

‘Human rights, Muslims, and the war on terror: Challenges for the progressive Muslim intellectual’

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SUMMARY NOTES

PROF KADER ASMAL, MP

In 1990 Bernard Lewis wrote in *The Atlantic Monthly* about ‘the roots of Muslim rage’ as a ‘clash of civilisations’ and he described Islam as ‘the enemy of freedom’. Martin Wolf has recently written in the *Financial Times* on the challenges all Muslims face to repudiate all Muslims that do not face up to democratic norms. In the Netherlands, recent events surrounding Muslims in that country are raising questions about what the values of the Dutch really are. There are many Muslims who live in England who want to be assimilated as British citizens. Important debates about Muslims and their assimilation into non-Muslim societies are taking place in other countries too.

Farid Esack has written about diversity, being a Muslim and HIV/Aids. He has been a commissioner on the Commission for Gender Equality. Farid has extraordinary talent, great courage and extraordinary versatility. He is here to talk about human rights, Muslims and the war on terror.

PROF FARID ESACK

Introduction

I am an African and, notwithstanding my own commitment to working with those living and dying with HIV and Aids, it is not the reality of millions of deaths on this continent and millions more dying that forms the backdrop to my thoughts on some of the challenges facing Islamic thinking. My thoughts, instead, are shaped by a compulsion to ensure that all our theological questions and responses, all searches for a response to the challenge of Islam and modernity must be engaged through the prisms of the wounded Empire and premised on the culprit – and his community’s – contrition. Democracy and accountability, human rights and gender justice ... the urgency for all of these is palpable and the impression that this is all part of an attempt to humanise the barbarian is inescapable.

We are witnessing – and participating in – an intense and even ruthless battle for the soul of Islam: ‘The War for Muslim Minds’. The ruthlessness of this war often escapes many of us who are keen to nurture and imagine a faith that is peaceful and compatible with the values of dignity, democracy and human rights. For many non-Muslim Westerners who are driven by conservative ideological imperatives, Islam and Muslims have become the ultimate ‘other’. Many liberals, on the other hand, move from the assumption that ‘global harmonies remain elusive because of cultural conflicts’. Hence, the desperation to nudge Islam and Muslims into a more ‘moderate’

corner, to transform the Muslim 'other' into a Muslim version of the accommodating and 'peaceful' self without in any way raising critical questions about that Western self and the economic system that fuels the need for compliant subjects throughout the Empire.

Islam, like every other religious tradition, is the product of both its heritage – itself the synthesis of ideas, beliefs and the concrete lived experience of the earlier Muslims, and the way that heritage is interpreted by every generation. 'Generations' though is not a disaggregated, disembowelled, classless social category. We must always ask 'for what and in whose interest?' The origins of the dominant urgency to re-articulate Islam in ways acceptable to the Empire must be interrogated if we are to come up with anything beyond *ad hoc* accommodationist responses meant to placate the Empire or to smooth our existences or advancement in the belly of the beast.

I am not suggesting that these are issues that have not been dealt with in Islamic scholarship before 11 September 2001. I am concerned that the teacher with a formidable cane had sent all of us into a corner after one of our classmates sullied his new book or did something unspeakable in his coffee cup. Discerning a lack of complete and unqualified remorse – even some rejoicing – the entire class is now subjected to collective punishment. And so, all of us now have to write a thousand times, 'I shall behave – I shall be democratic – I shall respect human rights – I shall be peaceful'. As it is, the class – Muslim societies – is a 'remedial one' for 'slow learners' and we are on probation. (Some of my classmates have successfully escaped into a much smaller but 'real' class next door).

Meanwhile, many of the other kids are dying around me in the case of Africa and indeed in much of the 'Two-Third World', quite literally. We are living in a world where more than 1.5 billion live on less than a dollar and a half, where the gap between the lowest 20% and the top 20% of the world's population has increased from a ratio of 1:30 in 1960 to 1:174 in 1997. Yet, my major project is to get into the good books of the teacher; to present myself as worthy of his acceptance, as different from the barbarian who did what he did.

Besides the immediate reality of the children dying around me, there are, of course, other realities around me including coercion, the irony of violence being used to impose a language of peace, the larger context of education and schooling which pretends to be ideology-less. Neither the elite nor the aspirant elites of our generation, so desperate to 'succeed' within the system, have ever been too interested to engage the works of thinkers such as Paul Goodman, Paulo Freire and Ivan Illich. Too tantalising is the promise of entry into the domain of the establishment subject to turning a blind eye to its inherent injustice, the demand for uniformity, the reduction of human beings to empty vessels to be moulded to serve a particular kind of society with particular economic needs, the transformation to homo aeconomicus.

