely nowadays. What worries me is the work Ennahda is doing at the educational level, with the young and in a social welfare context, through private institutes that are not monitored by the state. The day it achieves a majority, it will do the same as Erdoğan: he Islamized society, in the end."

> " *If, in 1977, the leader of the Islamist movement, Rached Ghannouchi, called for the Personal Status Code to be abrogated and* sharīʿa *established, nowadays he seems to have made room for a "reformist" wing, at the more conservative current's expense*

In the Wise Men's Palace

It is an ancient palace that houses Beit al-Hikma, the Tunisian Academy of Sciences, Letters and Arts. The name refers to the prestigious house of Islamic knowledge founded by the caliph al-Maʾmūn in Baghdad during the ninth century. The Tunisian foundation, to which writers, scientists and intellectuals all belong, is located on Carthage's seafront. Coloured majolica tiles adorn the office of Abdelmajid Charfi, the president of Beit al-Hikma, Emeritus professor of Tunis University and member of that committee of "wise men" set up by President Essebsi to reflect on the inheritance question. According to Charfi (who is considered one of the leading figure of the modernist Islamic thought),

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THE OLD AND THE MODERN IN AVENUE BOURGUIBA, IN THE CENTRE OF TUNIS

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TUNIS: A POPULAR NEIGHBOURHOOD NEAR THE MEDINA

TUNIS: THE STATUE OF THE FOURTEENTH-CENTURY HISTORIAN IBN KHALDUN AND THE CATHEDRAL OF ST. VINCENT DE PAUL

Ennahda's resounding silence regarding these reforms is taking into account both the balance of power and the fact that the request has come from the head of the party with whom the Islamists have an agreement. At the same time, "It reflects what is happening in society: part of Ennahda's rank and file has changed but so have some of its leaders, even if there remain those within the movement who reject the slightest affront to what they consider to be the Muslim community's consensus." And what is certain is that the balance of power is not in Ennahda's favour, weakened as it has been by the test of governing from 2012 to 2014. Furthermore, the Gulf crisis has weakened Qatar's backing and whilst America and the West had supported the Islamists in the region early on, they subsequently backtracked a little. The party is keeping a low profile and therefore the only real opposition to the Tunisian president's reformist proposals for the time being – at least on paper – has come from the official religious establishment. University, mosque and debilitated temple of Tunisian Islamic knowledge, al-Zaytuna has published a communiqué in which it opposes both the repeal of Circular 73 on marriage and reform of the inheritance law. Intervening in the Tunisian national debate, the prestigious Egyptian university of al-Azhar has done the same.

For Mounir Rouis, director of al-Zaytuna's Higher Institute of Theology, there is no room for doubt or manoeuvre: the sacred texts are quite clear, both on the marriage question and on inheritance. And yet he seems to want to extend a hand to the government: "Al-Zaytuna is not always opposed. It is not opposed for the sake of being opposed, but it wants to be involved in the debates affecting religion: we are ready to send experts. Bourguiba involved the ulama in the drafting of the Personal Status Code."

Amongst the religious scholars who defended that reform at the time was Fadhel Ben Achour, one of the greatest Islamic thinkers and Tunisian intellectuals. "I am happy to be sitting now at the desk that was his; we will return to those glories," says professor Rouis, indicating the enormous, solid-wood table cluttered with books and coloured folders. Traditionally, Sunni Islam's religious institutions follow government, Abdelmajid Charfi recalls. He does not expect Al-Zaytuna to put up any real opposition to the proposed reforms beyond the simple communiqué. Indeed, "Islam's history shows that the representatives of official institutions never say 'No' to political power: on the contrary, they follow it. Left to themselves, without any intervention from the political powers, these same representatives have conservative positions but they can change them, depending on how the political power is exercised."

