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BEYOND RADICAL ISLAM?

SESSION FIVE
CULTIVATING A LIBERAL ISLAMIC ETHOS

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I apologize for the mix-up about rooms. If you're a member of the Michigan State wrestling team, you're supposed to be in the Lincoln Room.

Our subject this morning is cultivating a liberal Islamic ethos. Now, in a certain sense, we have been discussing nothing but that up to now, and I don't mean to put any pressure on our panelists, but the entire conference is meant to culminate in a consideration of this issue. Let me be very brief, so we have as much time as possible for discussion.

In thinking about cultivating a liberal ethos, it's always good to remember perhaps the most sober of such liberals, James Madison, and in a famous passage in *Federalist 51*, he said, "In a free government, the security of civil rights must be the same as that for religious rights. It consists in the one case in the multiplicity of interests, and in the other in the multiplicity of sects." That's S-E-C-T-S, as I have to remind my students.

Now this morning, we have invited representatives from three sects to discuss the cultivating of the liberal ethos in Islam. We have someone from the Mount Holyoke sect, someone from the Boston College sect and someone from the University of Chicago sect. Our principal speaker, Professor Hashmi, teaches international relations at Mount Holyoke College. Our respondents--Professor Huda, teaches Islamic studies and Comparative Theology at Boston College. Boston College, a good Catholic institution, is well represented at this college. I think that's a good thing. And then, last but not least, an old and dear friend, Nathan Tarcov, who is Professor in the Committee on Social Thought at the University of Chicago and Director of the Olin Center at the University of Chicago.

Professor Hashmi will speak for about 50 minutes, and then we'll have responses, and then a discussion. I don't think we'll be kicked out immediately at 12:30, but I'm not sure. And our--one of my goals is to give people who haven't had an opportunity to speak, an opportunity to speak.

PROFESSOR SOHAIL HASHMI: Thank you very much. Thank you very much, Dr. Zinman, for your very kind introduction.

I think Mary Lyon, the founder of the Mount Holyoke sect, will be very happy to realize that her sect is still alive and flourishing, represented not by a congregational Christian but by a Muslim, no less.

I'd like to add my voice also to all the participants to have already expressed their gratitude to you, to Dr. Fradkin, to Mr. Brown, for all the hard work, and all your colleagues, indeed, for all the hard work that you have invested in bringing us all together for three days of lively and illuminating discussion.

Good morning, ladies and gentlemen. A few years ago, I was on a panel not too dissimilar from this one, in which one of my learned co-panelists spent his entire time at the microphone basically conducting a tirade and contrasting what he considered to be the two antithetical ethos's out there. On the one hand was the Islamic ethos, and he contrasted the Islamic ethos to what he consistently called the liberal ethos. Well, after listening to him talk for about 20, 25 minutes about these polar opposites, I volunteered that I considered myself to be a liberal Muslim and, at that point he just looked at me as if he had finally seen an oxymoron in the flesh.

Now, I don't think I'm going to have that same kind of response from my distinguished co-panelists today, but that experience has shown me that, indeed, many Muslims would demur at the joining of the adjective "liberal" to Islamic ethics. The idea that Muslims ought to cultivate a liberal Islamic ethos they might protest, smacks of yet another attempt by a Westernized Muslim to apply Western ideologies or values to Islam. So, before I do anything else, let me describe briefly here at the outset what I mean by a liberal Islamic ethos.

By using the word "liberal," I am not advocating an Islamic liberalism, that is, an attempt to interpret Islamic sources in ways that reconcile Islam with the ideology of liberalism as defined by any number of liberal theorists, whether they're John Locke, John Stuart Mill or John Rawls. I understand a liberal Islamic ethos to be primarily a set of attitudes and institutions that arise from and, in turn, nurture those attitudes. These attitudes and institutions are situated in individuals, and the society that the individuals form not primarily in the state.

The attitudes and institutions are liberal in the sense of being broad-minded and tolerant toward members of a society that differ in religious convictions or in political attitudes from those of the majority. They are liberal in upholding the equal rights of all members of society. They are liberal in conceiving the state as responsible to and the servant of the community of citizens, not the other way around. In short, I understand the task of cultivating a liberal Islamic ethos to be largely synonymous with creating and expanding an Islamic civil society.

Now, as many of my colleagues here at the conference have already mentioned in previous sessions, in the 19th and early 20th centuries, Islamic reform, for most Islamic reformers and reform movements, generally meant pursuing a bottom-up approach. The revitalization of Islamic culture in modern times repaired the revival of Islamic values in the Muslim individual and in Muslim societies. The state in this program was really an afterthought, an instrument of Islamic society and, therefore, and only in this way, a reflection of Islamic values.

But somewhere around the middle of the 20th century as the struggle for de-colonization advanced, the state itself became the aspiration of Islamic activism. In reaction to the secular nationalist agenda that was being pursued in most of the post-colonial Muslim states, many Islamic reformers and reform movements shifted their strategy to a top-down approach. Just as the secular nationalist elites conceived a modernization as the responsibility of the state, so did their Islamic opponents increasingly conceive Islamization as the obligation of the state.

The result has been a proliferation of a holistic and authoritarian vision of Islamic life and Islamic politics among the most politically active and assertive Islamic intellectuals and groups. In the battle for control of the state that's being waged by secular authoritarians on one hand and religious authoritarians on the other, the gradual and educative path of Islamic reform has been increasingly marginalized or repressed altogether. An escape from this cycle of tyranny can occur only if Islamic reformers return to the lost emphasis on individuals and societies. Where have you gone, Mohammed Abdou? That's what I was thinking as I--we heard people speaking. Mohammed Akhbar (sp) has left and gone away.

The current impoverishment of Muslim politics can be ameliorated only after the focus is placed on cultivating a liberal Islamic ethos within civil society. So, in what follows here, I'd like to take the time that I have to address the following five sets of raw theoretical questions, all of them within obviously an Islamic context. The first question is, "Is the idea of civil society relevant, again, within Islamic context?" Second, "How is the "society" within civil society to be understood?" Third, "What is the value of civil society and what values does civil society nurture or uphold?" Fourth, "Who bears the responsibility for nurturing or upholding these values of civil society?" And finally, "What risks to individual rights or autonomy does civil society pose, and what are the best means to minimize these risks?"

I should add that my discussion is primarily theoretical. It seeks to probe the resources within Islamic religious and political thought for the building of civil society and, thereby, the cultivation of a liberal ethos. But I will end by briefly considering the Praxis dimension to this issue, how civil society is faring today, and how it may evolve in the future.

So first, the definition, the central part of our discussion. The idea of civil society is a Western concept, a Western concept that arose from within a particular set of historical and philosophical circumstances. So, the first problem that confronts a Muslim theorist is, therefore, one of relevance or applicability to an Islamic context. Before drawing conclusions on this issue, we need a working definition of civil society.

The idea of civil society as elaborated by the philosophers of the Enlightenment had at its core an economic basis. Civil society was that sphere in which capitalist entrepreneurship and private property were protected from the arbitrary intervention of the state. Now, although modern definitions of civil society no longer emphasize the economic dimension, one could argue that capitalist values still inform civil society's basic idea of an autonomous public sphere apart from state control.

Today, civil society is more often linked with political and social rather than economic concerns, and two key components emerge in most definitions. The first is that of a civic culture, a culture

of shared values which include, most prominently, tolerance for diversity and pluralism, respect for law, freedom of voluntary association, mutual rights and responsibilities between the people and their government, and, of course, according to some theorists, secularism.

The second essential component of the definition of civil society consists of the presence of institutions, institutions that mediate relations between the individual or family on the one hand and the state on the other. These institutions include charitable organizations, civil rights groups, religious organizations, professional and trade associations and, indeed, political parties.

So, on the basis of this understanding of civil society, what can Islam offer to the discussion? Can this understanding of civil society be "authentic" within an Islamic discourse, or does Islam offer different but analogous concepts that fulfill the same function? Well, a response to these questions must begin with an observation that has already been made many times by my colleagues, the observation that the Qur'an and the Sunna of the prophet, his normative example, focused upon cultivating righteous individuals and good societies. These two ethical foundations of the Islamic tradition have very little to say about the state, how it should be structured or what should be its powers.

In addition, none of the above aspects of civil society that I've just mentioned are fundamentally alien to general Islamic ethical principles. Let me begin with the protection of private property. The protection of private property is a key feature of Islamic law. All of the four Sunni schools of jurisprudence and the major Shi'i School devote considerable attention to the law of sale, ownership and inheritance. While Islamic ethics emphasize the virtues of frugality and the evils of hoarding and greed of vast wealth, they have, at the same time, established the legitimacy of private property and unfettered commercial enterprise.

The capitalist ethic is by no means alien to Islamic ethics, so we then confront the historical question or the counterfactual question, which are always the most fun to discuss. Why did a strong bourgeois culture, along with its concomitant institutions, not arise in Muslim societies? Well, as in any answer to a counterfactual, we can only speculate, and the answers are not easily reducible to a few simple conclusions.

Incipient bourgeois institutions are evident in all Muslim civilizations. Merchant networks sometimes extending over vast empires and thousands of miles, have been tracked by historians. In the Ottoman Empire, the power of the artisan guilds was quite significant and did create mediating institutions between rulers and ruled. But these professional societies, as the Turkish historian Sharif Marganan (sp) has observed, never coalesced into truly integrated or autonomous institutions that could check the power of the Ottoman state. Both the guilds and the state treated each other with what we can only call an air of benign neglect.

Over the centuries-long course of its decline, the bloated and inefficient Ottoman state never felt compelled or capable, really, to squeeze the guilds for money and, therefore, no serious clash between the two occurred. The result was that, in the Ottoman Empire, as well as in other Muslim territories, an autonomous sphere for corporate social institutions was never carved out.

Well today, the debate on private property is--private property rights is one of the most important aspects of the controversy over Sharia interpretation, Sharia or divine law as defined by many Muslim theorists. Wherever modern territorial states have asserted the right to expropriate private property in the name of social welfare projects, such as land reform or nationalization of key industries, the *ulema* have generally and vociferously opposed such projects. One of the key issues that drove Ayatollah Khomeni into opposition against the Shah's regime was his strong opposition to the land reforms that the Shah enacted in the 1960s under the title of "The White Revolution."

So, Muslim societies may be undergoing today a belated but similar process of evolution to that experienced by Western societies in the 15th through the 17th centuries. But instead of giving rise to an autonomous sphere free from state intervention, the conflict in these societies often perpetuates medieval social formations that retard, rather than enhance, the development of civil society.

If we turn now to look at the issue of a civic culture, we find a controversy that pits what can only be called an Orientalist approach against an array of Muslim and non-Muslim critics. Representative of this Orientalist approach are two prominent scholars, Elie Kedourie and Bernard Lewis, who go to great lengths to differentiate the theocratic, anti-individualist, anti-rational Islamic worldview from the secular individualist rational orientation of modern Western societies. And of course, by no means are these two scholars alone. They have good company.

Reading their works, one must conclude that very little scope exists for the evolution of civil society as long as normative Islamic conceptions inform societal values. Bernard Lewis, for example, repeatedly links the emergence of civil society in the west to what he calls quite openly the Judeo-Christian Christian ethic while arguing that differing values mitigate against such a culture in Islam, which he generally treats as a rather monolithic and static construct.

Of course, there are people who challenge these views quite vociferously, and opposing these arguments are a number of social scientists and political theorists who argue that Islamic societies are still evolving and that, indeed, nothing in Islamic ethics forecloses the possibility of civil society emerging over time, and, indeed, they point out that civil society already exists in many, many Muslim societies. I'll of course spend the rest of my time discussing these arguments in much more detail.