The immediate demands of the teacher had nothing to do with hunger, poverty, exploitation, socio-economic justice, HIV/Aids and affordable treatment. Instead we were compelled to deal with *madrassahs*, Wahabism, the clash of civilisations, terrorism, Islam as peace...

In many ways, scholarly elites are represented by the student who is desperate to outdo his fellow students in appeasing the teacher. For these students threats are unnecessary; the promise of acceptance by the teacher and the concomitant material advantages are sufficient incentives. Despite the protestations of benign objectives of advancing education and learning, the teacher is there as part of larger project – a project that is politically unwise to interrogate; in an authoritarian system any moment

spending 'valuable' time on challenging teachers means losing marks ... it is 'unscholarly, it lacks intellectual depth, does not have the sang froid of true scholarship'.

As with the learners, the teacher is also not a disembowelled human being. He comes from the city and it is a village school. There are larger civilisational and ideological issues at stake, including understandings of development and its price, culture, the commodity value attached to people and land, and the supremacy of supposedly rationalist forms of thinking. The issue of the teacher's sullied cup represents only the sharper edge of the frustration, anger and agenda, the rise and march of the Reconstituted Empire. The larger context of this is globalisation for which we require the intellectual courage and political will to also historicise and unravel its implications when we consider issues of human rights and democracy in relation to Islam today.

If this context is not unpacked we effectively become the prefects employed by the teacher to help keep an 'eye on the class' while he goes off and works his second and more lucrative job elsewhere – a job as bulldozer of the cultural and religious values of my parents to make way for Wal-Mart, Haliburton and KFC even as I drink from his poisoned chalice in the name of education.

When we fail to do so, then we are mere paid agents and emissaries of accommodationism unto our communities. The Islam that emerges from such a function will necessarily reflect our games of accommodation. Thus we see the emergence of *fatwas* arguing that the basic message of the Qur'an is really the same as the USA Constitution. 'So, democracy is what you would like to have on the menu today? Excellent, we do have it; more than what you have ever had before and even better than any other restaurants in the whole wide world'. There is no critical or ethical interrogation of the text, of the one placing the order, nor of the origins of the appetite. What makes us all that different from the Empire anyway which really is to use Ashis Nandy's term, 'an intimate enemy', seemingly out there but really inside?

Challenges for the progressive Muslim intellectual

First, to attempt to live in fidelity to the Islamic heritage

In some ways this seems like an impossible task; it is certainly one that cannot be measured because heritage is not fossilised but ever mutating. The suggestion is in fact that one lives with a loyalty to a partner, Islam, and commits oneself to be in a faithful relationship with it in a manner that both gives and takes for one's own growth. The believers whom we seek to transform are entitled to know whether we are really insiders or outsiders masquerading as insiders. When Muslims intellectuals do not feel a genuine affinity with Islam nor try to live in fidelity to it then this faith is reduced to a utilitarian tool to transform others, 'those Muslims' out there. This is somewhat akin to learning Arabic or Pushto in the US Army and then not wearing a uniform in order to blend in with the natives; the language is a learnt one or an inherited one but the message is one of and for the Empire. We merely become paid interlocutors and translators. There may be periods of tension, even alienation, and even divorce between the engaged Muslim intellectual and Islam. However, if we are seeking to be a part of transforming our faith communities in ways that also nurture democracy and human rights (and genuine love, respect, and comprehension of our own faith) then a pre-condition for this is transparency.

Second, speaking truth to power

Speaking truth to power being both a path and an objective for a Muslim's life and being a witness as a returnee to God have implications beyond the here and the now. Viewing ourselves as returnees to God enable us to take a more long term of appreciation of things wherein optimism and pessimism or expediency are the not great variable, but constancy in God. Yet, it is a constancy that does not lead to the appropriation of God by fundamentalism because certainty is seen as only belonging to God.

In the current context there are three primary audiences that need to be addressed as we struggle to speak our truths to power; the conversation with all three takes place simultaneously and each inform the other: a) The personal self b) the Muslim community and c) the Empire.

Engaging the self

I have spoken about the need for the intellectual to be self-critical and of his or her context. The element imbedded in all formal Islamic religious discourses is invaluable here: '*usikum was nafsi awwalan...*' (I counsel you and, first of all, myself) or in the other form '*usikum wa iyyaya...*' (I counsel you and myself). It is the relentless self-critique that enables the scholar to be true to the ideals of a just society in a way that also prevents his or co-option by those who have their own agendas or the expansion of the Empire as their primary reason for wanting to engage Islam.