> *To say 'Islam is the solution' (the Muslim Brothers' electoral slogan in Egypt) is like going to a doctor who tells his patients, 'Medicine is the solution'* "

YOUNG WOMEN IN FRONT THE MUNICIPAL THEATRE OF TUNIS

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The committee on which Professor Charfi sits also includes figures with a modernist Islamic background but it lacks jurists and religious experts. The Grand Mufti of Tunisia himself (Othman Battikh, who supported Circular 73's repeal) remains opposed to the proposed inheritance reforms, as does the Minister for Religious Affairs, Mohamed Khalil. And yet, "Islam's history shows that it is not unusual to adopt new approaches to the text," explains Mariem Masmoudi, a Tunisian-American activist who is working on constitutional processes for the International Institute for Democracy and Electoral Assistance. "Bourguiba (himself a lawyer) did not do everything single-handedly but worked, rather, with a team that also included religious scholars from the traditional institutions: this fact (which is not being repeated nowadays with Essebsi) allowed him to conquer even the most conservative fringes of public opinion."

Two Sets of Interests Stand to Gain
Bochra Belhaj Hmida, chairperson of the governmental committee working on the inheritance issue, talks explicitly of battle as she sits mending a blue lace

A COURTYARD IN THE BARDO PALACE, SEAT OF THE TUNISIAN PARLIAMENT

dress in her house in the chic suburb of La Marsa, a few kilometres from Tunis. "In the Arab-Muslim world, it is politics that has put religion at its service, in order to preserve the status quo. When they do not want to touch the Qur'an, it is because they want to preserve the status quo. When they want change, they find the ways to achieve it. I have the right not to choose the most retrograde path, because if one is retrograde about women's rights, one is retrograde about everything." A lawyer and one of the earliest feminists, Hmida sees the new challenge as the culmination of years of battles. In her opinion, it is possible to change the law nowadays because women in Tunisia are independent economic actors and heads of families.

Those who defend sharia's supremacy in family issues often talk of a request from an elite rather than a demand from the people. If it is true that marriage between a Muslim woman and a non-Muslim man once involved only the richest women (who went to study or work abroad), nowadays, according to Hmida, the majority of these marriages occurs amongst the poorest groups, amongst women who work in small factories with foreign owners and employees or those who have emigrated to Europe. The inheritance question,

too, would involve the poorest women, above all, because the question is likely to be resolved by way of a legacy or gift within the richer or more educated strata of society. Hmida considers that the reforms will have a strong impact elsewhere in the region: "What is happening today in Tunisia is strengthening women in other Muslim countries, given that the governments are competing with each other. The expression 'Tunisian exception' bothers me: it calls the struggle of other women into question. We Tunisians have an interest in not remaining alone, in not remaining an exception. And we are ever less so."

> *"When they do not want to touch the Qur'an, it is because they want to preserve the status quo. When they want change, they find the ways to achieve it. I have the right not to choose the most retrograde path, because if one is retrograde about women's rights, one is retrograde about everything"*

Chairperson Bochra Hmida certainly has not escaped criticism for what she is doing. If those opposing Essebsi's proposals on the inheritance issue are saying (in Islamist quarters, above all) that this is not the right moment to touch topics that are so divisive during a difficult transition period, the criticism coming from the secularist camp and the groups born of the 2011 revolution is that of working with a president smacking of the *ancien régime* and one who does not have women at heart, but only political profit. A date will soon be chosen for the hitherto deferred local government elections and the ninety-year-old leader would like to stand again in the presidential elections in 2019. The repeal of the marriage circular was announced the day after Parliament approved a bill providing for an amnesty for former officials under Zine El-Abidine Ben Ali's regime. An indignant part of civil society is accusing the president of aiming at covering over a controversial step backwards with his feminism. Hmida's response is sharp, "That's not my problem. As a feminist, I want women to gain in civil standing and civility. If he gains as president, well, good for him! I certainly won't let slip the chance to give women more rights."

Amidst all the political controversies, Islamist doubts and feminist expectations, the only thing that is certain is that the debate will take place in Parliament, putting the means of a still imperfect democracy to the test. However, after detailed argumentation on the reasons for defending the traditional inheritance rules, Meherzia Labidi, Ennahda's MP, concludes her exegesis thus, "And if, in Parliament, the majority is in favour of equality, well, high time too! But may everything happen through a debate: God won't let us end up in hell over questions of inheritance."