But before I proceed, let me say a word with regard to the second component of the definition of civil society. On one hand, we have attitudes in civic culture, and on the other hand we have civil institutions. So, with regard to civic institutions, the key institution here is that of the Umma, ideally the universal community of Muslim believers, which I will argue as I proceed, is the institution that comes closest to fulfilling the functions of civil society within an Islamic worldview.

But before I proceed, let me mention a few other key institutions that merit our consideration, most importantly the trade guilds that I mentioned just a few minutes ago. The Oldath (sp), that is, semi-autonomous charitable institutions which have historically played a major role in the

social welfare and basic provision of human needs to the majority of people when the state was not willing or able to fulfill such roles.

And of course, another key institution is the Sufi Brotherhood, the Sufi Brotherhoods in the plural. The Sufi orders have been so powerful and autonomous of state control that rulers throughout Islamic history have felt compelled to win the approval of Sufi leaders in order to ensure the success of state activities.

In the case of modern Turkey, it's not at all difficult to understand why Mustafa Kemal Ataturk moved quickly and decisively to dissolve the Turkish Sufi orders when he set out to undertake his nationalist social engineering, which, by the way, seems to been now unraveling to some degree because the Sufi orders have reasserted their strong, strong presence in Turkish society.

Let me summarize then before I move on. While the idea of civil society may have originated in the West, most of its key features may be found in Muslim societies. Muslims can engage in discussions of civil society without stepping out of an Islamic discourse because of the presence of analogous, if not identical values and institutions.

Now, what is the key understanding? What are the key elements of the society part of civil society? The first Islamic society, in the full sense of that term, was created under the prophet Mohammed in the small town of Medina following his immigration from Mecca in the year 622. The creation of this prophetic community is absolutely foundational not just to Islamic history but also to Islamic ethics. Islam would, after the Hajirah, be both a religion in the sense of theological system, as well as an earthly community. In Medina, under the prophet's leadership, Islam fused the city of God with the city of man.

The blueprint for the society was a series of contractual agreements concluded by the prophet with the tribes who were native to Medina, the so-called Ansar, on behalf of the Muslims who had migrated from Mecca, as they were later called the Muhajiroun. Thus, the basis for the first Islamic civil society was literally a social contract. The so-called constitution of Medina spelled out the mutual rights and obligations of all members of the Muslim society. It didn't obliterate tribal identities, which were the basis for, of course, the society of the time. Instead, it superseded the tribalism with a new concept, the concept of the Umma, the community of the faithful.

What made the formerly bitterly divided and fractious tribes in Medina and their newly arrived guests from Mecca into a single community was their acceptance of a common ethical standard, the still-unfolding Qur'anic revelation and the supreme authority of the prophet Mohammed to interpret that unfolding revelation. The precise role that Mohammed occupied in this society is still being debated by Muslim scholars and non-Muslim scholars. What is clear is that the prophet did not seek to eliminate previous tribal authority. His role seems to have been that of an ultimate arbiter of any legal or social disputes that may have arisen within this particular society. On questions of religious interpretation or ritual, the prophet was naturally the final authority.

But one vital aspect of the constitution was the position that it established for the Jewish tribes in Medina. The Jews are described as an Umma alongside, or as some scholars would interpret it, with—the preposition that used in the original is "*nach* (sp)," which could be—which literally should be read as "with"—the Muslim Umma. So, they are an Umma with the Muslim Umma. The Jewish tribes are guaranteed autonomy in their communal affairs, but they are required to join the Muslims in the protection of Medina from outside attack.

The inclusion of the Jews within Medinan society was not simply required because of their key economic position in the town. It was derived most importantly from the Qur'ans view of the Jews and the Christians as potential participants in the God-oriented community that the Qur'an charges the Muslims with constructing. The Qur'an repeatedly emphasizes the similarities and not the differences that unite all peoples of the book in a single community of the faithful.

The first community that was created in Medina continued to serve as a model of the virtuous Muslim polity in the centuries that followed, long after Islamic history and the Islamic state had moved on and become a polyglot empire extending over three continents. As an outgrowth of their conviction that Muslims were bound to spread the Islamic order universally through peaceful means if possible, through forceful means if necessary, the classical juris who embarked on the process of constructing an all-encompassing guide or path through the vicissitudes of this earthly life, which came to be known as Sharia.

The classical juris developed the notions of *Daru'l Islam* and *Daru'l Harb*. *Daru'l Islam* was, in essence, the Muslim community on a global stage. Although technically it was defined as the territory where Islamic law or the Islamic state held sway, it was, I would like to suggest, in its metaphysical sense a community of human beings enjoying the benefits derived from the rule of law enforced by a just ruler.

Within *Daru'l Islam*, non-Muslim religious communities were theoretically guaranteed their communal autonomy on the model of the constitution of Medina. In the Ottoman Empire, the milet system was enforced into the beginning of 20th century. And while the milet system did preserve a degree of autonomy for religious minorities, the so-called (inaudible), it did not assure civil rights or equality with Muslims under the Sharia, in which various discriminatory features were added by the classical lawyers. It should be added, however, that the Sharia did not provide civil rights or equality before the law for all Muslims either, most notably for women and slaves.

Well, focusing on the legal advantages or disadvantages provided under Sharia does not capture the historical reality of *Daru'l Islam*. It's only one piece of a much bigger pie. For more than a millennium, *Daru'l Islam* was a tangible reality for all those who lived and traveled within it regardless of their religious or communal affiliation, and regardless of the actual political divisions that rend the Umma almost immediately after the death of the prophet. (inaudible) their rights.

If Middle Eastern societies conform to the picture that's often presented by Orientalists of isolated communal groups, then the common cultural themes are all the more remarkable. This degree of communality of culture would suggest a society with a much greater density of

interaction, a social division of labor and associated societal relations cutting across communal boundaries.

The model of the isolated communities could only have been true of particular periods of social and economic decline and political instability. In periods of prosperity and stability, such as the heyday of the Abassid Dynasty, or the golden age of Arabstaim (sp), or favorable interludes under Mamluk (sp) rule in Egypt, there are many indications of the intensity and variety of social and economic interaction across communal boundaries.

The spread of territorial nationalism in the Muslim world during the 19th and 20th centuries has raised questions--fundamental questions about the relevance of all classical Islamic political concept, including most especially the notions of *Daru'l Islam*, *Daru'l Harb* and dimouz (sp). Most Muslim states today operate on the basis of national and not religious identity, but there are still some vestiges of the old Vimni (sp) paradigm that are evident in special provisions in the constitutions of various states for minority representation in the parliaments. This is true, for example, in some Arab countries as well as in Iran and Pakistan.

The constitutions of most Muslim countries, however, stipulate that the head of state must be a Muslim. Most liberal Muslim theorists would argue today that rights of equal citizenship within the modern state are easily accommodateable within the set of Islamic values, and thereby they effectively render the notion of Vimni anachronistic.

But there are many others, including many of the most prominent ideologues of Islamist opposition movements who will strongly disagree. Abu-ala' Maududi, for example, campaigned for decades in Pakistan for the absorption of what—for the adoption of what he termed the "Nizami Islami," or the Islamic order. One feature of this order was the clear delineation in his mind of a distinct place for non-Muslims in the Islamic state.

So, this, I think, provides a good transition to the next topic, which is what is the value of civil society? and what values does civil society promote? The value of civil society lies in its promotion of other more fundamental values. Civil society is not necessarily an end in itself. It is a mean towards other ends. The values of tolerance for diversity, rule of law, accountability of those wielding power, are all intended to provide as broad a sphere as possible for personal and communal fulfillment.

The long course of human experience, I believe, has demonstrated that the achievement of these fundamental values requires the development of values and institutions resembling what we have been calling civil society. But within and Islamic ethical framework, the value of civil society would have to include a religious dimension. Civil society is valuable in that it provides the greatest scope for the fulfillment of the divine mission entrusted to the Muslim individual and the Muslim community.

In the Islamic framework, this mission includes not only working for salvation in the world to come, but bringing about a just and God-oriented social order in this world. The crux of the problem of civil society is, of course, to balance—or to find the balance between the rights of the individuals and the rights of communities.

This balance has naturally occupied—and I'll say much more about that as I proceed—this balance has naturally occupied Muslim theorists throughout Islamic history. Classical law did emphasize the legal personality of the individual Muslim but, as in other divine command-based moral systems, Islamic law did not view human beings as endowed necessarily with what we today understand as rights. It viewed human beings as the bearers of obligations.

Theoretically, only God, the Creator of all life, had any rights, (inaudible), as the term is expressed. Human beings as the created bore only obligations or duties toward the Creator, but from these human obligations to the Creator, we could argue, stemmed human obligations to other human beings as well as to all created things, to all life, all of creation, because God has enjoined very clearly mercy and justice in all social relations.

Well, one important result of this conception of divine will was the creation of a sphere of privacy that was safeguarded from intrusion by either society or the state. Qur'anic verses, as well as traditions of the prophet, emphasized the sanctity of the home and the life of the family. The prophet is reputed to have rebuked his leading companions when they violated this private sphere in order to enforce law.

And there is a very famous tradition, which comes from the Caliphate of Omar, the second Caliph, who once was passing through the streets of Medina and heard some raucous merrymaking coming from a house. Of course, he couldn't see what was going on. He just heard what he feared was some sinful behavior. So, Omar scaled the wall of this house and, indeed, he found a group of Medinans engaged in consumption of alcohol. Well, he, of course as the Caliph, strongly rebuked the various participants in this merrymaking and started to incarcerate them, take them in for punishment.

To which the host of this party said to the Caliph, that, “I may have committed one sin, but you, O commander of the faithful, you have committed three sins.” You can imagine Omar being taken a little bit aback. He said, “Please enumerate.” The host said, “You have taken fault—or you have found fault, whereas the Qur’an says, “Hide each other’s faults. Second, you have entered a house by scaling my wall, whereas the Qur'an clearly says, “Do not enter houses except through the front door." And the third thing that you have done is that you have entered my house without my permission, whereas the Qur'an again says very clearly, “Do not enter houses without first having given salutations and requested permission from their occupants.” Omar admitted that he was in the wrong and left the company alone asking them, of course, to put the wine away.

So, the general emphasis of Islamic thought over time has—I think is indisputable. It has historically been upon the community, not upon the individual. Classical jurisprudence developed with a clearly community-oriented focus, the underlying assumption being that law was necessary to regulate and promote social justice from threats posed by individuals as well as the state. Within classical jurisprudence, within the whole corpus of fiqh, the value of consensus—consensus ichmah (sp) among the community, or as many insisted, consensus among the learned of the community, was so strong that it became a basic source of Islamic law.

In addition, toleration for diverse opinions on law, if-de-lah (sp), was also a strong legal principle which, of course, permitted the individual believer a great deal of flexibility in resolving moral or legal problems or concerns. If you didn't like the opinion you got from one particular jurist, you could freely move on and find another jurist.

Now, in contemporary Muslim writing, the tension between values of individual rights and community rights is quite prominent. Many writers continued to emphasize the primacy of community values and standards over the rights of the individual. They often cite the social ills of Western society as the logical outcome of placing individual rights above community rights. I'll come back to this very important debate when I discuss the risks attending civil society.

But first, let me address the issue of responsibility. Who bears the responsibility for nurturing and upholding all of these values of civil society that I've been discussing up to now? Well, the Qur'an endows moral responsibility quite clearly upon the community of believers, the Umma, not upon the state. In one key verse, verse 3:1:10 of the Qur'an, the Umma is clearly described as bearing the obligation to enjoin the right and forbid the wrong. The state's function is quite simply to safeguard the security and promote the development of the Umma.