Engaging the Empire

The Empire needs to be engaged about the way it deals with Islam, a fourteen hundred year old faith, as a cheap restaurant that caters to all needs and tastes. The Empire enters with its allies, flaunts its wallet and muscles, and demands '*Jihad*' on the menu when that suits its very power-driven palates. And Muslims are expected to deliver – as we indeed did in the *jihad* against communism in Afghanistan. After a few years, they shift gears and demand 'peace' on the menu – as all dominant empires demand of their subjects, never of themselves. And now the dutiful restaurateurs are expected to nod, smile and go around proclaiming that 'Islam means peace'. Islam is far more complex than this and as a self-respecting Muslim – or a restaurateur with integrity – the Muslim intellectual can respond by saying, 'I am awfully sorry, but you may be in the wrong restaurant'. (Mahmoud Mamdani has recently written an excellent study, *Good Muslim, bad Muslim*, detailing the way the Muslim subjects are expected to flip-flop in terms of varying requirements of the United States and its adventures into the Muslim world.)

It goes without saying that the Empire is also more complex than this and in whatever ways that we engage with it, for our sakes and for that of our future vision, we must always recognise the intrinsic humanity of the those who comprise the Empire. When we fail to do this, then the methods with which we decide on engaging the Empire can so easily reflect its own violence and lack of humanity. We cannot become the evil that we abhor.

Engaging the Ummah (community of Muslims)

Like all individuals and societies, Muslims are never powerless in the absolute sense. In relation to the Empire we may be having less power but others have less in relation to us in the various ways in which this us-ness is defined. The appropriation of the human rights and democracy discourse by the Empire does not mean that Muslims can dismiss these; indeed, hiding its own unwillingness to confront the lack of these behind the guise of protecting Muslim society from the Empire.

Hassan Hanafi has described the dual nature of this challenge as ‘confronting imperialism outside and resisting oppression within’. For Muslims, the challenge is that of the Mafia banging on the door of their restaurant while the restaurateur is employing slave labour to run it. The restaurateur may have less power in relation to the Mafia at his door but this does not exonerate him from his replication of patterns of exploitation and injustice with those who may share his religious identity but who have less power than him. The questions thus are: How does one challenge the Mafia in ways that simultaneously address the absence of the values underpinning democracy and human rights in Muslim society? How do we ensure the victory of an alternative vision in the wake of the inevitable death of the Empire? (So much of Muslim invective directed at the Empire does not stem from a principled abhorrence of imperialism but because we – Muslim men – are not the ones running the Empire.) What must occur amongst Muslims is a realisation that, as Immanuel Wallerstein has correctly put it:

*the basic conflict is that between those who seek to establish or re-establish a hierarchical world-order in which some are privileged and most others not and those who wish to construct a maximally democratic and egalitarian order.*¹

When we welcome the voices in the United States of America saying that ‘dissent is patriotic’, then we need to understand that the same applies to us. The same applies to our own societies where very often our most courageous intellectuals, journalists, and activists are quickly silenced for speaking truth to power. How we deal with our internal ‘others’ are really the only truthful measure of what our values are really all about – all else are minorities or the less-powerful posturing for a better position at the banquet of the self-same Mafia banging on the door.

Third, Re-interpreting the Islamic heritage in terms of the primary urgencies

There is nothing ‘traditional’ about religious traditions. Regardless of the fervour with which believers cling to notions of tradition, traditions are constantly being shaped and re-shaped. While I may refuse to participate in the shaping of my faith in response to the demands of the Empire, as a believer, I am never freed from the responsibility of shaping it. For me the question is in response to whose demands do I re-think the meaning and implications of my faith?

As a progressive Muslim theologian, I consciously locate my own work among the marginalised, not as a sociological category, but as a real in-context condition. Acknowledging that it is always a question of ‘less-power-ness’ rather than powerlessness, this social location of the progressive thinker does not become a question of identifying with ‘black persons’ or ‘women’ *per se*, but with specific communities in these groups who are being marginalised. While I can, for example, be in solidarity with a black male worker in respect of the exploitation that he experiences at work, I must also to be in solidarity with his abused wife in the home context. While I can be in solidarity with the Muslim male who is being racially or religiously profiled at airports, I can also be in solidarity with the marginalised Christian who lives in the Muslim country that the first-mentioned person comes from.