THE MEDINA OF TUNIS

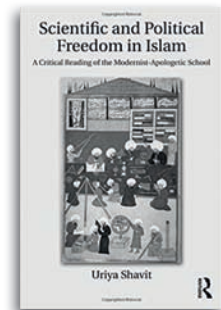THE ENTRANCE OF A PALACE IN SIDI BOU SAID

©OASIS

Reviews

"NEITHER LIBERAL NOR FUNDAMENTALIST"

There are fields of research that, despite being worked by years of study, still have not been totally dug up. The ground of nineteenth/twentieth-century Islamic reformism is a case in point: the bibliography on this is, by now, boundless but various aspects are still waiting to be adequately investigated and understood. With his *Scientific and Political Freedom in Islam*, Uriya Shavit, professor of Islamic Studies at the University of Tel Aviv, has made a two-fold contribution to an understanding of this crucial period in modern Islamic history. On the one hand, he tackles the anything but marginal issue of scientific and political freedom in reformist thought; on the other, he demonstrates how this thinking has continued in the intellectual output of a new generation of Muslim thinkers such as Yūsuf al-Qaradāwī, Muhammad al-Ghazālī and Muhammad ʿImāra, who are less well known or, at least, less studied than their predecessors.

Everything began in the last quarter of the nineteenth century when European orientalists, intellectuals and political figures repeatedly accused Islam of being hostile towards both science and political freedom and, therefore, of constituting the principal obstacle to Muslim societies' development. This triggered a series of debates in which Jamāl al-Dīn al-Afghānī, Husayn al-Jisr, Muhammad 'Abduh and Rashīd Ridā, the great representatives of Islamic reformism, were the protagonists. They responded to the accusations by developing a discourse based on a comparison between Islam and Christianity. This claimed that, whereas Europe had had to free itself from the obscurantism of religion (particularly Catholicism) in order to take the road of progress, Muslims had no reason to give up their religion in order to reckon with modernity. Indeed, unlike Christianity, Islam not only was not opposed to science but actively promoted it and so much so that its arts and forms of knowledge had inspired the European Renaissance. Secondly, since it had no clergy, Islam would be naturally immune against theocracy. Taking these two assumptions as their starting point, the reformist thinkers and their followers developed a theory of scientific and political freedom that was to become a constituent part of the Islamist movements' ideological apparatus (for the Muslim Brothers, above all) as well as the dominant opinion amongst contemporary Muslims.

This theory adopts a concordist vision of revelation and of the Qur'an, in particular. The latter would anticipate the modern era's great scientific discoveries and, at the same time, institute a political order that was the precursor to democracy. In cases of conflict between the letter of revelation and modern science, the contradiction should be resolved by way of an allegorical textual interpretation.

In the past, advocates of this approach have been sorted into totally different categories. For Hourani, their openness to modernity made them liberals, whereas others have described them as fundamentalists. Proposing a useful terminological clarification, Shavit prefers to define them as a "modernist-apologetic" school that is "liberal and fundamentalist at the same time and, as such, is neither liberal nor fundamentalist." (p. 45). Modernist-apol-

ogetic Muslims are not liberal because, unlike liberal Christians, they have not "distanced their arguments from revelation as a source of definite authority", but have, rather, "entrenched their quest for religious reform in revelation itslef" (p. 47). But they are not fundamentalist either because, unlike the American evangelicals, for example, they do not reject the modern scientific theories that conflict with the revealed texts' literal meaning but try, instead, to show how "each and every verse of the revelation can be interpreted in a way that accommodates modern concepts." (p. 49).

The political implication of the position adopted by the modernist-apologetic school is that, by virtue of the harmony between *sharīʿa*, modern thought and institutions, Islam is *naturaliter* the guarantor of its citizens' freedom and can thus legitimately be made the bedrock of public life. This is a theoretical construct that apparently holds together the centrality of revelation and modern acquisitions but that, in reality, is unable to keep its promises. Shavit demonstrates this by highlighting the inconsistencies, both in the area of scientific freedom and in that of political freedom. In both cases, the weak point in this perspective is the identifying of the authority deputed to establish the correspondence between the revealed law and natural or man-made laws. In the scientific context, the trajectory coursed by Darwinian evolutionism is emblematic. Rejected by al-Afghānī because it was contrary to Islam, it was considered by al-Jisr and Ridā to be a confirmation of the Qurʾanic revelation's superiority, only to be subsequently discredited by al-Ghazālī, Qaradāwī and ʿImāra as an aberration. Apart from the instability of these thinkers' opinions, what gives cause for perplexity is the fact that it is men of religion, rather than scientists, who are expressing their views on the validity of a scientific theory.