The state, as symbolized by its executive arm, that is the Imam or the Khalifa, may be seen as one instrument to which the Umma acts upon its obligation to enjoin the right and forbid the wrong. The question of whether the Imam's power flows down from God or up from the people, that's an interesting matter for political theorists, but it bears little significance to actual practice. If the ruler deviates from his obligation, it is the duty of the Umma to correct him. If the ruler grossly violates the Sharia or renounces it altogether, it is the duty of the Umma to replace him.

The first Caliph, Abu Bakr, enunciated this principle very, very clearly, unequivocally upon first assuming power when he said, "Obey me as long as I am in the right. If I am in the wrong, set me right." Unfortunately, Islamic political thought never collaborated the relationship between the people and the Imam, or ways in which an effective or tyrannical ruler might be removed from power short, of course, of an appeal to heaven, short of his assassination.

Faced with the demise of the ideal Caliphate quite early in Islamic history most Muslim scholars, as we've heard, chose to accommodate a corrupt institution in the name of order, in the name of stability. The one check that theoretically remained upon the power of the Imam, or as history progressed, more properly upon the power of the Sulfan (sp), was that Sharia and, of course, the Ulema were the self-appointed guardians of the Sharia. In this way, the Qur'anic emphasis upon the responsibility of the community of believers, upon the Umma, was rather quickly abnegated.

Much of the difficulty in spreading values of civil society in the Muslim world today stem from the fact that medieval, social and political relations still hold sway, albeit in modern forms. The modern territorial state is not the arena for the activity of an educated and concerned citizenry. Instead, it is the vehicle for the promotion of atavistic, patrimonial forms of rule. This pattern can't change until Muslim leaders manage to revive in the public consciousness a sense of shared community obligations.

Well, so far in my discussion of values, I've focused on the civic obligations of Muslims. What about non-Muslims? Are they excluded from the duties devolving upon the Muslim Umma? The short answer is, “Not at all.” As believers or, indeed, as non-believers—I'm sorry, let me step back. As believers in the Qur'anic revelation, Muslims, according to the Qur'an, are foremost in their obligation to bring about the just social order envisioned by Qur'anic ethics but there is nothing in the Qur'an that forecloses the possibility of others, believers as well as non-believers, from joining in this venture.

The Qur'an makes it quite clear in what I consider to be one of the most remarkable verses on this topic, verse 5:48, which states very simply, “So, strive, all of you, so strive as if you are in a race in all the virtues. The goal of you all is to God. It is He who will show you the truth of the matters in which you differ.”

So, the final question that I outlined earlier, and now let me turn to look at that. What are the risks? So far, it's been a rather rosy picture, but no comprehensive discussion can end without considering some of the pitfalls.

Well, in considering the risks attendant democracy, cultivation of civil society, we will do well to remember a theorist whose name has been invoked from the very beginning of our discussions here in East Lansing. Professor Weinberger quoted him at the very introduction of this conference. He is, of course, Alexis de Tocqueville, and we should remember that Alexis de Tocqueville had a lot to say about Islam, Muslims, especially in Algeria, and the French Imperial role in Algeria. So, he was a very perceptive and critical thinker when it came to Islam and Muslims as much as he was to European and American societies.

But I am going to focus on the critique that he offers in his classic treatise, “Democracy in America,” in which he outlines two of the most prominent dangers attendant to democratic values and institutions, what he calls “The tyranny of the majority,” and a peculiarly modern form of tyranny that he labels “democratic despotism.” Well, let me just quote him directly because, after all, he defined this term, and I cannot possibly add to it.

He wrote, "I seek to trace the novel features under which despotism may appear in the world. The first thing that strikes the observation is an innumerable multitude of men, all equal and alike, incessantly endeavoring to procure the petty and paltry pleasures with which they glut their lives. Each of them living apart is as a stranger to the fate of all the rest. His children and his private friends constitute to him the whole of mankind. As for the rest of his fellow citizens, he is close to them, but he does not see them. He touches them, but he does not feel them. He exists only in himself and for himself alone. And if his kindred still remain to him, he may be said, at any rate, to have lost his country.”

Now, I quoted this at length because, when I read certain passages of the critique of modernity offered by Tocqueville, I am reminded of the critique of modernity offered by many a Muslim critic of modernity. This passage we could find written by Mohammed et-Bal or, indeed, by Sayeed Qutb. So, there are obviously problems with democracy that we must be aware of and we must address.

Civil society is ideally a remedy to both the dangers of the tyranny of the majority and to democratic messages, and de Tocqueville focuses very, very carefully upon civil society as the answer. But the experiences of all Western societies over the past three centuries demonstrate the precariousness of such expectations. But within an Islamic framework, the issue of the validity of the majority opinion has long been debated. The Qur'an may be read as providing support for those who challenge majority opinion as being the source of moral value.

There is one key verse on this topic, verse 2:2:16. It reads, "Warfare or fighting is ordained for you, although it is hateful to you. But it may happen that you hate a thing that is good for you, and it may happen that you love a thing that is bad for you. God knows, and you do not." Now, this verse has been used by interpreters through the centuries in contexts that far exceed its obvious subject, which is the subject of fighting. It has been used to challenge ethical objectivism, that is, the idea that human reason can be used to induce what is right and what is wrong, and support ethical voluntarism, the idea that only God knows the true right and wrong, and it is only by looking at revelation that human beings discovered what is right and wrong.

Well, this verse is by no means isolated. There is what we call a constant motif that runs through the Qur'an and that is that all divine messengers have been rejected by the majority of human beings, the majority of human beings who are rebellious, stubborn in their disbelief, even when God consistently reveals the truth to them. Human beings are just as likely to follow ill-founded human passions, what the Qur'an calls "Telath (sp)," as they are to adhere to the truth as revealed repeatedly by God.

In the modern discourse, suspicion over the legitimacy of majority opinion lingers among many a Muslim theorist. Many leaders of the Islamic movements call for some form of what can only be charitably called "guided democracy" with an Islamically enlightened leader who oversees legislation with the possibility of a veto. Ayatollah Khomeini, for example, instituted this ideal in Iran under the rubric (inaudible). This system is frequently characterized, that is, the (inaudible) system is frequently characterized as being peculiarly Shi'ite, but the rule of an enlightened Emir is part of the ideology of Sunni groups, as well.

So, Muslim Democrats point, on the other hand, to the Qur'an's emphasis on communal life and decision-making. One verse which they frequently point to, verse 42:38, describes the Muslims as those who decide their affairs by mutual consultation, Shura Benahoum (sp), mutual consultation. This verse is consistently cited by Muslim Democrats on behalf of democratic rule in Islam.

Yet, these attempts, in my mind, to read the Qur'an or the Sunna of the profit as being democratic documents, they strain under the weight of apologetics. In my mind, the firmest ground on which to base the call for democracy in Muslims societies is the Qur'an's consistent appeal to Muslims to establish a just and moral social and political order. Human history has proven, I think, that liberal democracy is the system that best realizes these goals.

But what if instead of being the remedy to the danger of tyranny of the majority and democratic despotism, what if instead of being the remedy, civil society becomes the problem, or part of the problem? Another way of phrasing this issue is what is the appropriate balance between

individual autonomy on the one hand and constraints on that economy imposed by non-governmental groups that comprise civil society on the other?

Well, this is an interesting, but it's also a very relevant twist to the classic problem of modern political theory, how to balance the rights of the individual or community against the coercive power of the modern state. Providing a balance between the rights of the individual and the prerogatives of non-governmental organizations within civil society is perhaps the more important and difficult challenge today.

At one level, civil society itself is supposed to contain within it its own regulatory mechanisms. Within the Islamic context, we have already observed the importance of the sphere of privacy protecting the individual and the family from social intrusion. The Qur'an castigates in no uncertain terms the idle meddlers in others affairs. At the same time, it establishes the obligation of and joining the right and forbidding the wrong.

Now, if this ethical principle is to have any significance, there must be some degree of intervention that's permissible to society in the affairs of the individual or groups. There is, for example, this notion of Hizba in Islamic law. The Hizba was the function that regulated primarily weights and measures in the marketplace. So, this particular institution was to make sure that there was fair dealing, just dealing in the marketplace. No one was cheating.

Well, the Mohasset (sp), the agent who was entrusted by the state to enforce Hizba, had a broad range of powers, including to regulate social morals in the public sphere, as well. One of his other powers was to choose the Moasin (sp), that is, the man who would five times today climb to the top of the minaret and give the call to prayer. Now, as you all know, minarets in the Muslim world tower very high, and they usually give a very good vantage point from which to spy on the houses that circle the mosque.

Well, if you read the manuals that describe the powers of Mohasset and his responsibilities, they invariably say to the Mohasset, yes, you are in charge of regulating the conduct and public morals in the private sphere. But when it comes to picking the Moasin, the man who climbs the minaret, make sure you pick a man with the moral rectitude, who can resist the temptation to look down on the houses below and see what’s going on, because that is none of his business.

So, the search for the right balance, the balance between the rights of the family, the rights of the individual and prerogatives of social groups, the search for the right balance is a continual process, and it is true of all societies, how to promote righteousness without becoming self-righteous. Islamic law has provided, in my knowledge, no clear-cut formula to this very difficult issue. Indeed, no general ethical principle is possible, perhaps.

Safeguarding the balance between individual freedom and communal standards or restrictions, one could argue, is the crucial arena for state intervention. But the state can succeed in the social role without support from some segments of civil society. The relationship between the state and civil society is not a zero sum game. Strong states emerge from strong civil societies. Weak civil societies will yield weak states that merely give the illusion of strength.

I agree entirely with Lisa Anderson's observation that, "Just as it requires a strong ego to adjust appropriately to the demands of life in society, and a weak ego often produces aggressive or defensive behavior, strong states are those which can accommodate and respond to popular demands while the weak states attempt to ignore or suppress such demands. A state which successfully monopolizes the legitimate use of force does so as much because of popular acquiescence as of naked power." So, a representative state will respond to the demand for the majority, but the just state will, above all, upholds fear of privacy that is enjoined by Islamic ethics from intrusion by all, including agents of society as well as agents of the state.

An Islamic polity, such as the idealized city-state of Medina under the prophets leadership, was one in which the linkage between the people and their leaders was what we could call seamless. Of course, one could argue that such a model, based in tribal society, tribal patterns, is simply inapplicable to the demands of the modern state.

Well, there's one big problem with that reasoning, and that problem is that modern Muslim states, particularly those in the Arab world, still operate according to tribal patterns of patrimonial leadership. The problem now, as it has been throughout much of Islamic history, is that an Islamic ethic of responsibility, honest behavior and protection of a legal order have been virtually disavowed.

I come now to my final comments, and I don't want to end on that rather pessimistic note, although I must admit, in conclusion, that the pessimism may be warranted, and some of you are, in fact, pessimistic, as you have expressed over the course of this conference. The evolution of Islamic opposition movements who seek to overthrow tyrannical secular regimes only to put in their place tyrannical religious regimes, indeed provides little hope for the development of civil society norms.

This pessimism is warranted with regard to the most visible and the most radical Islamic groups operating in Muslim countries today, who unfortunately monopolize in many ways the spotlight, as well as the public sphere. But I am not a pessimist. At the same time, as we acknowledge the problems, we also should point out that there are, in fact, numerous popular organizations that have developed in virtually all Islamic societies, public organizations that challenge the programs of both the secular and nationalist elites and their fundamentalist opponents.