This principled solidarity is related to my notion of ‘prophetic Islam’ where Islam is a state of submission in its ever-changing forms for communities and individuals rather than normative Islam; i.e., as a sociological label which enables one to claim virtue or victimhood regardless of how one relates to the paradigm of ‘less-power-ness’. The engagement of Islamic tradition with actual contexts of injustice rather than with

¹ Wallerstein, I. 2003. *The decline of American power*. New York: New Press:122–3.

sociological or national communities leads to a principled or prophetic solidarity rather than the expedient or situational ethics that dominate current Muslim public discourse. (It is always 'why do they do this to us in, say Abu Ghraib', never 'what are we doing to others in, say, Darfur'.)

Towards a progressive Islamic synthesis

Progressive Muslims aren't so much demanding an Islamic revivalism as a socio-cultural or spiritual fight against the West. Our concerns relate far more directly to global structures of oppression, whether economic, gender, sexual, orientation etc. and ensuring that the oppressed are once again active agents of history. This fight for us involves the centrality of God, the imagining of humankind as *al-nas* – a carrier of the spirit of God and an appreciation of Islam as a liberatory discourse.

Here we are not merely attempting to break the monopoly of the West in the production of the discourses of modernity. We are also attempting to reclaim modernist discourses of feminism, socio-economic justice and restating them in Islamic terms. We are simultaneously engaged in the task of articulating interpretative traditions within Islam that embody these values, thus challenging the notion that modernity is distinctly a Western project.

Our goals embody a diversity of liberation projects that include those of new social movements such as the rights of indigenous communities and sexual minorities. We are not really concerned about re-establishing the primacy of Islam as a shield against what some of the Islamists considered 'Western moral corruption'. On the contrary, we are engaged in the task of finding common ground with other liberatory social movements spawned by modernity and recognising the emancipatory potential of other religions. Ours is not so much as Islamic universe but a pluriverse of liberatory discourses (Islam being one of them) in cross-cultural conversation with each other forming alliances that fight oppression anywhere.

COMMENTS AND QUESTIONS

Kader Asmal: Your presentation was dense, well thought out and articulated and challenging. It is a challenging series of propositions about the other and the Empire; not being not yourself, but reflecting the needs and assumptions of others.

Can violence be justified?

- Last week on Etv an array of Muslim leaders were interviewed. One was asked about whether he condemns terror. He refused to answer, choosing to speak about imperialism instead. Is this typical of our Muslim leaders?

Farid: I don't want to obfuscate, in the same way that this Muslim you have referred to spoke about imperialism instead of answering the question. My own theological position is that the killing of human beings is always wrong. At the same time, when I look at others in the face who have been involved in the struggle, I cannot say with a straight face that terrorism is wrong. The Mozambican flag has an AK47 on it because this is, in part, the way that country achieved its liberation. How can you say 'condemn all forms of violence' when you have achieved your own liberation through violence?

- On the same programme, one imam said 'it is our right to kill people who are not Muslims'. How present is this attitude?

Farid: There are some Muslims who think this, but it is not a dominant view.

Is the Empire really so monolithic?

- Are you not treating the Empire as a monolith when the current context of the Empire is not monolithic? Using your restaurant analogy, why was it not possible for the owner to kick the person out?

Farid: 'The Empire' is shorthand for unjust relationships, but shorthand is always problematic. Often talking about 'the Empire' as something 'out there' can become a way of demonising the US, white people, capitalism or whatever. We have a responsibility to say 'you don't have the right to walk in here and demand a certain food, let's have a conversation about your appetite'. In this macho world where physical strength and height counts, when you have one child who is bigger and hungrier than the rest and the food is limited, you cannot just ask how the one large child can be fed to his satisfaction, you must ask how the whole family can adjust to accommodate the situation. Something must be done about power and the demands it makes of its subjects. We must have common cause with environmental movements and consumer movements so that there can be well-being for all. If I were the owner of an Indonesian restaurant and a Mafia boss walked in demanding hamburgers, I could not simply be expected to say yes. There must be a negotiation between me and my customer. I cannot only look at the person's appetite, I must see how I can accommodate that appetite within the Indonesian food I prepare.

Speaking truth to power

- There is a struggle against imperialism, and a struggle against religious chauvinism. The struggle should be more moral and humane than what it is fighting, it should not use the same methods. How do you confront power? This is an Empire that has such force. How to confront those religious leaders who preach hatred and are prepared to kill for their beliefs? In Iran I spoke to pro-democracy activists and virtually all of them were supportive of Iran arming itself with nuclear weapons. The only thing to stop them pointing weapons at us would be for us to point weapons at them.
- Speaking the truth to power is a critical element of religious solidarity. In Nazi Germany, the church had a responsibility to speak truth to power but only a minority did, and it was very costly for them to do so. The challenge to speak the truth to power is with the Muslims, but it will be very costly for them.