The same goes for the question of political freedom. The modernist-apologists state that there is no theocracy in Islam and that the Islamic state is, rather, a form of democracy in which citizens have the right to give themselves the laws they want, provided that these do not conflict with *sharīʿa*, the primary source of legislation. But who decides about the conformity between man-made laws and revealed law? On this point, the modernist thinkers either are vague or end up evoking the need for a monitoring body composed of religious experts, something that would actually reintroduce the theocracy the existence of which they are theoretically denying. Thus, writes Shavit, "In the Islamic state, Islam must be chosen rather than imposed, but individuals only have the right to choose Islam, as any other reference is illegitimate." (p. 139).

– *Michele Brignone*

THE CRISIS OF THE SUNNI COMPROMISE
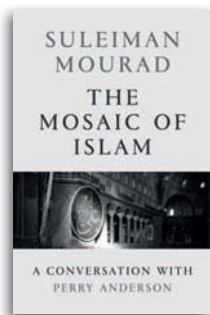
author:
Suleiman Mourad

title:
The Mosaic of Islam. A Conversation with Perry Anderson

publisher:
Verso, London-Brooklyn (NY), 2016

A Lebanese historian transplanted into the United States, Suleiman Mourad passes the difficult test of the book-interview and, what is more, on an extremely sensitive subject: Islam.

Stimulated by Perry Anderson's questions (which, incidentally, presuppose an uncommon quantity and quality of reading), Mourad – educated at the American University of Beirut and in Yale and now professor of religion at Smith College – tackles an assortment of subjects that can be grouped around four cores: the Qur'an and early Islam; jihad; the difference between Sunnism and Shi'ism and, finally, the crisis in contemporary Muslim world.

Whilst it is impossible to go through the contents of the book in detail, some strong ideas running through the entire volume are worth highlighting. They make it a very helpful tool for understanding the dynamics at work within Islamic societies.

First of all, what is Sunnism? Although he was born into a Sunni family from Southern Lebanon, Mourad confesses that he only gradually became aware of the extraordinary variety of opinions expressed by ulama on almost every issue. To explain this point, he offers a clear, albeit slightly irreverent, example: "Classical Sunni Islam... was much like academia today – you can bring different people together to talk about Lincoln, Shakespeare, or any other topic, and four speakers on a panel can completely disagree with each other, and at the end of the day go to a pub for a drink together; and if they write about it, they will say this was my opinion, but others saw things differently. That is essentially what we call mainstream Sunni Islam" (p. 82). Thus the fundamental idea in Sunnism is according to Mourad "compromise – the belief that no one sect has it completely right" (p. 81).

In the author's opinion, if this position is not dead, it is at least gravely endangered by "Wahhabi manipulation" (p. 98). Promising direct access to an Islam recreated from scratch, this trend is exerting a powerful attraction on the Islamic world, which cannot be explained only through its huge economic resources. At the geo-political level, the Wahhabi supremacy is translating into "an increasing Sunni paranoia toward Iran" (p. 100). To be sure, Hezbollah and the Iranian regime are driven by an equally sectarian ideology: "The difference is that the message is not broadcast – it is kept within a closed circle" (p. 135).