Human rights groups, professional associations and feminist groups have sprung up in every Muslim country. We should not forget in particular the courageous work being done by champions of women's' rights in Muslim countries, and I'm thinking in particular of--certainly they're not the only ones, but I'm thinking of Asma Jahangir, the human rights lawyer in Pakistan and, of course, Shirin Ebadi in Iran. And the international community couldn't have done anything more or anything better for the time being to stimulate the development of Islamic civil society than by awarding Shirin Ebadi the Nobel Peace Prize this past year.

There are also, in fact, political parties that have sprung up and are thriving in spite of government repression and, sometimes, fundamentalist intimidation. Instead of disavowing Islam as the basis for their claims to greater individual freedom, instead of saying that we have to

be secular in order for us to be free, these groups more often than not base their claims on liberal interpretations of Islam. They are the ones who are today cultivating a liberal Islam ethos.

MR. ZINMAN: Professor Huda?

PROFESSOR QUMAR UL-HUDA: Thank you.

My comments today will not only response to Professor Hashmi's paper—I'll get to that in just a few seconds—minutes—but really, all of these thoughts that I've been patiently refraining from saying either because there hasn't been enough mic time but—or was because there hasn't been enough opportunity, so I've been wanting to preface my statements or include some of my statements on what I've been thinking on some of the reflection of what's going on in the past three days on thinking about beyond radical Islam.

From the beginning, I think—and I'm not going to summarize each and every paper. That would be nonsensical. But I think what we've been doing or what our conversations have been revolving around is questions of a specific class of people when we think of Islam, the learned class, the activist class. Achmed Al-Rahim (sp) (inaudible) about the trends—the historical trends of quietism and activism within the (inaudible) Shi'ism, and how that still exists in Iraq. Mohammed Ayoob spoke about dismissing three apparent assumptions on Islamism, I think those assumptions of the homogeneous, they're violent--inherently violent, and there is this intermingling of religion and politics. And then, a very good paper, an excellent paper, there is diversity in all of these groups. Mainly, Muslim groups really are non-institutionalists hoping to get into the polity in all of these different countries.

Yesterday's papers on Islam and modernity in the West I found most extremely interesting is Professor Filali-Ansary's understanding and analysis of adaptations to modernization. This is the modern period, and when he was speaking, I was thinking about some friends, and you must know of someone who must have—saying this to you, or some of us, when someone goes to the Middle East or south Asia, and they inherently say, "Oh, it was like going back in time." But it's not going back in time. This is their 21st century. This is their modern experience, whether it's electricity or gated compounds.

And so, what—again, the interesting of—the experience of inclusion or exclusion, the interesting comments, reactions to modern living. Again, I'm not summarizing, but all of these thoughts somehow culminate in Professor Hashmi's paper for me. Again, the afternoon panel, speaking about democracy and the issues of—governance issues, of (inaudible), the historical voices of shared experiences, Muslims in the West, this didn't happen just yesterday, but from at least the 8th or 9th century. And there's been mutual shared histories, a shared heritage, whether that's in the pre-, mid-, medieval or the modern period. There is a common, common experience.

And then, Professor Peter Skerry's comments on when you think about Muslims in the West, I found most interesting is his focus on ISNA, ICNA, I think—and MSA, the focus on Muslim institutions. This is the place where you find Muslims, Muslim gathering and the Muslim meetings is actually where they were. And what's happening here in all these conversations, and this is (inaudible), is our discussion with Muslims primarily is working with the —

assumptionunderlying assumptions. And when we're speaking about Muslims, it's as though we're speaking about a religious identity, a group of people who, first and foremost, are religious, and we see them primarily as religious, whether religious activists or religious intellectuals or a religious group of people like the MSA.

I would ask Peter, did you identify Muslims outside of the MSA, or did you—could we identify Muslims outside of Islam? And as Shaykh Kabbani would testify, there are lots of Muslims outside of the Wahabi movement. There are many groups of Muslims, even—and so forth. I think this is a very critical question, is when we identify a group of people to speak about or analyze or think about or include in our discussions, the first and foremost—the beginning point and sometimes the ending point, is that they are religious, pietistic, devout. I think—and they are Islamicists. So, even with Professor Ayoob's wonderful paper of showing the diversity of Muslim activism, it still comes back to this coined term, "Islamism," and I think that that is the question. How do we deal with this diversity of a group of people, but then coming back to a very simplistic term?

Still, taking me to Professor Hashmi's paper, that we are speaking primarily of a group of people, Muslims, obsessed with religious law, religious order, religious practice, religious identity and religious thought, and somehow hoping to recreate, reconstruct in a society that will undo the misguiding work of contemporary society, that will recreate a religious order. And I think that's not just a side assumption. These are working in our (inaudible), in our conversations, that when we speak about the Islamist this or the Ulema.

So, I think we need to think about in our conversations when we move beyond radical Islam, are we still speaking about another group of people who are just not radicals but still activities, or obsessed with their own religious identity. Could we not think about non-religious identities, secular identities, agnostic identities, and so forth and so forth?

So, in focusing on this conversation of Muslims and society, the center of the conversations, as Professor Hashmi has built on, is really, again, this learned class, the Kohab (sp), the Ulema, the learned scholars who—or what they were working on, of course, on religious—religious work, religious investigations and, of course, enforcing on their religious orders, or sort of.

But, one of these things that I think when we are focusing on a particular class of thinkers, which is a very small group of people but still very important, you can't—you cannot think and talk about Islam or Muslims without speaking about Islamic scholars—is the problem of the boundaries when you start and begin with the Foukohab (sp), the Ulema, or when you begin and end with the activists, or you begin in the end with the corrupt state, or whatever. Because here we are speaking about, when you do those things and when you start with such boundaries and limitations, you're really speaking about a class of people interested in implementing power, thinking about power, Islamic activists, the Foukohab, the class--the learned class working for the state, working for power, implementing power, or those seeking power, the Islamicists.

And I think that's what we need to think about, that modern conversations, including ours in the past three days, views and sees an Islam—I should say views and sees Muslims as people struggling for power, and there's been lots of books on—popular books in the bookstores, the

struggle for Islam and generalist—struggle of Islam's soul, etc., etc., which is essentially Muslims are consumed, if not obsessed, with their own power and asserting their own power, asserting their own identity.

So, I think what is all this about? I think this is—in fact, it's not just a side thing to think that's not even to the norm. Again, in Professor Filali-Ansary's wonderful paper about adaptations and responses to modernization, the one personal—two personal anecdotes—the one that I remember, so I can prove (inaudible), was the solar power from BBC, right? And BBC had done a story on Morocco. There's this area that finally had—was getting solar power, and they interviewed the individual, the man, and he goes—and you can tell the story better—and he's very happy because his son, his children can do homework, which is about empowerment. Not only about empowerment, but the students can then go to school and there's social ability involved in doing homework and doing well.

So, I think in all of these anecdotes and studies so far, when we think about Muslims, we're thinking about their problem, their obsession, their struggle for power, struggle for defining themselves in the relationship is a view with power. And I think Professor Hashmi's paper builds on this line, parallels this work, at least his arguments do, at least his arguments. And many of the things I'd agree, and I'm not going to--there's not enough time to work on each and every micro-example, but I'm working more or less on a macro here.

And one of the macro questions is—for me is when he asks very important questions, and one of most important questions that he's asking, which will hopefully lead us beyond (inaudible), was, "Can Muslims engage in discussions of civil society without stepping out of Islamic discourse?" And I think this is consistent with can Muslims develop a liberal ethos, right, and his paper is that liberal ethos is inevitably tied to a civil society, so then the paper works on civil society. And so, civil society is about power, and in thinking about the past, and how the powerful have understood their own power or to its—to a particular civil society.

So, I think one of his arguments or some of the language not only uses the identical examples of the Islamicist and scholars of Islam, and I think that's an issue that I'm asking to think about, because let's think about—let me give you a specific example, and not only you, Professor Hashmi, but many from popular sermons in the Mosque to Islamicists to thinkers to Mohammed Arkoun, right, all use a particular moment in time, which is very sacred, which is the Medina time, the time of the Prophet. The prophet had—was the prophet in the New Mecca. It's called the Mecca time, and then there's a time of Medina, from 621 (inaudible) was this community. And so, this is called a Medina community, where he established communities, established something called a constitution, and establishes the integration between the Ansary helpers and the Mohajiroun (inaudible) refugees, and so forth.

And so, so many Islamicists, Islamic activists, this is how the Islamic state should reenact this ideal time. This is where the Mujulas (sp) happened, the Shura happened, the meet (inaudible). This is where we can debate issues, and this is, for many people, like (inaudible), the Jamaat Islami in Pakistan. And so, they use this particular moment, the Medina moment or the Medina time, as the ideal time that we must replicate, re-duplicate and somehow, magically, we will have this wonderful, ideal time.

The problem is—and I would ask Professor Hashmi to think about it—is what's wrong with the Mecca years? What happened to the Mecca years? I mean, before 610, before the prophet, there's 40 years of his life. Is there something wrong with that? Is there something wrong with those 12 years when he was the prophet, from 610 to 621, 11 years, before he went to Medina? What is wrong with those years?

What happens is that you have an argument—not Professor Hashmi, Islamists and other thinkers--you have an argument, and you're looking—you already have the examples already fit in those little holes, and that's what's happening. And so, my problem is—my issue is to consider a comprehend—we always use the prophet of Islamicists or experts or scholars are going to use the prophet as an example to re-think about civil society while using his whole life. I mean, how can you use bits and parcels to fit your argument? And so, that's the other thing.

The other thing that was in the paper—I think you had more time to actually develop is the issue, when they do work on the prophet's life, which is very interesting, is that sometimes the prophet received this revelation, and people went "Ahh," and they just believed in it and so forth. But, the truth is—the historical truth is they didn't go, "Ahh." They said, "What are you talking about? What's your problem? Leave me alone. Get out of my face."

So—and within ethical studies, I think what needs to be is a rigorous study of this period, of all—both periods, which is ethics need to be—in order to cultivate a liberal, ethical ethos, one needs to think about that particular period and how it was actually understood.

So, within ethics, people ask about, "Well, how was these new habits learned?" For instance, the Qur'anic verse—and I'll just paraphrase— "Do not come to prayer drunk or intoxicated." One must think—first, in class, I say, in order to have a revelation to tell you not to come to prayer drunk, that means people were coming drunk. You need revelation to tell them that. It's not enough just to have a great conversation, right? You need revelation to say, "Please don't come drunk," and then, people would no—tthen what are the arguments? If you look at the sources, people ask, "Well, can we drink after prayer, or can we drink in between prayer, or are you saying complete—what is intoxication?" Look at the sources.

And this all tells us a few things, that ethic—in terms of ethics, people needed to learn these things. People needed to debate these things. People needed to understand these discussions. They needed to actually rigorously understand these things, because what ethics is about is habit-forming, habit-forming and developing the degree of self-discipline, of these new ethics, and that's what was happening.

In some—certain parts of your paper, Professor Hashmi talked about the prophet not superceding or replacing things, but I would say—I would argue he did replace. He didn't replace the tribal system, but he did replace the entire ethical idea of some practices. So, in instilling or thinking about ethics, or liberal ethics, we need to think about the (inaudible) theory to practice. And if one wants to use the Medina period, which I think is a problem, one needs to think and test and think about all of the things that are already in the text, the sources, how people, particularly the first-generation Muslims, were thinking about and arguing, debating about their own self-

discipline. This was not a very easy period in time—and I'm short time here, last two minutes—I would ask to think about there's other parts. That's one point.