Farid: When speaking truth to power, what drives you cannot be power itself. When the Iranians say they need nuclear warheads to face nuclear warheads, they are using power against power. We see the same when white male power faces black male power – both exercise power over women. I must always ask myself about the construction of my gender identity – do I see myself as being superior to women? In Nazi Germany, there was no chance of supplanting Nazism with a Christian form of being. In the Muslim world, it is difficult to speak truth to power because there are no notions of an Islamic alternative. The world you are struggling to create cannot be a carbon copy of the world you are seeking to destroy. When we look at our

responses to Empire, we must ask 'what is the cost to our earth and to our children?' There are longer term issues at stake. Religious people have a different paradigm to that of activists and political strategists. We need to re-imagine Islam in all of this. We need to re-articulate the taboos around sex and the perceived relationship between disease and sin as some people do when looking at HIV/Aids. In the challenge to speak truth to Mullah-ism does my voice have to become louder as an activist, do I shout louder? Once you start incorporating the values of that which you say you are opposing, you are part of the problem. People are being detained and abused in Guantanamo Bay and Abu Ghraib in the name of defending civilisation, but this behaviour is destroying civilisation. When Muslims employ strategies that dehumanise them they become part of the problem.

The Empire and 'unseen forces'

- Education is not about liberating the mind, but about fitting in. The war on terror is multiplying the terror, not reducing it. Unseen forces are not really reflected in Empire itself, the Empire itself is working for unseen forces.

Farid: As an analyst and an intellectual, I do not believe it is helpful to talk about unseen forces, such as Zionist, Hindu, US or other conspiracies. It is not useful to be involved in an eternal search for hidden hands and conspiracies.

A humanistic Muslim view

- We must do what we can to deal with what Empire is doing, but also focus on our own inner selves. If you want to remain loyal to your own tradition, you also need to do it from the inside. Is your opinion marginalised among Muslims?
- How do you see women and *shariah* law, when women can be stoned to death?
- If we take it for granted that Empire is based on secular traditions and Islam is not, how to reconcile these mutually exclusive paradigms?

Farid: As a Muslim theologian I think of the centrality of human beings. Black people and women and slaves were not seen to have souls, but we can re-imagine our relationships with black people and women, we can have an anthropocentric approach. Is it not possible to have a different relationship to other sentient beings too? Only armchair critics can stand outside their communities and argue for transformation. The term 'community' is often camouflage for what is done in that community. There are voices that are louder than others, my voice is one voice in the Muslim community. There are certain interpretations of Islamic law that are dominant – illustrated by, for example, the horrific case of Amina Lawal where religious authorities decree that a woman should be stoned. However, it is easy to zoom in on one such issue at a time when millions do not have access to water, and millions have HIV/Aids. To suggest that that secular traditions and religious traditions are mutually exclusive is to suggest that religion is unworldly, but I say religion is a worldly matter. To construct a view of the world from an otherworldly point of view lends itself to a kind of herrenvolkism, where one side says 'God entered into conversation with us to give us this Promised Land' and the other says 'God came to me to promise me the same land'. We only have international law. We are interconnected. If members of the same family are talking in their home, they cannot

talk about killing each other; they need to find a way of having a conversation with each other, with their religious texts, and with their conceptions of God.

KADER ASMAL: CONCLUDING COMMENTS

The Muslim has to be seen in three contexts – the Muslim in the Diaspora, Muslims in semi-feudal states, and Muslims in theocracies. Each context demands a different response. The Muslim schoolgirl in France who insisted on wearing her headscarf to her school has multiple identities. As a Frenchwoman, she expects the protection of the Constitution and the law. However, the authorities refused to accept [this outer manifestation of her Muslimhood. Muslims must be able to practice being Muslim according to their own canons, not according to the canon of any mullah. In 1994 there was a demand for shariah law to apply to Muslims in South Africa, but you can't have special criminal laws for certain categories of people (although civil law can deal with that). How do deal with this kind of fanaticism – the idea that there is a single truth? We know there are many schools of Muslims. Semi-feudal states are outposts of Empire, for example, in Afghanistan, where the US created the Taliban to fight the Soviet occupation, but those chickens came home to roost on 9 September. The US is talking about democracy in Kabul and nowhere else in Afghanistan, and it has brought back the worst warlords. Theocracies are racist because they exclude those with different religious affirmation and different skin colour as we see, for example, in Darfur. There must be a debate about developing notions of shariah law among women. We need to show solidarity and support for them. There is a right to be different, sexually, politically and in every other way, and there is a right to live a rational life, independent of coercion by the supporters of the supernatural. We have the right to absolute equality and we have the right to be different while living in one country.