It is within the framework of such conflict that the concept of jihad is being reactivated. Mourad has written several important works on its history. The militant and military dimension of this institution are undeniable and "the recent advocacy that jihad in Islam means internal struggle is disingenuous to say the least", as Mourad observes with great intellectual honesty (p. 43). The point is, rather, that in Islamic history there has been an oscillation about the nature of jihad as an individual or a collective duty. After the first conquests, the Abbasid caliphs (750-1258) sought to place this institution under their control and "tame" it (p. 45) in the service of their empire's political interests. Nevertheless, the Crusades reactivated and re-orientated the ideology of individual jihad, particularly within the Mamluk sultanate (1250-1517) which was in the front-line in the struggle. "The Abbasids hired scholars to discredit jihad as an individual duty. The Mamluks did not. So if one goes into any seminary today, the formulation of jihad that is taught features the one that was radicalized during the Crusader period" (p. 49).

This alarming statement paves the way to two considerations: first of all, the need for a detailed understanding of contemporary jihadist ideology. Mourad offers the example of Lieutenant Islambouli who, after fatally wounding the Egyptian leader Anwar al-Sadat, did not strike the then vice-president Hosni Mubarak (who was within firing range) because the

fatwa that legitimated his actions exclusively targeted the Egyptian president. The problem is that "conventional analysis of Islamic terrorism does not pay attention to what its militants actually say – it looks at economic factors or historical circumstances, operating with only a very general sense of religion and ideology, ignoring the precise terms in which they justify their actions" (p. 93).

On the other hand, one is almost naturally led to ask whether the jihad formula inherited from the Crusade era can be reformed. Mourad does not answer the question directly, but he does warn against what he most aptly calls the "Protestant trap" (p. 125), namely, the idea that the solution lies in a return to the text of the Qur'an alone, without any form of mediation. As a historian, he observes that, "The Qur'an legitimizes a lot of things that modern Muslims consider embarrassing: slavery, military jihad, control of women, polygamy, scientific fallacies." Consequently, many modern thinkers who cling to a Protestant approach to scripture argue that the way forward would be to recover the "spirit" of the Qur'an. "This move allows a scholar to decide that the spirit of the Qur'an promotes social justice, and the entire text can therefore be reinterpreted accordingly or ignored. In so doing, modern reformers have realized the limitation of the Qur'an but only after they butchered the best thing about Islam: the fascinating civilization that Muslims have created over the centuries" (p. 126). There could be no more clearly-worded criticism of the modernist school that, albeit promoting numerous, welcome "updates", cannot totally free itself from the impression of reading the sources selectively and, on a last analysis, opportunistically. Mourad presents himself as a man in search, not "confined by any religious affiliation" (p. 136) and does not feel obliged to indicate what the solution to the modernist dilemma could be. His scientific output nevertheless reveals a line of enquiry centred on the late antique period and the links between the Qur'an and other religious traditions, particularly Christianity. And perhaps it is not mistaken to state that the figure of Jesus of Nazareth, along with everything that is associated with it (Mary, Jerusalem, Syriac civilization…), runs like a *fil rouge* through Mourad's work and his attempt to valorise and recover the dynamism that the classical Islamic civilization so compellingly expressed.

– *Martino Diez*

THE SPRINGS OF NONVIOLENCE
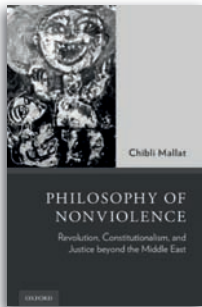
author:
Chibli Mallat

title:
Philosophy of Nonviolence. Revolution, Constitutionalism, and Justice beyond the Middle East

publisher:
Oxford University Press, Oxford-New York, 2015

Chibli Mallat is not just a particularly prolific author and a globe-trotter busy cultivating his constitutional-law studies in America, Europe and the Middle East: he is also an activist and a politician who has stood for election as president of the Lebanese Republic.

His *Philosophy of Nonviolence* is a highly cultured essay on Middle Eastern and comparative constitutional law that analyses the political phenomena driving the Arab Spring, in particular, although he wisely places them within a much broader context. It is also, ultimately, the work of a visionary who is prophesying a new era for developing political co-existence in the Middle East.

The book dwells on this last aspect, in particular. It would have been difficult to do otherwise for the man who founded the NGO *Right to Nonviolence,* a transnational network that monitors the development of democracy in the Arab countries and embraces human rights and the way of non-violence, above all. And it is precisely this aspect of the work that deserves interest and critical reflection.