Last point, Professor Hashmi says that civil society within Muslim communities need to include a religious dimension. The greatest scope of fulfillment of the divine mission entrusted to the individual and community is tied to this. I will (inaudible). The modern period, I would say, many, many Islamic Muslim liberal thinkers around the world, including the West, and Amina Wadoud (sp), Arkoun, Faqmanasi (sp), all of these—Nacal Simajib (sp) —I hope he's hearing this, his ears are ringing—all of these people have really been speaking for—Dr. Elie Shariat (sp) has been speaking for decades the divine fulfillment, it's not tied to the state.

It's not tied to my life. It's not tied to the individual. The divine, that's a personal issue. That's a personal piety, and it's not tied to the state, not tied to the public sphere, it's not tied to civil society, institutions, economic institutions. So, I would argue that, when we rely on these texts, as Professor Hashmi did very well, there's also fulfilling some of the theoretical problems that Islamicists do from time to time.

And I'll just stop there. Thank you.

MR. ZINMAN: Professor Tarcov?

PROFESSOR NATHAN TARCOV: I think I would be more audible standing up.

I'd like also to thank Mr. Zinman, Mr. Fradkin and their colleagues for inviting me, especially since I am extremely ignorant about Islam. I really came here to learn and not to teach, and I've learned a great deal both yesterday and at this session from my co-panelists. And my response, therefore, will take the form primarily of asking questions about Islam.

Professor Hashmi opens his thoughtful and illuminating paper with a distinction between an Islamic liberalism, an attempt to interpret Islamic sources in ways that reconcile Islam with the ideology of liberalism as defined by any number of liberal theorists, which he says he is not advocating, and a liberal Islamic ethos, which he is advocating, a set of attitudes and institutions and individuals in society that are liberal in the sense of being tolerant, upholding equal rights and conceiving of the state that's responsible to and the servant of the community, not the other way around.

I was struck by this distinction between the Islamic liberalism that he does not advocate and the liberal Islamic ethos he does advocate so eloquently and, basically, I'd like to ask Professor Hashmi both to clarify (inaudible) does not advocate (inaudible) regard such a liberalism as (inaudible) to the wide range of (inaudible) principles are simply as not desirable in itself.

I am, as I said, not a scholar of Islam but rather of early modern Western, or should we say Christian, liberalism. That reminds me, I am here representing the originally Baptist institution John D. Rockefeller founded, the University of Chicago. I'm its Jewish representative, and I'm especially a scholar of John Locke, perhaps the most important liberal theorist of the Christian West.

At the risk, therefore, of appearing the proverbial professor who, when asked to speak on any topic, always ends up speaking about the subject of his expertise. I will turn briefly to Locke's second treatise of government - the letter concerning toleration. In an attempt to remind us what was the Western, or Christian, liberalism that transformed the illiberal Christian West in the direction of liberalism, and offer that as a possible basis for assisting Professor Hashmi and other Islamic scholars here whether parallel or analogous full-fledged liberalism would be feasible within Islam or whether, indeed, that aspiration needs to be forsworn in favor of more modest efforts of developing a liberal Islamic ethos.

I'll highlight some principles of arguments of Locke to ask whether to what extent there may or may not be analogues in Islamic thought and practice. Turning to Locke is especially appropriate, since Professor Hashmi notes that the idea of civil society as a Western concept arose within a particular set of historical and philosophical circumstances. "The idea of civil society," he says, "Was elaborated by philosophers of the Enlightenment that had, at its core, an economic base of private property and a culture of shared values, including tolerance for diversity, respect for law, freedom of voluntary association, mutual rights and responsibilities between people and government and, according to some theorists, secularism." All these surely were lines of love.

I will skip over some important Lockean themes of property consent and social contract precisely because it seems to me Professor Hashmi very well showed that there are Islamic analogues to them, and I'll stress instead some more problematic themes. I wish to stress that the questions I'll ask about possible equivalents within the diverse and evolving body of Islamic thought, that the questions I'm asking are not rhetorical. I am not assuming either that there are or must be such Islamic equivalents, or that there are not or cannot be such equivalents. I'm asking.

Locke uses the term "civil society" strictly synonymously with political society without our recent emphasis on non-governmental mediating institutions, as in chapter seven of the second treatise, which is entitled, "All the political or civil society." The second treatise itself is entitled, "An Essay Concerning The True Origin And Extent And End Of Civil Government," and we should note, first of all, that civil stands in contra-distinction not only to military or familial, but to ecclesiastical.

Locke said, "Civil society is marked by the communities having the power to make and execute laws and the power of war and peace, all for the preservation of the life, liberty and property of all the members of society as far as possible," which is what he means by "the public good."

Since it was the subject of the first panel, which unfortunately I had to miss, on popular sovereignty and divine sovereignty, I will not raise again the question of what room the notion "Divine Law" leaves for such community lawmaking. I will instead point out that, for Locke, the definition of civil society leads straight to the conclusion that, since civil society is marked by the availability of a law made by that society to resolve all controversies and redress all injuries to any member, there must, according to Locke, be a law and an independent judiciary applicable even to the ruler so, with absolute (inaudible), he concludes is inconsistent with the existence of civil society.

This insistence on the availability of a law binding the ruler is distinct from Locke's famous invocation of natural law as an eternal standard to which human law must be conformable and principled. He insists that there must be on earth an actual law, independent courts to which even rulers are accountable according to established, settled, known laws. So, my first question is to what extent an analogous conception and institution has been developed among Islamic thinkers and societies, or whether a liberal ethos can do without that.

My second question is whether Locke's specification of the end of civil society as the preservation of the lives, liberties and properties of each individual member of society, as far as possible, has Islamic equivalents, or whether a liberal ethos and liberal civil society can do without that, or settle instead for a shifting balance between rights of the individual and of the community, or even an emphasis on the community, as Professor Hashmi says, dominates Islamic political traditions.

The implications of Locke's specification of the ends of civil society, especially for the relation between religion and politics (inaudible) concerning toleration. He there defines civil society (inaudible) in the light he uses there as a society of men constituted only for preserving and promoting their civil goods, which are their life, liberty, bodily integrity and freedom from pain and external possessions, which he also refers to as things pertaining to this life, which the civil magistrate protects by force if necessary. This definition explicitly excludes any concern with the salvation of souls for the fulfillment of the divine mission.

In contrast, he defines a church or religious society as a voluntary society of man for the public worshipping of God in such a manner as they judge effectual for the salvation of their souls, which they are free to leave but—and which enforces its rules on its members only by exhortation and admonition, not by force. Thus, for Locke, neither churches nor civil societies have a right to use force or invade the civil goods and worldly possessions of any member on the basis of religion. Civil society can use force, but only for civil or worldly goods. Religious societies are concerned with the goods of the soul, and cannot use force on their behalf.

My third question, therefore, is whether there is an equivalent in Islamic thought and practice for this radical distinction between politics and religion, limiting politics to worldly goods and forbidding the use of force for religious purposes, which I take to be roughly equivalent to Professor Ayoob's call for secularism in the second session yesterday.

I note in this context Professor Hashmi's mentions of the conviction of medieval jurists that Muslims were obliged to spread the Islamic order by force, if necessary, and his emphasis on the Qur'anic obligation to enjoin right and forbid the wrong. I should adhere that Locke explains that, because something is a sin against God does not mean it should be forbidden by the civil magistrate, unless it is prejudicial to other men's possessions or disturbs the public peace. Similarly, Locke says to the business of the laws is not to provide for the truth of opinion.

A few points about Locke's stance towards Christianity may be helpful in considering the relevance of the principles of Lockian liberalism to Islamic thought and practice. Locke opens the letter concerning toleration by noting, sadly and sarcastically, that many of the claims made

by so-called Christians to represent the True church are instead marks of men striving for power and empire, very much in live with Professor Huda's remarks a few minutes ago. People—men, Locke says, persecute, torture, mutilate and kill under the pretext of religion, exhibiting what he calls, "a burning zeal for God, for church, for the salvation of souls, actually burning their fellows alive on the stake." Toward the end of the letter, Locke laments the factions, tumults and civil wars that have arisen in the Christian world on account of religion, which makes Christianity look, he says, "Like the worst of all religions."

In this respect, Locke addresses the question raised by Professor Filali-Ansary about the St. Bartholomew's Day massacre, which is one of the things that Locke has in mind, and Francis Fukyama's point that, in the 16th century (inaudible) reputation of being the religion of violence and in tolerance that some circles attribute to Islam today.

Locke argues, however, (inaudible) is instead (inaudible) violence, war and persecution carried out in its name are caused by the leaders of the church, moved by avarice and lust for dominion, he says, using the ambition of the civil authority and the superstition of the people to despoil and destroy those who disagree with them. In contrast to what our Marxist friends might say, this actually existing Christianity, Locke argues the true Christianity teaches toleration, peace, charity towards all men of faith. It works by love, not by force, and that the true arms of Christian warfare or jihad are only preaching and example.

In this way, he may be a model or analogue for many Muslims scholars for here and elsewhere who distinguish true, peaceful and tolerant Islam from its actually existing distortions. It's emphasis on peace, Locke tends, however, to persecute it, who persuade themselves that it is lawful to repel force with force and to defend with arms the rights which God and nature (inaudible). I'm sure you know culminates in the defense of the right (inaudible) American revolutionaries later when they took up arms. Preaching peace is not sufficient to defeat tyranny and safeguard liberty. Professor Hashmi noted that Islamic political thought, in contrast, never elaborated the ways in which tyrants might be removed.

Fourth, Locke argues for toleration not only on the basis of what he considers principles of natural human reason, such as those I mentioned about the end of civil government being restricted to civil worldly goods, but also on the basis of explicitly Christian principles, without which he could never have persuaded Christians to adopt toleration.

In the terms of Professor Hashmi's paper, he both steps in and out of the Christian context in arguing for toleration. He appeals to the Christian belief that salvation can be achieved only by freely (inaudible) that each individual must seek (inaudible) seem to parallel (inaudible) Professor Hashmi's in various ways.

Strikingly, Locke says there is absolutely (inaudible) under the gospel as Christian (inaudible). This proves that the Christiana (sp), you might say of Christian civil society, because the laws of Christ do not deal with the forms of government, much as Professor Hashmi says the Qur'an and Sunna have very little to say about the state. But could one similarly conclude, therefore, (inaudible) under the Qur'an as a Muslim state or an Islamic Republic.

Finally, in our context, perhaps the most striking passage in the letter concerning toleration is one in which Locke asks his Christian readers who would appeal to Christian rulers to persecute those who disagree with them (inaudible), who imagine themselves living in Constantinople under the Turkish sultan, and to realize how little sense their appeal would make in that context if they asked the sultan, "Please persecute the Christians who don't agree with me." Locke says the Turks would laugh at the insane cruelty of the Christians.

And to realize further that the reason of the thing is the same under a Christian ruler, since the civil power is the same in every place. Perhaps the thought experiment, Locke urges, is intolerant (inaudible) of imagining themselves living under a Muslim ruler so as to embrace toleration is the analog to the actual experience discussed yesterday afternoon of Muslims living in America.

Thank you.

MR. ZINMAN: I call your attention to the fact that our panelists have obeyed me almost perfectly and, therefore, I urge you also to obey me almost perfectly. Let's take a break of no more than five minutes, and then reassemble and continue our, I think, very fruitful discussion.

For reasons I don't understand, there are no microphones that are hooked up in the aisles, so that when you do ask questions, you're going to have to—not shout, but you're going to have to make yourself heard.

First of all, I would like to give Professor Hashmi an opportunity to briefly respond to the comments on his paper.

PROFESSOR HASHMI: Thank you. Let me begin by thanking my two colleagues on the panel for their very cogent and very important questions and reflections on this topic of civil society.

I'm going to be begin—I'm going to try to keep my responses brief, because I do really want to hear from all of you.