Mallat focuses his attention on a point deserving profound consideration: the largely non-violent nature of the mass protests that,

primarily from the end of 2010 onwards but also earlier, involved the area stretching from Morocco to Oman. He shows the political profile of this peaceful, transnational movement recently preceded by the Cedar Revolution in Lebanon, in 2005-2006, and the Iranian Green Movement a few years later. The choice not to carry out an armed insurrection, notes the author, was an intentional political choice carrying very precise connotations.

In the first place, it is a transversally mobilizing factor that brings together social forces that would otherwise be destined to remain in the background – women, first and foremost. In the second place, non-violence does not have a sectarian dimension. In the third place, it is not an anarchic force but one based on discipline that wants to achieve a constructive political result, rather than disorder or simply rebellion, still less tragedy.

For Mallat, non-violence is not some utopian movement. It consists, rather, in a given moment of time, although this can last far longer than violent movements do and is, for this reason, less easily identifiable. It then leaves room for more explicitly constructive phases, namely, the constituent phase, during which a genuine constitutional text is drawn up, and then the justice phase, during which those who governed autocratically earlier are put on trial (and convicted, presumably), since "dictatorship is a crime against humanity."

Mallat explicitly constructs an alternative philosophy of political history to the Hegelian one. He invites the reader to read recent history as the unveiling of a Middle Eastern soul reaching towards full political maturity: one that, whilst it rejects violence on the streets as the way to topple a regime, accepts the lawful violence of a new, democratically-established legal order – an order that is not truly complete if it has not done justice *vis-à-vis* the sufferings caused by previous regimes.

One can be grateful to Mallat both for his insightful observations and for his challenging statements. He has advanced a meticulous proposal for abandoning the logic in which transitional moments are normally read, placed as they are in a sort of "grey zone" that alternatively legitimates the violence perpetrated by revolutionaries, if they are successful and topple the regime, or the repression resorted to by regimes, if they manage to hold on to power. Thus he offers a way out of the Kantian and Hegelian idea of revolution being lawful if it succeeds and unlawful if it fails.

Does his attempt succeed? The book was published in 2015 and, in many respects, much of what Mallat writes seems like a dream that ended the same way as all the others: shattered in many areas of the Middle East by violence and reprisals. That does not greatly detract from his work, however. The book seems to have captured the spirit and aim of many of the instances of unrest that the world has witnessed, whatever their concrete outcome may have been.

– *Andrea Pin*

BETWEEN ISIS AND THE AGA KHAN: ISLAM'S POLITICAL THEOLOGY
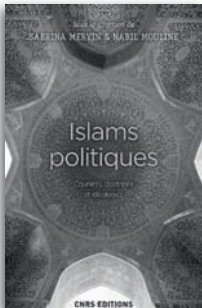
author:
Sabrina Mervin & Nabil
Mouline (eds.)

title:
Islams politiques. Courants,
doctrines et idéologies

publisher:
Cnrs éditions, Paris, 2017

It is often put about that, in order to understand Middle Eastern affairs, it is enough to read them in terms of geopolitics, economics or sociology, whilst disregarding the religious factor. That approach is clearly not possible if one considers that the relationship between the religious sphere and the political one has existed since the birth of Islamic civilization and underpinned the split between the three great currents of Islam: Sunnism, Shi'ism and Kharijism. In later centuries, it was still theologico-political dynamics (understood as the connecting of concepts, symbols and images mixing the terrestrial kingdom with the heavenly one) that resulted in the division between Twelvers, Ismailis, Zaydis, Druze and Alawis. Without going too far back in time, it will suffice to recall, in our own times, the proclamation of the Islamic Republic of Iran in 1979 or the hard power deployed by the Islamic State and justified in the light of a particular interpretation of the Scriptures.

Islams politiques is a collection of eleven essays dedicated to the great theologico-political debates with which the Islamic world has been

concerned from the beginning of the twentieth century until the present day. Its objective is to demonstrate how the doctrines and ideologies overlap and how they are mobilized by the various protagonists (p. 10). The plural form in the book's title must therefore be understood as a reference to the numerous ideological and doctrinal currents stemming from the marriage between political and religious spheres within Islam. Although all the actors speak in the name of Islam, they have given birth to a plurality of identity constructs in competition with each other.