But let me address, I guess, what I consider to be the two fundamental issues that have been outlined by my colleagues. First, to begin with Professor Tarcov's question to me, since he immediately honed in on the first paragraph of my presentation.

PROFESSOR TARCOV: I did read the rest.

PROFESSOR HASHMI: You did read the rest, but I knew that would sort of resonate with you the most, so—and I'm very glad you addressed that issue because it does bear some reflection. What is the difference between an Islamic liberalism, which I say I'm not doing, and an attempt to cultivate an Islamic liberal ethos, which is what I'm trying to do?

Well, what I had in mind—and I didn't want to dwell on this in the very beginning of the presentation—was that, so often in the history of Islamic political thought in modern times,

political revivalism, an attempt has been made by Muslims, contemporary Muslims, to add a hyphen between Islam and whatever ideology is prevalent at the moment. So, we have a whole range of, you know, Islamic liberals arguing about Islamic liberalism. We have Islamic Socialists. We have Islamic Communists. We have Islamic Marxists. We have the whole gamut, basically.

And, I'm deeply troubled by their ideology. We have Islamic modernists. Because their ideology is flawed—and this will also, I think, address to some extent Qamar-ul Huda's questions and criticisms—their ideology is flawed because they approach the task of interpreting Islam using foreign ideologies as a normative standard, and they use Islamic textural sources in an ad hoc, piecemeal way in order to justify whatever preconceived notions they might have, that end up looking very much like Western ideologies or Western institutions.

So, they'll pick text in isolation from the Qur'an and say, "Well, of course, Shura Benahoum. That means Islamic democracy. Whereas, they do not take into account the whole range of other Qur'anic text that seem to go against the idea that the Qur'an supports democracy.

So, this ad hocism, I think, is the basis for a lot of the intellectual weakness of Islamic modernism writ large. What they do, basically, is leave the field open to those who argue that that's not the way to understand Islam, that you have to read the Qur'an as a whole. Now, unfortunately, the people who have, by and large, read the Qur'an as a whole, have read it--read it in a very conservative, very what we could call fundamentalist way, very literal way. So, what the Islamic modernists have done by virtue of their weak methodology is to leave the field open for those who have illiberal readings of the Qur'an and the traditions of the prophet.

What I want to do is not to use liberalism, a la John Rawls, as my normative standard. I want to go to the text of the Qur'an and I want to explore the resources within the Qur'an that support what I consider is the Qur'anic message—a message of diversity, indeed of pluralism, a message of tolerance, a message of peace, a message of representational government. I want to look at the Qur'anic text as a whole, and I want to construct out of the Qur'anic text what I think will be, you know, a liberal Islam that will resonate much more, or will have much more attraction, to the people the conservatives have so far attracted.

So that's, I hope, a fairly coherent response. We can talk about it further. Now, to answer Qamar's various points, some of the points, I think, relate to what I've just said. Qamar pointed out that I focused heavily on the Medinan moment as the foundational moment of Islamic political thought. And he's absolutely right. The prophet lived in Medina as a prophet for the minority of his prophetic mission. He was in Medina only for 10 years. He spent some 12-1/2 years in Mecca.

So, the Meccan period of the Qur'anic-of the Qur'anic revelation and the prophet's life is equally important, and we should not disregard it in constructing an Islamic ethical system. I have argued that consistently. But, the fact is that, in Mecca, the prophet did not rule a community of Muslims, so to speak. The community of Muslims was a proto-community. It was a community in evolution. There were no laws that were applied to the Muslim community there. Indeed, there was no state.

So, if we are dealing with the relationship between community and state, the relevant moment, so to speak, from the Qur'an's mission—from the prophet's mission in the Qur'anic revelation, that moment is Medina. And it is absolutely impossible to say that Medina is not important, that we should give more importance to the Meccan period because, again, this is what I was pointing out as a problem of earlier Islamic modernism. By focusing heavily on the Meccan period, the Islamic modernists leave the field open to fundamentalist thinkers and interpreters who say, "But there was no state there whereas, in Medina there was a state. So, why don't we go to the obvious example, and that is the prophetic state?"

What I want to do again is take the illiberal readings given by many Muslims on their own basis, according to their own methodology and come to different conclusions using the very same methods and the very same sources, which I believe is completely possible. In fact, in my mind, that is the reading that one can derive from considering the Qur'an and the prophet's life as a whole, as you argue.

Now, if I could just clarify one more thing, and that is that you made the assertion that there are a number of Muslim secularists who call for, you know, the privatization of Islamic faith and, indeed, they make an important point. They make an important argument. But again, I think, they're leaving the field open. They're leaving the field open to the more conservative elements because it is very hard to escape the obvious communal thrust of the entire Qur'anic message. Islam is a communal religion. So much of its ritual is communal. The prayers. One, as a Muslim, you are supposed to pray, if you can, with a community. So much of its institutions are communal. Secath (sp) is an institution for communal welfare. So, it is very hard to say, "Well, let's privatize Islam. That is the true Islam." That is the surest way of allowing the illiberal conservative elements to monopolize the discussion.

MR. ZINMAN: We will now open the floor for discussion. Now, of course, the most aggressive of my colleagues already have their name on a list. I will initially ignore them and give other people a chance to speak first. And I will try to keep a list, but I warn you that we're unlikely to be able to work through the whole list. So, I—you need to be tolerant.

MS. KAREN KEYBRIDTH: I'll be brief, so you'll all have a chance.

My organization networks full-time K-12 Islamic schools in the United States, and across Canada and the United States. As I've listened to the various presentations and discussions over the last couple of days, I'm surprised by the omission of these American Islamic schools in the formation of the various theories and conclusions. You don't have any information on these schools. Everyone I talked to is, like, surprised, "No, I don't know very much about them." But the problem—why I think you should know more about them is that this is where tremendous change is beginning to occur in directions and trends that are emerging.

K-12 Islamic schools, more than any other institutions, grapple daily with the four questions of this forum. Well, I mean, these questions have been on our ListServ for a couple of years now. We've been discussing, "Is this not compatible with democracy?" How? Because, if you walk into a classroom, you have to teach something, and they all use standardized textbooks that are,

you know, from the (inaudible) from everywhere else. So, we have to actually teach this, these issues that come up.

The—now, speaking about Islamic curricula, the current Islamic books that are available through the traditional publishers here in the United States, like (inaudible), they—they're not well received in Islamic schools. They don't work very well because they don't fit. And they don't fit because they don't support dynamic learning and teaching theories and methods, nor do they support curricula that addresses the societal and individual needs of Muslim children growing up here in America.

K-12 Islamic schools offer a unique view of the likely directions that Muslim American society will take and will also, perhaps, influence other Muslim societies across the world in the future. And I think that getting a closer look at what's going on in Islamic schools might help figure out a direction.

PROFESSOR HASHMI: Thank you. It was a very good point.

MR. ASSAD KHAN: Because I speak softly sometimes I've been told.

I have a couple of points here, and I'll start with (inaudible). After coming to this session, the last session I attended, my humble observations and reflections were that this is a gathering of apologetics from the Muslim side and Islam bashers from the non-Muslim side. After having said that, I don't want to go there. I take it back.

Today, after listening, at least one young Muslim, I have hope in this whole place, because, I don't have any problems. I'm here in America, and I appreciate the freedom and all the amenities that are provided to all of us via the so-called Islamicists, fundamentalists, and so on.

The reason I'm saying this, for yesterday as I see Shaykh Kabbani here, when you bring in Shaykh Kabbani, I think you should bring in ISNA and ICNA people, too, to retort what he accuses them of because, to me, a Sufi is one who attracts people who go to him rather than a Sufi coming here and attacking others. A Sufi never attacks others, in my definition. Now, in my humble opinion, of course. This is my humble opinion and I don't claim to be a scholar or anything else. I'm an engineer, and I'm a layperson of affairs here in the U.S.

So, I dragged myself back because I saw Shaykh Kabbani here, and I just want to plead to him as to attacking others in their absence is not a Sufi way. A Sufi is a quietist to me. A Sufi is the one to who people get attracted, and the Sufi zealots, they are quietists rather than attacking others. But anyway...

Now, I come back to today's gathering and today—my impression for today. And that is, why punish Islam for the sins of Christianity? All I heard in these observations were superimposing the Christian aspect, superimposing other aspects on Islam and bringing out a model. Why not see Islam as is, as was presented by Dr. Hashmi? Why not have a plurality of ideas in this global monolithism?

Right now, what's happening is democracy and human rights, these are the new gods. And as I've explained sometimes in the Qur'anic discourses, that you will form all kinds of gods, and as Islam proposes that it's the only complete unity that's to God. But now, we are making our own gods. Democracy sometimes becomes a god. Human rights sometimes becomes a god. But why I am saying this is because of what he brought out, the huqooq ul-ibad, the rights of god versus huqooq--versus the huqooq-Allah. Huqooq-Allah versus huqooq ul-ibad. There are rights of god and there are rights of human beings or rights of society, a civil society, and so on.

So, Islam is giving you a model which is outside the model. Why not make this world, this global village, a pluralistic society rather than a monolith which, to me in my humble mind, has been created by hearing all of that, the democracy and human rights, these are the new guides. Why not have this huqooq-Allah and huqooq ul-ibad and try it? And this is, you know, after having said all of that, it's America that is giving us this opportunity to study this. Diversity will take us away from, you know, the monolithism of—sometimes it's my impression.

Thank you.

MR. ZINMAN: There are a number of issues, and I'll first turn to the panelists, and especially have Professor Tarcov, but I'd also invite Shaykh Kabbani to respond, and anyone else.

MR. SHAYKH KABBANI: Well, I thought the question on the rights of God is addressed more to Professor Hashmi here.

MR. ZINMAN: Well, all right, I'll let you decide. I'll let you decide who decides.

PROFESSOR TARCOV: I was asking questions rather than, I hope, imposing a model, asking whether Muslims here think there's something to be learned from the terrible experiences of Christianity with religious wars and intolerance that were talked about yesterday. Also—and the ways in which Christian—or is there a word, Christianate—Christianate societies like Islamicate societies, managed to move away from those horrors, in some cases to other horrors.

PROFESSOR HASHMI: Yeah, that was a very central question that you posed, and since I had briefly alluded to the classical jurist view that Islam was ideally an universal message that was to be spread through peaceful means, if possible, through forceful means, if necessary, let me elaborate on that.

This all, of course, relates to the theory of jihad, which as elaborated by the classical jurists was primarily, that is the expansionist jihad idea. There were two jihads. One was, of course, the purely defensive kind, where if Daru'l Islam was attacked from external forces, if it was the victim of aggression, of course, Muslims had an obligation and a right to defend themselves. But they also elaborated the expansionist jihad, and they focused on this much more in their legal treatises than they did on the defensive type.

Now, this defensive jihad was conceived as an obligation to expand the borders of Daru 'L-Islam, but they were very clear. In their mind, there was a conceptual distinction between expanding Islamic sovereignty, Islamic hegemony, and enforcing the Islamic faith. The reason

was that there is a clear verse in the Qur'an, which the majority of the jurists held to be valid and binding for all times which is unequivocally (inaudible), "There is no compulsion in religion." And yet, at the same time, they came up with this idea that the expansionist jihad was also an obligation upon the Muslims.

So, how can you reconcile expanding the Islamic state and this verse which says, "Do not enforce religion?" In their mind, there was a clear distinction. Enforce Sharia, that is, incorporate non-Muslims into this Paks Islamica. When they see the benefits provided by the higher Islamic civilization, when they see that Islam—Islamic law guarantees security, stability, all the good things of civil society so to speak, then naturally, the non-Muslims will convert to Islam over time.

So, that's what I meant by "through forceful means." I was not arguing that they were trying to impose faith as the goal. They were making it possible for faith to be spread through other means. And in that sense, I think the argument could be in a way reconciled with Locke's strong criticism of the imposition of faith, which is illogical. How do you impose faith?

SKAYKH KABBANI: Usually, I make *ashura* (sp), and I asked several of the people to whom I have to answer. They said, no. But then I said, "No, I have to answer." Because to clear the situation with them—and I'm not going to take time off from Mr. Hashmi which was a very nice and excellent presentation.

But I would like to say, when they came to prophet in Mecca at the beginning of the revelation, they said, "If you want wealth, we'll give you. If you want faith, we will give you it, but step aside from your message." He said, "If they put the sun in my right hand and the moon in my left hand, I will not drop my problem or my situation to call people to Allah's (inaudible).

So, it is not a Sufi to sit in the corner and say, "be quiet" and accept everything that happens. It's not our way and not our tradition, although I am a Naqshbandi Sufi. The Naqshbandis are very well known to stand against the rules at any time, and that's why I honor Fahrouki sal-Hindi (sp). He stood against every one in India. So, this is our way and our (inaudible).

If you can bring ISNA and ICNA to the table, I will be very happy to sit with them and debate them, but they always, they shy away and they run away. They never accepted anything from where I am sitting. If you invite them to this conference, and how many of them would not come, because they know I will give it to them. They cannot--.

MR. KHAN: They're not here to defend themselves!

SHAYKH KABBANI: From a scholarly point of view, they cannot stand it. So, they run away. So this is my answer, and I am willing at any time--many--there is one here who is (inaudible). I forgot to mention his name because he might not be happy, because they tried many times, these sincere people. One of them here tried many times to bring OIC, ISNA, ICNA, all different global organizations—The Muslim World League—to speak and to sit. They refuse even (inaudible). I don't know. He's the president of OIC. He spoke with Ahma Sayeed (sp), Ahma Sayeed, who is making the alliance of all Muslim organizations.

The other side does not pray. It does not fast. Stop people from going to pray Jhouma (sp), and he say I am the biggest traitor. That's okay. No problem. So, bring it to the table. Let us sit. They sit with the Jews, which I like. They sit with the Christians, which I like, but they don't sit with me. What's their problem? I think you know the answer.

PROFESSOR HILLEL FRADKIN: I first wanted to just make a general comment about the last panel which I thought very, very, very good, and I will say in a couple of respects, which I think it was.

But I do want to say—and I'm here also responding in a way to the last comment, which I thought was an exception to the conference—but a fitting end and culmination of a kind of discussion, and if you like, work that was being done here.

I wanted to say something about—in particular about what I understand to be the efforts of Sohail in his paper, but also more generally his work, which I know and appreciate, and that it pertains to the response he made to Nathan Tarcov concerning Islamic liberalism. I think that has been very much a problem with at least the application of these abstractions to the question of where Islam will go.

And in particular, the mode of ad hoc interpretation, ad hoc quoting of verses out of the Qur'an, and I think it's particularly admirable of his efforts that he wants to sort of think it through completely to—if I may put you—what you were saying before in sort of different terms. To say—to try to determine what is essentially the message of the Qur'an and see where that leads, what it would mean in the present circumstances and in addressing the present problems.

And I think one can see from the experience of other religious commissions that there has always been the temptation to do this ad hoc interpretation of scripture. I won't speak here of Christianity—Christian interpretation, but rather of Jewish interpretation. It has mattered less, I think in the Jewish case, because the political and social environment is—has been primarily defined for Jews by the outside society.

But it is the case, and a lot of Jewish interpretation with relation—in relationship to modern political developments and liberals and so forth, has been very ad hoc and, when you listen to them, you're not very much persuaded, but you don't have to be terribly persuaded because America is a liberal society, and that's just the way we've learned to live.

But I wouldn't take it as a model for trying to think through seriously for people who do feel a strong religious commitment to their faith, how to go about—how about thinking about where that fits into the modern world, and I really want to commend Sohail for trying to avoid that, or to teach, rather, people to do the opposite.

I did want to say one thing—make one comment about--about this issue of civil society and in relationship to its long history. And here, to the extent that there is an Orientalist school—and frankly, I don't think that there is. I think that was a construct of Edward Said.

But, speaking specifically about Lewis, it seems to me that he went out of his way—not out of his way, because he was just an historian—to point out that, in fact, in pre-modern times, Islamic polities did have what we—what we are calling today civil society.

And that in many respects, that was, you know, all things being equal, preferable to the situation one has now. And in fact, he has directly attributed the collapse of civil society to not Islam, but to modernity, that it destroyed the modern state through organization, through modernization, destroyed many of the civic associations that did exist within Islamic civil society—the tracheals (sp), the al-Qaf—and so forth, which acted, in fact, as a real check on arbitrary rule.

There was the problem that Sohail mentioned, that there was in a way no sort of clear rule about the rights and privileges of these institutions, so that they could be--they could be tampered with by arbitrary rule. And in any event, they never—I think your point was that they never formed a sort of consciousness of themselves as institutions of that—of that order, so that they don't go over to modern society with that kind of self-consciousness. But they often acted as a brake on arbitrary rule, which the arbitrary rule of today is really a function less of Islamic tradition than it is of modern tradition, and that as was pointed out, I think, yesterday very well by comments of Frank Fukyama and Abdou Filali-Ansary, that one of the strange things about this discussion is that we—we're actually—we'd be evolving in modern times rather than Islamic terms, strictly speaking.

Finally, I just want to say I hear—pardon me, but I think I have to side with Sohail rather than Qamar-ul that there's once—the Meccan period is very interesting, but—and should be drawn upon, but it seems to me that Sohail's right for one simple fact, which is that the Muslim calendar dates from the Hegeron (sp), that is, formally speaking, if the religion is understood to have been founded at a specific time and in connection with a specific event and the character of that work is communal, as Sohail was saying, rather than individual.

MR. ZINMAN: I would like to use my prerogative to put another issue on the table, and it's an issue that I think needs to be put on the table because I sympathize with Professor Hashmi's project. But as I understand it, that project is motivated in part by the desire not to cede key territory to the people he disagrees with. But I wonder whether the argument he's made doesn't in some ways not cede territory, but at least leave territory unoccupied that needs to be occupied.

And I think that thinking through—I would suggest that thinking through Professor Tarcov's questions leads us to something like this problem. I use—I repair to Tocqueville, the master on these questions. And Tocqueville does argue that democracy requires, in order to flourish, something like what we call civil society, of which one key component is religion.

But he also argues that civil society, or whatever it is that causes civil society, has an affect on religion, and the affect on religion is—I'm oversimplifying: (1) to homogenized religion, (2) to dilute religion. In fact, he goes so far as to say that religion can only be effective in promoting or supporting democracy in the modern world, and he means a world increasingly dominated by equality of conditions and the principle of equality. It could only be effective if it is a homogenized and diluted.

Now, it seems to me that the people you are arguing against, in part, and I think this problem has run through the conference as a whole and I almost hesitate to raise it, but I think it does go sort of to the roots. I think it's a problem that appeared in our discussions of Islam and Modernity. I think it's a problem that can't be avoided when talking about the situation of Islam in the West and the future of Islam in the West.

Because it seems to me that the people you're arguing against are most concerned, giving them the benefit of the doubt that Islam, like any other revealed religion, will be undermined and corroded by the West, and especially by the liberal West, and that means by the civil society. So that, it seems to me you need to—I mean, someone who has your project needs to either make the kind of argument that someone like James Madison made. I don't know if he made this argument, by the way, honestly. I mean, I don't know if he believed it. But using Locke's argument, he argued that look, religious faith cannot be enforced, and that freedom of religion ought to lead to the flourishing of the true religion.

Now, I think you can—if you look at the experience of Christianity in Europe and even in the United States, one could raise the question of whether that's true or not, empirically true. Does it lead to the flourishing of the true religion, or does it lead to the, let's say, evisceration of the true religion?

PROFESSOR HASHMI: Well, there's a number of impressionistic responses studying for the point. A recent book written by a number of people, including Scott Appleby and Emmanuel Sivan, called *Strong Religion*, talks about, in many ways, what you have just outlined. They use the words "strong religion" to refer to those people that I'm conducting my project, in a way, in opposition to. But, I think the title is ill-founded. Those who claim that they're trying to protect religion, in fact, are the ones who weaken religion.

The Taliban probably did more in 10 years to weaken the power of Islam over the ordinary Afghan than any secular force could possibly have done through their brutal and very, very illiberal interpretations of Islam. So, de Tocqueville is the master in many ways, but in terms of religion being diluted by the progression of civil society institutions and by the progression of democratic values, I think it doesn't necessarily get borne out.

In America, religion is flourishing because of the combination of a strong state and a strong civil society. When that--.

MR. ZINMAN: --And their separation…..

PROFESSOR HASHMI: … and their separation in many ways. But look, we have a believing President sitting in the White House. So, I mean, what is the difference between a believing Muslim who happens to be elected President of Indonesia from a believing Christian who happens to be elected President of the United States? So, religion is by no means divorced from American politics. In fact, one could argue that religion has increasingly become more and more important to Islamic—to American politics over the past 30, 40 years. So, I would disagree in that sense that religion is fated to be diluted. In fact, I think religion and civil society can truly flourish.

PROFESSOR AYOOB: A very short, one-sentence response to something that others said about my paper before I get on to Sohail's paper.

I used—I concentrated on the phenomenon of political Islam and, therefore, Islamists, because that was my brief. But I made it very clear that the Islamists were not the majority amongst the Muslims in the world, and I couldn't obviously address the other issues in other groups and other points of view because I wanted to delimit the scope of the paper.

Sohail Hashmi's paper, an excellent paper made even more attractive by the eloquence of Sohail's command of the language and presentation, two points, briefly. One, Sohail started by giving the impression that he was going to come back to the concept of the Umma and its relevance to contemporary—to the contemporary politics, and I think he didn't come back to it.

And I would like him to come back to it, because I would directly like to take this—to raise the issue as to how relevant is the concept of the Umma in terms of a community of believers in a world of nation-states. Is the Umma now restricted within state boundaries, in the states that have predominantly Muslim population? So you can talk about an Egyptian Umma, Pakistani Umma, and Iranian Umma. But even that creates--that creates problems because then it doesn't include non-Muslims living in predominantly Muslim countries. How do you accommodate them into the concept of the Umma?

Because a national Umma, if I can use the term, can only be conceived in non-religious, secular terms based on the ideals of civic and territorial nationalism, which I think is an essential free condition for the evolution of a liberal ethos. So, I think that's a point that we need to address directly.

The other is this notion of a civil society, and I'm glad Professor Tarcov brought in the concept of political society from John Locke, because I have a take on this subject where I think—from where I sit, that one should not dichotomize the state and civil society even as one attempts to reconcile them, because there is an intermediary level that is important. In fact, probably more important than institutions of civil society for the functioning of a—of a democratic system, and that is what I call political society. I mean, in a sense, that's somewhat different from Locke's, but I use that term.

I, in fact, several years ago wrote a paper on the subject which I never had the time to go back to, so it was never published. But I think there is something called political society, which is extremely important, and the institutions of political societies are those that are explicitly political, but outside the state structure, and comprised primarily of political parties and the political media, the political press. Because these act—because civil society institutions, I believe, cannot by themselves check the excesses of the state. It needs—sometimes, they can even become instruments of the state. They may also be devices of society.