Alongside certain rather hackneyed themes such as the relationship between modernity and reformism, the spread of Wahhabism or the Islamic State's attempt to bring the caliphate back into exisentence, the book presents some rather original contributions. These include Loulowa Al Rashid's brief analysis of the Naqshbandi brotherhood's evolution in Iraq from the 1990s to the present day, which most effectively points out Sufism's ability to overcome doctrinal differences in order to adapt to a constantly evolving political situation. Equally original is Samy Dorlian's investigation of the fundamental doctrines and historic trajectory of the Yemeni Zaydis, a Shi'ite branch that, unlike the Twelvers, has rejected the Imams' infallibility (except that of 'Ali, Hasan and Husayn), the possibility of dissimulating one's faith in cases of danger and the practices of corporal self-mortification linked to the commemoration of Husayn's martyrdom on the day of *'āshūrā'*.

Sabrina Mervin is one of the volume's editors and also the author of two of its contributions. One of these is dedicated to religious and political authority in Twelver Shi'ism, whilst the other considers the 'Alawis in Syria and the dynamics that have allowed the Assad family to preserve power for many decades. The volume further presents a contribution by Augustin Jomier dedicated to Ibadism, the only still existent branch of Kharijism and the majority denomination in Oman today. This current is distinguishable for its political and religious ideal of the imamate: for the Ibadis, leadership of the Muslim community does not necessarily fall to one of the Prophet's descendants but, rather, to the most worthy person, as in the case of the first three "rightly guided" caliphs. The book closes with Michel Boivin's essay on the political role of the Aga Khan, the forty-ninth manifest imam for the Nizari Ismaili Shi'ites scattered in India and Pakistan. More of a business-man than an imam, the Aga Khan manages his imamate along lines that follow the general trend towards globalization and the bureaucratization that seems to characterise religion's current evolution.

Conceived of for a non-specialist public, the book certainly offers an interesting overview of the political theology proposed by the three "ways of Islam" – Sunnism, Shi'ism and Kharijism. Given the vastness and topicality of the subject, however, it would have been worth going more deeply into certain aspects.

– *Chiara Pellegrino*

WOMEN LOOKING FOR TROUBLE (AND FREEDOM)

They are women looking for trouble, the ones who ride the irresistible wave of renewal running through Islamic culture and passing from the screen out onto the street, from Tel Aviv to Sana'a, from Algiers to Beirut: women *In Between,* as stated in the title of a debut film shot by a Palestinian woman in Israel and enjoying great success in Europe. They are courageous women: directors in countries such as Saudi Arabia, where girls are forbidden even to ride bicycles; actresses in Iran, often punished or forced to emigrate for having shown themselves without covering their heads; professionals in Pakistan, where going to school can actually cost you your life; and divorced wives in Yemen, where girls get married even at the age of ten. They are women and it makes a difference because they differ from men in their way of recounting the same things. In their films, wars, ideological conflicts and religious battles peep out from little personal stories, hidden tensions and forms of malaise that start with the individual and hit the family first, then public life

and sometimes even institutions, laying secrets and hypocrisy bare. Their films tell of true experiences, often lived personally. And the stories are sad ones of humiliated existences and unresolved destinies.

These stories have a key word in common that cuts through differences of tradition, generation or culture: *freedom.* It means so many different things: often it is freedom *from* something – an escape from men's bullying, from forced marriages, from prohibitions having a greater or lesser religious element – rather than freedom *to* be or choose one's identity. But even if the term is ambiguous, it serves as a litmus paper for judging life, suggesting solutions (nearly always inadequate ones) and speculating about a redemption (including a social one) that does not seem imminent. It is a magic word that embraces many things – now that "communism is dead and buried," as Salma, one of the bad girls in the Palestinian film, says – particularly if used with reference to the condition of women: even when one avoids coming into direct conflict with some of Islam's rules, the term reminds us of the century that is progressing, the hopes that drowned with the revolutions in 2011 and the expectations that persist.

The phenomenon is not a new one and there are, by now, many films communicating malaise and historic paradoxes. The original title of *In Between,* for example, is significant: *Bar Bahar,* which means "neither here nor elsewhere" i.e. "neither at sea nor on dry land". A sort of manifesto for the new trend emerging; one that inevitably has a hint of a 1970s aftertaste here in the West. But we are not in Europe, as a boy in the film reminds us, even if in Tel Aviv Salma and Laila live discontented lives by day and hallucinatory ones by night, what with all the drugs, sex and Islamic-style rock 'n roll. The former a homosexual in a family of Christian origin and the latter a highly secular lawyer who rebels against every form of imposition, they witness the arrival of a third tenant, Nour, a veil-wearing Muslim, with dismay. She comes from Umm al-Fahm, an Arab-majority city where, in real life, the mayor has called for a boycott of the film and has launched death threats against the director and actresses, whilst stating that the female student who is raped at the end of the film is doubtlessly a bit of no-good. Obviously, the person to stigmatize would actually be Nour's violent fiancé, who is always citing the Qur'an, doesn't give a hand to women considered to be impure and would like to forbid his girl working: "Remember what the Prophet says. Do not prevent your women from going to the Mosque. Even if..." "their home is the most appropriate place for them", she finishes for him, resignedly. At the end of the day, the protagonist in this story, as in others, is sisterhood, friendship between women or the new female solidarity that gets the better of stereotypes and prejudices. As for the men, they are irredeemable: "Do you think you can change the world in a day?" the fiancé asks Laila. "Well, don't count on it."

There are also more limited goals; a different kind of upbringing to propose to families. As the Yemeni director Khadija al-Salami recounts, for example, her parents had given her in marriage when she was only eight. The same thing had happened to her mother, who then did not have the strength to fight her daughter's destiny. An extreme story but one that is very widespread: "Worldwide, a girl child is being given in marriage every second," the director tells us. In the film *I am Nujood, Age 10 and Divorced* – taken from Nojoud Ali's autobiography of the same title (Three Rivers Press, 2010), a best-seller translated into 15 languages – a little girl makes an appearance before the Court in Sana'a. She looks the judge in the eyes and says, "My name is Nojoud, I am ten and I want a divorce." Between the lines of the film and of so many novels (two titles can represent them all: *The Locust and the Bird,* by the Lebanese Hanan Al-Shayk, and *Rosso come una sposa* ["Red as a Bride"], by the Albanian Anilda Ibrahimi), there is an explanation of the reason why Islamic law does not forbid these marriages (whilst imposing deferment of sexual relations until the young brides attain puberty, however): one of Muhammad's wives, Aisha, was allegedly only nine years old. And it is curious to see how the Yemeni film's didactic finale attempts to hold modernity and tradition together by laying the accusation against the tribal law: "No law prohibits premature marriages, but the issue ought to prick our consciences," says the judge, who is young and keen. "Sharia's founding principle is to forbid evil and we all have a duty to defend victims of evil." Amen.

One last paradox should be mentioned. It appeared at the Venice festival, where the Lebanese film *The Insult* (directed by Ziad Doueiri) won the prize for Best Male Actor. When he got home, the director was arrested and put on trial for having filmed in Israel, five years earlier: Lebanon considers the country an enemy. And never mind if the Lebanese government had put the same film up for an Oscar. Dramatized by the director's wife (he is a Sunni Muslim, she is a Christian), *the Insult* tells an individual story in order to come to a universal conclusion: the freedom to bet on another person's humanity paves the way to a hope of peace. The film tells of an unstable society, a cumbersome past and an uncertain future through the story of two normal people with satisfying lives, good jobs and families. They are a Palestinian refugee and a Lebanese Christian: an argument about a trifle, one word too many – an insult – is enough to make the simmering conflict boil over. And so a broken gutter becomes a national case. Once again, it will be the women's way of looking at things that resolves the situation, but without any feminist ideology. This time it is a man's voice that explains the feminine strength that manages to stop the spiralling violence: and it speaks of freedom, reason and love.

    – Emma Neri