So, unless there are institutions of political society that act as avenues of communication between—well, both vertically between society and state, and horizontally among segments of

populations—of the population in order to build coalitions for governments, interest aggregation, as the theorist (inaudible) started calling them when I was a student. Because then they create cross-cutting cleavages that increase abomination and tolerance and turn this into habit. Tolerance accommodation, and so on, becomes a habit, thus building again, a secular and tolerant culture and producing this new Umma.

MR. JAY TOLSON: Question. I think that you moved very interestingly toward a question that's been nagging in the back of my mind throughout the conference, which is—hich is the need for somehow addressing the issues that this panel and other panels have addressed and engaging the other views. And in particular, I wonder, you know, what you think is being done to help these people who you praise, including Shirin Ebadi, lawyer—women lawyers in Nigeria fighting through Sharia to overturn some fairly idiotic judgments on grounds of proper Sharia.

And one of the words that we seem not to have addressed and one of the institutions we seem not to have addressed very much, is the institution of Sharia, or the multiple Sharias that are out there, and the formation of people who interpret the Sharia throughout the world. And I wonder if you would address this question of what you see happening in this crucial institution, the legal schools, you know, the czars of the world, to open up a sense of what Islam is and what Islamic law, divine law is.

It seems to me, however much you want a civil society, if it's been formed by Islam, you have to come back to this question of Sharia because that will help define, among other things, the extent to which divine law will govern the various areas of life—in other words, make a little more concrete for us dim journalists the institutions through which this might occur.

PROFESSOR HASHMI: Let me just take this opportunity to quickly respond to Professor Ayoob and to Mr. Tolson.

You said the key thing, I think Mohammed, when you said civil Umma. Umma, the concept has been reduced from a political to a civilian sphere. I think that's absolutely right, and that's where it should be. That's what the original notion of Umma was.

So, does it have any relevance today? Certainly, looking around at the world there is no Muslim Umma. Muslims are divided into at least 56, 57 sovereign territorial states. Often, these states are at war with each other. People are not permitted to travel freely. And yet, it's really intriguing to me looking—studying the debate that is going on about nationalism, Islamic conceptions of just international society. The Umma concept hasn't died. It's still very much alive in the writings of both Islamic modernists and, certainly, in the writings of the Islamic conservatives or fundamentalists.

It can't be renounced because it's so central to Qur'anic ethics. It's-it runs through the entire Qur'an, as I have argued in my paper, the idea that God has invested the community of Muslims, not as Egyptians, not as Pakistanis, but the community of Muslims with the obligation to fulfill

Qur'anic obligations. So, on an ethical level, I doubt it can ever be fully renounced, at least in theory.

So, what reality is there to the concept, the ideal? And the realities are quite striking. There is a host—there's a whole network of Islamic NGOs and, indeed, one prominent IGO, that still tries to keep the Umma concept alive. The IGO I will mention only briefly because it is only a tattered representation of the Umma concept. That is the Organization of the Islamic Conference, the OIC, the most universal Islamic organization in the world consisting now of 57 members. The OIC tries to act like the Muslim Umma, but the reality is that it is nothing more than the agglomeration of sovereign states that comprise it.

But, there are NGOs as well, a whole network of Muslim institutions that transcend boundaries, that deal with such issues as human rights, that deal with issues of economic justice, and indeed of Dowa, spreading the Islamic message not primarily to non-Muslims, but to Muslims themselves. So, these NGOs, I believe, continue to keep the Umma alive. Now, the concept at least is very much alive.

Civil society versus political society, I agree entirely with what you said in your comments. But I should add that there is, within the concept of civil society, a notion of an important role for political institutions. You-you focused on interest groups. Of course, they're very important. Political parties, they're also very important. So, they do provide a mediating role, so to speak, between the purely private, if you will, dimensions of civil society and the more public. There's this gray area that—it forms a transition, that links civil society to the state.

Mr. Tolson, Sharia, what is being done? Well, first of all, what is being done in many prominent Islamic circles is to re-conceptualize the very idea of Sharia. For many classical jurists, the people who first came up with the idea of Sharia, Sharia was that law, that set of principles, which was present only in the mind of God. Human beings interacted with the mind of God, so to speak, using their own wits, their own lights as well as the revelation, and they produced a body of law which was not technically Sharia, but called fiqh, (jurisprudence).

The problem is that, through the long course of human history, primarily for political, historical, social reasons, the two concepts have become conflated. Sharia and fiqh have become merged into one. So, for people who argue that Sharia is not what human beings over the past 1,400 years have interpreted it to be, there's this struggle to try to recapture its original meaning. Sharia is in the mind of God through which human beings interact using their own minds.

And what I have called for in this process of reinterpreting Sharia, and the reason why I believe reinterpretation projects have not gone very far, is that they have yet to construct a coherent and convincing ethical system upon which the Sharia reinterpretation can proceed. Again, the way Sharia has been reinterpreted is through ad hoc means. You don't like something that is considered Sharia today? Well, you say, "Let's, you know, adopt another interpretation." Sometimes the interpretations are overtly borrowed from Western codes, for example.

So, the only way for true Sharia reform to occur is for, first, Muslims to come up with a comprehensive ethical understanding of what the Qur'an calls for. Ethics needs to be the first

step, and then only after that can legal interpretation proceed. So, it's a long, long process. But you asked me to give you some examples of things that show that the process is underway.

It is underway. It is underway through the work of Islamic lawyers and NGOs that are calling for what I've just advocated right now, an attempt to move the understanding of Sharia away from such things as penal law, which is what every fundamentalist immediately focuses on, and to talk about such things as calling for a just economic system, for example. Calling for the rights of Muslim women, which have been denied them systematically even though they were given to them by the Qur'an. And indeed, calling for the rights of Muslims to—and non-Muslims to interact and live together as equal citizens of the modern state.

So, all of these things can be done from within the Islamic tradition, but only if they're approached, I would argue, comprehensively, not in a piecemeal manner. And I'm sorry that Asma Afsaruddin has left, because she herself, is very much working through organizations like Karamah that was established by Aziz al-Hibri. So, American Muslims are very much involved in this process. They have established networks with similar organizations abroad. And this, again, is one more manifestation of the Umma concept very much alive.

MR. ZINMAN: I just have to say to Mr. Tolson that there are some dimwitted journalists, but we don't invite them to these conferences.

All right. I may modify it just a tiny bit. It was stated by Professor Hashmi that the Muslim world is going through "a reformation." It seems to me that in a certain sense you're calling for a—if not a reformation then a reconsideration. And the gentleman in the back points out that in the West, at least, the reformation, or even reconsideration, led to not the development—not immediately to the development of a liberal Christian ethos. It led immediately to a couple of centuries of very bloody civil wars. And in fact, one could argue that someone like Locke could make his case persuasively not primarily because he was able to appeal to abstract principle, but because he was able to appeal to principle in the face of this horrible experience.

So, again, the gentleman asks whether or not this kind of reconsideration which you're urging can be undertaken effectively, meaning leading to changes without a repetition of something like the West has experienced of sectarian warfare within the Muslim world? Is that fair?

PROFESSOR TARCOV: I think sometimes when one views one's own experience, when Dente (sp) saw this, the experience or the project that has to be duplicated or could be considered as a model or the way for others to think about. But I was—the way I read Islamic history of Western history, is that at least within Islam—Islamic history, there's been many mechanisms of, as you put very well, self-Devaluation or self-reconsideration. I mean from the very beginning, I think as he talks about on the first day and second day, this issue of a leadership and authority and religious authority, began from the very beginning, endured splits and sectarian splits, and extreme—extremist groups like Maharaj (sp), who are isolated, and so forth.

From the very beginning, the way I read Islamic history is self-correction, promotion of certain ideas, whether tested, whether right, but lots of room and space for reform and self-evaluation. I think what we're experiencing today with extremism, with radical Islam, it's just another

manifestation of previous historical moves, where we have different groups trying to assert a certain type of interpretation of Islam. So, I don't see this as a historical moment, but on continuity.

MR. ZINMAN: Nathan or Sohail, do you have anything you'd like to say in response?

PROFESSOR TARCOV: Well, I'm not sure where we are, but I'll say one more thing to Professor Hashmi.

PROFESSOR HASHMI: Okay.

PROFESSOR TARCOV: Which is, I don't think you really mean that—I'm sure you don't really mean that one can answer—it's evident from your paper that you do not really mean that one can answer all the political kinds of questions you're speaking of simply from interpreting the Qur'an on crucial things you say. Democracy, there's pro and con in the Qur'an. We have to answer it by our own reason on the basis of what we know of human experience and human nature.

And that it would be a mistake of us, therefore, to describe your "project," as it's been called, as simply the effort to get at the essence of the Qur'an. It seems to me that you are combining that with what Locke would call "natural human reason," too, and that the one is not sufficient, and that, perhaps, that admission on your part is part of what distinguishes you from your opponents and not merely the method of interpreting the Qur'an.

MR. ZINMAN: Do you accept that as a friendly amendment?

PROFESSOR HASHMI: I do and that's a very eloquent explanation, I guess, of my so-called "project," because I am not trying to come up with an essentialist Qur'anic understanding of politics. I'm trying more than anything else to derive a convincing ethical basis derived from Qur'anic text for what I have considered to be a liberal ethos, a broadminded, pluralistic way of conducting political and social life. I believe that's what the Qur'anic message teaches.

But certainly, as you have just so well put it, one can find other readings of the Qur'an. But if you consider the Qur'an as a whole, I believe this is the message that evolves out of it, that emerges from it, and that other messages are contrived or forced, if you consider the Qur'anic message as a whole. So yes, absolutely, I agree with you.

And in answer to the gentleman's question, you know, I think Muslims have reached the point where they realize that something horrible has gone on with the way their faith has been interpreted. We may not need wars of reformation, but we have had plenty of wars fought among Muslims themselves that are the equivalent. And then, of course, Al-Qaeda's atrocities and the terrorism that Muslim groups are conducting within Muslim societies.

Muslims are the targets also of these groups. We shouldn't forget that. They have convinced, I think, vast numbers of Muslims that we need a fundamental reassessment. Not a reformation

necessarily, but a reassessment of the way our faith is being interpreted by a group of—by groups of people who are willing to do whatever it takes to bring about their message.

So, we may not experience a reformation. We may not get to the same point as Christian—as Christianity or Christian society has got to, but the process, I think, is now widely acknowledged to be necessary, the process of trying to reinterpret the faith.

MR. ZINMAN: It is 1:00 o'clock. We're already half an hour beyond where we're supposed to be, so I will arbitrarily recognize only one more person. And then, if people would like to continue the discussion, and people can continue the discussion, I welcome you to stay.

SELMA: I am speaking for Shaykh Kabbani, and he was invited to the conference, and he needed to say what he wanted to for freedom of speech. And when he has criticized the puritanical form of Islam, like the Wahabi movement, so be it. Because of them we are suffering today because of the intolerance and the hate and the bigotry.

MR. ZINMAN: I would like to conclude simply by, first of all, thanking our panelists today, and especially our principal paper-giver. I think this has been a fitting ending to the conference. I'd also like to thank all of the participants—wait, wait, hold your applause—I'd like to thank all of the participants who I think have done a sterling job of taking their tasks seriously, and after having run many conferences over many years, I can say that not all participants always take their tasks seriously, so this was an exemplary group.

I also want to say that I thought that—look, we all know that these are extremely delicate questions, and in order to deal with them properly and in order to deal with them in a way that fosters discussion, they must be handled with a certain kind of finesse. And I would say that our participants have handled them with the necessary finesse, so I thank all of them.

I also want to publicly thank my colleagues in crime, Ayatollah Fradkin and Ayatollah Brown. It's been a pleasure working with them over many, many months, and it's very pleasant to be able to say that I think our efforts have borne some fruit.

[End of tape.]